

TOWN COUNCIL

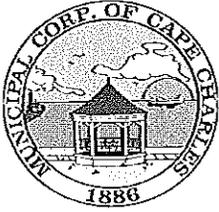
Regular Meeting

September 13, 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. NEA Grant Update
7. New Business
 - *A. Fill Vacancies on Boards and Commission
 - *B. Reappoint Member to Building Code Board of Appeals
 - *C. Resolution to Request VDOT Traffic Study
 - D. Watermen's Memorial
 - *E. Constitution Week Proclamation
 - *F. Guidelines for Citizen Participation
 - *G. USDA RD Grant Application – Library
 - *H. Aid to Local Government – Letter & Resolution
9. Announcements
 - September 27, 2012 – Town Council Work Session @ 6PM (tentative)
 - October 5-7, 2012 – 20th Annual Birding & Wildlife Festival
 - October 6, 2012 – Fall Festival sponsored by the Business Association
 - October 8, 2012 – Town Offices closed in observance of Columbus Day
 - October 10, 2012 – Memorial Dedication for Officer James Taylor @ 2PM
 - October 11, 2012 – Town Council Regular Meeting @ 6PM
 - October 25, 2012 – Candidate forum @ 6PM – Palace Theater
10. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
August 9, 2012
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Sullivan and Wendell and Councilwoman Natali. Councilmen Godwin and Veber were 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 25 members of the public.

Mayor Sullivan gave the invocation followed by the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

Dianne Davis, 601 Jefferson Avenue

Ms. Davis expressed her concerns about the senior citizens coming from Heritage Acres using scooters and added that she was afraid for their safety when crossing the street to go to the pharmacy. Ms. Davis asked whether anything could be done to create a safe crossing area for these citizens. When Heritage Acres was originally built, there was a grocery store, Meatland, next door as well as the Cape Charles Medical Center, both of which were no longer there by Heritage Acres. Ms. Davis requested that if the Council or VDOT had not thought about this, that this issue please be considered to ensure the safety of the citizens at Heritage Acres.

Mayor Sullivan stated that the VDOT work was for existing sidewalks, but there was an existing sidewalk from Heritage Acres past the Meatland building but it was covered over. The Town was hoping that this portion of sidewalk would be repaired as well which would help the senior citizens living at Heritage Acres.

Ms. Davis stated that she appreciated whatever could be done regarding this issue and added that she was also concerned about the other sidewalks in Town.

Deborah Bender, 300 Fulcher Street

Ms. Bender deferred her allotted time to Wayne Creed.

Don Bender, 300 Fulcher Street

Mr. Bender deferred his allotted time to Wayne Creed.

Jim Stallings, 525 Madison Avenue

Mr. Stallings deferred his allotted time to Wayne Creed.

Dorie Southern, 104 Monroe Avenue

Ms. Southern deferred her allotted time to Wayne Creed.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall deferred her allotted time to Wayne Creed.

Wayne Creed, 548 Monroe Avenue

Mr. Creed began by making several comments regarding race and ethnicity background before moving on to discuss the Comprehensive Plan and the school building. Mr. Creed insinuated that the reason the Old School Cape Charles' (OSCC) contract was "treated with such disrespect" was

because of his ethnic background and that of other members of OSCC. Mr. Creed read excerpts from the following emails: i) May 11, 2012 email from Mr. Edwin Gaskin of Echelon Resources; ii) February 3, 2012 email from Bob Panek to Edwin Gaskin; and iii) May 16, 2012 email from Edwin Gaskin. Mr. Creed added that throughout the emails, Town Manager Heather Arcos handled herself in a professional manner and served the Town well in this matter. Mr. Creed continued to state that he was not at the last Council meeting but had an opportunity to review the minutes and proceeded to read excerpts from the minutes including comments made by Councilman Veber regarding a compromise on the old school building. Mr. Creed added that he was the president of OSCC and had not seen a contract to negotiate.

Mayor Sullivan stated that the discussion regarding a compromise was done prior to Mr. Creed becoming the president of OSCC.

Mr. Creed went on to comment regarding scenarios A and B of the Echelon Resources offer and stated that scenario A was never really on the table. It was discussed briefly before negotiation began on scenario B which did not include any public space in the school building. Mr. Creed continued reading excerpts from the June Council meeting interjecting his comments throughout. Mr. Creed stated that several Council members had remarked that nobody wanted the school, but Mr. Creed added that OSCC wanted the school. Three years ago, OSCC was in discussion with the Town for the school but the Cape Charles Christian School submitted a proposal for the school building. Now Echelon wanted the school, as well as OSCC. Mr. Creed added that everybody wanted the school, but Council was stating that nobody wanted the school. Mr. Creed went on to comment that the Council members kept stating that the Town did not have any money, but bought the Bank of America building for \$200K. Mr. Creed stated that the Town did have money but chose to ignore the law regarding maintaining the historic structure by not using the money for the school and asked Council to think about their response to the judge. Mr. Creed continued on to discuss Echelon's financial backing and their use of historic tax credits adding that Echelon would not get the use of the tax credits and that he would go to Richmond to fight against Echelon getting any historic tax credits for the school. Mr. Creed stated that the Historic District Review Board voted that renovation of the school building into apartments was not an appropriate use of the building. Mr. Creed talked for several more minutes regarding a variety of items on the school, the developer, etc. and concluded by stating that the Council did not give OSCC any respect.

Lisa Harman, 104 Madison Avenue

Ms. Harman deferred her allotted time to Councilman Frank Wendell.

Brock Stiles, 525 Madison Avenue

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

Frank Wendell, 515 Monroe Avenue

Councilman Wendell began by reading excerpts from the July Council meeting minutes and commented that several years ago, the Cape Charles Christian School was interested in the school building and he and Mr. Berkley Rayfield had a gentlemen's agreement to work together for the Christian School. Unfortunately, Mr. Rayfield's plans did not move forward due to the financial backers pulling out of the project. Councilman Wendell stated that with the problems regarding the County school system, the Christian School would become more relevant and an athletic program was an important part of any school. The Christian School could utilize the old school and grounds for the basketball court, a volleyball court, classrooms if needed, etc. The school property could also be used for events, such as the Chamber of Commerce party which was rained out for several weeks. All the events for the Citizens for Central Park, the Chamber of Commerce, weddings, reunions and any type of festivals could be held in the school building. Councilman Wendell stated that small grants were available through the ANPDC for facilities for senior citizens. Councilman Wendell added that the Community Events/Recreational Coordinator Jen Lewis needed an office which could also be in the school building. Councilman Wendell went on to state that he did not see Echelon's project moving forward with law suits and appeals of zoning decisions, etc. Councilman

Wendell stated that he had volunteers ready to paint and clean up the gymnasium but was told that he could not go in the building since Echelon had the contract to purchase. Councilman Wendell went to talk about the relocation of the basketball court and added that Echelon should pay for its relocation. Councilman Wendell read more excerpts from the June 14, 2012 Council meeting minutes and added that because the Council chose to ignore the petition from OSCC with 317 signatures, Council did not know who the players were in OSCC. If Council would have negotiated with OSCC, this political rancor would not be happening. Councilman Wendell proceeded to submit five Freedom of Information Act requests. Councilman Wendell concluded by stating that he would like to have a one-on-one executive session with Mr. Edwin Gaskin.

Odessa Sullivan, 606 Strawberry Street

Ms. Sullivan deferred her allotted time to Councilman Frank Wendell.

Bill Prickett, 210 Tazewell Avenue

Mr. Prickett informed Council that he was a new citizen in Town and had lived in Town for a few months. Mr. Prickett stated that he had been following the recent issues and added that Cape Charles was a wonderful community and hoped everyone appreciated the precious history of the Town and also the bright future that he thought the Town had. Mr. Prickett commended the citizens of the Town, the present Town government and the former Town government for all the progress that had been made adding that he thought everyone could see that. Mr. Prickett stated that he knew there were currently some contentious issues to which he had opinions but he was not going to comment on those issues tonight. Mr. Prickett stated that it was disheartening to see personal attacks and name calling. Cape Charles was a small town and it was hard to take words back once they were spoken. Mr. Prickett asked everyone involved in any decision making in this Town to think things through and be willing to re-examine positions in the face of new information. Mr. Prickett concluded by stating that the main thing he wanted to say was that Cape Charles was a wonderful community that had been very welcoming to him in the few months he had lived here. The people of the Town and the Town government had been very nice to him and added that he hoped everyone appreciated what they had here in Town.

Town Clerk Libby Hume read comments which were submitted in writing from Mr. and Mrs. Skip and Kathy Fraas of 613 Jefferson Avenue, Mr. George Southern of 104 Tazewell Avenue, and Ms. Patricia Buckley of 4 Perny Court. (Please see attached.)

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

CONSENT AGENDA:

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the agenda as presented. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the July 12, 2012 Regular Meeting, the July 12, 2012 Executive Session, the July 16, 2012 Executive Session, the July 19, 2012 Executive Session, the July 19, 2012 Special Meeting, the July 25, 2012 Work Session and the July 31, 2012 Special Meeting.

Councilman Wendell asked for clarification of some of the discussion at the July 12, 2012 Regular Meeting during his public comments referencing a statement made by Mayor Sullivan regarding the gym space in the old school. There was some dialogue between Mayor Sullivan and Councilman Wendell. Mayor Sullivan asked Councilman Wendell to keep to the discussion regarding the minutes and asked if he had any corrections to note. Councilman Wendell stated that he did not have any corrections to the July 12, 2012 Regular Meeting minutes.

Councilman Wendell commented on the minutes from the July 31, 2012 Special Meeting in regards to his comments regarding the conditional use permit application from Echelon Resources.

Mayor Sullivan asked Councilman Wendell whether he had corrections to the minutes or if he was continuing the discussion from the July 31, 2012 Special Meeting.

Councilman Sullivan stated that this portion of the meeting was to note corrections to be made to the minutes of previous meetings not to debate issues previously discussed.

Councilman Wendell asked that the Town Clerk listen to the recording of the July 31, 2012 minutes to clarify Heather Arcos' response to his statement regarding the number of conditional use permit applications received for the proposed project. Councilman Wendell stated that he thought Heather Arcos agreed with him regarding the current application being the third application on this project but it was not reflected in the minutes.

Motion made by Councilman Wendell, seconded by Vice Mayor Bannon, to approve the minutes of the July 12, 2012 Regular Meeting, the July 12, 2012 Executive Session, the July 16, 2012 Executive Session, the July 19, 2012 Executive Session, the July 19, 2012 Special Meeting, and the July 25, 2012 Work Session as presented and the July 31, 2012 Special Meeting with the Clerk checking the recording of the meeting regarding the issue discussed. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. *Treasurer's Report:*

Treasurer Kim Coates reviewed the Treasurer's report dated July 31, 2012 which showed Total Cash on Hand at \$1,156,981. The report also showed Total Cash Held in Reserve at \$354,701. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$7,151 more was collected in FY 2013 as of July 31st. Kim Coates informed Council that the Finance Department had been receiving a lot of calls regarding business licenses as a result of letters sent by the Code Official regarding rental properties. Kim Coates went on to review the FY 2013 Capital Improvement Project expenditures made in July which showed \$20K for the new library building and \$19K for the street sweeper.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, 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) On August 6th, Circuit Court Judge Lewis signed the order granting the Town's request for a special election to be held on November 6, 2012. The deadline for candidates to file the necessary paperwork was Friday, August 17th. A Special Edition Gazette had gone out and flyers were distributed to businesses and notification was sent to the Eastern Shore News, Eastern Shore Post and the Cape Charles Wave; ii) The Public Utilities Department would be performing a water system flush from 9:00 PM tonight to 2:00 AM tomorrow morning; iii) The Town received notification from the Betis Group that they would be closing their office at the end of the summer due to the loss of the HUB Zone designation for Northampton County. The Betis Group stated that they hoped to be able to reopen the office if the HUB Zone designation was reinstated. The HUB Zone issue was currently in legislation according to information received from Congressman Scott Rigell's office; iv) Lynwood Owens resigned his Public Works position earlier this week and the Town was hoping to fill the position soon; and v) Staff was working with VDOT on the sidewalk project slated for later this year. The existing sidewalks would be repaired and/or replaced. The Town was talking with the contractor to utilize their services to install new sidewalks from Heritage Acres to Rayfield's Pharmacy.

Councilman Wendell stated that the current sidewalks needed to be uncovered by the Custom Carts and New Roots Garden and asked if there was any money in the budget to take the sidewalk to the Rayfield's parking lot. Heather Arcos reiterated that the Town would be meeting with the contractor once they came into Town and were looking at the area from Heritage Acres to Rayfield's Pharmacy.

Councilman Wendell suggested not filling the Public Works position and using the money to install the sidewalks for the people of Heritage Acres.

Councilman Wendell stated that the lack of a stop sign at the end of Randolph Avenue was very dangerous for people and added that he would ask about this issue every month until he received a good answer. Heather Arcos stated that a request could be sent to VDOT for another traffic study to be performed if the Town Council wished to do so. Heather Arcos added that she had spoke to Mr. Chris Isdell of VDOT and a resolution needed to be adopted by Council before VDOT would perform another traffic study. If all of the Council were in agreement, this issue would be placed on the September agenda.

Councilman Wendell asked for clarification of the purpose of the August 23rd Public Hearing and Special Meeting. Heather Arcos stated that public comments would be heard regarding the proposed rezoning of the Old School Area and conditional use permit application for the old school property. Council would discuss the comments and information regarding the two issues at the Special Meeting and vote accordingly.

C. *Planning Commission and Boards:*

Town Planner Tom Bonadeo reported the following: i) He met with VDOT and Branscome regarding the sidewalk project. The contractor would be replacing broken sidewalks and broken curbs and gutters. The Town had approximately 8,800 linear feet of sidewalk. Next Tuesday, he would be going throughout the Town with Public Utilities Director Dave Fauber, and the contractor's crew to mark and measure sidewalks, etc.; ii) The Wetlands Board met last November and approved a breakwater device for Bay Vistas and Sea Breeze Apartments. The contractor would start their deployment the last week of August; and iii) He was working with the Coastal Zone Management regarding signage at the fishing pier and the beach. Currently there were nine signs which would be consolidated.

Mayor Sullivan asked Tom Bonadeo to keep in mind the questions and comments heard from citizens regarding the sidewalk project. Tom Bonadeo informed Council that he asked VDOT if the Town could substitute some broken sidewalks with the installation of a portion of new sidewalk and the response was that it could not be done as part of this project, however; the contractor was willing to work with the Town regarding the installation of some new sidewalks.

Councilman Wendell asked about the decision of the Historic District Review Board when they came to their decision that apartments were not an appropriate use for the school building. Tom Bonadeo responded that he was not in attendance at that Historic District Review Board meeting and no reason was given for their decision. The Historic District Review Board was an advisory group and this type of decision was not in their purview.

D. *Other Departmental Reports:*

Mayor Sullivan stated that the individual Department Reports would not be reviewed unless Council had any questions.

Cape Charles Memorial Library:

Vice Mayor Bannon referred to the Cape Charles Memorial Library report and pointed out that 161 children attended the Arts and Crafts in July and over 70 people attended the special program with the mime. The library attendance through July 2012 was 1,618 vs. 1,355 in 2011. 2,066 books had been checked out through July 2012 vs. 1,591 in 2011. Vice Mayor Bannon

added that Ann Rutledge and Sharon Silvey were doing fantastic jobs along with the volunteers and the Friends of the Library who supported them.

Code Enforcement:

Councilman Wendell referred to page two of the Code Enforcement report regarding the Code Official's inspection of the Bank of America building's roof and asked whether a written report had been submitted. Code Official Jeb Brady stated that a written report had been provided to the Town Manager and added that the roof was fairly new and had been maintained very well.

Councilman Wendell requested that Jeb Brady write letters to the owners of the old Rosenwald School and the old Cape Charles School regarding bringing the buildings up to Code and asked what triggered a report. Jeb Brady responded that typically he would send letters after receipt of a complaint. Councilman Wendell stated that he just filed a complaint and asked Jeb Brady to begin the process. Jeb Brady asked Councilman Wendell to submit his complaint in writing with details and they would discuss the issues outside of this meeting.

Harbor Report:

Councilman Wendell stated that he was impressed with the Harbor during the recent Clam Slam event and wanted to thank Harbor Master Smitty Dize, the Town's crew and everyone involved in the preparations for the event. Councilman Wendell stated that everyone did a great job and hoped for a bigger and better event next year. Mayor Sullivan also complimented Smitty Dize and staff. Heather Arcos added that over 800 tickets were sold for the boat docking contest.

Public Utilities Report:

Councilman Wendell brought up the issue with the smell at the sewage treatment plant and added that he hoped the smell could be mitigated. Councilman Wendell went on to state that the people thought it was a contained system that would not smell and it was poor planning to put the new sewage treatment plant in that location. Heather Arcos stated that Dave Fauber was looking into options and would report back to Council at a later date.

OLD BUSINESS:

There was no Old Business to review.

NEW BUSINESS:

A. Randy Custis Park Update:

Heather Arcos introduced Mr. Phil Custis, President of the Randy Custis Memorial Fund.

Mr. Custis thanked Council for their support over the years and stated that the Town's funding had built a soccer field which was named for Cape Charles. Mr. Custis also thanked the Town for allowing Jen Lewis to serve on their Board. Mr. Custis went on to state that Randy Custis Park was located on 31 acres and they offered soccer and football and were looking at long range plans.

Councilwoman Natali asked if any of the fields were lit at night or were the facilities only used during the day. Mr. Custis stated that the Board raised \$65K to light one field and were trying to raise more funding to light others. A fundraiser was scheduled for September 15th at the Moose Lodge in Belle Haven and a music festival was scheduled for October 13th and everyone was invited to attend.

B. Addendum to Contract for Phase II of Cape Charles Multi-Use Trail:

Heather Arcos informed Council that in 2007, the Town advertised a request for proposal for the Master Trail Plan. The contract was awarded to Land Studio. To date, the trail project had been awarded over \$2M in enhancement funding including the most recent award of \$251K which was requested in 2011. The funding went towards completion of the Master Trail Plan

and Phase 1 – Central Park and there was still over \$1M of funding available. The cost proposal of \$95,941.83, 80% of which was reimbursable by the VDOT program funds currently available to the Town, was for the engineering/design of Phase 2 – North Peach Street and Washington Avenue. Once the engineering and design had been completed, Phase 2 construction could be put out to bid for FY 2014. Addendum C – Scope and Cost Proposal had been reviewed and approved by the VDOT Enhancement Program.

Heather Arcos pointed out the Phase 2 area on the Master Trail Plan map and answered several questions from the audience.

Councilman Wendell stated that he thought the Town had problems with the company that did Central Park and that money was being withheld due to the drainage problems. Mayor Sullivan pointed out that the issues were with the contractor for construction not the engineers.

Councilman Wendell stated that the drainage problems could be due to the engineering. Heather Arcos stated that the drainage ponds were doing what they were supposed to do. BMPs were created, with French drains, so the water did not drain into the street. When we get a lot of rain, it would take longer for the water to drain. There had been some discussion regarding adding some plantings in the area to help absorb the water faster.

Councilman Wendell asked why the water could not drain into the street and added that it was dangerous to have kids playing in the standing water. Councilman Wendell went on to state that the funding for the trail from VDOT was wonderful and asked why VDOT did not have money to help with drainage in another part of Town just one block away – the intersection of Plum Street and Madison Avenue. Tom Bonadeo stated that, as part of the sidewalk project, the curbs and gutters in this area could be lifted and the storm drains would be cleaned out which would help with the drainage. The Town was also working with the Department of Environmental Quality regarding the storm drains. Tom Bonadeo informed Council that the Town had a significant amount of rain, approximately 7", and with that type of storm, the ground water comes up. The area drains quickly after a normal rain. The Town was currently working on this issue.

Heather Arcos introduced Ms. Carol Rizzio of Land Studio.

Ms. Rizzio asked if there were any questions for her. There being none, Ms. Rizzio stated that she was excited to start the next phase of the project.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Town Manager to execute Addendum C for \$95,941.83 to Land Studio PC. The motion was approved by majority vote with Councilman Wendell opposed.

C. *Reappointment of Library Board Member:*

Heather Arcos stated that the Library Board met monthly and consisted of seven members each serving four-year terms. Mr. Michael Flanagan's term expired on August 8, 2012 and he had expressed his interest in continuing his service on the Library Board.

Motion made by Vice Mayor Bannon, seconded by Councilman Wendell, to reappoint Mr. Michael Flanagan to the Library Board for another four-year term. The motion was approved by unanimous consent.

D. *Regional Wastewater System Confirmation:*

Assistant Town Manager Bob Panek stated that in June 2010 the Eastern Shore of Virginia PSA was reformed and assumed responsibility of the Northern and Southern Node projects. The Town of Cape Charles' principal interest was the Southern Node project which was to bring wastewater service to the Town of Cheriton and the surrounding area utilizing the Cape Charles

Wastewater Treatment Plant for processing. Because of the lack of grant funding, the PSA was now focusing on implementing the first phase of the project to serve commercial properties around the US 13/SR 184 intersection. During the bi-monthly update of the PSA activities at the July 12, 2012 Council meeting, Councilman Wendell questioned the desirability of utilizing the Cape Charles plant to process the flow from the new service area. Since the planning for the project was continuing, on July 18, 2012 the PSA requested confirmation that the Town was willing to provide treatment service for areas outside Town boundaries.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to confirm to the PSA the Town's willingness to utilize the Cape Charles wastewater treatment plant for areas outside the Town boundaries.

Councilman Wendell stated that the promotion of commercial properties along Route 13 was strip zoning and Cape Charles and other towns had empty store fronts as a result of strip zoning. If the Town were to provide wastewater treatment service it would speed up the strip zoning and decrease the need for people to come into Cape Charles. Councilman Wendell continued and asked if the Bay Creek Resort development, the Gallagher property and the Tavi property were all built out, when would the Town have to upgrade the plant? Bob Panek stated that it was a complicated question and added that he would be happy to talk to Councilman Wendell and explain the process.

There was much discussion regarding the current capacity of the new wastewater treatment plant and Bob Panek stated that the total build out of the new plant was 750K gallons per day (GPD) and it would take many, many years to get to that point and reiterated that he would be happy to show Councilman Wendell the numbers and explain the process in more detail.

Mayor Sullivan stated that the Town had been working on this project for over three years and suggested a meeting with Bob Panek and Councilman Wendell to get the Councilman caught up on the details.

Heather Arcos added that the Town had no jurisdiction in the County and could not tell the County what to do with properties in their jurisdiction. The Town was working with the County to be part of the planning process when commercial plans were discussed.

Vice Mayor Bannon stated that the Town was under a mandate to build a new wastewater treatment plant. Initially, the Town wanted to build a 500 GPD plant but could not afford to do it because the bubble broke. There was never a giant onslaught of businesses coming to the area and he felt that the businesses in Town were safe. The Town needed to get others in to help reduce the monthly bills for all residents of Town.

Mayor Sullivan called for a vote.

The motion was approved by majority vote with Councilman Wendell opposed.

E. *Town Ordinance – Boat Trailer Parking:*

Tom Bonadeo stated that Town staff had received numerous complaints regarding the parking and/or storage of boats on the street. As staff researched the complaints, several issues emerged as follows: i) In 2008, Code 42 was revised and Section 63 was deleted. This section only allowed "vehicles" to be parked on the street for 48 hours. Trailers were considered vehicles; ii) Section 90 was not deleted and specifically listed boat trailer parking as limited to 48 hours only. The 48 hour time limit was difficult to enforce and was not boater friendly to those who visit for a week with their boats. The Town did not have the authority to enforce this issue per the Code of Virginia. Tom Bonadeo added that he spoke to the Town Manager of Onancock and Onancock did not allow boat trailers to be parked on the streets but had the same

difficulties in regulating the issue; and iii) Other towns and boats with large boat and tourist populations restrict all boat parking on the street.

Tom Bonadeo went on to state that the problem required discussion of current and future policy for the parking and/or storage of boats in Cape Charles. Tom Bonadeo stated that currently, there were 15 boats parked/stored on the street and 10 of the boats had not moved in months. The Town currently had the ability to move a boat trailer if it was a hazard. The Town could change the Code or had the option to request a change in the State legislation. The objective tonight was to get the Council talking about the issues. Tom Bonadeo stated that in light of the complaints and enforcement issues, a work session be scheduled to discuss the issue further. Staff could then prepare a code modification per Council direction.

Mayor Sullivan stated that the Town tended to follow Virginia Beach's lead in a number of issues such as dogs on the beach, but in hearing Mr. Southern's letter, during the summer season, the Town wanted people to come here.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to schedule a work session to discuss this issue further. The motion was approved by unanimous consent.

ANNOUNCEMENTS:

- August 23, 2012 – Town Council Public Hearing & Special Meeting @ 6PM
- August 28, 2013 – Town Council Executive Session – Interviews of applicants for Planning Commission and Boards, 5:15 PM at Town Hall
- September 2, 2012 – Labor Day Picnic in the Park
- September 3, 2012 – Town Offices closed in observance of Labor Day
- September 13, 2012 – Town Council Regular Meeting @ 6PM
- September 15, 2012 – Cape Charles Volunteer Fire Company Fund Raiser for Doug Walker. Spaghetti Dinner @ Cheriton Fire House. \$8 per person.
- If received an invitation from New Roots Youth Garden, need to RSVP to Jen Lewis.

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

Mayor Sullivan

Town Clerk

**Town Council Regular Meeting
August 9, 2012
Comments Submitted via Email**

Kathy and Skip Fraas, 613 Jefferson Avenue

Town Council,

My husband and I are property owners in Town and would like our opinion known on the Cape Charles School project. We are in favor of Echelon Development restoring the building for the simple reason that the town cannot. It would be too costly a feat for our little town and the taxpayers in it!

We understand the emotional toll this is taking on those who have called Cape Charles home all their lives but it's just not doable. The community is now and always has been well...small...and the community functions held in town now are not all that well attended, certainly not warranting a million dollar community center.

In a stroke of genius the Town recently purchased the Bank of America building and property around it to re-purpose as the new Library. I can think of no better use for my tax dollars than fostering the advancement of literacy. Furthermore, the quaint building in town which is now serving as the library would make an adequate and quite charming community center.

If Echelon sees the potential for a successful renovation and business opportunity we say bring it on!

Sincerely,

Town Lovers,

Kathy and Skip Fraas
613 Jefferson Avenue

George Southern, 104 Monroe Avenue

Dear Members of Town Council,

Regarding the Agenda item on Boat Trailer Parking:

I rent a house to vacationers, and last week a gentleman from Ohio inquired about coming to Cape Charles with his friends during the Rockfish season. He asked if my house had a place to park boats and I told him that ample space was available on the street.

If the Town tries to enforce its ban on boat parking on the street, my vacation rentals will be adversely affected. Such an action would be an unfriendly gesture toward tourists.

The staff report states: (QUOTE) "Other towns and cities with large boat and tourist populations restrict all boat parking on the street," and provides as examples Virginia Beach; Ocean City, Maryland; and Onancock.

I am not familiar with state code in Maryland. But in Virginia towns and counties, the roads are controlled by VDOT. Virginia Beach is a city, and therefore owns and controls the roads within its jurisdiction. It is not subject to VDOT.

The Town of Onancock, like Cape Charles, is subject to VDOT. I was in Onancock on Monday, and inquired at the Town Hall about boat parking. The clerk replied that she was unaware of any boat parking regulations in Onancock. But to be sure, she called a policeman on duty, who confirmed that police in Onancock do not regulate boat parking other than to notice if the trailer license tag is expired.

The staff report notes that Cape Charles currently has an ordinance banning boat trailer parking for more than 48 hours. But under Virginia Code, the Town has no authority to regulate boat parking on Town streets:

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.
A. The Counties of Arlington, Fairfax, Hanover, Stafford, and Prince William and the Towns of Clifton, Herndon, and Vienna may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

Under the Dillon Rule, since the Town of Cape Charles is not included in the above section, it therefore can NOT regulate or prohibit boat parking. The Town may regulate or prohibit vehicle parking, but it may not differentiate between a boat trailer and any other vehicle. In other words, if a car is allowed to be parked in a certain area, so is a boat trailer. Cape Charles Police are aware of this ruling, and do not enforce the existing illegal ordinance prohibiting boat parking over 48 hours.

If Town Council wishes to take any action on boat trailer parking, it should be to repeal the illegal Section 42-90, which is also in conflict with the Dillon Rule when it states: (QUOTE) "If there are conflicts between this section and other regulations, the provisions of this section shall govern." As Town Council is aware, the Town cannot overrule Virginia State Code.

Thank you for your consideration of this issue.

Sincerely,

/s/ George Southern
104 Monroe Avenue

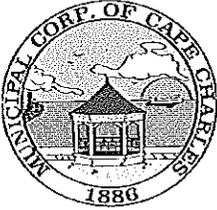
Patricia Buckley, 4 Perny Court

I wish to commend our Town Council regarding their actions on the constructive re-use of the former school and their swift action seizing the opportunity to acquire the Bank of America building. It is unfortunate that these wise, responsible decisions have made you the target of unruly, negative citizens. You do not deserve the abuse you have received.

Your choices reflect your commitment to both fiscal responsibility and long range decision-making. The new library will play a key role in developing the minds of our children and give all of them, regardless of personal means, access to the computer resources that have not been available to all comers for lack of space. These resources will open up opportunities that will change their lives and more than compensates for the temporary absence of a basketball court. Converting commercial space to public use is not a new path for the Town. A former town manager, Mr. Krawczel, explored the use of all large, vacant commercial property for town hall expansion. He eventually proposed and entered into a rather expensive lease for the space now occupied by Custom Carts for a police station.

The constructive re-use of the former school is one more step in the revitalization of a community that had been in decline. Better housing opportunities contribute to financial growth and eventually expanding employment opportunities. Our community has been blessed with awesome natural resources providing a stage for a vibrant, prosperity for all. We have very fortunate to have the leaders with the courage to make the decisions that are best for all of us and move use closer to our potential.

Patricia Buckley
4 Perny Court



DRAFT
TOWN COUNCIL

Executive Session

Town Hall

August 23, 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 Sullivan and Veber and Councilwoman Natali. Mayor Sullivan and Councilmen Godwin and 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 Planning Commissioner

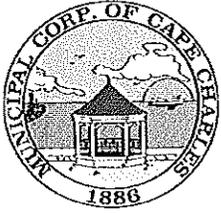
Motion made by Councilwoman Natali, seconded by Councilman Sullivan and unanimously approved to return to Open Session.

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; Natali, yes; Sullivan, yes; Veber, yes.

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

Vice Mayor Bannon

Town Clerk



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 descent 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. Ten to twelve 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 Burdiss, 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 Entér, 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 began yelling accusations at the Council members and Mayor Sullivan asked that she 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.

Mr. Creed's comments 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. Martingale 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 Pinill, 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 of 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

Executive Session
Town Hall
August 28, 2012
5:15 p.m.

At 5:15 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 and Sullivan and Councilwoman Natali. Councilman Veber arrived at 5:24 p.m. 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: Interviews for Vacancies on the Planning Commission, Historic District Review Board and Board of Zoning Appeals

Motion made by Councilman Veber, 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.

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

Vice Mayor Bannon

Town Clerk

Town Manager Report
Highlights
August 10, 2012 – September 6, 2012

Eastern Shore Health District Awareness Exercise:

- The Eastern Shore Health District performs awareness exercises each year and this year, the Town of Cape Charles was selected. The awareness exercise will be done on September 12th between 4-6 p.m. and will take place in the Historic District due to the available manpower. Information will be distributed regarding how citizens can prepare for a man made emergency.

Community Trail Project:

- Staff will host a kick off meeting with representatives from the Virginia Department of Transportation Enhancement Program and Land Studio, PC to begin the design of Phase 2 -- North Peach Street and Washington Avenue. We will provide a detailed report at the October's meeting.

Sidewalk Project by VDOT:

- The VDOT contractor has started the \$1M VDOT Sidewalk Project. The contractor started on Washington Avenue and will be working their way through Town to Mason Avenue. Broken curbs and gutters are also included in this project. Only existing sidewalks will be repaired or replaced.
 - The Town staff is working with VDOT regarding construction of a safe connection from Heritage Acres into Town and will be working with the contractor on estimates to install this section of sidewalk as part of the VDOT project.

Bank of America Building:

- Staff, along with a variety of professionals, has been inspecting the Bank of America building as outlined in the Sales and Purchase Agreement.
- Staff has also been reviewing various reports provided by the bank.
- A Town Council work session has been scheduled for September 11, 2012, in order to bring Council up to date.
- The Town's 30-day due diligence period ends on September 14, 2012 and the closing will be scheduled within 30-days of the expiration of the due diligence period.

Echelon Resources, Inc.:

At the August 23rd Public Hearing and Special Meeting, the Town Council adopted by ordinance to rezone the "Old School Area" from open space to R-1. The Town Council adopted by ordinance to grant a Conditional Use Permit for 17 residential apartments.

A due diligence period will expire on December 26, 2012.

Cape Charles Computer Lab:

- The Library staff began offering computer classes in August.
- Two new classes have been scheduled for September 11th and classes will be held on a regular basis.
- 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.

Finance:

- The treasurer is working with Northampton County and Edmonds Software to receive our tax data in order to send out our 2012 real estate and personal property tax bills.

Planning Commission Report for Town Council

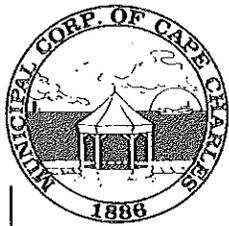
From: Tom Bonadeo
To: Town Council
Date: September 13, 2012
Subject: Report for Planning Department

Planning Commission Meeting – September 4

1. The Planning Commission held its regular meeting on September 4 and reviewed 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 purchase of the Bank of America Building and associated property for substantial compliance with the Comprehensive Plan. The Commission reports that the uses of the property are in substantial compliance with the adopted Comprehensive Plan. The letter of communication is attached.
3. The Commission will resume work on the sign ordinance at the October meeting. It is expected that new commissioners could be appointed in September.
4. The Planner is working on:
 - a. Zoning compliance reviews and enforcements.
 - i. New fences, Accessory Buildings
 - ii. New home construction and historic guidelines
 - iii. Political Sign compliance requirements will be announced in the next Gazette.
 - b. The Town has received a quotation from VDOT for a new parking arrangement on south Peach Street. The cost of the line painting is about \$9000 and VDOT is looking for cost cutting measures and possibly doing the job in-house. The new parking arrangement would create parallel parking down the center and both sides of the street for a few more spaces and much better order.
 - c. Bank of America building inspection and review. Reports are being prepared at this time.
 - d. The Hotel Cape Charles has been in discussion with the Planner on the modification process. An application is expected in time for the September meeting of the Historic District Review Board.
 - e. Multiple tree and shrub removals this month.
5. The Army Corps of Engineers have approved the wetlands mitigation area for Southport. This is important for the permit extension. We expect to have an application for the Wetlands Board to review shortly.
6. Work on the Wave Attenuation Devices is about two thirds complete. This is an extension of the Bay Creek breakwaters intended to protect Bay Vistas Subdivision and Sea Breeze Apartments. The WADS are purported to build sand on beaches. Work should finish before a major storm this season. The work can be viewed from the Bay Vistas cul-de-sac.

Historic District Review Board Meeting – August 21

1. The Board held its regular meeting. One home remodel project was approved.



Municipal Corp. of Cape Charles

September 5, 2012

Cape Charles Town Council
2 Plum Street
Cape Charles, VA 23310

Dear Town Council,

The Planning Commission reviewed the procurement of the Bank of America building and associated property. The Commission finds the general location and character of the Bank of America building and associated property substantially in accord with the adopted Comprehensive Plan for the use as a Library, future parking facility and an alleyway.

The Planning Commission cites the following reasons for substantial compliance:

The Executive Summary of the Comprehensive Plan states on page 7 that Cape Charles will;

- Build or acquire a new Municipal Center
 - The purchase of the Bank building provides ample space on the third floor for additional offices that could be used for staff if the need arises. Public uses and office uses are both allowed in the C-1 zone.
- Expand the parking in the Commercial District
 - The Planning Commission, on previous occasions, has recommended that these lots along with the lots across from the Post Office be acquired for parking. These locations are both zoned C-1 and parking is allowed in this zone.
- Establish a complete network of community trails, sidewalks and alleyways for the health, safety and welfare of all.
 - The Town Council has studied the implementation of an alley in the 200 block of Mason Avenue in the past. The area was surveyed and Paul Watson reviewed the legal requirements to establish the alley. The Bank ownership of this property stood in the way of the alley implementation. This purchase will enable the alley implementation from Pine Street to the middle of the 200 block of Mason and Randolph Avenues allowing building access, emergency access and trash removal from the rear of these buildings.

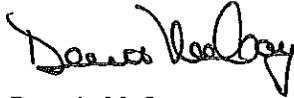
The **Public Services and Programs** section of the Plan also states that;

- Relocating the Library to a larger space with adequate provisions for increased patronage, meeting rooms and technology.
- The first floor of the Bank building is over twice the space of the existing Library and has room for Technology and meeting space. The current library will also be available for meeting/community space. The Comprehensive Plan does not specify location for the expanded library but in the C-1 zone, libraries are permitted by right.

- Relocating the Town offices including space for archives and the police department.
 - The building has two safes well suited for archives. Paper documents from both the Town documents and the Historical Society documents could be housed there. The Library also has documents that would be well protected by the safe.
 - The Police Department has moved from its rented location on Randolph Avenue to the Town offices.
- Acquiring strategic undeveloped properties.
 - The two lots on Randolph and the parking area to the north of the bank building are strategic properties for the implementation of the Comprehensive Plan as outlined above. The assessed value of the properties is nearly five times the purchase price. The alleyway and parking area could not be reasonably established at "retail" property prices.

The Zoning Ordinance is the law that implements the Comprehensive Plan. The Comprehensive Plan, Section III, Future Land Use references the Town of Cape Charles Zoning Ordinance as a guiding document. The Bank of America Building and associated property is located in the C-1 zone. The statement of intent of the C-1 Zone is "to preserve and enhance the mixed-use urban nature of Cape Charles". Mixed-use is defined as the integrated uses such as office, retail, public or entertainment in a compact urban form. The Comprehensive Plan does not specify where a relocated library would be placed, the permitted uses in the zoning ordinance and a workable building would determine the new location.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis McCoy", written in a cursive style.

Dennis McCoy
Vice-Chair, Cape Charles Planning Commission

Harbor Report

August, 2012.

Maintenance

1. Re-Screwed dock boards
2. Basic maintenance on the Harbor Boat
3. Basic Maintenance on the Harbor Gator

Upcoming, Scheduled Maintenance

1. Weeding all Flower Beds
2. Repair/Replace starter on the Harbor Gator
3. Clean Harbor sewer tank by the Harbor Masters office
4. Replace rotten wood at the Harbor Masters Office
5. Paint the fuel tank
6. Replace signs on the breakwaters

Capital Projects:

1. We are still placing parking bumpers in the new parking area, this is taking longer than expected due to the increase to our normal business duties.
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. Lots of yacht clubs this year

Incidents:

1. None

Notes:

Visit the Tall Ship "Mystic Whaler" – Arrival October 15, 2012 @ 3pm and will be open to the public soon after.

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

August, 2012.

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>August</u>	<u>July</u>	<u>12/13</u>	<u>11/12</u>
1. Nightly:	6.5	6.3	6.4	3.1
2. Weekly:	9.1	4.5	6.8	7.1
3. Month/Quart:	6.5	11.0	8.7	4.6
4. Seasonal:	13	12.9	13.0	7.6
5. Annual:	41.0	38.0	39.5	36.1
6. Total Rentals,	76.1	72.7	74.4	68.5

Wharf Fees by Pounds:

	<u>August</u>	<u>July</u>	<u>12/13</u>	<u>11/12</u>
1. Crabs:	0	198,720	198,720	1,261,890
2. Fish:	13,808	5,800	19,608	276,446
3. Conchs:	0	0	0	71,235
4. Horse Shoes:	0	62,250	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:	13,808	266,770	280,578	1,620,227

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

William Smith Dize Jr.
 Harbor Master
 September 1, 2012

Code Enforcement

Month of August FY 2013

Building Permits Issued/Permit Fees Collected:

Permits this month: 16	
Permits this year: 41	Total permits last year: 218
Total construction this month: \$ 226,949	
Total construction this year: \$351,995	Total construction last fiscal year: \$4,654,387
Permit fees this month: \$2,360.95	
Total permit fees this fiscal year: \$4,517.27	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: \$210.80	
Total Fire Dept. levies this year: \$421.12	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$42.16	
Total state levies this year: \$84.20	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: 10	
Rental C.O's Issued: 6	
Rental Inspection Fees Collected: \$750.00	
Rental Inspection Fees Collected this Fiscal Year: \$1,400	
Grass cutting enforcement: 6	
Grass cutting: 24	
Enforcement fees charged this month: \$3,950	
Enforcement fees charged this year: \$4,850	Fees charged last fiscal year: \$11,859.56
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$0	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 August FY13

Other items of note:

1. Completed 20 inspections
2. Conducted 1 zoning clearances
3. Completed 0 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 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.
10. Continued gaining compliance with all the short term and long term rental properties in the Historic District.
11. Performed a thorough inspection of the Bank of America property and in the process of working on a detailed report for Council to review.
12. Actively working on some Code Enforcement cases on Randolph Avenue.
13. House on Randolph Avenue that has been under Code Enforcement for several years is getting a nice facelift. New Roof, Windows, Siding
14. Working on getting Fireworks quote for next year's show.

09/05/12

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PE120030	Electrical	08/15/2012	125 Creekside Lane	New 600 Amp Service for S/F Res.	\$395.36	\$55,600
	PM120018	Mechanical	08/21/2012	125 Creekside Lane	New Mechanical for S/F Residence	\$392.00	\$55,000
	PB120055	Building	08/08/2012	14 Kings Bay Drive	Permit to trim out house for C.O.	\$56.00	\$2,500
	PM120019	Mechanical	08/23/2012	14 Kings Bay Drive	Permit to finish work for C.O.	\$69.44	\$3,700
	PP120021	Plumbing	08/29/2012	14 Kings Bay Drive	Permit to Finish Work for C.O.	\$56.00	\$2,500
	PE120032	Electrical	08/29/2012	14 Kings Bay Drive	Permit to Finish Work to obtain C.O.	\$56.00	\$2,500
	PP120019	Plumbing	08/02/2012	106 Monroe Avenue	Replacement of on-site sewer line	\$56.00	\$1,000
083A3-0100-28	PB120054	Building	08/01/2012	11 Park Row	alteration to 2 story front porch	\$184.80	\$18,000
	PB120056	Building	08/23/2012	508 Plum Street	Raising House with new footer and founda	\$179.20	\$17,000
	PB120057	Building	08/27/2012	307 Randolph Avenue	Lifting up house in place to meet floodzone	\$179.20	\$17,000
	PM120017	Mechanical	08/09/2012	501 Randolph Avenue	New Mechanical for entire building	\$363.43	\$24,949
083A3-0100-53	PM120020	Mechanical	08/29/2012	642 Randolph Avenue	New Gas Boiler	\$82.32	\$7,200
	PB120058	Building	08/30/2012	4 Tazewell Avenue	Interior Demo	\$98.00	\$10,000
083A3-0204-01	PP120020	Plumbing	08/20/2012	102 Tazewell Avenue	New Hot Water Heater and Finish off Bathr	\$56.00	\$1,500
083A3-0204-01	PE120031	Electrical	08/20/2012	102 Tazewell Avenue	New Electrical for HW Heater and new fixt	\$56.00	\$1,500
	PB120059	Building	08/30/2012	602 Tazewell Avenue	Residential Alteration	\$81.20	\$7,000
Total Permits:						\$2,360.95	\$226,949

Total Permits: 16

PerDateIssued Range from 08/01/2012 to 08/31/2012

Revenue Totals by Category/Items

From: 08/01/2012 to: 08/31/2012

Miscellaneous		
Fire Dept Fee	16	\$210.80
Miscellaneous totals	16	\$210.80
Residential		
Valuation Res \$10K >	1	\$353.00
Valuation Res \$2.5 >	1	\$62.00
Residential totals	2	\$415.00
State Tax		
STATE TAX.	16	\$42.16
State Tax totals	16	\$42.16
Valuation		
Valuation Com >\$10K	1	\$324.49
Valuation Res \$0 - \$2.5K	3	\$150.00
Valuation Res \$0-\$2.5K	3	\$150.00
Valuation Res \$2.5K - 10K	3	\$233.50
Valuation Res > \$10K	4	\$835.00
Valuation totals	14	\$1,692.99
Grand Totals	48	\$2,360.95

Printed: 09/05/2012

Revenue Totals by Category/Items

From: 08/01/2012 to: 08/31/2012

Grand Totals	RENTAL	15	\$750.00
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INCOME

MONTHLY INSPECTION TOTALS

Jeb Brady

Final	08/02/2012
Final	08/03/2012
SEWER & WATE	08/03/2012
FINAL	08/03/2012
Final	08/06/2012
FINAL	08/07/2012
Sheathing	08/10/2012
Framing	08/10/2012
Final	08/13/2012
Sheathing	08/13/2012
S/W FINAL	08/13/2012
Final	08/16/2012
Final	08/16/2012
FINAL	08/28/2012
CUT-IN	08/30/2012
FINAL	08/31/2012

Total 20

Grand Total 20

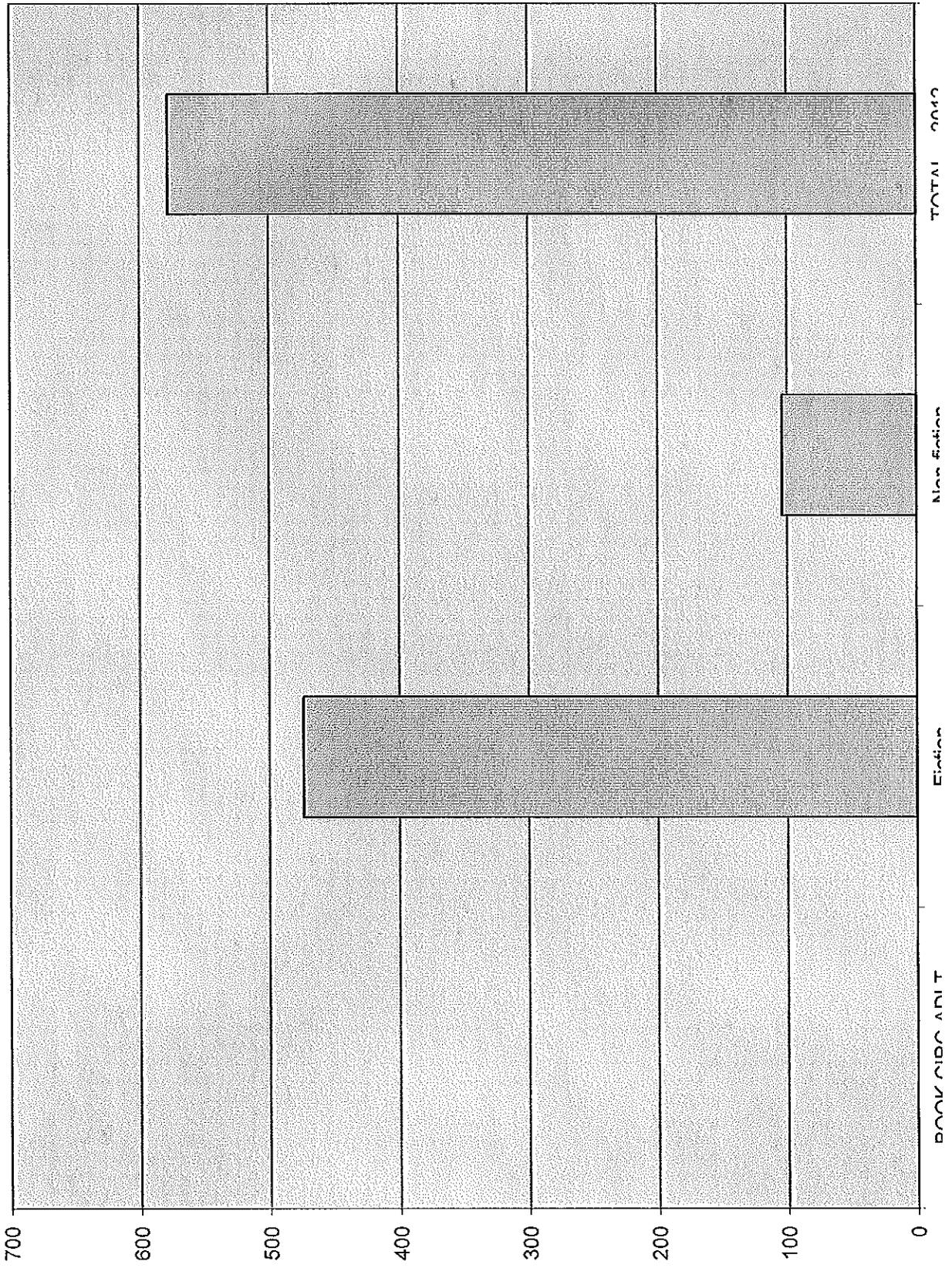
InsDateCompleted Range from
08/01/2012 to 08/31/2012

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 68 children and caregivers attended this month. A total of 55 children attended the **Arts and Crafts** programs held on Tuesday at 10:30.
2. The 2012 **Summer Reading Program, Dream Big-Read** was a huge success this summer with a total of 110 children signing up to read books. This month the Library presented a total of 12 programs for children, including Storytime and Crafts, with a total attendance of 1,256 people! This month we circulated 1,739 titles!
3. During August we had 2 special programs at the Library for children. On August 1 we had magician **Mike Klee** and on August 7 we had **Dreamcatchers with Jean Flynn**. *All special programs are funded by the Friends of the Cape Charles Public Library.*
4. The last day of our Summer Reading Programs was August 16 and on Wednesday, August 22 the Cape Charles Memorial Library board hosted an **Ice Cream Social** for all participants of the Summer Reading Program. We had 40 people to attend this event.
5. Our displays this month featured books for adults on clams and other seafood, fishing, and Eastern Shore activities to tie in with the Clam Slam. At the end of the month we put up a display of back to school books for children. A Dinosaur Discovery box will be coming on September 7. *The Discovery Box is funded by the Friends of the Library.*
6. This month the Library conducted 3 Beginning Computer Classes. The classes were held in the Town Computer Lab located in the Christian School and we had 1 person in each class. The next classes will be held on September 11 at 10:00 and 7:00. Classes require registration and are free. The classes provide open lab time and answers to your basic computer questions.
7. For additional information about library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!

Cape Charles Memorial Library

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV.</u>	<u>DEC</u>	<u>YTD</u>
INCOME:							2012						
Donations													
Copier/Prt	\$53.40	\$55.10	\$95.29	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60					
TOTAL	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60					
Deposit	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60					
BOOK CIRC-ADLT													
Fiction	474	454	357	430	523	669	974	768					
Non-fiction	104	125	111	131	87	73	192	186					
TOTAL 2012	578	579	468	561	610	642	1166	944					
Books Circ. 2011	783	686	846	867	787	867	833	818					
BOOKS CIRC-JUV													
Fiction	313	358	399	355	309	596	814	691					
Non-Fiction	64	103	109	99	16	95	86	104					
TOTAL 2012	377	461	508	454	325	691	900	795					
Books Circ. 2011	637	601	601	754	547	680	758	687					
TOTAL BOOK 2012	955	1040	976	1,015	935	1,333	2,066	1,739					
TOTAL BOOK 2011	1420	1,447	1,447	1,621	1334	1,547	1,591	1,505					
Attendance 2012	843	810	802	878	847	1,223	1,618	1,256					
Attendance 2011	742	1,048	1236	1,334	1045	1,438	1,355	1,355					
Programs 2012	11	15	13	10	10	12	15	12					
Programs 2011	7	7	5	5	5	16	9	9					
Prog. Attend 2012	104	164	111	129	76	236	487	320					
Prog. Attend 2011	274	90	50	51	88	327	399	144					
Internet use 2012	368	314	373	300	309	499	549	511					
Internet use 2011	471	401	483	612	572	842	771	683					
Library Cards 2012	20	11	7	22	14	25	22	22					
Library Cards 2011	4	12	6	19	10	11	30	11					



PUBLIC WORKS

August 2012

Dump Fees

- **Oyster Landfill:** 6 trips, \$263.95; 4 Tons
- **Sludge-** 2 Tons (Estimated)

Staff Report

- Bobby Zabita is back to work for the Town on the Public Works crew.

Completed Projects

- Labor Day Preparations including party at the bay front.
- Clam slam preparations and clean up.
- Public Works Crew moved security cameras from school to Mason Avenue pump station.
- Installed Melvin Dudley's memorial in central park.
- Maintenance and repairs to pump on park fountain and lawn irrigation system.
- Helped utilities department with monthly water meter reading.
- Pumped out BMPs in park, twice.
- Repaired lights at Tennis Courts
- Small Equipment Repairs:
 - Replaced gas tank on utilities sewer jetter
 - Shoe Tamper Carburetor cleaned
 - Portable generator carburetor cleaned
 - Walk behind saw carburetor cleaned
 - Gator starter solenoid replaced
- Helped clean up site at old waste water plant.

In Progress

- Routine maintenance around town.

Upcoming Projects

- Repairs Pine Street Pump Station.
- Install shade cover at play ground

PUBLIC UTILITIES

August 2012

Work Orders Completed

- Miss Utility Tickets: 20
- Emergency Call Outs After Hours and Weekends:
Number of times called out: 9
Total Man Hours: 39.5

Personnel

- Gerald Elliott has been helping man the water plant during the extended summer hours.

Completed Projects

- Closed Circuit TV inspection of the sewer mains. Video tape is being reviewed by staff.
- Quarterly water distribution system flush took place August 8th and 9th. 300k gallons total.

New WWTP

- 60 day commissioning period continuing. During this time the plant is turned over to Town personnel to begin running the plant. The commissioning period was extended due to improper nitrate probes that were installed and waiting for the correct ones to be delivered on site and installed. Substantial completion/completion date is under negotiation at this time.

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 on Tazewell Ave.
 - Addressing items found during smoke test of sewage system. Many items have been addressed, repairs 80% 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 12 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.
- MC Dean is making good progress with the design of the controls for the water plant. Personnel from MC Dean and GHD will be meeting with town staff on site on September 12th to go over details on design and installation.
- GHD is working on response to comments from the Department of Health – Office of Drinking Water on the Preliminary Engineering Report submitted in the spring, discussing options for the reduction of THMs in our water system. Task Order 1, Change Order 1 was signed to continue this work through response to the Department of Health's comments to the PER and further testing of the Keck Wells and Tower Well II water quality.
- Preparation by staff of aquifer draw down test plan for submission to DEQ for approval. This test will be required prior to using the Keck Wells as a water source for the town. The aquifer draw down test should be the final item to clear the way for our DEQ groundwater withdrawal permit to be issued.
- 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.
- Transitioning back to in-house water testing in our environmental lab at the waste water treatment plant. During the past year testing has been sent out to an outside laboratory during the move to the new lab. Wallops Island and the Town of Cape Charles have the only two VELAP certified labs on the Eastern Shore. This will reduce water testing cost annually 20 to 30 thousand dollars.
- Submitted 5 year plan to the Nutrient Exchange Commission prepared by staff. In the past we have purchased nutrient credits. With the new plant we will have credits to sell going forward.
- The six week test, approved by council, of the antennae mounted on the water tower is now in its sixth month.

Upcoming Projects

- Engineering and connection to Keck Wells.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE SEPTEMBER 13, 2012
	SUBJECT/PROPOSAL/REQUEST: AUGUST 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: 33

Calls for Service Outside of Cape Charles: 18

10-13 Calls

(A) By Dispatch: 51

(B) By Phone via Officer/Trooper: 00

(C) In Person 00

Felony Arrests: 00

Misdemeanor Arrests: 05

DUI Arrests: 01

Traffic Summons Issued: 22

Traffic Warnings Issued: 03

Parking Tickets Issued: 06

Assisted Northampton County Sheriff's Office: 19

Assisted Virginia State Police: 00

Assisted Other Local Police:

Assisted Other Federal Agencies

Assisted Fire & Rescue: 05

Assisted VDOT:

Hours of Training Received & What Type? FIELD TRAINING 40HRS

Recreation Department Report For month of August 2012

1. Committee/Organization Updates

- a. New Roots Youth Garden summer camp was held every Tuesday and Thursday this summer from 10:30 am to 12:30 pm with Thursday as their harvest day. The kids learn the dollar value of what they have harvested. New Roots Youth Garden Inc. is officially a 501 (c) (3) organization.
- b. The 2012 Clam Slam event was a huge success and preparations by the working committee are underway for next year's event.
- c. July 4th 2013 — Planning has already begun for the 2013 event.
- d. Birding Festival — Planning continues for the weekend events of October 5th-7th including a Cape Charles Fall Festival day in conjunction with the Business Association. More information to come....
- e. Northampton County Chamber — held their last two Applaud the Sun parties at the beach gazebo and at the grass area by the pier. This year has been a challenging year as the town has continued to grow and we have had to experiment with different locations for the chamber parties. We will be working with the chamber over the next few months on locations for 2013.

2. Activities — August was a very busy month.

- a. The Progressive Dinner Tour site plan has been finalized and ticket sales are doing well.
- b. Movie nights at the Library were a success; the recreation department sponsored the snacks for the three movie nights in August and also attended to help out.
- c. Arts and Crafts — Due to the large numbers of the arts and crafts program, it had to be divided into two days. Tuesdays it was held in the Library and Wednesdays at the Christian School.
- d. BINGO was held for our citizens at Heritage Acres on August 7th. There was a great turnout for Bingo and it is always held on site for their convenience.
- e. Unfortunately, the YMCA was not able to offer First Tee this summer in the Park due to the low number of registrations. We will reevaluate in the fall.

3. Upcoming projects

- a. Trunk or Treat event.
- b. Planning for Fall activities.
- c. Research of possible grant opportunities for recreation activities and/or playground improvements.
- d. Assisting Public Works on improvements in the Cape Kid's playground.
- e. Planning for 2013 schedule to include activities in the park for kids and adults.

Please check out the Town's website for the 2012 schedule of events. The events will be updated on a regular basis.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: National Endowment for the Arts (NEA) Grant		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Update on NEA "Our Town" grant.		ITEM NUMBER: 6A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Arts Enter Cape Charles was recently awarded a \$50,000 "Our Town" grant from the National Endowment for the Arts (NEA). This is a highly competitive grant for creative place-making projects that contribute toward the livability of communities and help transform them into lively, beautiful, and sustainable places with the arts at their core. This \$175,000 two year project will plan a network of public spaces, enlivened by the performing and visual arts, to foster citizen engagement, enhance commerce, and build an identity for Cape Charles as an arts and cultural destination, by leveraging the existing plans for Central Park, the Community Trail and the Town Harbor.

By a resolution adopted February 9, 2012, Council approved the Town's participation as a major stakeholder, including a cash match of \$25,000 for the planning efforts of the project.

DISCUSSION:

The \$175,000 project budget was planned to be funded as follows:

- 42.8%, or \$75,000, NEA Our Town grant.
- 17.7%, or \$31,000, Arts Enter Cape Charles cash and new grant match.
- 14.3%, or \$25,000, Town cash match for planning efforts.
- 25.2%, or \$44,000, in-kind match by the Town, Arts Enter Cape Charles, Cape Charles Business Association and Citizens for Central Park.

However, the NEA grant was awarded for \$50,000 instead of the \$75,000 requested, leaving a shortfall of \$25,000. Representatives of the major stakeholders have met to review options for mitigating this shortfall and recommend the following:

1. \$10,000 from Virginia Tourism Commission grants to develop a new Cape Charles tourism oriented website, thus offsetting a portion of promotional costs in the project budget.
2. \$10,000 in cash matches from additional stakeholders.
3. \$5,000 in savings (20%) by piggy-backing the planning efforts on to the Land Studio contract for planning and design of the next phase of the community trail. These funds would be redirected to other project expenses, such as promotion and performance demonstrations.

These actions would be initiated now but might not come to fruition until later during the two year project. Project expenses would be tailored to the funding ultimately realized.

RECOMMENDATION:

Staff requests Council's concurrence with the above plan.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Fill Vacancies on Boards and Commission		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Fill vacancies on Boards and Commission		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

There are a number of vacancies on the Cape Charles Planning Commission, Board of Zoning Appeals and Historic District Review Board.

DISCUSSION:

The Town Council interviewed the candidates expressing their interest in serving on the Town's boards and commission and recommended the following appointments:

Planning Commission (Three vacancies):

- Andrew Buchholz
- Sandra Salopek
- William Stramm

Board of Zoning Appeals (One vacancy):

- Eugene Kelly

Historic District Review Board (One vacancy):

- Theresa Strub

Review the proposed candidates for the vacancies listed above.

RECOMMENDATION:

Staff requests the Town Council to make the necessary appointments to fill the vacancies listed above.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Reappointment of Building Code Board of Appeals Member		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Reappoint Member to Building Code Board of Appeals		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	STAFF CONTACT (s): Jeb Brady, Code Official	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Building Code Board of Appeals meets on an as-needed basis to hear appeals concerning the Uniform Statewide Building Code. The Board consists of five members who serve five-year terms.

DISCUSSION:

Steve Michel currently serves on the Building Code Board of Appeals and his term expired September 10, 2012. Mr. Michel expressed his interest in continuing his service on the Board for another term.

RECOMMENDATION:

Staff recommends Council reappoint Mr. Steve Michel to the Building Code Board of Appeals for another five-year term.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Traffic Study – Intersection of Randolph Avenue & Fig Street		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Request VDOT perform a traffic study of the intersection of Randolph Avenue & Fig Street		ITEM NUMBER: 7C
	ATTACHMENTS: Resolution 20120913, 2008 VDOT Traffic Signal Study/ Multi-Way Stop		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	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.

After completion of a traffic study, the Virginia Department of Transportation (VDOT) removed the stop sign from the eastbound lane of Randolph Avenue with the reasoning that the traffic would flow better with only the stop signs on Fig Street. A copy of the VDOT traffic study is attached which outlines the conditions needed to be met to justify a change in traffic pattern.

DISCUSSION:

On numerous occasions, Councilman Wendell has brought up his concern for the safety of residents and visitors travelling through that intersection on golf carts and bicycles and feels strongly that this intersection needed to be made into a four-way stop before an accident occurs.

The Town of Cape Charles does not own the roads and has no 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.

After discussion at the August 9th Regular Meeting, Council agreed that a request be submitted to VDOT for another traffic study of this intersection.

RECOMMENDATION:

Staff recommends Council discuss this issue and if determined as appropriate, adopt Resolution 20120913 – Requesting a Virginia Department of Transportation Traffic Study for the Intersection of Randolph Avenue and Fig Street by roll call vote.

RESOLUTION 20120913

**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 August 9, 2012 Town Council Regular Meeting it was agreed that a request be submitted to VDOT for an updated traffic study of this intersection; 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 13th day of September, 2012.

By: _____
Mayor Dora Sullivan

ATTEST:

Town Clerk



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, Virginia 23134
VirginiaDOT.org

DAVID S. EKERN, P. E.
COMMISSIONER

April 23, 2008

TO: Mr. Tim Holloway

FROM: Mr. Michael A. Corwin, P. E. *MAC*

SUBJECT: Traffic Signal Study/ Multi-way Stop
Intersection Routes 184, 1105, and 1112
Town of Cape Charles
Northampton County

Per a request from the Town of Cape Charles, Traffic Engineering has completed studies to determine whether a traffic signal or a multi-way stop is justified at the above intersection based on the criteria set forth in the Manual of Uniform Traffic Control Devices (MUTCD) 2003 edition.

Traffic Signal

These criteria consist of 8 warrants of which one or more must be met before a signal is deemed justified. Of the eight (8) warrants, none were met at this location.

Based on our evaluation and traffic volume data collected, this intersection does not justify signalization at this time.

Multi-way Stop

We also conducted a study of the subject intersection to determine if a 4-way stop is justified.

According to the Federal MUTCD, the following warrants must be met to justify the installation of a "Multiway Stop".



The "Multiway Stop" installation is useful as a safety measure at some locations. It should ordinarily be used only where the volume of traffic on the intersecting roads is approximately equal. A traffic control signal is more satisfactory for an intersection with a heavy volume of traffic.

Any of the following conditions may warrant a multiway STOP sign installation (sec. 2B-4):

1. Where traffic signals are warranted and urgently needed, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the signal installation. The intersection of Route 184, 112, and 1105 does not justify a traffic signal. Therefore, the Traffic Signal warrant does not meet.
2. An accident problem, as indicated by five or more reported accidents of a type susceptible of correction by a multiway stop installation in a 12-month period. Such accidents include right- and left-turn collisions as well as right-angle collisions. There were no reported accidents at this intersection from January 1, 2007 to December 31, 2007, therefore the Accident warrant does not meet.
3. Minimum traffic volumes:
 - (a) The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any 8 hours of an average day, and
 - (b) The combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour, but
 - (c) When the 85-percentile approach speed of the major street traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

We conducted a 12 hour turning movement count and a 24 hour vehicular volume count, and of these four approaches, none met the 500 vehicle per hour for any eight hours warrant. From 4 to 5 pm had the highest volume with 368 vehicles entering the intersection.

Traffic volumes at this intersection indicate there is an average 46 vehicles per hour per day. Therefore, the Minimum Traffic Volumes warrant does not meet.

Speed samples were obtained on all approaches, which indicated an 85th percentile speed of 28 MPH. Therefore, the Vehicular Speed warrant does not meet.

Based on the above collected traffic data, the installation of a multi-way (4 way) stop condition is not justified.

We recommend that the following improvements be made to the intersection to optimize capacity.

- On eastbound (northbound) Route 184 approaching Randolph Avenue, remove the "Except Right Turn" sign. Create a thru/left turn lane with pavement markings and move the existing STOP sign on the shoulder into the island. Create a right turn lane which will be controlled by a YIELD sign.
- On eastbound Randolph Avenue at Route 184 (Fig Street) remove the STOP sign. This will leave the mainline flowing free.

Please contact me when you are ready to proceed with these recommendations. Upon contact we will process the work orders.

The traffic data collected was compiled by J.T. Williams and Keith Aston, Engineering Technician III's.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Virginia Waterman's Memorial		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Waterman's Memorial at the Town Harbor		ITEM NUMBER: 7D
	ATTACHMENTS: Proposed Memorial, Site Plan		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Smitty Dize, Jr.	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Friends of Virginia Watermen's Memorial on the Eastern Shore, Inc. was incorporated in 2006 with plans to construct a memorial to Virginia's watermen who were lost at sea. The memorial is currently planned to be placed in Oyster. Mr. Ed Lewis, president of the organization, approached staff requesting to construct the memorial at the Cape Charles Harbor vs. Oyster due to the proximity of the Chesapeake Bay. The memorial would also have more visibility at the Cape Charles Harbor due to the higher number of visitors to the Town and Harbor.

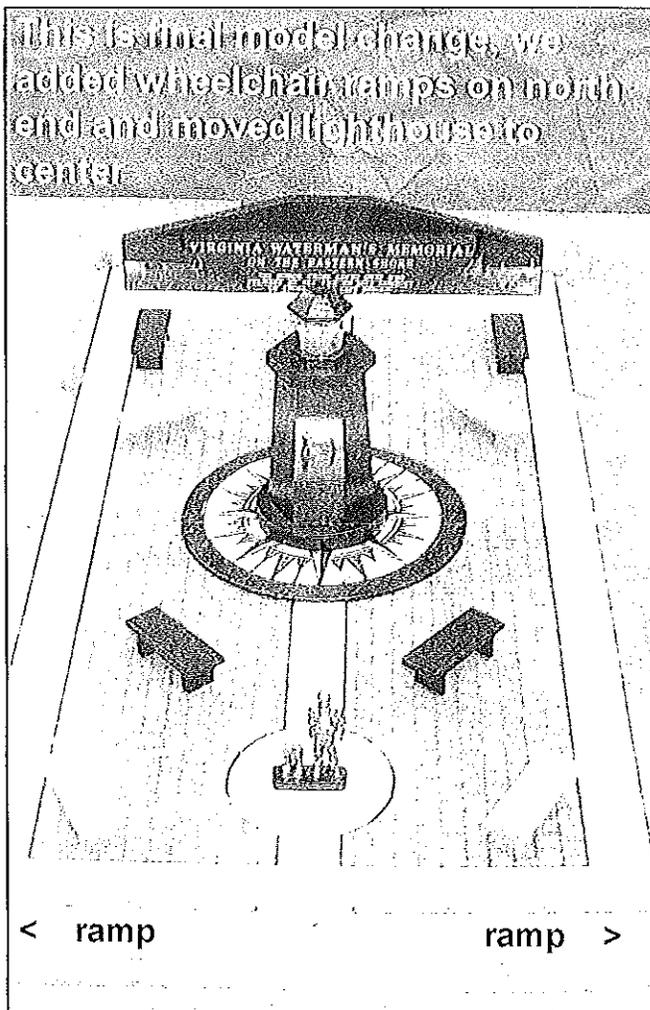
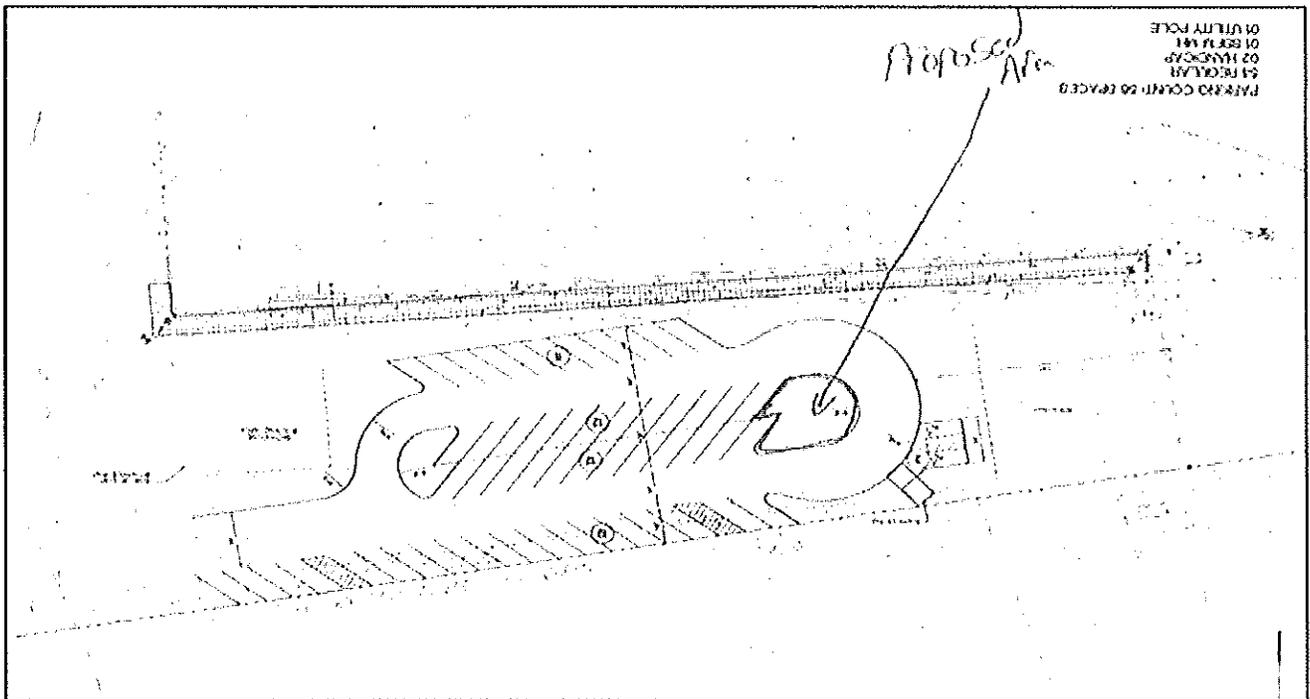
DISCUSSION:

Staff met with Mr. Lewis regarding his proposal and it was determined that the best possible location would be in the center of the turn-around in the shell parking lot located between 23 and 33 Marina Road near the Shanty (see attached site plan).

The Memorial will be fully funded and maintained by the Friends of the Virginia Waterman's Memorial on the Eastern Shore. A draft memorial design is attached and will be altered to fit the described area. The design specifications will be reviewed by the Harbor Area Review Board and will be presented to the Town Council for final approval along with information regarding granting an easement for the proposed site.

RECOMMENDATION:

Review the provided information and discuss the proposal. If Council wishes to pursue the construction of the Virginia Waterman's Memorial on the proposed site at the Town Harbor, the Town Manager will work with the organization through the necessary process.



 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Constitution Week Proclamation		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: 2012 Constitution Week Proclamation		ITEM NUMBER: 7E
	ATTACHMENTS: Proclamation 20120913		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Constitution Week is an American observance to commemorate the adoption of the United States Constitution. The observance runs annually from September 17 to September 23. It was officially enacted by Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower from a congressional resolution petitioned by the Daughters of the American Revolution, but it was President George W. Bush who officially declared the inception of Constitution Week in September 2002.

The purpose of the observance week is to:

1. Emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity;
2. Inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and
3. Encourage the study of the historical events which led to the adoption of the Constitution on September 17, 1787.

DISCUSSION:

Localities across the United States annually proclaim the week of September 17-23 as Constitution Week and many hold week-long celebrations to mark the anniversary of the signing America's most important document. This year marks the 225th anniversary of the actual signing of the Constitution.

RECOMMENDATION:

Adopt Proclamation 20120913 Designating September 17 – 23, 2012 as Constitution Week in the Town of Cape Charles, Virginia.

Town of Cape Charles Proclamation 20120913

Designating September 17-23, 2012 as "Constitution Week" in the Town of Cape Charles, Virginia

WHEREAS, September 17, 2012, marks the two hundred twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE I, Dora Sullivan, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, Virginia, do hereby proclaim the week of September 17 through 23, 2012 as

Constitution Week

in the Town of Cape Charles and call upon all the citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof, I have hereunto set my hand and caused the official seal of the Town of Cape Charles to be affixed this 13th day of September, 2012.

Mayor Dora Sullivan

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Guidelines for Citizen Participation		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Review Draft Guidelines for Citizen Participation		ITEM NUMBER: 7F
	ATTACHMENTS: Draft Guidelines for Citizen Participation		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Most localities have guidelines in place for citizen participation at meetings. The only procedures currently practiced at Cape Charles' meetings are the requirement for citizens to sign up to speak and the three (3) minute time limit per speaker.

DISCUSSION:

Guidelines adopted by other jurisdictions in Virginia were reviewed by staff for Council consideration.

Information was obtained from the Towns of Louisa, Shenandoah and Strasburg, the Cities of Fredericksburg, Hampton, Harrisonburg, Manassas Park, Newport News, Norfolk, Portsmouth, Richmond, Roanoke, Virginia Beach, Waynesboro, and Winchester and the Counties of Charles City, Chesterfield, James City, Washington and York.

The Mayor can control the meeting based on his/her grant of authority under the Town Charter, but it is also good practice to have standard guidelines.

RECOMMENDATION:

Staff recommends Council review and discuss the draft guidelines and either make a motion to adopt or schedule a work session for further discussion and review.

DRAFT Guidelines for Citizen Participation

Town Council meetings are open to the public, except when the Council votes to confer on certain matters in closed session.

A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is a privilege provided to permit Cape Charles residents and property owners an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Registering

Persons having an interest in making comments to the Town Council during the Public Comment period must register on a sign-up sheet including their name and residential address, indicating the item on which they wish to speak. Speakers must choose whether to speak on Agenda item(s) or as a non-agenda speaker ~ but not both. The sign-in sheet is available at the main entrance to the Council meeting, and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Regulations

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be from the side aisles, back of the room or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder should take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall proceed to the speaker's podium and adjust the microphone to the level of their mouth. Speakers should speak into the microphone to insure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and address and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.

- Speakers shall address remarks to the Mayor and Members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- If a written statement or other supportive material is available, it should be delivered to the Town Clerk for the record.
- Speakers shall refrain from political statements, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.

Time limitations for remarks

Speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded. Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes. The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently. After a speaker has concluded his or her remarks, the speaker should be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted at a Town Council meeting or within fifty (50) feet of the doorway to the meeting location.
- Items that may be disruptive to other attendees (e.g. noisemakers, etc.) are not permitted in the meeting room.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or City Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms, or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.

- Applause shall be permitted only during awards and presentations. At all other times a speaker may request an expression of consensus, support, or opposition by calling for a show of hands or for members of the audience to silently stand.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final.
- Furthermore, nothing herein shall be interpreted to prohibit speakers or any citizens from addressing oral or written comments or complaints on any subject to the Town Council, its constituent members, the Town Clerk, or Town administration, outside of the context or time frame of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council at its discretion may direct that matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens the Town Government.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: USDA Grant Application for Library Equipment		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Authorization to apply for USDA Grant for a Library Equipment.		ITEM NUMBER: 7G
	ATTACHMENTS: None		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 Town is under contract with Bank of America to purchase the building and three (3) parcels. The library expansion is planned for the first floor of the building.

The closing date is expected to be no later than October 15th. The Town staff is finalizing the review of the survey, title description, Phase 1 Environmental Assessment, inventory of furnishings, and inspection of building.

DISCUSSION:

On Wednesday, August 29th, the Town Manager met with Peggy Jordan, Area Specialist with the USDA Rural Development (USDA RD), to discuss possible grant / loan opportunities for equipment to outfit the library as we plan to relocate to the first floor of the Bank of America building. USDA's new funding year begins October 1, 2012 but with this being an election year, staff is expected to review and award grant applications in March of 2013.

USDA RD offers a grant for up to \$25,000 for only equipment needs, not rehabilitation of a building. This grant covers 75% of the total cost of equipment, with a 25% Town match. The equipment covered under this grant includes furniture, computers, shelving, copier and other possible equipment needs for the library.

If approved by Council, the grant application will be submitted immediately. The grant application does not commit the Town to a 25% match at this time.

If the grant is awarded to the Town next year, a commitment by resolution will confirm the Town's desire to work with USDA on this grant in order to meet our equipment needs for the library.

RECOMMENDATION:

Authorize Town Manager to submit a grant application to the USDA RD for equipment needs for the expansion of the new library.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Aid to Local Government – VML Request		AGENDA DATE: September 13, 2012
	SUBJECT/PROPOSAL/REQUEST: Adoption of Resolution 20120913A Supporting the Restoration of State Funding for Aid to Localities		ITEM NUMBER: 7H
	ATTACHMENTS: Resolution 20120913A, Letter to Governor Robert McDonnell		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Over the past several years, the Commonwealth of Virginia has reduced the amount of financial assistance for mandated and high priority programs, including public education, health and human services, public safety, etc. The reductions are applied to essential services including law enforcement, foster care and child protection services, election administration and social services.

DISCUSSION:

For the past three (3) years, the Commonwealth of Virginia has had budget surpluses totaling approximately \$1.4B. Even with the state having three years of budget surpluses, state support for state-mandated and state priority programs has declined and since FY 2009, cities, towns and counties have been forced to either remit local funds to the state or turn back state appropriations under the state’s aid to locality reduction programs. The “Local Aid to the Commonwealth” program will generate a total of \$270M for the state by the end of this fiscal year. Also, during these years of state budget surpluses, the state forced localities to assume the costs for the Line of Duty program and the state cut law enforcement assistance for cities, towns and counties with police departments.

The Virginia Municipal League is urging all Virginia localities to adopt a resolution requesting restoration of state funding for localities.

RECOMMENDATION:

Adopt Resolution 20120913A – Supporting Restoration of State Funding for Aid to Localities and authorize the Mayor to sign the letter to Governor Robert McDonnell.

RESOLUTION 20120913A

**SUPPORTING RESTORATION OF STATE FUNDING
FOR AID TO LOCALITIES**

WHEREAS, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in FY09 and almost \$500 million less in FY12 than in FY09; and

WHEREAS, towns, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

WHEREAS, the Appropriation Act contains \$50 million in across-the-board cuts to towns, cities and counties for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the Commonwealth"); and

WHEREAS, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, the Town of Cape Charles does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

WHEREAS, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, towns, cities and counties will have provided the state with \$270 million by the close of FY13 for this "Local Aid to the Commonwealth" program; and

WHEREAS, these reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, state revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

WHEREAS, revenue collections for the Town of Cape Charles continue to reflect the struggling housing market; and

WHEREAS, the state should not shift its share of the costs for mandates and responsibilities to local governments;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Cape Charles asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14; and

BE IT FURTHER RESOLVED that the members of the General Assembly support a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

Adopted by the Town Council of Cape Charles on this 13th day of September, 2012.

By: _____
Mayor Dora Sullivan

ATTEST:

Town Clerk

September 14, 2012

Honorable Robert F. McDonnell
Governor
Commonwealth of Virginia
P. O. Box 1475
Richmond, VA 23218

Dear Governor McDonnell:

Enclosed you will find a resolution from the Town Council of the Town of Cape Charles indicating our concern over the \$50 million reduction in financial assistance to localities for certain state-mandated and state-high priority services. Our elected officials request that you submit a budget amendment in the next legislative session to restore the cut in FY13 and to eliminate it altogether in FY14.

We recognize that state revenues dropped during the Great Recession and that the financial belt had to be tightened. But while the state has enjoyed budget surpluses in each of the last three fiscal years, we have coped with weak real estate revenues that have forced spending reductions and cutbacks in services.

I might add that I am not aware of even one mandate for the state-mandated and state-high priority services identified in the *aid to local governments reversion program* that has been modified or eliminated by the state. Now that another state budget surplus has been achieved, we request that you keep localities in mind and put an end to this practice.

Thank you so much for your consideration of this matter.

Sincerely,

Dora Sullivan
Mayor

cc: Senator Ralph Northam
Delegate Lynwood Lewis