

TOWN COUNCIL

Regular Meeting

May 10, 2012

St. Charles Parish Hall

Immediately Following Public Hearing

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. Town Manager
 - B. Treasurer's Report
 - C. Recreation Report
 - D. Library Report
 - E. Harbor Report
 - F. Public Works/Public Utilities Report
 - G. Code Enforcement Report
 - H. Planning Report
 - I. Police Department Report
6. Old Business
 - A. PSA / Regional Wastewater System Update
 - *B. Northampton County PSA Ordinance Amendment
 - *C. Zoning Map Amendment and Conditional Use Permit
 - *D. Cape Charles Town Code Modifications – Connection Charges
 - *E. Echelon Sale and Purchase Contract
7. New Business
 - *A. National Safe Boating Week Proclamation
 - *B. National Police Week Proclamation
 - *C. Contract Award – Water Plant Control Panel
 - *D. Contract Award – Sewer Main Closed Circuit TV
 - *E. Route 642 Golf Cart Crossings
8. Announcements
 - May 17, 2012 – Town Council Budget Work Session @ 6PM
 - May 24, 2012 – Town Council Work Session @ 6PM
 - May 27, 2012 – Memorial Day Picnic in Central Park
 - June 2, 2012 – Benefit By the Bay – Strawberry Street
 - June 6-7, 2012 – Tall Ship *Godspeed* at the Harbor
 - June 8-12, 2012 – Tall Ships Cape Charles
 - June 9, 2012 – Northampton County Chamber of Commerce Harbor Party
 - June 14, 2012 – Town Council Regular Meeting @ 6PM
9. Adjourn at 8:00 P.M.



DRAFT
Northampton County Chamber of Commerce
State of the Country, Commonwealth
and County Breakfast

Cabana Room at AQUA Restaurant

April 6, 2012

8:00 a.m.

At 8:00 a.m. Jeff Holland, Northampton County Chamber of Commerce Past President, welcomed all attendees and made his introductory comments. In attendance for the Town of Cape Charles were Mayor Sullivan, Vice Mayor Bannon, Councilmen Bennett, Evans and Veber and Councilwoman Natali.

Northampton County Board of Supervisors Chairman Oliver Bennett called the meeting of the Board of Supervisors to order.

Mayor Dora Sullivan called the meeting of the Cape Charles Town Council to order.

The speakers were as follows:

U.S. Representative Scott Rigell spoke about the state of the Country.

Senator Ralph Northam and Delegate Lynwood Lewis spoke about the state of the Commonwealth.

Board of Supervisors Chairman Oliver Bennett spoke about the state of the County.

Mayor Dora Sullivan spoke about the state of the Town of Cape Charles.

Vice Mayor Joseph Habel spoke about the state of the Town of Cheriton.

Mayor James Sturgis spoke about the state of the Town of Eastville.

Councilman Isaac Smaw, Jr. spoke about the state of the Town of Nassawadox.

Town Manager Arthur Miles spoke about the state of the Town of Exmore.

A question and answer period followed the presentations.

The meeting adjourned at 10:05 a.m.

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
April 12, 2012
6:00 PM

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 and Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Chief of Police Charles Brown, Public Works/Public Utilities Director Dave Fauber, Treasurer Jo Anna Leatherwood and Town Clerk Libby Hume. The Department Heads and several Cape Charles Police Officers were in attendance along with 50+ members of the public.

Councilwoman Natali gave the invocation and led the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

Officer Jim Pruitt

Officer Pruitt stated that Tom Bonadeo came into the police department several months ago asking whether he or Chief Brown had any information regarding James Taylor who was a police officer for Cape Charles for 15 years and killed in the line of duty on Jefferson Avenue. Officer Pruitt stated that he had not heard about this incident but started doing research on James Taylor. Officer Taylor was a sergeant for 15 years and killed on November 28, 1918 when he entered a home to make an arrest on a subject involved in a double shooting the night before. The subject shot him three times in the arm, leg and a fatal wound to the stomach. He was rushed to a hospital in Norfolk where he died the following day. He had eight kids and a wife. He found family members on Ancestry.com and had been in contact with them. James Taylor was the second great-grandfather of Matthew Sweeney. Officer Pruitt told the family what he intended to do and received the family's blessing. Officer Pruitt also spoke with Mr. Thomas Godwin of Gray's Funeral Home and got a price of \$800 on a 24" x 12" granite stone, which was Mr. Godwin's cost. Officer Pruitt stated that he planned to include the date of death and a police badge as part of the inscription and asked that anyone wanting to donate toward the cost of the stone and inscription to contact him and added that he had already received several donations. Officer Pruitt stated that he went to the National Law Enforcement Memorial in Washington DC and found Officer Taylor's name on the wall.

Mayor Sullivan asked Officer Pruitt where he would like to put the memorial. Officer Pruitt stated that he was going to contact the American Legion to ask permission to place Officer Taylor's memorial by the War Memorial or at the park. Officer Pruitt added that his goal was to place the memorial where it would be safe. Officer Pruitt stated that he emailed the family earlier today asking if they would come down for a dedication once the memorial had been completed.

Brock Stiles, 525 Madison Avenue

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

Michael Belot, 525 Madison Avenue

Mr. Belot deferred his allotted time to Mr. Frank Wendell.

Frank Wendell, 515 Monroe Avenue
Please see attached.

Ralph Giannini, Corner of Madison Avenue and Plum Street

Mr. Giannini stated that he and his wife lived on the corner of Madison and Plum which was as close to the high school as anyone could get. Mr. Giannini commented on Frank Wendell's statement about the maintenance of the school building, the cost of asbestos removal, etc. and suggested that if the work needing to be done to the building was so costly, why not tear down the building and increase the size of the park. Mr. Giannini also stated that the intersection where the school was located was in a flood zone and everyone knew that. All the things that Frank Wendell brought up were pretty involved and he was not aware of a lot of it. The park was beautiful and it was a nice area. Mr. Giannini thanked the Council for the opportunity to speak.

Karen Jolly Davis, 5 Randolph Avenue

Ms. Davis addressed the Council stating that the April 5th letter to Old School Cape Charles rejected their unsolicited proposal but did not reject their fledgling organization which was a wise move on Council's part since the organization could produce more than one proposal. The initial offering was a vision statement, but with time and additional expertise, a business plan meeting Council's specifications could be produced. The key element was more time. Echelon Resources would have six months after the contract was signed to bail out if they so choose. While Echelon shops the project to investors, Old School Cape Charles would be gathering the community to explore the needs of the citizens and talking to other groups who had successfully restored old schools for new uses. Ms. Davis referred Council to www.thehighlandcenter.org and asked that they review the capital campaign video. This group in western Virginia was doing what we hoped to do and for the same reasons. Ms. Davis noted that they were running programs in the school before restoring it to its highest potential. After fixing the safety issues, we could do the same with our building. Ms. Davis thanked Council for listening to their concerns and added that they would still be here as friends, neighbors and voters after Echelon Resources was long gone.

Chad Davis, 5 Randolph Avenue

Mr. Davis thanked Mayor Sullivan and the Council for continuing to evaluate the highest and best use of the school building. The timing, however, made the Council's decision more difficult. Mr. Davis stated that he remained optimistic and trusted Council to act in the long-term best interest of the Town. A gradual remediation and conversion into a community center and economic engine remained possible for the school building with an active partnership between the Town, the Council and the staff. Mr. Davis stated that he hoped this was the direction Council would move toward. Mr. Davis concluded by stating that he knew the decision was difficult and thanked Council again for their consideration.

Mabel C. Mitchell, 217 Madison Avenue

Ms. Mitchell stated that she's lived in Town almost all her life and she was here this evening to speak specifically for the youths and children of the Town and how desperately a center was needed for the community and more importantly for the children. If we are going to have good citizens for tomorrow, our special attention needed to be directed towards the children and the teens who will be the citizens of tomorrow. Ms. Mitchell stated that she worked in Cape Charles for 20 years and 6 years in the County and knew something about working with children. The parents could not do it all. Other people were needed to work with children. If we guided and directed our children when they were young, more importantly, we would expect to have good adults and citizens in the future. If something should happen, whether a disaster or any other causes, we would all group together to help each other. We should not wait until something bad happens before the children were considered. Our children needed a

place to go. If there wasn't any place for them to go, they would be on the street doing negative things to cause problems. If the children don't have structure, they would get into trouble. Idle hands were the devil's workshop. Council needed to do something now. Don't put up a building because buildings would crumble. Our children's lives were crumbling. Every day on the news you hear about someone getting shot or killed. This was bad and we needed to do something in this Town now. Our children were people and they needed our guidance.

Lenora Mitchell, 309 Tazewell Avenue

Ms. Mitchell stated that she was very sorry to see another community asset for sale to a developer / investor. The building being considered for sale had 100 years of history behind the walls – a history that was woven in to the fabric of the history of our country. We don't give up on people or things because they were old. We should do all we could to save them. We had hope, faith, the will to do and would find a way to do this. Other groups had successfully completed projects – the museum/welcome center, Arts Enter, the playground, the skate board park, and the initial development of Central Park. Council was seven people who had been elected and sworn in to represent our interests. Councilman Chris Bannon came to her and asked for her vote and support and she said "yes" because she believed he had changed. Chris Bannon had a history in this Town but she told people that he had changed and based on that, she voted for him. Please don't make a liar out of her because she put her word on the line for him so Councilman Bannon's vote should be "yes." Councilwoman Joan Natali asked for her vote and support meaning "get my people to vote for you" which she did and encouraged everyone to do the same. Councilwoman Natali stood in God's house, St. Stephens on Jefferson Avenue, and thanked them for voting for her and asked for Ms. Mitchell to keep her honest. Ms. Mitchell asked Councilwoman Natali to stay honest and vote "yes." Councilman Mike Sullivan did not ask for her vote but she voted for him anyway because long before he thought about being on the Town Council he was providing services to the community and donated computers, printers and technical support and showed an interest in the community. Ms. Mitchell stated that she believed that he still cared about the community and she expected a "yes" vote. Councilman Bruce Evans served with her on the Industrial Development Authority many years ago. She was the lone female on a board of middle-aged white men. After a particular heated discussion about an industry that wanted to locate here, she called the group members a bunch of racists and walked out of the meeting. A day or two later, Councilman Evans came by her house to talk to her and told her that if that was what she saw in him or heard from him, he was sorry and that he was not a racist. She saw the character in the man and gained a lot of respect for him from that gesture. Ms. Mitchell considered Councilman Evans her friend and still saw that character in the man and asked him to vote "yes." Councilman Larry Veber solicited her vote and support which she gave. He won the election and she expected him to vote "yes." Ms. Mitchell stated that she did not have any personal contact with Councilman Steve Bennett. When he first ran, he called her on the phone and she asked Councilman Bennett to also vote "yes." Mayor Dora Sullivan came to St. Stephens Church for services. There was a baptismal ceremony and Mayor Sullivan marveled at how awesome it was that a person's sins could be forgiven and they could walk away and start a new life. The same thing could happen here. The slate did not have to be wiped clean but consideration of a community center needed to be added to the agenda. Ms. Mitchell addressed the community stating that the bible stated that if you have faith the size of a mustard seed, you could move mountains. You didn't have to move a mountain, this was a hill. Ms. Mitchell encouraged everyone to pray. No matter what your beliefs were, prayer changed things. Your prayer should be "God, help us get a community center if it be your will." God may have other plans and God's power was a force to be reckoned with.

David Mitchell, 217 Madison Avenue

Mr. Mitchell stated that he was not much of a talker but felt that he had to say something adding that he wished he could sing what he had to say. Mr. Mitchell sang a prayer for Council.

Mr. Mitchell stated that he didn't think there was anyone in this room who had lived in this Town as long as he had. Mr. Mitchell went on to state that he had seen the good times and the bad times and been involved in the good times and the bad. He loved the Town and the people in it. He had heard the expression "come heres" and he was one but he came here when he was five years old. He had spent all but five years of his life in Cape Charles and he would love to see the old school building used as a community center for the young and old. It would be a place where people could go and enjoy. Mr. Mitchell stated again that he was not a talker but added that he prayed that the Council would get together and vote for the community center.

Don Bender, 300 Fulcher Street

Mr. Bender deferred his allotted time to Ms. Deborah Bender.

Deborah Bender, 300 Fulcher Street

Ms. Bender stated that she had been living in Cape Charles about 18 years and her husband Don had been living in Cape Charles almost all of his life. Ms. Bender stated that she was here to support the community center and it was time for the Town to do something for the people who actually lived here instead of catering to the tourists. The Town was always after more revenue. She realized that it took a look of money to run a town, however, if the people working for the Town didn't all need assistants maybe there would be money available to do maintenance on the school that should have been done and wasn't for the past six years. If the staff all need an assistant, maybe they were not qualified for the position in the first place. The Town did not need more rental properties. We needed a community center. A place where children could go and the Christian School could perhaps have their recess there in the winter or on rainy days. The library could be there. There could be a room for the Town Council to meet. There was a multitude of things that could be done with a community center. Ms. Bender stated that she thought everybody at the meeting this evening was in favor of a community center. Please give the group at least six months, which was given to Echelon, to figure it out.

Lisa Harman, 104 Madison Avenue

Ms. Harman stated that she wanted to present to the Town Council and staff a petition requesting time for Old School Cape Charles that was signed by over 230 citizens of Cape Charles and requested it go into the minutes if possible. The petition represented a diverse group of all ages, income levels and race as the group continued to grow every day. Ms. Harman proceeded to read the petition to Council. Ms. Harman emphasized that they were our neighbors, friends and supporters and most importantly, the taxpayers. Ms. Harman asked Council to partner and embrace Old School Cape Charles as much, if not more, than Council had embraced Echelon Resources who stood to profit from the Town's losses with the Town's asset. Ms. Harman also asked who Echelon Resources was and why had they not come forward to present themselves to the community. Ms. Harman stated that she knew the community center concept was a long road but a familiar road that we had all been down before, like the four years that the community committed to the playground and the ten years to build Central Park. Council envisioned these projects that had served the community well - why not the community center. Ms. Harman stated that at this time, she was asking the Town Council, and especially Mayor Sullivan, and Town staff to partner with Old School Cape Charles through a workshop where we could work together to explore the possibilities. Council had rejected their proposal but could not dismiss them. They deserved Council's help and attention on this issue. They were the ones who provided the funds and this was their property. Ms. Harman told Council to do the right thing, not the easy thing.

Malcolm Hayward, 121 Strawberry Street

Mr. Hayward stated that he thought he might be the lone dissenting voice this evening. If this Town had the opportunity to give away the old high school, he recommended strongly that

Council do that for economic reasons. This could hopefully reduce the current tax assessments and definitely the tax burden by eliminating existing maintenance costs and engineering study costs and adding new real estate taxes. At the same time, this would bring additional residents to Town whether full or part time. This was the right direction and showed Council's fiscal responsibility. Any other direction would be fiscally irresponsible. In these economic times, Council was tasked to balance the budget without raising taxes. This plan would not raise taxes. To even consider the school becoming a community center could jeopardize negotiations with Echelon. To those that were concerned with the school being restored, this project would restore the school to its original condition according to what he's heard from members of Council. Those who want a community center should look elsewhere. Mr. Hayward stated that he was very much in favor of a community center but not in the school building. There were much more suitable locations in Town for a community center. The Town had a population of 1,000 residents. You could fit all the residents and their families in the school building. The building was too large. When it used to be the Boys and Girls Club, there were frequent complaints about activities around the building and a police presence was often required. The bottom line was the underlying maintenance costs of running a community center that large would be huge and who was going to pay for it. Mr. Hayward felt that something much more practical could be done and asked the group to pick another vacant building in Town and use that building, a single story building, to build a great community center. Mr. Hayward stated that he understood the group's passion, but he thought this deal gave the Town a building which was totally renovated at no cost to the Town, plus the Town would get increased tax revenue and another location could possibly be found to make a community center work. We all wanted things we could not afford and this, we definitely could not afford. Someone earlier talked about Central Park. Central Park was started back in 1997 by a group of volunteers who worked diligently for about 12 years before any funds in the form of grants was received to make the park the way it was today. Mr. Hayward asked the attendees where they were 12 or 15 years ago. That was the time to start working on this project. Mr. Hayward stated that he was definitely against the community center for the school building.

June Brinkley, member of the Church of the Lord Jesus Christ of the Apostolic Faith affiliated with the Church at 311 Jefferson Avenue

Ms. Brinkley stated that she wanted to inform Council and ask permission for a community gospel concert outdoors on the church property on September 15th. Ms. Brinkley stated that they did not want to offend anyone in the neighborhood. The noise would not be too loud, but it would be gospel music with drums and instruments. Ms. Brinkley also invited everyone to attend their event. The social gathering would be held at 2PM and the music would start at 3PM and should be over by 6PM. Everything would be cleaned up afterwards.

Mayor Sullivan told Ms. Brinkley that there should not be a problem and they did not need to ask for permission to hold an event on their property.

Ms. Brinkley stated that this was the first time the church had done anything of this nature and wanted to make sure that everything was done in accordance with the Town's ordinances. Ms. Brinkley stated again that everyone was invited to participate in the event and added that she wanted to formally invite the Council and attendees.

Mayor Sullivan thanked Ms. Brinkley for driving all the way from Norfolk to address Council regarding the event.

Erin Harvey, 123 Peach Street

Mr. Harvey began by thanking Council for the meeting held a few weeks ago. It was a very informative meeting and a good community meeting as this one was tonight. It was nice to see that everyone was paying attention and cared about what was happening in the Town, whether

they agreed or not. After absorbing the information presented at the last meeting, which was very good, he felt that the Town could afford to wait an additional six months to ensure that the best possible move was made for this very special part of the Town. In that six month timeframe, he believed that the citizens of Cape Charles be given the opportunity to invest their own time and energy into an attempt to save the entire building for the community. Mr. Harvey stated that he also thought that the Town should put the building out to bid to other developers in case Old School Cape Charles could not come up with a workable plan. Other developers should be informed that the Town was ready to give away the building to whomever could devise a plan that would give the most back to the Town. The chance that we might lose the current bid in this timeframe seemed unlikely to him. The proposal was not put together as a form of charity for the Town. It was obvious that Echelon would profit from it which they should if they won the bid. So far, it seemed that Echelon was operating in a vacuum with no competition and if the Town was on a downward slope right now, he would advise jumping on the proposal, but Mr. Harvey did not feel that was the case at this time. Over the next six months, with the addition of a new hotel on Mason Avenue, a new waterfront restaurant and a generally improving economy, he firmly believed that any investment in this Town would seem more attractive and more profitable than it did today. Let Echelon and the citizens of Old School Cape Charles both compete with whatever other suitors who might be interested in that property. In six months, we could review all the plans and decide which offer was the best option for our community. When you have a huge group of people feeling strongly and so passionate about an issue in the community that they were willing to put in their own time and energy, give them six months to work with the Town. Don't work against them. Council had been doing a great job and we were a small Town with a small staff. The Town had four times the number of people ready to work with the Town to try to make it happen. Mr. Harvey stated that he believed that some of Council, if the group could come up with a financial plan, would agree that a community center would be the best possible option. Please open it up to other bidders and review everything in six months and not have Echelon be the only offer besides what the community could come up with.

Kim Starr, Chesapeake Properties
Please see attached.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall stated that the people of Town wanted a community center as could be seen by all the signs all around the Town. The citizens were here tonight to tell Council to vote for the citizens. The citizens voted Council in, now Council needed to vote for the citizens. The citizens were counting on Council. The members of Council were their neighbors and friends. The citizens would be here forever. Ms. Duvall stated that she was trying to make it really simple and repeated that the citizens voted Council in, now Council needed to vote for the citizens.

Town Clerk Libby Hume read seven letters which were submitted prior to the meeting. The letters were from Ms. Dianne Davis of 601 Jefferson Avenue, District 1 Supervisor Willie Randall, Mr. David Gay of 506 Monroe Avenue, Ms. Dana Lascu and Mr. Bram Opstelten of 609 Monroe Avenue, Ms. April Kane Davis of Florida, Mr. W. Andrew Dickinson, Jr. MD of Virginia Beach, and Mr. Wayne Creed of 548 Monroe Avenue. (Please see attached.)

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

Councilman Veber stated that if the Town were to agree to renovation of the old school building for use as a community center, taxes would have to be increased to cover the cost and asked the citizens in attendance to raise their hands if they were agreeable to paying increased taxes for this purpose. There were 50+ people in attendance and approximately 25 raised their hands.

Mayor Sullivan informed the attendees that their words were heard. It was Council's responsibility to listen to all the citizens and vote for the best interests of the Town.

CONSENT AGENDA:

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

The Town Council reviewed the minutes of the March 6, 2012 Joint Public Hearing with the Planning Commission, March 8, 2012 Public Hearing, March 8, 2012 Regular Meeting, the March 10, 2012 Public Information Meeting, the March 14, 2012 Work Session, the March 22, 2012 Executive Session and Work Session, the March 29, 2012 Work Session and the March 29, 2012 Executive Session.

Councilwoman Natali noted a typographical error in the minutes for the March 8, 2012 Regular Meeting at the end of the Public Comments on page 4 where "Memorial" in "Cape Charles Memorial Library" needed to be capitalized.

Councilman Evans stated that he would abstain from the vote on the March 10, 2012 Public Information Meeting and the March 14, 2012 Work Session since he was not in attendance.

Councilwoman Natali stated that she would abstain from the vote on the March 6, 2012 Joint Public Hearing with the Planning Commission since she was not in attendance.

Councilman Bennett commended the Town Clerk in completing the minutes for all the March meetings and getting them in the agenda packet for approval.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to approve the minutes of the March 6, Joint Public Hearing with the Planning Commission, the March 8, 2012 Public Hearing, the March 10, 2012 Public Information Meeting, the March 14, 2012 Work Session, the March 22, 2012 Executive Session and Work Session, the March 29, 2012 Work Session and the March 29, 2012 Executive Session as presented and the March 8, 2012 Regular Meeting as amended. The motion was approved by majority vote with Councilman Evans abstaining from the March 10, 2012 Public Information Meeting and the March 14, 2012 Work Session and Councilwoman Natali abstaining from the March 6, 2012 Joint Public Hearing with the Planning Commission.

REPORT PRESENTATIONS:

A. Town Manager's Report:

Town Manager Heather Arcos reported the following: i) Heather Arcos publicly thanked Bay Creek for donating and planting the trees and plants at the intersection of Routes 13 and 184 for the Gateway into Town; ii) The Cape Charles sign at the intersection of Routes 13 and 184 would be relocated after completion of the work on the new stoplight; iii) Heather Arcos thanked Dave Fauber and the Public Works crew for all their hard work in sprucing up the Town; iv) The Cape Charles Women's Club is sponsoring the Cape Charles Town Council Candidate Forum next Monday, April 16th, beginning at 6:00 PM at the Cape Charles Fire Hall; and v) Treasurer Jo Anna Leatherwood would be retiring on April 30th after seven and a half years of service to the Town. She would be presenting her last Treasurer's Report this evening. Mayor Sullivan presented Jo Anna Leatherwood with a gift from the Town Council and thanked her for her years of service.

B. *Treasurer's Report:*

The Treasurer's report dated March 31, 2012 showed \$388,623 in the Bank of America checking account, \$328,145 in the Shore Bank account and \$1,143,364 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,860,132. Treasurer Jo Anna Leatherwood continued to report the following: i) The real estate tax collections were down approximately \$69K. Three owners of substantial property in Town have been in touch with the Town but to date had not made payments; and ii) Business License applications were coming in and the estimated revenue numbers were higher than in previous years. The deadline for applications and payment was next week.

Councilman Bennett asked about the \$19K expenditure for the Virginia Nutrient Credit Exchange. Bob Panek explained that the Town joined the Nutrient Exchange and this amount was a one-time expense.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to accept the Treasurer's Report as presented. The motion was approved by unanimous consent.

C. *Recreation Report:*

Community Events / Recreational Coordinator Jen Lewis reported that Cape Charles was chosen to participate in the Captain John Smith Geocache Trail. The grand opening was this Saturday. Currently, the Town had one location but would probably have three locations once everything was finalized. Geocaching was similar to a treasure hunt and was very popular right now. She was working with the National Park Service on this project.

D. *Library Report:*

Heather Arcos stated that Librarian Ann Rutledge was recovering and should be back to work later this month. The Library hours had been changed temporarily through the end of May and the Library would be closing at 5:00 PM on Thursdays. Vice Mayor Bannon added that the Library would also be closing at noon the next two Saturdays.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) Several new staff members had been hired and he would bring them around to introduce them to the Council; ii) The drywall had been installed at the Bath House and the painting should begin this week. The tile was scheduled to be installed next week and the contract was on schedule for completion by May 1st; and iii) He was waiting until the large equipment was removed from the Harbor area before proceeding with the parking area. Councilman Evans stated that the Harbor looked great. Councilwoman Natali asked when the naval vessel was scheduled to arrive on Friday. Smitty Dize stated that the naval vessel was expected to arrive around 11:00 AM and the Blessing of the Fleet ceremony and festivities would begin at 5:30 PM

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber informed Council that his written report incorrectly stated that the flow from Bay Creek was still going to the old wastewater treatment plant (WWTP). All flow was now going to the new WWTP and only the backwash was going to the old plant. The new WWTP was operating well.

Councilman Bennett asked when the control panel contract would be finalized for the water plant. Dave Fauber informed Council that he had just advertised for bids for the control panel and the information would be reviewed at the May Council meeting for contract award.

G. Code Enforcement:

Code Official Jeb Brady informed Council that he was actively pursuing five enforcement cases. A permit was issued on one property for the repairs. Several cases had been referred to the attorney. Jeb Brady stated that he just became aware of a roof collapse on Mason Avenue and would be checking on that property.

Heather Arcos stated that the plans for the Bay Creek Beach Club were under review. Jeb Brady added that the plan review letter went out this week notifying Bay Creek that they could get their permit to start construction.

H. Planning Report:

Town Planner Tom Bonadeo stated that the report included in the packet was unchanged but the majority of the information reported had moved forward.

I. Police Department:

Chief Charles Brown reported the following: i) An active investigation was ongoing regarding the incident at the beach on March 23rd. A number of leads were being pursued and it took time to sort everything out. No forensic evidence had been received as yet. Once received, he hoped for better leads. The department was working with the Northampton County Sheriff's office on this investigation; ii) The mutual aid agreement with the Northampton County Sheriff's office was very important to the Town. The County had more manpower, etc. and could assist the Town with events such as Tall Ships Cape Charles. The agreement would include the 24 members of the Northampton County Sheriff's office and the four members of the Exmore police department as well as the five Cape Charles officers. This was an agenda item for Council review; and iii) Section 46.2-916.3 of the Code of Virginia was distributed to Council regarding golf cart operations on designated public highways. In towns with a population of 2,000 or less, a golf cart may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by VDOT if the posted speed limit of the highway was no more than 35 MPH and the crossing was required as the only means to provide golf cart access from one part of the town to another part of the town. Individuals had the ability to cross a highway from one portion of a golf course to another portion or to another adjacent golf course or to travel between their home and golf course if the trip would not be longer than one-half mile in either direction and the speed limit on the road was no more than 35 MPH. Chief Brown stated that he was working with Mr. Malcolm Hayward and Bay Creek Resort regarding the golf cart crossings on Old Cape Charles Road. Signs were required to be posted by VDOT.

OLD BUSINESS:

There was no Old Business to review.

NEW BUSINESS:

A. Law Enforcement Mutual Aid Agreement with Northampton County Sheriff's Department:

Heather Arcos stated on occasion, the Town of Cape Charles Police Department and the Northampton County Sheriff's Department assist each other on various calls for service. In the past, this had been done in an unofficial capacity. The Northampton County Sheriff's Department requested all the incorporated towns in the County with police departments to execute the mutual aid agreement. Heather Arcos and Chief Brown met with the Law Enforcement Specialist with the Virginia Municipal League (VML) and the VML was receptive of the Town signing the agreement.

Councilwoman Natali stated that several years ago, there was an issue regarding the Cape Charles Police Department working outside of Town and asked what the current policy

was. Chief Brown stated that the officers stay within the Town's limits unless specifically requested to assist in a service call outside of Town.

Motion made by Vice Mayor Bannon, seconded by Councilman Evans, to authorize the Town Manager to execute the Law Enforcement Mutual Aid Agreement with Northampton County. The motion was unanimously approved.

B. *Water and Sewer Connection Charges:*

Assistant Town Manager Bob Panek stated that the current connection charges for residential water and sewer service were based on an Equivalent Residential Connection creating a demand of 125 gallons per day. The connection charges had always been equal for any size residence whereas commercial/industrial connection charges were based on the demand associated with the use of the premises. There were various methods used by localities to establish connection charges - standard, number of bedrooms, number of plumbing fixtures, etc. Council recently adopted a change to the zoning ordinance to allow Adaptive Reuse of contributing historic structures and structures over 50 years old in the R-1 Zone. These structures, such as former churches, schools and commercial buildings, were likely to be redeveloped into a number of smaller residences such as one bedroom and efficiency apartments. There were other areas, such as the Harbor Zone, where it might be cost effective to develop smaller units above commercial space. The typical home in Cape Charles had three bedrooms and the average occupancy was just under two persons. It was likely that one bedroom and efficiency units would have an average occupancy of closer to one person, thus creating lower demand for water and wastewater capacity. It was therefore logical to differentiate the connection charges for these smaller units which could remove an unnecessary barrier to development of these units when it otherwise would make sense. Staff recommended a 50% reduction in the connection charges for water and sewer for residences with fewer than two bedrooms. A public hearing needed to be scheduled before modifications to the Town Code could be made.

Motion made by Councilman Evans, seconded by Councilman Bennett, to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding an ordinance revising the water and sewer connection charges. The motion was approved by unanimous consent.

C. *Schedule Public Hearing for Northampton County PSA Ordinance Amendment:*

Heather Arcos stated that the original ordinance and the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority (PSA) called for a membership of ten. With the county redistricting, the number of members had been reduced to none and the Ordinance and Articles of Incorporation needed to be amended to reflect the change in membership. The County and the other incorporated Towns were also amending their respective ordinances. A public hearing must be held prior to adoption of the amended ordinance.

Motion made by Councilman Bennett, seconded by Councilwoman Natali to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding the proposed amendment to Ordinance 20100628 - Cape Charles Town Council Ordinance re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority. The motion was approved by unanimous consent.

D. *Schedule Public Hearing for Zoning Map Amendment and Condition Use Permit:*

Tom Bonadeo stated that the Planning Commission reviewed the zoning map of the Town of Cape Charles to amend the southwest corner of Madison Avenue and Plum Street from Open Space (OS) to Single Family Residential (R-1). The area included old North Park Row, lots 281, 282, 283, 284, 285, 286, 287 and the tennis courts and was zoned OS around the

time of annexation but no definition of OS was established until recently when the Planning Commission and Council adopted a definition for the zone. The current definition of OS did not allow community centers or residential uses. This modification would change the school from a nonconforming structure to a legal structure in the R-1 Zone and would also allow the adaptive reuse for apartments and/or a community center.

The Planning Commission also reviewed a Conditional Use Permit (CUP) for the Adaptive Reuse of the school building. The Adaptive Reuse of the building for 16-17 apartments and/or a community center was in accordance with the Adaptive Reuse text amendment approved by Council in March.

The Planning Commission held a public hearing on April 3, 2012 and no comments were heard. The Commissioners reviewed the CUP requirements and recommended Town Council approve the proposed modifications to the Zoning Map and a CUP for Adaptive Reuse of the school building. A Town Council public hearing must be held prior to adoption of the proposed modification and approval of a CUP for Adaptive Reuse of the school building.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding the proposed modification to the Cape Charles Zoning Map and a Conditional Use Permit for Adaptive Reuse of the school building. The motion was approved by unanimous consent.

E. Joint IDA Board Member Reappointment:

Heather Arcos stated that the Joint Industrial Development Authority of Northampton County and Its Incorporated Towns (Joint IDA) was formed in 1995 to administer development of a network of industrial facilities throughout Northampton County's participating towns. The Board consisted of a total of seven members who serve a term of four years. Mr. John Burdiss was previously appointed as the Cape Charles representative to the Joint IDA and his term expired on March 31, 2012. Mr. Burdiss expressed his interest in continuing his service on the Joint IDA for another four-year term.

Motion made by Councilman Evans, seconded by Councilman Bennett, to appoint Mr. John Burdiss to serve another four-year term on the Joint Industrial Development Authority of Northampton County and Its Incorporated Towns. The motion was approved by unanimous consent.

F. Fiscal Year 2011 Audit Report:

Jo Anna Leatherwood stated that the Town required and accomplished an annual external audit of its financial statements at the end of each fiscal year and at the completion of the annual audit, the auditing firm issued a management letter containing recommendations of items to be changed to closer adhere to audit standards and to create better internal controls. The audit firm of Robinson, Farmer, Cox Associates accomplished the Town audit for the period ending June 30, 2011 and provided the management letter with the following: i) The monthly bank reconciliations should be reviewed by someone that was not involved in the original preparation. Any old outstanding checks should be investigated and either reissued, turned over to the Commonwealth of Virginia as unclaimed property or restored to cash, whichever is applicable. All bank statements should be retained on file for future use by either management or the auditor. A plan was in place to perform these duties monthly for all bank accounts; ii) Another issue regarded the posting of prior year taxes and grants receivables and additional payables to the general ledger for the General Fund and the Water/Sewer Fund without being reversed out of current year revenue. This necessitated adjusting entries having to be made by the auditors. Jo Anna Leatherwood

stated that she was able to make some of the reversals but ran out of time for others; and iii) An item that appeared on the letter each year pertained to the ability to identify delinquent tax balances by tax year. The situation was created when back years were loaded into our current software as an accumulated amount and not by year. As these taxes were collected, the balances could be broken down by year. The auditors recommended that tax revenues be reconciled to assessments, abatements and outstanding balances on a quarterly basis. Jo Anna Leatherwood added that she hoped to give Jerry Murphy a list to give to the auditors next year and that Jerry Murphy was tracking the taxes received every month.

Heather Arcos added that procedures were in place so these items should not appear on the management letter next year.

G. Beach Maintenance Services:

Heather Arcos stated that the Town owned and maintained the only public beach in Northampton County and reviewed the condition of the beach annually and maintenance must be performed to restore vegetation, sand fencing and replenish beach sand due to wind and tidal erosion. Mayor Sullivan asked whether Cape Charles beach was the only free public beach in Northampton County or the Eastern Shore of Virginia. Dave Fauber stated that he did not know whether there were any free public beaches in Accomack County, but Cape Charles beach was the only public beach in Northampton County. Heather Arcos added that the Town was working with VDOT for signage on both the northbound and southbound lanes of Route 13 notifying travelers of the Cape Charles Public Beach.

Heather Arcos continued to state that the Cape Charles beach suffered some damage from Hurricane Irene and had been approved for up to \$35K in reimbursements from FEMA for sand replenishment. An invitation for bids was advertised for sand replenishment with a deadline of April 5, 2012. Three bids were received as follows: i) Branscome Eastern Shore - \$27.03/yard; ii) Micor Enterprises, Inc. - \$12.25/yard; and iii) Wagner Brothers Landscaping - \$12.49/yard. Dave Fauber stated that the lowest bidder was Micor Enterprises, Inc. who performed the sand replenishment work last year.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to authorize the Town Manager to execute the Beach Maintenance Services contract with Micor Enterprises, Inc. at \$12.25/yard not to exceed \$35K. The motion was approved by unanimous consent.

H. Pier Repair Contract Award:

Heather Arcos stated that during the November 2009 Nor'easter storm, the pier sustained considerable damages to the supporting structure. The cost of repairs would be reimbursed by FEMA. An invitation for bids was advertised and two bids were received. The contract was awarded to Annex General Contracting, Inc. who was the lowest bidder with a bid of \$10,800. The contract was signed on November 16, 2010. Since that time, the project went through an application review by the Virginia Marine Resources Commission and the U.S. Fish and Wildlife Service asked that the work on the pier be delayed until after September 15, 2011 due to the tiger beetles. A change order request for \$6,800 dated June 24, 2011 for modifications of footers was submitted to FEMA and approval was received on December 2, 2011 at which time Annex was notified to proceed. On January 6, 2012, Annex informed the Town that they could not proceed until March due to poor weather conditions for concrete work and due to the extended time period between the bid date and start date, Annex would require an additional \$2K to proceed. This was unacceptable and the Town agreed to release Annex from the contractual agreement. The contract was terminated effective January 23, 2012. Staff contacted the second bidder, J. A. Habel Corporation, who agreed to perform the pier repair at the same cost as quoted by Annex. The Town

previously paid Annex \$4,300 for the materials for the project and the remaining balance was \$13,300. FEMA allotted a total of \$22,500 for the project so the Town would be reimbursed for the entire cost of the repairs / mitigation work. Dave Fauber stated that FEMA approved the new contract and the work should be starting soon.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Town Manager to execute a contract with J. A. Habel Corporation for the pier repair at a cost of \$13,300. The motion was approved by unanimous consent.

OTHER:

Councilman Evans stated that several ties were coming up at the railroad crossing. Heather Arcos stated that she would inform Mr. Larry Lamond of Bay Coast Railroad.

ANNOUNCEMENTS:

- April 13-14, 2012 – Blessing of the Fleet. Mayor Sullivan stated that this event starts the season on the Eastern Shore and invited everyone to attend.
- April 14, 2012 – Town yard Sale @ 7AM at Central Park
- April 14, 2012 – Pirates & Wenches Ball @ 7PM
- April 19, 2012 – Town Council Special Meeting @ 6PM
- April 19, 2012 – Town Council Budget Work Session, immediately following the Special Meeting
- April 26, 2012 – Town Council Budget Work Session @ 6PM
- April 26, 2012 – Town Council Executive Session, immediately following the Work Session
- April 28, 2012 – Cape Charles Historical Society Shrimp Boil
- May 10, 2012 – Town Council Regular Meeting @ 6PM

Mayor Sullivan thanked everyone for attending.

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

Mayor Sullivan

Town Clerk

Town Council Regular Meeting
April 12, 2012
Public Comments

Frank Wendell, 515 Monroe Avenue

To Mayor Dora Sullivan & the Cape Charles Town Council:

Upon receipt of your letter to me, dated April 4, 2012, I was consumed by the sad irony of having you, Mayor Sullivan, sign the rejection letter to our grass roots organization "Old School Cape Charles." Approximately three years ago, you and I came up with the idea of starting "Old School Cape Charles" based on a dream that you had of the transformation of the school into a combination municipal and community center, where you would work and serve our community in the capacity of Mayor. I, in turn told you that I was concerned for our old school as well and together we could launch an effort to pursue such a dream for our Town. However, our plans were put on hold when the new Christian School expressed the need for the building, when they were unable to move forward, the Town Council had apparently decided to move toward privatizing the building, and I was not informed of this change of direction. I learned of the proposed sale to Echelon Resources, Inc. just three months ago.

The irony in your letter is that you have rejected the very dream and the means to realize your dream "Old School Cape Charles Proposal" that you envisioned. The sad part is that you are the spokesperson for a Council that continues to pursue Echelon Resources, Inc. for profit shortsighted proposal in spite of increasing citizen opposition at the expense of all the public good a community center will accomplish in this town. The Echelon plan proposes that the Town sell our school and seven lots to Echelon for a measly \$10.00 to create housing and condos in our town park. Our Town is already full of empty houses and condos. Furthermore, Echelon intends to convey their contract to a third party "site specific entity" who no one at this point knows the background or the identity of that entity.

You reference the need for a financial pro forma and that our plans are lacking in that information when you Council and staff knows full-well that kind of detailed information is generally produced by means of a planning grant when citizen groups such as ours steps forward. We need the cooperation of your Council and staff in order to go forward with a planning grant. At some point, I think it would be helpful if Council and staff could communicate to us, your friends, your taxpayers, what aspects of our plan they actually agree with. Are our goals for a senior citizen and youth activity center something they feel they can endorse if we can get past the pro forma issue? Tell us what your Council likes about our plan and give us time to continue to refine it just as you have given equal time to Echelon's plan.

After seven months of negotiating with Edwin Gaskin of Echelon Resources, Inc., with the use of executive session privileges, I ask that you and your Council make public the pro forma from Echelon Resources, Inc. that Councilman Bennett says has been available since "day one" of their proposal. By making this pro forma public, we can learn just what "Old School Cape Charles" pro forma should look like, as well as allowing the citizens of the Town an opportunity to see for themselves, the viability of Echelon Resources, Inc. If Echelon can reassign the contract to a third party in six months, should we not look at the pro forma as well? Please make public the pro forma that was used by Citizens for Central Park who have done such a great job with the park grounds. I am sure we can learn a lot from that pro forma as we try to emulate their recent successes. Also, please make public the pro forma of the new company that holds the Lease to the new restaurant being built on our harbor waterfront property. That pro forma would also be helpful in guiding our efforts.

I think we all can agree that we need to collect all the facts as a community to decide the best course for our 100-year-old Historic Cape Charles High School Building. Another concern I have is, the wild speculation over asbestos in the school. I recently had a Councilman tell me that it would cost the Town as much as \$500,000 to abate the asbestos. Other parties are circulating the figures of One to Three Million Dollars. No wonder the people are concerned over the possibility of tax increases, but the wild speculation over tax and asbestos are not grounded in fact. However, Town Planner, Tom Bonadeo has recently pointed out to me that the abatement could be substantially less than the previously stated figures, with the technique of encapsulation of the "non-friable" asbestos located in the building. The Town of Onancock has been operating a community center for over five years with no tax increase. I have recently learned that after having asbestos testing done over five years ago, the Town has "never obtained an asbestos abatement" quote. The current Town Council has known or should have known this, but instead allows the continued speculation to work as a scare tactic to promote their \$10.00 sale.

Let us have all the facts and then make decisions based on those facts. I have contacted Eastern Virginia Environment, LLC who performed the 2006 test as well as Steve Bliley who conducted the air sample analysis in order to get the facts on the abatement costs. The Town should have done this five years ago. Another issue is the withholding of funds for maintenance that should be done on the building. I do not understand why this is still being allowed to occur. At the February Council meeting, I learned that Councilman Bennett is a structural engineer. Who better to advise our Council as to what happens to the structural integrity of a building if you do not maintain a building in accordance with the States Building Maintenance Code, which the Town has adopted and enforces on its citizens. Unfortunately, the Town has continued not to maintain the school building even though we have a code enforcement department funded to prevent "the demolition by neglect" that is taking place.

Please make public the most recent code inspection reports on the school that you have based your statement that the building is a "safety hazard," so that we can factually access the current condition of the structure. Again, facts, not speculations, are needed in order to make sound business-like decisions in this Town.

Mayor Sullivan, the first sentence of the second paragraph of your letter states, "The Town is continuing to negotiate a project for the school which **may** include **some** public space." That statement again fuels more speculation. After seven months, why doesn't the Town know whether the negotiation include public space or not? How much public space? In addition, at what costs to the Town, if any? Once again, facts are needed and are not available.

I would urge you, Mayor Sullivan to not let yourself be "bullied" by the naysayers of your Council and staff who seem to have "pride of authorship issues" while continuing to promote the private profit plan offered by Echelon Resources, Inc. Your dream of a community center is still the best plan and can do so much good for Cape Charles and all its citizens. Let us all work together to accomplish this dream. All citizens, young and old, deserve nothing less than our best efforts in pursuing the highest and best use of our Historic Building. Let's get the facts and move forward toward our historic future.

Sincerely,
Frank Wendell

- Residence: 515 Monroe Ave., Cape Charles, VA 23310
- Contact Frank Wendell via email at Frank.Wendell @verizon.net

Kim Starr, Chesapeake Properties

To Mayor Dora Sullivan and the Cape Charles Town Council:

My name is Kim Starr. I live in Cape Charles and own and operate Chesapeake Properties, a real estate office here in town. I have been a sales agent here on the Shore since 1984 and have had my Real Estate Broker's License since 1987. I opened Chesapeake Properties in the fall of 1996 on the corner of Fig & Randolph Street in the old Sinclair gas station. Things looked pretty bad in Cape Charles 16 years ago. There was a little interest in some of the historic houses, mostly from people from Richmond. A couple of B&B's had opened. Originally, being from Cape May, NJ, I could easily see the potential with the Town. About 2 weeks after opening my real estate office, it was announced that Dickie Foster with Bay Creek was buying the Brown and Root property. Real estate prices started going up with the speculation surrounding Bay Creek. Flipping properties in Cape Charles became a way of life. Even people who bought with every intention of enjoying the property themselves, sold because the profit margins were so enormous. Of course, Bay Creek did come to fruition, golf courses were built and a marina was opened, upscale houses were built and lots and lots of "lots" were sold for really high prices. Houses and commercial buildings were being restored to their former glory. Oh, and yes, the advent of condos came about. What a great idea for the investor, multiple dwellings in large commercial spaces. Having the ability to sell the units separately further increased values. These condos were not inexpensive to create, the buildings they were retrofitted into were old and dilapidated much like the Old Cape Charles School. The business model for creating these condos was based on an ever-exploding real estate market. The heyday of the market, if you will. These condos were sold for \$350,000, \$400,000 to \$500,000. At those prices, the project made sense, there also seemed to be no end of people who would want to buy these expensive properties. The only thing was, it seemed like the same people were buying the condos, several of them and paying lots of money for them. Later, we learned that these investors walked

away from the closing table with lots of money in their pockets. All of these condos ended up being foreclosed on and resold for \$80,000, \$90,000, \$100,000 or so. This brings me to the point of my letter.

I am here tonight to encourage you to slow down with a decision regarding Echelon's unsolicited bid. Please consider and give time to the "Old School Cape Charles" group to develop their idea. I was greatly saddened by the Town's negative response to their proposal. Why are we moving so fast to accommodate Echelon? I understand completely the "allure" of an unsolicited proposal. It corresponded to a time in which the Town was particularly concerned about damage to the rear wall as a result of the earthquake last year. On the surface, it looked like a perfect fit. Great timing, it seemed, to receive a bid from an economic developer from Hanover County, someone who was familiar with the redevelopment process and to appear undaunted by the building's condition. Best of all, the Town would no longer need to be concerned with the building maintenance issues.

Those who have pursued the FOIA requests and questioned the Town regarding this decision have simply requested additional time to pursue other avenues. I must stress here, none of these individuals have any motive of profit for themselves. Instead, they are genuinely looking out for the long-term interest of the Town and its citizens, our collective friends and neighbors.

I am concerned about all of the misinformation passed around as to the condition of the building. I keep hearing about a Million Dollar cost of abating the asbestos. I have come to understand through the FOIA requests, that the Town does not even have a price for this abatement. We need to get our facts straight. How can we begin to approximate the value of this building without understanding the cost of abatement? I would also like to question the real estate tax benefits to the Town. I am sure Echelon will be utilizing the real estate tax abatement program offered by both the Town and the County. I want to make it clear that any benefit to the Town with increased real estate tax revenue will not commence for ten years.

It seems as if the Town feels somehow now obligated to Echelon Resources, Inc. because you have been working on this since November and you feel indebted to them to proceed with this contract. Please be assured that any negotiations and proposals of this magnitude affecting the Town and all its present and future residents and visitors should not be entered into in haste. It is certainly understood why Echelon Resources, Inc. is in a hurry to get a contract signed because once Edwin Gaskins, who is Echelon Resources, Inc. has a contract with the Town, it is binding on the Town, and not on him. Echelon will continue to have six months of due diligence in which they get to decide to move forward or in this time he can sell the contract to another developer. Remember, the contract price is \$10.00. It is not hard to see how easy it would be for them to make a profit in selling this "contract." As all of you have known, Echelon has from the beginning, advised you that they are not taking title to the property, but rather, will set up a "site specific entity."

I am confused as to why we are more concerned with protecting Echelon Resources, Inc. rather than our own interests as a Town. Our interests are not compatible, regardless how convincingly Echelon has presented this as a win/win scenario. Echelon is simply interested in a profit. They are in it for the money. Yes, Edwin Gaskins is a businessman and his motives are clear. This is a business deal to him, plain and simple. This should surprise no one; no, it is not a crime to make money at the Town's expense. Gaskins is simply pursuing a business model of profit. I myself, have also bought and sold numerous properties and have worked with most of the developers who have been involved with real estate redevelopment in the Cape Charles area. You could say I have known the "players." I know how the players think. I understand how they make their money.

The Town needs to be clear as to what our motives are. Do we really believe we are "unloading a white elephant which is an eyesore to this Town and removing from our collective plate a crumbling down brick building full of asbestos?" Again, it is a serious mistake to enter into negotiations with a "for profit" entity, Echelon Resources, Inc. from a perspective of weakness and desperation. I would like to remind you this building is a valuable asset. It is a key piece of real estate (7 lots) and a Historic Building, included as a building on the Historic Register. Quite valuable, particularly because of the Historic Tax Credits, State and Federal. These tax credits are routinely sold and are a huge benefit to investors such as Echelon, in getting upfront money to finance their projects. In fact, the entire business plan is predicated on the Historic Tax Credits.

Why are we not soliciting bids? In indeed we believe that housing or condominiums is the highest and best use of this property, then why aren't we interested in who might pay more than \$10.00 for this property? Have we thoroughly vetted Echelon Resources, Inc?

Do we have not only the pro forma on this project but pro formas on his other projects and more importantly, how those pro formas matched up with results? Have you considered that this business model quite likely was successful due to the booming real estate market? Are we only looking at pretty pictures of buildings, which were restored at the height of the real estate market? Is there a real demand for the product he is creating? Are we going under the assumption that if he builds it they will come? This is not an isolated piece of property that the Town owns. It is in the very center of the Town. It is the key piece in the midst of Central Park. This building is a diamond in the rough. Are we motivated by and acting out of fear, rather than from a position of strength and confidence. I am here tonight asking for genuine leadership, skillful wisdom and discernment prior to any decision being made.

Sincerely,
Kim Starr

Submitted via email and read into record:

601 Jefferson Avenue
Cape Charles, VA 23310
March 30, 2012

Mayor Dora Sullivan
Members of the Town Council
Mason Avenue and Plum Street
Cape Charles, VA 23310

Dear Mayor Sullivan and Members of the Town Council

COMMENDATION – BRIAN FISHER

On Thursday evening, March 29, 2012, when I was preparing to go to a meeting, my lawn care provider came and I had to move my car to the opposite side of the street. I went inside the house, completed getting ready for my meeting, and left for Nandua High School in Onley, Virginia in a different car. Believe it or not, I forgot to turn the first car's ignition off.

I had seen Brian Fisher, a Fourth Grader at Kiptopeke Elementary School, earlier and had told him that I was going to a meeting and would not be walking that evening. He was on his way to his grandmother's house and when he returned, he noticed that my car's engine was running, the lights were on, and the other car was gone. He immediately went home and told his mother that I was gone and my car's engine was running. Being a somewhat skeptical parent, Mrs. Angela Powell thought that I had probably gone a short distance and would return soon. Brian was quite persistent with his mother and said that I had gone out of town. She finally got up and came to see what was happening with the car. After being unable to reach me on my cell phone and attempting unsuccessfully to contact some others, she finally called the police who came to my home and turned the ignition off.

I commend Brian because he was persistent and knew that somebody could have easily come by and driven off in my car. Thank the Lord that this happened in Cape Charles; because it probably would have been taken if this had been in another town or city.

I am appreciative to all of those who assisted in getting my car turned off; because it had been running for more than an hour. A special commendation to Brian Fisher for being observant and persistent in seeking an adult's assistance in getting my car turned off.

Sincerely
Ms. Dianne Davis

c: Mrs. Heather Arcos, Town Manager
Dr. Walter R. Clemons, Superintendent
Mr. Gary McDonald, Principal
Ms. Subrina Owens-Parker, Asst. Principal



Board of Supervisors of Northampton County
P.O. Box 66 • Fastville, Virginia 23347

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PHONE: 757-678-0440
FAX: 757-678-0483

April 2, 2012

The Hon. Dora Sullivan, Mayor
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Mayor Sullivan:

I have received calls with regard to the old Cape Charles High School. As you know, the school has a historical aspect that many of our citizens would like to keep local. I would like to add my support for keeping the old school with the town. We currently do not have a community center in the County and this property can service that purpose.

I would also add that we might want to work with the County to support this effort. We have begun to see more activity in our permitting and developers are showing interest in our County. This might give us an opportunity to add some proffer in the future.

Please let me know if there is anything that I can do at the county-level to help. Please read my letter at your next town council meeting.

As always, my very best

Respectfully,

WILLIE C. RANDALL
District 1
Northampton County Board of Supervisors

From: David.Gay@aggregate-us.com [<mailto:David.Gay@aggregate-us.com>]
Sent: Monday, April 09, 2012 10:13 AM
To: Dora Sullivan
Subject: RE: Cape Charles High School Plan

Dear Madame Mayor:

I am sorry to hear that the proposal put forth by Frank Wendell and the Concerned Citizens of Cape Charles was rejected by the Town Council. I understand that the proposal was lacking some key information that is needed to evaluate it against the current unsolicited proposal from Echelon. I would like to once again ask the Council to give the Concerned Citizens an opportunity to put forth a more complete proposal before voting on any deal with Echelon. It is only fair and prudent that the town leaders provide adequate time and consideration for such an important decision that will impact the town and it's citizens for some time to come.

Other questions that I have with regard to the Echelon Proposal:

What due diligence has the town done with regard to Echelon? Does Echelon have the financial where-with-all to complete the project and meet OSHA & EPA standards? How will the town ensure that its citizens are protected in the event that Echelon is not able to successfully remediate the various environmental hazards that the town has identified with the building? The last environmental study was done in 2006. I have read the report and it is very thin to say the least. Will a new study be done so we have a clear picture of the risks and remediation that such a cleanup will require? Will Echelon put up a bond to ensure the town is not left with a half completed project? If Echelon backs out of the deal will the property revert back to the town? How will the town ensure that the building does not become low income or slum property lowering the property values of all the adjacent neighborhoods? Cape Charles has gone through a revival over the past few years and has become a great place to live and raise children. We want to continue that trend. Let's take the time to make the right decision not just an expedient one.

Madame Mayor, I would appreciate it if you would have this letter read into the minutes of the next Council Meeting. Thank you.

David C. Gay
HOMEOWNER
506 Monroe Avenue
CELL: (240) 252-8407

From: Lascu, Dana [mailto:dlascu@richmond.edu]
Sent: Wednesday, April 11, 2012 11:52 PM
To: towndclerk@capecharles.org; clerk@capecharles.org
Subject: Letter for the Town Council meeting

To the Town Council and the Town Leadership of Cape Charles,

We would like to address you, as we are fully convinced that you have the best interests of the citizens of Cape Charles in mind.

We hope you will consider the possibility of creating a vibrant community center in the heart of the town. The Old School structure lends itself to many uses that the citizens of the town need, among them, a community center. Technology is rapidly replacing libraries with multi-purpose community centers where different activities take place, such as education in digital learning spaces; networking and collaboration between individuals in what are known as "loud rooms"; and multimedia-based education and entertainment in spaces outfitted for larger groups. The latter could be also used for events with wide community appeal. The School could become our community center.

It would be a great feat to revive a community treasure, rather than to potentially jeopardize it in a commercial venture with questionable outcomes. It would also show respect from us, the "come-heres," toward the history of our town. As Cape Charles' relatively new custodians, we should honor the Old School building's past, understanding that, with it, we honor the generations of former students of the School.

As good managers of the town, Town Council members and the Town leadership will undoubtedly ask how we would pay for this community center. As dedicated citizens, we are going to do everything we can to make this endeavor possible, from sustained volunteering to contributing as much as we can afford toward this end.

We are asking the Town of Cape Charles to be a partner and to assume a central role in this worthy effort.

Respectfully submitted,
Dana Lascu and Bram Opstelten
609 Monroe, Cape Charles

From: akdcchs71@aol.com [mailto:akdcchs71@aol.com]
Sent: Wednesday, April 11, 2012 4:20 PM
To: clerk@capecharles.org
Subject: Cape Charles School Building and Grounds

Dear Ms. Hume,

As clerk of the town of Cape Charles, I ask that you read this e-mail at the meeting on Thursday, April 12. It is sent from Florida, where I am carefully following the town council's actions concerning the sale of the Cape Charles School.

That school is part of my very roots. Not only did I attend the school from the age of 6, but my father was the coach (of all the sports, no less!) and then served as coach and principal. He drove the school bus on all the trips, both for games and academic trips. I firmly believe that I received a superb education from that school that prepared me for

life. And you, town council, have placed such a measly value on that education when you want to sell the school for so little!

Many of us who matriculated there remember the school as the center of social life in Cape Charles, too. It deserves to continue to be just that and I ask you to consider the proposals set forth by Frank Wendell, Lisa Harmon, and all of us who want some time to develop a plan and raise some funds to hold on to our precious school, Cape Charles High School.

Thank you for your consideration.
April Kane Davis

From: wadjrmd@aol.com [mailto:wadjrmd@aol.com]
Sent: Thursday, April 12, 2012 12:24 PM
To: clerk@capecharles.org
Subject: Old Cape Charles School

April 12, 2012

It was my good fortune to graduate from Cape Charles High School, well prepared to meet the academic challenges of first VMI and then Duke University Medical School where I received my MD degree in 1956. No small community in America had a better faculty, attested to by the later academic success of so many of it's graduates. The high school was just a building and remains so but within those halls was a wonderful nurturing environment from which students drew lifetime lessons on responsibility, morality, ethics, fairness and most of all, a sense of community.

Now, once again, that building could yet again host a variety of community programs to enrich the lives of young people as they set out on their life journey. Old folks could find activities that bring them together and more active citizens would find rewarding challenges in providing volunteer services.

Most any small town in America would risk all to own such a building in the center of town on a beautiful park, in easy walking distance for all. It is unlikely that Cape Charles would, in the future, ever be able to find the resources or the land to recreate such a facility, an essential to any quality community.

So, members of the City Council, take a deep breath, sit back for a moment and reflect on the opportunity you have now to embrace an energized populace among you to put the heart and soul of the community back into that building. With passion and commitment, public and private funding is available to restore Old Cape Charles High School to an important mission. Give them a chance.

Respectfully yours,

W. Andrew Dickinson, Jr. MD
1228 East Bay Shore Drive
Virginia Beach, VA 23451
428-8677
wadjrmd@aol.com

I would like to request that this be read before the council and entered into the minutes.

From: Wayne Creed [mailto:waynepcreed@yahoo.com]
Sent: Thursday, April 12, 2012 1:56 PM
To: clerk@capecharles.org
Subject: Letter for Council Meeting: Old School Cape Charles

Thursday, April 12, 2012

To the Honorable Mayor and Cape Charles Town Council:

Just a quick note about the Historic Cape Charles High School. Given the amount of public concern about the proposed sale of the old school to Echelon Inc., LLC, we believe that the Council should take a deep breath and re-evaluate the landscape before coming to any decisions regarding the future of the old school. To be fair, there are worse alternatives than the Echelon proposal, however, the proposals offered by Old School Cape Charles also deserve to be flushed out. Even by adding that marginal bit of work, you still only have two proposals to choose from. That hardly seems to have exhausted all possibilities. Maybe it would be worth a bit of time and effort to follow this idea all the way through, and possibly get a third, maybe even forth proposal.

In the end, the Echelon proposal may be the best. However, it would be unfair to not thoroughly review what Old School Cape Charles and their partners bring to the table. We have so many unanswered questions; it would seem foolish to rush into anything without truly understanding the ramifications, and what it would mean to the Town and the folks that live here. A wise move would be just table this for now, and take it up after the elections in May.

It is the centennial for the old place, so for once, I think we owe it to the school, and to ourselves, to finally do our due diligence, and at least attempt to not do something we will come to regret in the future.

Thank you for taking the time to read this letter.

Wayne Creed
548 Monroe Ave



DRAFT
TOWN COUNCIL

Executive Session
St. Charles Parish hall

April 12, 2012

Immediately Following Regular Meeting

At approximately 8:15 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 Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos and Assistant Town Manager Bob Panek.

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

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

Specifically: Unsolicited Proposal – Former Cape Charles School

Motion made by Councilman Bennett, 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; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

Motion made by Councilman Evans, 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

Work Session

Town Hall

April 19, 2012

6:00 p.m.

At approximately 6:00 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett and Evans and Councilwoman Natali. Mayor Sullivan and Councilmen Sullivan and Veber were not in attendance. Also present were Town Manager Heather Arcos, Treasurer Jo Anna Leatherwood, and Harbor Master Smitty Dize. There was one member of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to review the General Fund modifications from the March 29, 2012 meeting and the Harbor Fund.

Town Manager Heather Arcos began with the review of the Harbor Fund as follows: i) Salaries & Wages included a 5% increase for the full time position. The General Assembly mandated all localities participating in the Virginia Retirement System (VRS) to require employees to pay the 5% member contribution to VRS and localities were required to increase the employees' salaries by 5%. The Governor modified the mandate to allow localities to phase in the change 1% each year for five years. Staff recommended doing the entire 5% this coming year since the change was not that significant. Northampton County was also electing to do the entire 5% this coming year; ii) The other employees at the Harbor were all part-time. There was one Assistant Harbor Master, which was a year-round position and one part-time office assistant which was seasonal through December. There were four seasonal part-time dock hands which would be working from May 1 through September 30; iii) The electricity was increased to \$20K to include the Bath House, the new lighted walkways and the electricity for the new slips. Most of this expense would be offset by income; iv) \$2K was included for propane for on-demand hot water systems in the new Bath House; v) The amount for broadband service was reduced from \$2,400 to \$1,200; vi) The General Liability Insurance was increased to \$21K to include the new Bath House, walkways and slips; vii) \$27,200 was included for the Clam Slam event in August. Smitty Dize explained the dollar amount and stated that the Buy Boat Reunion in 2011 cost over \$21K. Smitty Dize added that last year one boat from the Seaford Yacht Club came to the Harbor for the Buy Boat Reunion and this year, several boats from the Seaford Yacht Club had booked slips for Labor Day. The event would cost money, but it would also bring in money to the Harbor and other businesses in Town; viii) Office Supplies was increased to be more in line with spending; ix) Janitorial Supplies was increased to include the new Bath House; x) Merchants Fees was increased due to the increased use of credit cards. The Harbor no longer accepts American Express due to its high fees; xi) Fuel Purchases was increased to \$1,063,000 due to the number of yachts and other vessels coming into the Harbor with large fuel purchases. Smitty Dize stated that Atlantic Surveyors would be working out of the Harbor and they typically purchase 5K – 8K gallons of fuel every other week. Yesterday, two yachts came in and purchased 500 and 600 gallons of fuel; xii) Coffee & Beverages for Resale was increased due to the demand of beverages and snacks; xiii) Boating Supplies for Resale was decreased due to lower demand. On occasion a boater comes in needing equipment which the Town Harbor could purchase to assist the boater; xiv) There were no new Capital Projects for the Harbor in 2013. The Town did submit a request to the Virginia Port Authority for \$500K for a future breakwater. Notification of the award was expected next month. If the Town was awarded any money, staff and Council would evaluate the cost of another section of breakwater and look for private partners in assisting with the cost. The Town was not looking for any additional debt service for the Harbor. Council continued to review the projected revenue.

Councilman Bennett expressed his concern that the projected revenue figures seemed a little optimistic. Smitty Dize stated that he had 218 reservations through the end of June. All except one slip had been rented for annual and seasonal slip holders. One yacht club had booked all the floating slips for the Labor Day weekend. Transient boaters wanting slips for the Labor Day weekend would be booked in the inner harbor. Smitty Dize also stated that this December, the Harbor rates would be reviewed to become effective April 2013 when the lease agreements come up for renewal. The current rates were relatively low compared to other marinas but new services and amenities were being added. Smitty Dize added that he preferred small incremental increases if possible. Councilwoman Natali asked whether additional slips could be added at the Harbor in the future. Smitty Dize responded that the Master Plan could be revisited and there was room in the area in front of the restaurant to add 30 – 40 slips for 25' – 30' boats. Councilman Evans asked whether there were plans in the future to have a marine store for supplies. Smitty Dize stated that there was a plan for such a store in a future phase.

The projected Harbor Fund budget was balanced with \$1,519,410.18 in expenses and revenue.

There was much discussion regarding events at the Harbor, both Town sponsored and private sponsored. Currently, only the Northampton County Chamber of Commerce hosts Harbor Parties and there was some discussion regarding the possibility of other entities holding similar parties.

Councilman Evans stated that Mr. Ken Smith, President of the Virginia Watermen's Association, stayed at the Cape Charles House for the Blessing of the Fleet. Mr. Smith informed him that he was going to write a letter to the editor regarding the great reception given to the working watermen by the Town of Cape Charles. There was not another locality that respected and treated the watermen in such a manner. Vice Mayor Bannon added that the Town would not be what it was without the watermen.

Heather Arcos stated that the next Budget Work Session was scheduled for next Thursday and the final Budget Work Session was scheduled for May 17th and the budget was close to being finalized. Heather Arcos stated that she wanted to review the Utilities and would like to have everything done before Jo Anna Leatherwood left. Jo Anna Leatherwood's last day was April 30th. Paul Skolnick had been assisting and would be back next Wednesday. The Harbor Fund was done and the only thing to address in Utilities was personnel. At the last work session, it was determined that the utility rate review would be postponed to August or September until the final figures came in for the wastewater treatment plant. The current projected increase amount was \$5, but the amount could possibly be less.

Heather Arcos continued to review the modifications made to the General Fund beginning with the amounts included for charitable contributions.

There was much discussion about the volunteer fire companies in the County. All the fire companies were struggling. Heather Arcos stated that she had talked with County Administrator Katie Nunez about the fire companies and whether they could be combined in some way. Katie Nunez had stated that the County probably could not mandate consolidation and keep the volunteer status but was considering a way for the fire companies to be able to pull their resources and better manage finances. Councilman Bennett stated that it would be nice if all the fire companies could consolidate into one Northampton County Volunteer Fire Company for operations and still maintain separate locations in the County to be dispatched from. There was some discussion regarding a 1¢ fire tax for the Town and County to generate funding for the fire companies. Heather Arcos continued to state that the \$100K request for the pumper truck was deleted per discussion at the last work session, but the \$18,600 general contribution remained. Katie Nunez had mentioned that the Cape Charles Volunteer Fire Company (CCVFC) had requested the same funding from the County which was being denied as well. The County was

contributing a similar amount as previous years. Heather Arcos added that Hollye Carpenter, Treasurer of the CCVFC, informed her that the grant that the CCVFC had applied for had been denied.

Councilwoman Natali asked if volunteer fire companies could send bills for their services like rescue squads for ambulance service. Heather Arcos stated that this was something to check into. Councilman Evans stated that the fire tax would be beneficial if the County would agree.

Heather Arcos moved on to the review of the General Fund Expense Summary by Department as follows: i) The revenue was modified as discussed at the last meeting; ii) The 5% wage increases and 5% benefit decreased were included under the March 29th meeting changes; iii) The current shortfall was \$10,418. A 1% cost of living increase was also included at an amount of \$9,267. Last year also included a 1% increase but the previous several years did not include any increases. Heather Arcos stated that she would like to see a 1% increase or bonus pool for the employees. Other added items were \$4,200 for a spraying contract under Public Works and \$18K for the Dog Park construction. The Broadband amount was decreased by \$1,200 making the shortfall \$40,685. Heather Arcos explained that last year a personnel allocation line of \$30K was included in her budget to offset wages for vacant positions. Each year, it seemed that there would be vacant positions that were budgeted for. Councilman Bennett added that Jo Anna Leatherwood's last day was April 30th and her position was budgeted through the end of the fiscal year so her salary for May and June could be offset. Heather Arcos added that Officer Chuck Graham had given notice that he would be leaving on July 1st.

Heather Arcos reviewed the various capital items included in the budget.

Frank Wendell asked Council why the Town removed the stop sign at Randolph Avenue going out of Town. It seemed to create a hazard by doing so. Councilwoman Natali stated that VDOT removed the sign. Frank Wendell then asked why VDOT removed the sign and what was the Town's position regarding it. Councilman Evans stated that VDOT received a lot of complaints and threats of law suits regarding the intersection and the three-way stop. VDOT did a study and removed the stop sign. The traffic flows better now. Frank Wendell stated that the intersection was a hazard especially for those travelling in golf carts and added that he did not understand why VDOT did that. Councilman Bennett stated that if you were travelling on Fig Street, you could not see traffic on Randolph Avenue unless you pull out into the intersection. Councilman Evans stated that he was used to the traffic pattern now. Frank Wendell stated that someone coming into Town making a left onto Fig Street to go to the business district could be hit because there was no signage designating who had the right of way. It was especially hazardous for golf carts. Vice Mayor Bannon stated that most people making a left across traffic would look ahead and to the right before making the turn.

Heather Arcos asked for feedback for the dog park. Councilwoman Natali stated that the Town could not afford it at this time. If the Mayor could raise the money to do it, it would be nice to have.

Heather Arcos asked for feedback regarding the golf cart. There was some discussion regarding staff using the golf cart vs. their personal vehicles. Heather Arcos stated that everyone used their own cars but were not applying for mileage reimbursement unless they were travelling out of town for training. Councilman Evans asked about liability to the Town if an employee driving their own vehicle for business were involved in an accident. Heather Arcos stated that there might be some liability to the Town and would check with the Virginia Municipal League (VML). Heather Arcos stated that she would remove the security fence around the electrical panel if the golf cart could be kept. The cost of the security fence was estimated at \$10K and the golf cart was \$6K. The Council agreed that they would prefer not installing another fence at Central Park if the electrical panel could be secured in another manner.

Heather Arcos asked for feedback regarding the part-time position in Code Enforcement. Frank Wendell asked how much was budgeted for this position. Heather Arcos responded that \$17,600 was currently budgeted. Councilman Bennett stated that he was not in favor of this position. Councilman Evans stated that if a part-time position could not be funded, hours needed to be allocated from another department to assist Code Enforcement. Heather Arcos informed Council that Linda Carola may be retiring and stated that the position had to be filled because the Town had a lot going on administratively and this position was a necessity. Heather Arcos went on to state that Jeb Brady was often in the field when people would come see him regarding a permit or plans and reminded Council of the Code Enforcement statistics. There was a lot of administrative work to be done in the Code Enforcement Department as well and it was difficult for Jeb Brady to do the administrative work as well as inspections. The number of permits and inspections was increasing. Dave Fauber had been assisting since Doug Smith left three years ago, but he was in and out of the office quite often as well. The part-time position would take care of scheduling, dealing with the public, inputting permit information into the computer, etc. One person could only do so much.

Vice Mayor Bannon asked if the mosquito spraying was necessary. Heather Arcos stated that she had received requests over the past year and added that Dave Fauber had compared the pricing and the offer was very reasonable. Councilman Bennett added that this year was expected to be bad for bugs. Heather Arcos stated that she would like to try it this year and see how it worked. The spraying was proposed for July, August and September 2013 and April, May and June 2014.

Frank Wendell commented on the drainage ponds in Central Park where rocks had been added to help with drainage. The rocks were appearing around the park and were interfering with the grass cutting. Frank Wendell asked if the Town could install a chain mesh anchored down to put over the rocks to keep the kids out of the areas. Councilwoman Natali stated that a heavy plastic mesh could be possible.

Heather Arcos stated that the next Budget Work Session was scheduled for next Thursday, April 26th.

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

Vice Mayor Bannon

Town Clerk

Town Manager Report
Highlights
April 13, 2012 – May 3, 2012

Welcome to Newly Elected Councilmen Clarke, Godwin and Wendell!

Treasurer, Retirement

- Staff and several members of the Town Council enjoyed cake with Jo Anna last Friday and many of us took her to Aqua for appetizers and drinks to wish her well in her retirement.
- The deadline for applications for the Town Treasurer position was May 1st and 13 applications/resumes were received. The application packages were reviewed and the list has been narrowed down to 5 qualified candidates which will be forwarded to Council and interviews will be scheduled soon.
- A big thank you to Paul Skolnick (former Treasurer) for his assistance during this period of transition!

Eastern Shore of Virginia Festivals / Tall Ships Cape Charles:

- The Tall Ships weekend is shaping up to be a really bid weekend! June 8, 9, 10th
- We have support from the other towns, the County, VDOT and many more organizations.
- ESVA Inc. is doing a great job at organizing the weekend and it should be a great weekend for everyone!
- Complete information can be found at tallshipscapecharles.com.
- **Volunteers are needed for the June 8, 9, & 10th Tall Ship Weekend. Please email Dave Steward at capt46@yahoo.com.**

Everbridge Alert System:

- Heather and Chief Brown met with Hollye Carpenter to gather options to allow the Town to utilize the alert system for notifications to citizens and employees. The Town will continue to work with the County to set up this capability.
- Please sign up and if you need assistance stop by the CC Memorial Library.
- To sign up for emergency alerts, please visit:
www.co.northampton.va.us/publicsafety/es_home.html.

Cape Charles Multi-Path Trail Project:

- The Town received notification of an award of \$251K towards the project funding of the master trail plan. The upcoming year will be spent on the planning and design work in order to begin construction on Phase 2 – North Peach St. Connection by July 2013. Check out the master plan www.capecharles.org/trail.

Budget FY2013:

- Staff is working to finalize the budget for the next budget work session which is currently scheduled for May 17th.
- The General Fund has been balanced with a zero real estate tax increase for FY 12. The Utilities Fund will be re-evaluated after completion of the new wastewater treatment plant contract and the demolition of the old plant. We will have a rate increase in the fall of this year but are working to minimize the increase of the wastewater rate.

VDOT:

- Road Work:
 - VDOT will be working in the Town over the next 3 weeks, ending before Memorial Day, to apply a slurry coating on all the Town streets with the exception of Rt. 184 which is a portion of Fig St. (in front of Rayfields), Mason, Bay and Washington Avenues. The contractor will notify all residents directly when they will be working on the various streets so the residents are able to remove all vehicles, trailers, boats, etc.
 - Staff will be meeting with the contractor on May 8th to get their schedule and a Special Edition Gazette will be sent. Notification will also be provided for the *Cape Charles Happenings* and flyers will be circulated throughout Town.
 - Please work with the contractors and the town staff to move all vehicles off the streets. It will take several days to complete this work and your cooperation is needed to make this as simple as possible.
 - VDOT will also be placing a message board on Route 184 coming into Town.
 - Staff is working with VDOT in order to designate a golf cart crossing on Rt 642 at the entrance of Bay Creek.
- Landscaping:
 - Work continues to finalize the landscaping plan for fall planting on the north side of Route 184 at Route 13 coming into Town.
 - Bay Creek has donated and planted a number of trees and other plantings on the south side of Route 184. The gateway into Town is looking great with more to come. A special thank you to Mr. Richard Foster and staff!

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Tourism Zone
 - Boat Trailers
 - Animal Ordinance
- Personnel Policy Review

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
APRIL 30, 2012

	3/31/2012	4/30/2012
Cash on Hand		
Bank of America Checking	388,623	388,623
Shore Bank	328,145	328,145
Local Government Investment & Restricted Funds	<u>1,143,364</u>	<u>1,143,364</u>
Total Cash On Hand	<u>1,860,132</u>	<u>1,860,132</u>
Restricted Cash Balance		
LGIP - Rural Development	96,974	96,974
US Bank - VRA Interest Free Loan	<u>257,581</u>	<u>257,581</u>
Total Cash Held in Reserve	<u>354,555</u>	<u>354,555</u>

TREASURER'S REPORT									
APRIL 30, 2012									
MONTHLY REPORT									
FUND	MONTHLY PRORATED ADOPTED BUDGET *	CURRENT MONTH REVENUES/ EXPENDITURES	% REALIZED/ EXPENDED	PRIOR PERIOD YTD	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED/ EXPENDED		
GENERAL									
REVENUES (Note 1)	172,691	101,697	58.89%	1,854,116	2,072,290	1,955,813	94.38%		
EXPENDED	172,691	132,384	76.66%	1,551,006	2,072,290	1,683,390	81.23%		
PUBLIC UTILITIES									
REVENUES (Note 2)	678,968	184,995	27.25%	2,721,725	8,147,616	2,906,720	35.68%		
EXPENDED	678,968	149,308	21.99%	4,827,182	8,147,616	4,976,490	61.08%		
HARBOR									
REVENUES	111,395	61,669	55.36%	866,265	1,336,737	927,934	69.42%		
EXPENDED	111,395	118,029	105.96%	1,127,947	1,336,737	1,245,976	93.21%		
SANITATION									
REVENUES (Note 2)	15,592	16,282	104.43%	140,870	187,100	157,152	83.99%		
EXPENDED	15,592	12,984	83.28%	118,346	187,100	131,330	70.19%		
Points of Information									
1. Utility revenues are recorded as collected. Therefore April utility charges									
of \$97,602 and sanitation charges of \$15,658 are not included above.									
* Monthly budget amounts equal annual budget divided by 12.									

MUNICIPAL CORPORATION OF CAPE CHARLES
 NOTES TO FINANCIAL REPORT
 APRIL 30, 2012

1. The expenditures for April include the following invoices that were paid in May, 2012:

AT & T	546.00
A & N Electric	9,609.50
ADP, Inc	453.53
Anthem Blue Cross - Blue Shield	13,455.74
Bay Coast Railroad	4,500.00
Bay Creek Communications	9,553.00
Dental Dental	1,546.91
East Jordan Iron Works	6,064.00
VRS Retirement/Life Insurance	10,576.23
Verizon	1,387.11
Watson's Hardware	1,928.42
Small Miscellaneous invoices	806.80
	<u>60,427.24</u>

2. Here is the tax collection comparison for 2011 and 2012 through March 31 of each year.

TAX CATEGORY	2011	2012	DIFFERENCE
Real Estate	1,096,864.16	1,027,498.91	69,365.25
Personal Property	97,078.26	74,352.60	22,725.66
Machinery & Tools	17,090.00	34,819.00	(17,729.00)
License Tax	17,800.31	17,229.77	570.54
	<u>1,230,843.73</u>	<u>1,155,912.28</u>	<u>74,932.45</u>

FY 2012 Capital Improvement Project (CIP) Five Year Projection

General Fund	FY11 approved	FY11 actual	FY12 approved	FY12 actual as of 04/30/12	FY13 proposed	FY14 projected	FY15 projected	FY16 projected	FY17 projected
CBDG Broadband	\$ 512,300	\$ 207,410	\$ 209,703	\$ 158,932	\$ -	\$ -	\$ -	\$ -	\$ -
Cape Charles Multi-Use Trail	\$ 165,000	\$ 351,814	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Works Building	\$ 30,000	\$ 28,293	\$ 24,795	\$ 36,277	\$ -	\$ -	\$ -	\$ -	\$ -
New Library Building	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4WD Gator with Sides	\$ -	\$ -	\$ 12,000	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -
Cape Chas Multi-Use Trail Phase 2	\$ 433,026	\$ -	\$ 96,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Works Pickup	\$ 20,000	\$ 20,437	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 1,663,326	\$ 1,007,954	\$ 1,842,498	\$ 207,209	\$ -	\$ -	\$ -	\$ -	\$ -
Water Fund									
Infrastructure 2 Wells	\$ 280,000	\$ 120,906	\$ 325,000	\$ 3,950	\$ -	\$ -	\$ -	\$ -	\$ -
Water Production Expansion	\$ 20,000	\$ 25,183	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Project Consultant/Management	\$ 4,613	\$ 3,060	\$ 3,339	\$ 2,018	\$ -	\$ -	\$ -	\$ -	\$ -
Control Panel	\$ -	\$ -	\$ 120,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Generator Water Plant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 304,613	\$ 159,149	\$ 448,339	\$ 5,968	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer Fund									
Wastewater Generator Replacement	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Inflow & Infiltration Project	\$ 1,200,000	\$ 779,889	\$ 325,000	\$ 675,653	\$ -	\$ -	\$ -	\$ -	\$ -
WWTP Plant Construction (1)	\$ 13,041,519	\$ 9,721,278	\$ 6,100,000	\$ 3,329,616	\$ -	\$ -	\$ -	\$ -	\$ -
Project Consultant/Management	\$ 41,519	\$ 36,081	\$ 30,049	\$ 19,030	\$ -	\$ -	\$ -	\$ -	\$ -
New Generator Mason Ave	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 14,738,038	\$ 10,782,248	\$ 6,490,049	\$ 4,024,298	\$ -	\$ -	\$ -	\$ -	\$ -
<i>(W&S combined) (10)</i>	<i>\$ 14,632,651</i>	<i>\$ 10,731,357</i>	<i>\$ 6,938,988</i>	<i>\$ 4,030,677</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>
Harbor Fund									
Offshore Breakwater Phase 1	\$ -	\$ 122,485	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Marina Inshore Floating Slips	\$ 1,643,977	\$ 1,540,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Surveillance Cameras	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bathhouses	\$ -	\$ -	\$ 343,977	\$ 211,211	\$ -	\$ -	\$ -	\$ -	\$ -
Site Work *	\$ -	\$ -	\$ -	\$ 18,736	\$ -	\$ -	\$ -	\$ -	\$ -
Walkways West Dock *	\$ -	\$ -	\$ 20,000	\$ 59,475	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 1,648,977	\$ 1,662,855	\$ 363,977	\$ 289,427	\$ -	\$ -	\$ -	\$ -	\$ -

*Site Work and Walkways are Funded by VPA grant

TOTAL \$ 17,171,911 \$ 13,092,206 \$ 18,178,663 \$ 9,526,897 \$ - \$ - \$ - \$ - \$ - \$ -

Recreation Department

May 2012

Committee Reports:

1. ESVA Festivals met on Monday April 2. The board is trying to develop a letter of sponsorship to be sent out once a year so as to not hit the same businesses up several times a year. Businesses and organizations will still be able to designate money to specific festivals or leave the distribution up to the discretion of the ESVA Festival board. Next ESVA Festival board meeting is May 7.
2. Tall Ships met at Aqua on April 5. Jen covered for Smitty at the Harbor so he could attend and was not able to attend the meeting. Next meeting is May 3.
3. New Roots met on April 9. Bylaws were reviewed and officers picked. Plans were finalized for the New Roots Dig In on Earth Day. Next meeting is May 7.
4. Birding Festival meeting was held on April 10. Rack cards are at the printers. The poster contest will be closed by the end of the month and judging will take place. Once final posters will be distributed. Next meeting is May 8.
5. Jen attended a Cape Charles Business Association meeting on April 9. Jen is working with the CCBA to coordinate summer events. There was much discussion on how to welcome shoppers during the summer months.

Programs and Events:

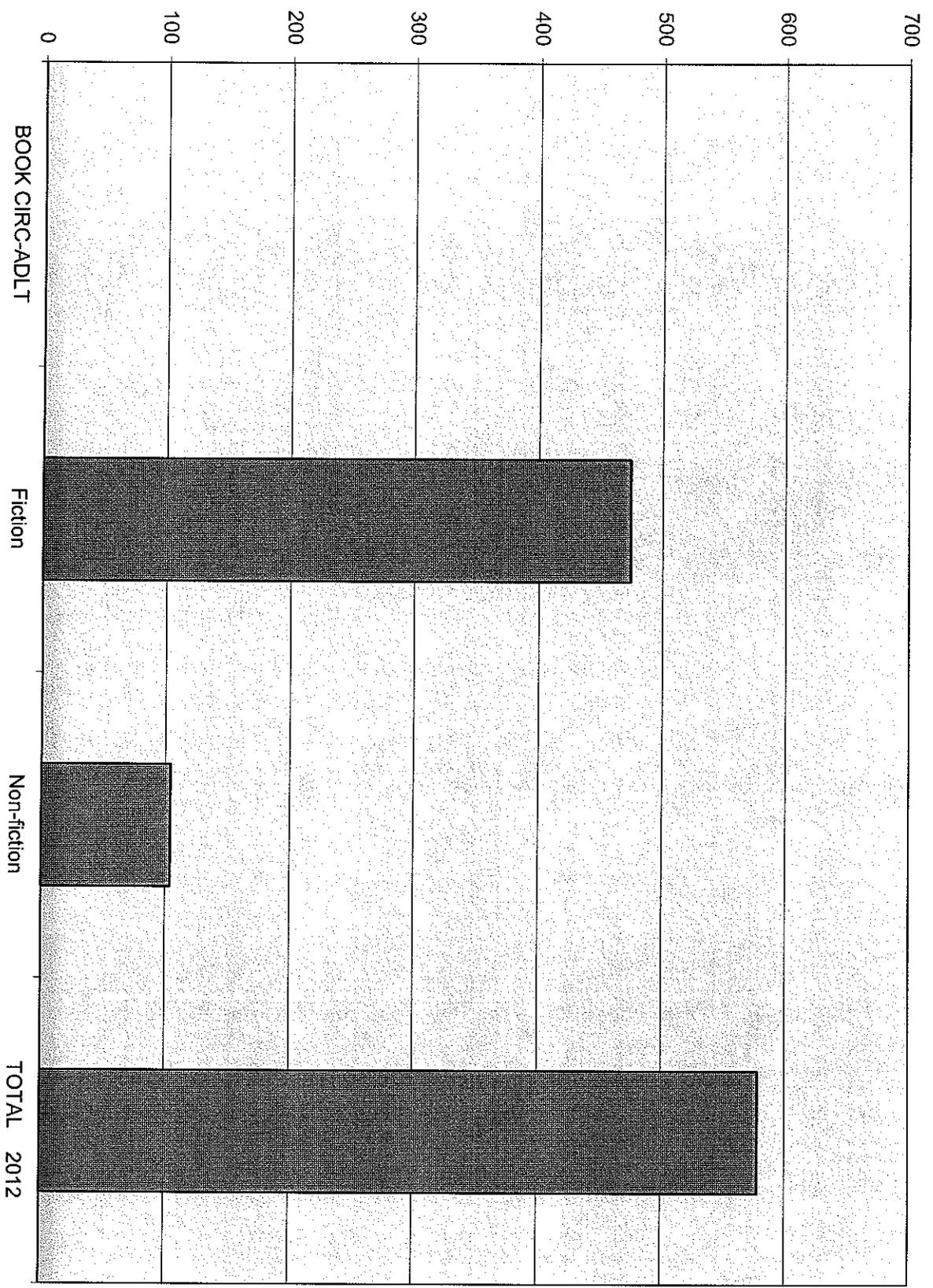
1. The library and recreation department showed the movie HOP during Spring Break.
2. The recreation department sponsored an Easter Egg hunt in central park on April 7. The event was well attended. The Easter Bunny once again made an appearance.
3. The Blessing of the Fleet had a huge turnout on April 13 and was followed by the Pirate and Wenches Ball on April 14. There was also a town wide yard sale and the Christian School yard sale on April 14. There was a 5K Run/Walk on April 14.
4. There was a reception at the library on April 19 to introduce World Book Night. Books were distributed on April 23. Jen and Sharon were fortunate to distribute some books to the Harvey Gamage.
5. There was a meeting at the tennis courts on April 21 to organize tennis matches. About a dozen people showed up and there will be pick up games every Saturday morning for anyone interested. Jen is still looking for someone to do tennis lessons for children.
6. The New Roots Dig In Event was rescheduled for May 5 due to rain. A press release was sent out on April 23 to introduce the NRYG summer events. All applicants will be received through the recreation department on a first come first serve basis.

Upcoming Events:

- May 1, 2012 – Bingo at Heritage Acres
- May 2, 2012 - Arts and Crafts
- May 5, 2012 – SPCA Dog Walk
- May 5, 2012 – Crabby Blues Festival
- May 6, 2012 – New Roots Blessing of the Worms
- May 9, 2012 – Arts and Crafts
- May 12, 2012 – First Baptist Church Mother’s Day Walk in Central Park
- May 16, 2012 – Arts and Crafts
- May 18 -20, 2012 – Black Drum Tournament
- May 19, 2012 – Marshall Wedding – Central Park Gazebo
- May 19, 2012 – New Roots Planning
- May 23, 2012 – Arts and Crafts
- May 27, 2012 – Picnic in the Park
- May 30, 2012 – Arts and Crafts
- May 31, 2012 – Bingo at Heritage Acres

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 30 children and caregivers attended this month. A total of 39 people attended the **Arts and Crafts** programs held on Wednesday at 4:00.
2. The displays for the month of **April featured** books for children on Earth Day and a display for adults featuring books presented on World Book Night
3. On Wednesday, April 4 at 5:00 the library presented Kids **Movie Night** featuring the movie *Hop*. Sixteen people attended the movie. Snacks were provided by the **Town of Cape Charles Recreation Department** and the program was sponsored by the **Friends of the Cape Charles Memorial Library**.
4. On April 19 from 4:30 to 6:00 the the Friends of the Library, the staff of the Library and the Town of Cape Charles Recreation Department held a reception to celebrate the gift of books from the sponsors of World Book Night to readers in Cape Charles. Wonderful refreshments were presented by the Friends of the Library and information about our programs was shared. On **World Book Nights**, April 23 and 24, Jen Lewis, Sharon Silvey, and Alice Morehouse each handed out 20 free books to town residents.
5. For additional information about library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!



Harbor Report

April, 2012.

Maintenance

1. General Maintenance on pressure washer.
2. Continuing re-screwing dock boards around inner harbor basin.
3. Weeded all parking bumpers.
4. Replaced leaky water valves
5. Received wood to replace the bad boards on the Harbor Masters Office.

Upcoming, Scheduled Maintenance

1. none

Capital Projects:

1. Infiltration Trench should be 100% complete by May 10.
2. Board Walk is about 98% complete (Cross walks to the parking lot and Bath House is left) should be finished May 15th.
3. Bath House – still on schedule
4. Restaurant- is coming along nice and is believed to be on schedule.
5. We have received one quote for the parking area waiting for others to come in. would like to have completed by Memorial Day Weekend.

Other:

1. Summer Season Hours have began, 8 to 6 Mon. – Thur. and 7 to 7 Fri – Sun + Holidays.
2. Follow us on Face Book (**Cape Charles Town Harbor**)

Incidents: None

Notes:

Visit the Tall Ship “God Speed” Arrival June 6, Departure June 7,

Tall Ships Cape Charles - Visit Tall Ships at the harbor in June 8 - 12.

Visit the Tall Ship “Kalmar Nyckel” – Arrival June 14 - 19. For Day Sails visit their Web Site: www.kalmarnyckel.org

Inaugural Cape Charles Clam Slam – The first weekend of August – More Details to Come.

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

Harbor Report

April, 2012.

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>April</u>	<u>March</u>	<u>11/12</u>	<u>10/11</u>
1. Nightly:	0.6	0.4	2.1	1.6
2. Weekly:	15.7	13.9	6.1	7.0
3. Month/Quart:	11.0	4.7	3.0	8.1
4. Seasonal:	0.0	0.0	6.3	7.1
5. Annual:	49.0	67.0	46.8	32.8
6. Total Rentals,	76.3	86.0	64.3	57.8

Wharf Fees by Pounds:

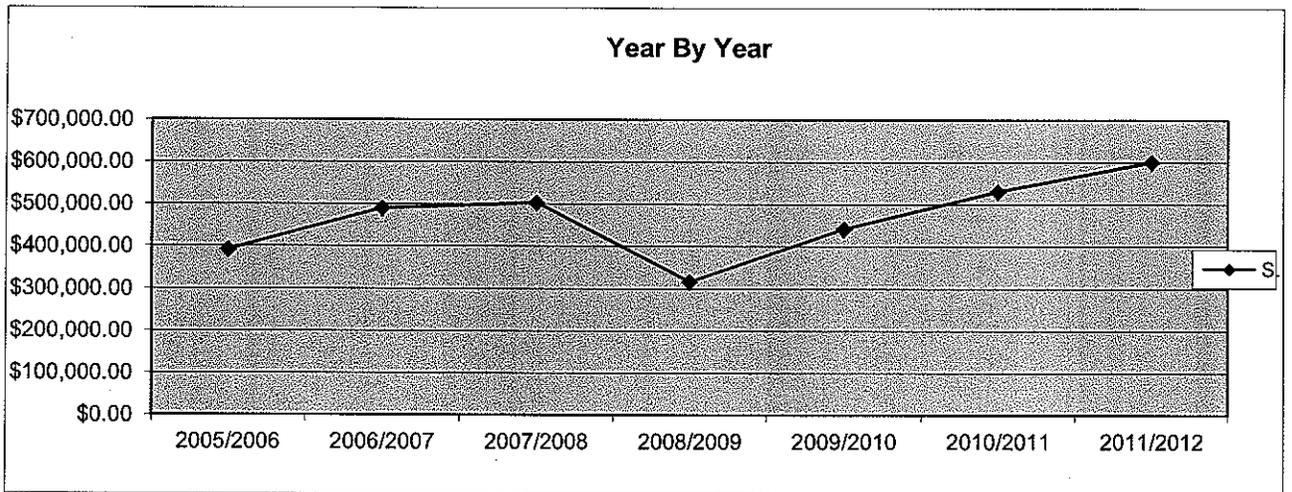
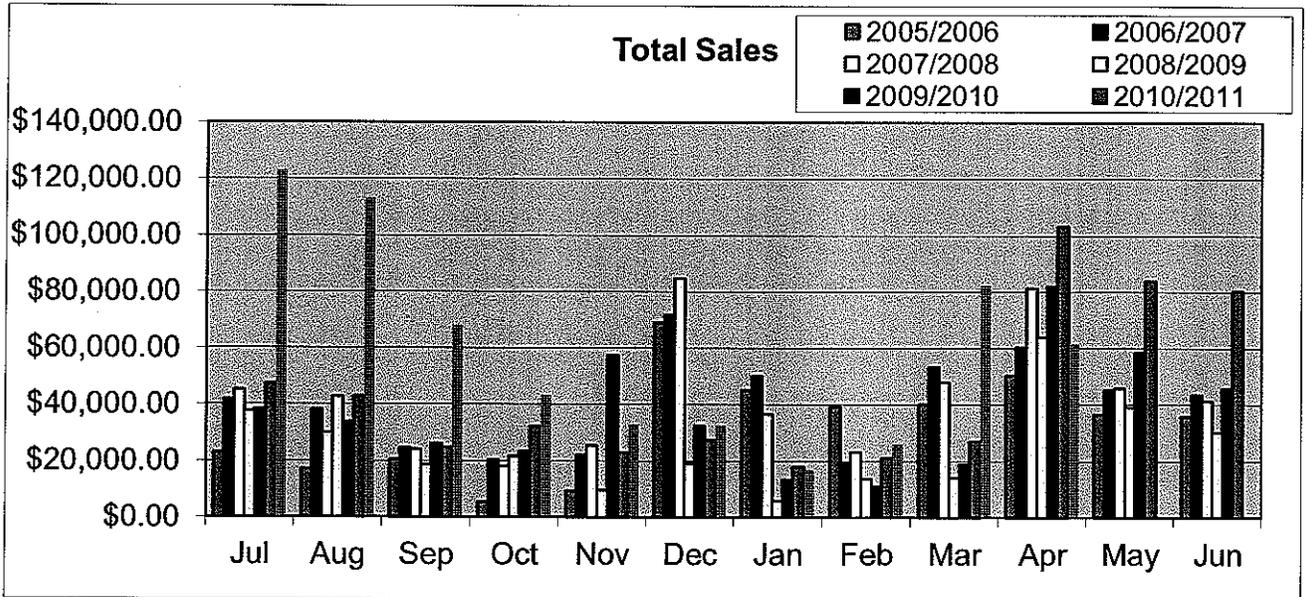
	<u>April</u>	<u>March</u>	<u>11/12</u>	<u>10/11</u>
1. Crabs:	134,055	398,520	834,885	1,419,795
2. Fish:	0	0	261,624	534,616
3. Conchs:	13,130	24,830	69,615	90,317.5
4. Horse Shoes:	0	0	5,296	7,960
5. Gravel:	0	0	0	1,000,000
6. Clams	0	0	0	18,000
7. Oysters	0	0	0	12,000
8. Conch Pots	0	0	0	14,000
9. Crab Pots	0	0	0	121,920
10. Lg. Trap Piles	0	0	0	0
11. Sm. Trap Piles	0	0	0	21,280
12. Total Pounds:	147,185	423,350	1,171,060	3,239,888.5

<u>Waiting List:</u>	<u>3/31</u>	<u>Registered</u>	<u>Removed</u>	<u>4/30</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	11	1	0	12
4. 36ft Slips:	6	0	0	6
5. 30ft Slips:	19	0	0	19
6. 24ft Slips:	21	0	0	21
7. 20ft Slips:	10	0	0	10
Total	71	0	0	72

Harbor Report

April, 2012.

Sales By Month



William Smith Dize Jr.
 Harbor Master
 May 1, 2012

PUBLIC WORKS

April 2012

Dump Fees

- **Oyster Landfill:** 13 trips, \$955.08; 15 Tons
- **Sludge-** 4 Tons
- Work Orders Completed:
- Work Orders Open:

Staff Report

- Mike Mulner attended the Building Module for Building Inspectors.

Completed Projects

- Sprayed for weeds
- Groomed beach
- Replenished Beach sand at the North end
- Weeded and mulched Mason Ave flower beds
- Cleaned up East Well site
- Graded area between beach Bathroom and pier
- Repaired beach bathroom sinks
- Watered daily new plantings at Rt13 entrance
- Repaired beach walkways
- Built picnic tables for new roots

In Progress

- Working with FEMA and our Virginia Municipal League Insurance agent for funds to repair the old school and the Pine Street Pump Station earthquake damage. Awaiting the insurance company's contractor's estimate. No Change for April.
- Park Water Fountain repairs.
- New signs for the Beach regs.

Upcoming Projects

- Repairs to old school and Pine Street Pump Station.
- Install shade cover at play ground

PUBLIC UTILITIES

April 2012

Work Orders Completed

- Miss Utility Tickets: 16

Staff Report

- Patrick Christman passed the Class 2 Waste Water certification exam.

Completed Projects

- The Director's review of the WWTP Lab was conducted and submitted to VELAP.
- Moved operations to new plant
- Moved lab to new plant
- Installed polishing pond bypass line
- Installed two new sewer force main taps at Harbor bathroom and restaurant

New WWTP

- 90 Day trial is complete.
- 60 day commissioning period has begun. During this time the plant is turned over to Town personnel to begin running the plant.

In Progress

- Collecting flow data looking for sources of inflow and infiltration in the Plum Street Pump Station Basin sewer mains.
- Engineering for connection to Keck Wells. Draft Preliminary Engineering Report (PER) has been reviewed and returned to the engineers with comments.
- Decommissioning old WWTP.
 - Pumping down tanks
 - Pumping down polishing pond
 - Removing all equipment and materials from site
- Invitation for Bids for Closed Circuit TV inspection of the sewer mains
- Request for Proposals for the new control panel at the water plant

Upcoming Projects

- Connection to Keck Wells out to bid (Fall 2012)
- Closed circuit TV inspection of sewer lines. (April)
- Install new water plant controls

Code Enforcement

Month of April FY 2012

Building Permits Issued/Permit Fees Collected:

Permits this month: 20	
Permits this year: 178	Total permits last year: 200
Total construction this month: \$ 113,762	
Total construction this year: \$4,516,892	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$1,864.33	
Total permit fees this fiscal year: \$33,992.51	Total permit fees last fiscal year: \$63,902.48*
Bay Creek Water/Sewer Tap fees: \$0	*The # above includes connection fees
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: \$52,350	Total Tap fees last fiscal year: \$20,000
Fire Dept. levy this month: \$157.53	
Total Fire Dept. levies this year: \$2,933.28	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$31.51	
Total state levies this year: \$585.67	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: \$50 for Temporary Certificate of Occupancy for Operations Building.	

Existing Structures Code Enforcement Cases:

Total Cases: 26	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O's Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 0	
Grass cutting: 0	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$10,659.56	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$1,145.84	
Enforcement fees collected this year: \$4,954.78	Fees collected last fiscal year: \$2,768.58

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 April FY12

Central Park Trail (T-21 Grant) (updated)

Hours spent working on project this month:16

Key Notes:

- Fountain issues are being resolved. The pool is still leaking, continuing to work with contractor to fix. Getting price quotes to Line-X the interior walls and floor.\
- The irrigation system is in the process of starting back up for the season. Working with company to fix any broken heads.

Other items of note:

1. Completed 48 inspections
2. Conducted 1 zoning clearances
3. Completed 0 courtesy residential inspections
4. Conducted 2 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 1 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
10. Code Enforcement case on Randolph Avenue has a new contractor and windows are installed. Waiting for contractor to start on siding.
11. Code Enforcement case on Plum Street has been turned over to attorney. Attorney sent out a 14 day letter stating that the owner(s) comply with all prior directives or that the issues would proceed to court. Update: Town has denied request for use of CDBG funding and the case will be pursued through attorney.
12. Continued inspections on the Harbor Bath House.
13. Continued inspections on the Harbor Restaurant.
14. Continued inspections on Storm water measures for West Dock improvements.
15. A 2nd temporary Certificate of Occupancy has been issued for the operations building at the new Waste Water Treatment Plant. This is good for thirty days and will expire near the end of May.
16. Plans have been approved for the Bayside Village Beach Club. Construction is expected to start soon.
17. Michael Mullner attended the Code Academy Building Module during the week of April 16, 2012.

Permit/Construction Fee Report Apr-12

Address	Type	Permit #	Date	Work Description	Permit Fee	Value
2 Deacon Court	Building	PB120027	4/23/2012	Repair 489 sq. ft. deck damaged by fire	\$86.80	\$8,000
548 Madison Avenue	Building	PB120021	4/11/2012	Changing deck to covered screen	\$191.52	\$19,200
33 Marina Road	UST/AST	PT120002	4/11/2012	500 Gallon UST	\$84.00	\$350
33 Marina Road	Gas	PG120003	4/12/2012	New Gas Line to Restaurant	\$84.00	\$2,500
203 Mason Avenue	Building	PB120026	4/23/2012	Commercial Alteration	\$84.00	\$1,000
521 Mason Avenue	Building	PB120020	4/2/2012	Interior Demo and Alteration	\$91.28	\$8,800
237 Monroe Avenue	Mechanical	PM120008	4/30/2012	New Mechanical for Downstairs	\$72.80	\$5,500
510 Monroe Avenue	Electrical	PE120012	4/30/2012	Electrical Alteration	\$56.00	\$1,200
128 Peach Street	Building	PB120024	4/18/2012	Screen in Existing Porch	\$72.80	\$5,500
119 Pine Street	Mechanical	PM120009	4/30/2012	1 New Mini-Split	\$98.00	\$3,750
2 Randolph Avenue	Building	PB120023	4/16/2012	Residential Alteration	\$168.00	\$15,000
416 Randolph Avenue	Plumbing	PP120008	4/30/2012	Finish Plumbing in Residence	\$56.00	\$2,500
506 Randolph Avenue	Building	PB120025	4/20/2012	Tear off/reroof	\$87.13	\$8,057
531 Randolph Avenue	Building	PB120029	4/30/2012	Porch Tearoff/Reroof	\$56.00	\$2,500
637 Randolph Avenue	Building	PB120022	4/13/2012	Porch Tearoff/Reroof	\$61.60	\$3,500
111 Tazewell Avenue	Building	PB120028	4/27/2012	Residential Alteration	\$58.80	\$3,000
113 Tazewell Avenue	Mechanical	PM120007	4/16/2012	New Mechanical for Alteration & Addition	\$173.60	\$16,000
113 Tazewell Avenue	Gas	PG120004	4/27/2012	New gas piping for 3 appliances	\$56.00	\$1,200
233 Tazewell Avenue	Plumbing	PP120007	4/16/2012	New on-site sewer and water line	\$70.00	\$5,000
403 Tazewell Avenue	UST/AST	PT120001	4/16/2012	New 325 Gallon UST	\$156.00	\$1,205

\$1,864.33 \$113,762

Totals

Revenue Totals by Category/Items

From: 04/01/2012 to: 04/30/2012

Miscellaneous		
Fire Dept Fee	20	\$157.53
Miscellaneous totals	20	\$157.53
State Tax		
STATE TAX.	20	\$31.51
State Tax totals	20	\$31.51
Valuation		
After fact permit admin fee	1	\$100.00
Com \$0 - \$2.5K	1	\$75.00
Valuation Com \$0-\$2.5K	2	\$150.00
Valuation Com \$2.5-10K	1	\$87.50
Valuation Res \$0 - \$2.5K	1	\$50.00
Valuation Res \$0-\$2.5K	4	\$200.00
Valuation Res \$2.5K - 10K	7	\$474.29
Valuation Res \$2.5K-\$10K	1	\$62.50
Valuation Res > \$10K	3	\$476.00
Valuation totals	21	\$1,675.29
Grand Totals	61	\$1,864.33

MONTHLY INSPECTION TOTALS

Jeb Brady

Final	04/04/2012
Tank in Place	04/04/2012
Insulation	04/04/2012
Rough-In	04/06/2012
Rough-In	04/06/2012
Framing	04/06/2012
Footing	04/09/2012
Rough-In	04/11/2012
Sheathing	04/12/2012
Tank in Place	04/12/2012
Pressure/R.I.	04/12/2012
Insulation	04/13/2012
Framing	04/13/2012
Rough-In	04/13/2012
CUT-IN	04/13/2012
Rough-In	04/16/2012
Rough-In	04/16/2012
Framing	04/16/2012
Sprinkler hydro(Fr	04/16/2012
Insulation	04/17/2012
Framing	04/19/2012
Pressure/R.I.	04/23/2012
Sheathing	04/23/2012
Final	04/23/2012
Final	04/23/2012
COURTESY	04/23/2012
SEWER & WATE	04/23/2012
Footing	04/23/2012
Rough-In	04/24/2012
Rough-In	04/24/2012
Framing	04/24/2012
COURTESY	04/24/2012
Final (Rooms Onl	04/25/2012
Final	04/26/2012
Final	04/26/2012

MONTHLY INSPECTION TOTALS

Final 04/27/2012
Final 04/27/2012
Final 04/30/2012

Total 41
Grand Total 41

InsDateCompleted Range from
04/01/2012 to 04/30/2012

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: May 10, 2012
Subject: Report for Planning Department

Planning Commission Meeting – May 1

1. The Planning Commission held its regular monthly meeting Tuesday, May 1.
2. The Commission worked on the continued improvement of the sign ordinance.
3. The Planner is working on:
 - a. The Design-Build Project for the Harbor Bathhouse. The bath house has been painted and tiled. The final items are the installation of the HVAC units and the partitions and fixtures. The partitions are due in May 15.
 - b. Zoning compliance reviews and enforcements.
 - i. New fences
 - ii. Accessory buildings
 - iii. Home purchases and historic guidelines
 - iv. Political Sign compliance has been exceptionally poor this election. Size and location have both been problematic.
 - c. Beach work is underway. We were approved by FEMA for beach replenishment. This will cover about \$35,000 in beach nourishment. Public Works has moved sand on the beach and around the walks going over the dune. The area of the Monroe crossover and the volleyball court was also covered with additional sand. There is only room for one court in this area. The bleachers should be removed for additional room and safety.
 - d. Adaptive reuse projects for Historic structures.
 - e. Plans for Route 184 and Route 13 landscaping with VDOT have been approved and the planting is complete on the south side.
 - f. The restaurant building at the Harbor enclosed and work continues on the kitchen area. ADA ramp and parking area are nearly complete.
 - g. The parking area for the harbor has been finalized. The parking layout will allow for about 52 spaces. This is just enough for the restaurant, the permanent slip holders and the concession for the Jet Ski rentals that has moved to A dock from the inner harbor. This will require construction prior to issuance of a CO for the buildings.

Historic District Review Board Meeting – Met April 17

The Review Board heard one request. The request was for a small addition to a home on Peach and Tazewell.

Wetlands Board Meeting – No Meeting this month

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: APRIL 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: 43

Calls for Service Outside of Cape Charles: 25

10-13 Calls

(A) By Dispatch: 68

(B) By Phone via Officer/Trooper:

(C) In Person

Felony Arrests: 00

Misdemeanor Arrests: 00

DUI Arrests: 00

Traffic Summons Issued: 16

Traffic Warnings Issued: 3

Parking Tickets Issued: 1

Assisted Northampton County Sheriff's Office: 19

Assisted Virginia State Police: 01

Assisted Other Local Police: 01

Assisted Other Federal Agencies

Assisted Fire & Rescue: 03

Assisted VDOT:

Hours of Training Received & What Type? 2 OFFICERS 20 HRS DUI CONF.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.

AGENDA DATE:
May 10, 2012

SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.

ITEM NUMBER:
6A

ATTACHMENTS: PSA letter to Board of Supervisors.

FOR COUNCIL:
Action ()
Information (X)

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

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

DISCUSSION:

The Preliminary Engineering Report (PER) for the first phase of the Northern Node (Exmore and the Nassawadox medical community) has been completed. This project will cost about \$11.3 million. The PSA's FY 2012 financial assistance application has been approved by the State Water Control Board: \$4.0 million, 0% interest, 30 year term. In order to achieve affordable service rates, the balance of the project cost must be covered by grants and private capital contributions. The Board of Supervisors (BOS) passed resolutions agreeing to a moral obligation bond to underwrite the loan and to allocate the County's capacity for a Community Development Block Grant (CDBG).

Representatives of the PSA and ANPDC met with USDA Rural Development (RD), DHCD, and the Department of Environmental Quality on March 14 to discuss a coordinated approach to grant/loan packages for the Northern Node. A grant from RD is key to making the project work and, unfortunately, funding will not be available until FY 2014. The PSA has therefore decided to restructure the sequence to obtaining funding from the different agencies and withdraw this year's application for loan assistance.

Based on additional surveys, public engagement and engineering analysis, the PSA recommended to the BOS that no county areas be included in the Southern Node project. Limiting the service area to the Town of Cheriton would decrease the project cost to about \$7.5 million. However, the funding agencies have indicated that they can realistically fund only one large project in Northampton County. Therefore, the PSA has decided to explore a more limited service area focused on the commercial properties around the US 13/SR 184 intersection. The preliminary estimate for this project is between \$1.5 million to \$2 million. The objective would be to fund this first phase of the Southern Node primarily with private capital contributions from the commercial property owners.

Attached is a recent PSA letter to the BOS providing an update on both projects.

The BOS has made their last appointment to the PSA Board. The PSA Board has re-elected their officers as follows: Panek as Chairman, Miles as Vice Chair, Nunez as Secretary/Treasurer.

RECOMMENDATION:

Provided for information only.

Eastern Shore of Virginia Public Service Authority
PO Box 690
Eastville, VA 23347

April 25, 2012

Chairman, Board of Supervisors
County of Northampton
PO Box 66
Eastville, VA 23347

Dear Chairman Bennett,

I want to update the Board of Supervisors on developments which have occurred since the briefing provided at the January 23, 2012 Work Session.

The County Administrator has already reported on the meeting with federal and state funding agencies concerning the regional wastewater system Northern Node project. While we had hoped for better news on the availability of grant funding, I think the meeting was productive in demonstrating both the intent of the County and Towns to move forward with the project and the commitment of the agencies to provide financial assistance. As you know, a substantial amount of grant funding is required to make the project viable and that money will not be available this fiscal year. Accordingly, we cannot productively utilize the Department of Environmental Quality (DEQ) Clean Water Revolving Loan Fund (CWRLF) loan authorized by the State Water Control Board. The Public Service Authority (PSA) Board has therefore voted to withdraw our application for loan assistance. We have indicated to DEQ that our commitment to the project remains and that we will be reapplying for loan assistance in the future.

The Southern Node project is even more heavily dependent on grant funding. The funding agencies have made it clear that they will be able to consider only one of our projects at a time. Given the priority of providing service to Exmore and the medical campus in Nassawadox, we will defer submitting financial assistance applications for the Southern Node.

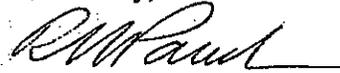
However, we believe we may have an opportunity to implement an initial phase of the Southern Node project to serve the commercial property owners who have expressed a strong interest in wastewater service. We envision this system running from the Fairview Mobile Home Park, west on Fairview Road, and then north on Lankford Highway to the Hardees restaurant. A pump station near the intersection of US Route 13 and State Route 184 would convey the sewage to the Cape Charles Wastewater Treatment Plant. An initial engineering estimate for this is less than \$2 million. The PSA will be arranging a meeting with the property owners in this proposed service area to determine whether sufficient private capital and/or debt service commitments can

be achieved to move forward. The PSA knows that the Board of Supervisors has expressed strong support for putting in place the wastewater infrastructure needed to encourage appropriate commercial activity. This starter system could be expanded to additional service areas in the future.

In that regard, we ask that you consider dedicating to this project all or part of the approximately \$600 thousand USDA Rural Development grant recouped from the sale of the Sustainable Technologies Industrial Park. As the County Administrator has reported, USDA Rural Development requires these funds to be reinvested in a community project before considering additional grants in Northampton County. They indicated that a wastewater system would be a qualifying project. The PSA believes that this would be an ideal use of the funding. It would demonstrate to the funding agencies the County's commitment to a regional wastewater system and would be a great help in moving forward the first phase of the Southern Node.

Please let me know if the Board of Supervisors has any questions or would like additional information.

Sincerely,



Robert L. Panek
Chairman

Cc:

Executive Director
PSA Board Members
Mayor, Town of Cheriton
Mayor, Town of Cape Charles



**TOWN OF
CAPE
CHARLES**

AGENDA TITLE: Northampton County Public Service Authority Ordinance Amendment

AGENDA DATE:
May 10, 2012

SUBJECT/PROPOSAL/REQUEST: Amendment to Ordinance 20100628 re: Northampton County PSA

ITEM NUMBER:
6B

ATTACHMENTS: Proposed Ordinance 20120510

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos,
Town Manager

REVIEWED BY:
Heather Arcos,
Town Manager

BACKGROUND:

On June 28, 2010, the Northampton County Board of Supervisors and the incorporated towns of Cape Charles, Cheriton, Eastville, Exmore and Nassawadox held a joint public hearing and the Cape Charles Town Council adopted Ordinance 20100628 – Cape Charles Town Council Ordinance re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority.

DISCUSSION:

The original ordinance and the Articles of Incorporation called for a total membership of 10. With the County redistricting, the number of members has been reduced to 9 and the Ordinance and Articles of Incorporation need to be amended to reflect the change in membership. The attached ordinance amends Ordinance 20100628 and has been reviewed by the County attorney, Bruce Jones.

A public hearing was held earlier this evening to hear comments regarding this amendment.

RECOMMENDATION:

Staff recommends approving the proposed amendment to Ordinance 20100628 – Cape Charles Town Council Ordinance re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority with a roll call vote.

ORDINANCE 20120510

**TO AMEND ORDINANCE 20100628 ENTITLED,
"CAPE CHARLES TOWN COUNCIL ORDINANCE
RE: JOINDER OF THE INCORPORATED TOWN OF CAPE CHARLES
TO THE EASTERN SHORE OF VIRGINIA PUBLIC SERVICE AUTHORITY"**

WHEREAS, the Cape Charles Town Council did, on June 28, 2010, adopt Ordinance 20100628 entitled, "Cape Charles Town Council Ordinance Re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority"; and

WHEREAS, as a result of the Northampton County redistricting, the membership of such Authority is hereby reduced from ten (10) members to nine (9) members.

NOW, THEREFORE, BE IT RESOLVED, that the following provisions of such Ordinance be amended as set out below:

RECITATIONS:

B. Upon conclusion of said Public Hearing, and upon consideration of matters pertinent to the joinder of the incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority ("the Authority"), the Council has concluded to approve the application of the Town of Cape Charles for joinder as a member of the Authority upon the condition that the Articles of Incorporation of the Authority be amended to provide to increase the number of members of the Authority's Board of Directors from five (5) to ~~ten (10)~~ nine (9) and to provide that the powers of the Authority shall be exercised by ~~ten (10)~~ nine (9) Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by each of the four (4) participating towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ five (5) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

IT IS THEREFORE ORDAINED:

The Town of Cape Charles applies for and consents to its joinder as a member of the Authority upon the condition that the Articles of Incorporation be amended to provide to increase the number of members of the Authority's Board of Directors from five (5) to ~~ten (10)~~ nine (9) and to provide that the powers of the Authority shall be exercised by ~~ten (10)~~ nine (9) Authority Board members, all of whom shall be appointed in the following manner: (1) Authority Board member shall be appointed by each of the four (4) participating towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ five (5) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

FURTHER ORDAINED:

The Town Attorney is hereby authorized and directed to apply to the State Corporation Commission for this approval of the aforesaid amendment to the Ordinance.

Adopted by the Town Council of Cape Charles on May 10, 2012.

Mayor Sullivan, Town of Cape Charles

ATTEST:

Clerk, Town of Cape Charles

 <p style="text-align: center;">TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Zoning Map Amendment and Conditional Use Permit		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Zoning Map Amendment for lots 281, 282, 283, 284, 285, 286, 287 and that area that was originally North Park Row from OS to R-1. CUP for Adaptive Reuse of 17 apartments and/or community center		ITEM NUMBER: 6C
	ATTACHMENTS: None		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Tom Bonadeo, Town Planner	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The original design of the lots in Cape Charles included residential lots on both the north and south sides of the central park area as shown on Bauman's Map. The lots along South Park Row and the western half of North Park Row have been used for single family houses as intended. Prior to the introduction of zoning ordinances, the lots on the northeast corner were used to construct a school to replace the aging school in the 600 block of Monroe Avenue.

DISCUSSION:

The Town Council requested the Planning Commission to review the zoning map of the Town of Cape Charles to amend the southwest corner of Madison Avenue and Plum Street from Open Space (OS) to Single Family Residential (R-1). The area includes old North Park Row, lots 281, 282, 283, 284, 285, 286, 287, and tennis courts. The area was zoned OS around the time of annexation but no definition of OS was ever established until recently when the Planning Commission and Council adopted a definition for the zone. The current definition of OS does not allow community centers or residential uses. The current R-1 zone does include the ability to have either or both uses as well as playgrounds. Schools and churches are also part of the R-1 definition. This modification would change the school from a nonconforming structure to a legal structure in the R-1 Zone. This change would also allow the adaptive reuse for apartments and/or a community center.

The Council also requested the Planning Commission to review a Conditional Use Permit (CUP) for the Adaptive Reuse of the School. The Council has received an unsolicited proposal for the Historic Restoration of the building. This proposal includes the restoration for tax credits that requires the review and approval of the Virginia Department of Historic Resources for both Federal and State tax credits. The Adaptive Reuse of the building for 16-17 apartments and/or a Community Center is in accordance with the Adaptive Reuse text amendment approved by Council in March.

The goal of this Adaptive Reuse is to enable the historic restoration of the old high school building. During the years before the transfer to the County and subsequent closing, the building had become a liability. The roof was in need of replacement and the Town would not spend the money to replace it. The building was transferred to the County school system with a "promise" that the building would be repaired. The roof was not replaced at that time and after closing of the school, the building was transferred back to the Town in 1993. The lack of maintenance by previous Councils ended in the replacement of the roof in 1995 as a proffer from Brown & Root as part of the annexation agreement. Brown & Root paid \$69K and the Town paid the cost overrun of just over \$9K.

The primary purpose of the Adaptive Reuse is to provide for the historic restoration of the building (cost of \$2M plus) and to change the long standing liability to an asset for the Cape Charles National Historic District. The adaptive uses for the building will be mixed residential and community use to completely community use. The CUP process requires that the permitted use(s) will not:

1. Adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood.
 - a. The residential and community use will restore the building to a safe condition and correct the problem of broken windows and a location for vandalism.
 - b. The basketball court will likely move as on-site parking is required for both the residential use and the community center use. The basketball court currently attracts young adults from outside the Town area and language has been an issue for children playing in the adjacent Kid's Park area.
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 - a. The historic restoration and adaptive reuse will be an investment of over \$2M in the neighborhood in an area that has been depressed for over 20 years. This restoration will improve the neighborhood values with a newly renovated building.
 - b. The density of the site will be no more than the western park row site or the underlying zoning of R-1. This property covers the equivalent of 7 town lots or the equivalent space for 7 single family residences.
 - c. The residential use would require only about 17 spaces of off street parking while the community center would likely require 50 spaces if fully utilized. Since the Town's population will not likely grow significantly in the next few years, it is unlikely that the community center use would cause an undue parking problem except for some large function possibly involving the use of the park.
 - d. The historic renovation will be an asset to the improvements in the adjacent park.
3. Be in conflict with the purpose of the Comprehensive Plan.
 - a. The current Comprehensive Plan stresses the preservation of contributing historic structures and the Virginia Department of Historic Resources, in partnership with the U.S. Secretary of the Interior, have promulgated rules and tax credits especially for the adaptive reuse of these contributing structures.
 - b. Page 44 of the Comprehensive Plan specifically sets multiple goals, two of which are:
 - i. Provide for the adaptive reuse of the school.
 - ii. Establish a community center.

This application meets the requirements of the zoning ordinance for conditional use permits and the adaptive reuse in the R-1 Zone.

The Planning Commission held a public hearing on April 3rd and no comments were heard. The Commissioners reviewed the CUP requirements and recommend the Town Council to approve the proposed modifications to the Zoning Map and a CUP for Adaptive Reuse of the school building.

Town Council held a public hearing earlier this evening.

RECOMMENDATION

Staff recommends Town Council approve the proposed modification to the Cape Charles Zoning Map and a Conditional Use Permit for Adaptive Reuse of the school building.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Water and Sewer Connection Charges

AGENDA DATE:
May 10, 2012

SUBJECT/PROPOSAL/REQUEST: Revision of water and sewer connection charges.

ITEM NUMBER:
6D

ATTACHMENTS: Proposed Ordinance.

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The current connection charges for residential water and sewer service, approved in 2011, total \$12,350. These charges are based on an Equivalent Residential Connection creating a demand of 125 gallons per day. The connection charges have always been equal for any size residence. In contrast, commercial/industrial connection charges are based on the demand associated with the use of the premises. Connection charges are designed to finance the capacity needed to supply water and properly dispose of wastewater.

DISCUSSION:

There are various methods used by localities to establish connection charges – standard, number of bedrooms, number of plumbing fixtures, etc. Council recently adopted a change to the zoning ordinance to allow Adaptive Reuse of contributing historic structures and structures over 50 years old in the R-1 Zone. These structures, such as former churches, schools and commercial buildings, are likely to be redeveloped into a number of smaller residences such as one bedroom and efficiency apartments. There are other areas, such as the Harbor Zone, where it might be cost effective to develop smaller units above commercial space. The typical home in Cape Charles has three bedrooms and the average occupancy is just under two persons. It is likely that one bedroom and efficiency units would have an average occupancy of closer to one person, thus creating lower demand for water and wastewater capacity. It is therefore logical to differentiate the connection charges for these smaller units. This could remove an unnecessary barrier to development of these units when it otherwise would make sense. A Public Hearing was held this evening to set the connection charges for units having fewer than two bedrooms at one half of the standard residential amount.

RECOMMENDATION:

Staff calls for a roll call vote on the attached ordinance revising the water and sewer connection charges.

May 10, 2012

Change to Town Code
(Change indicated in bold italics)

Sec. 70- 35. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the costs associated with maintaining the waterworks. The facility fee covers the capital cost of creating waterworks capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$4,000, for a total charge of \$4,875. ***For residences having fewer than two (2) bedrooms, the charge shall be one half of that amount.*** Such charge, plus \$100 for inspection and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II – The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

Sec. 71- 42. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the Town's costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$6,600, for a total charge of \$7,475. ***For residences having fewer than two (2) bedrooms, the charge shall be one half of that amount.*** Such charge, plus \$100 for inspection fees and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II – The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

ORDINANCE 20120510A
REVISING WATER AND SEWER CONNECTION CHARGES

WHEREAS, water and sewer connection charges should be set at a level sufficient to finance the anticipated capital cost of necessary system capacity; and

WHEREAS, growth over the next thirty years will necessitate expansion of system capacity; and

WHEREAS, the need for system capacity is driven by water consumption demand; and

WHEREAS, current connection charges are standard for any size residential property; and

WHEREAS, there are opportunities to develop new, smaller residential properties which will create less demand; and

WHEREAS, it is appropriate to establish connection charges tied to that smaller demand to alleviate an unnecessary barrier to development; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 10th day of May, 2012, that Sections 70-35 and 71-42 of the Town Code be revised to set the connection charges for residences having fewer than two bedrooms to one half of the standard amount, per the attached.

Adopted by the Town Council of Cape Charles on May 10, 2012.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Contract for Sale of Former School		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Approve the contract for the sale of the former Cape Charles School.		ITEM NUMBER: 6E
	ATTACHMENTS: Proposed resolution.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Echelon Resources, Inc., submitted an unsolicited proposal for the purchase, historic rehabilitation and redevelopment of the former Cape Charles School property at the southwest corner of Madison Avenue and Plum Street. The Code of Virginia (Sec. 15.2-1800) authorizes localities to sell, at public or private sale, its real property. The Code requires a public hearing be held prior to such disposal of real property. The Code (Sec. 15.2-2100) also requires such sale to be made pursuant to an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to Council.

The public hearing was held on February 9, 2012. Council adopted Ordinance 20120209 authorizing the sale of the property to Echelon Resources, Inc., subject to negotiation of an agreement acceptable to Council.

DISCUSSION:

The details of the purchase have been negotiated and the proposed contract has been provided to Council. A summary of the primary terms of the contract follows:

1. Sale price of \$10.
2. To be converted to seventeen one bedroom and efficiency rental units; no public space.
3. Appropriate zoning clearance by Town.
4. Property to be subdivided by Town.
5. ALTA survey and title insurance policy by Echelon.
6. Water and sewer connection charges reduced by 50%.
7. Insurance proceeds for repair of earthquake damage paid to Echelon.
8. Six month property review period by Echelon prior to closing.
9. Construction to commence within 90 days of closing.
10. Construction to complete within 12 months.

RECOMMENDATION:

Staff calls for a roll call vote on the proposed resolution.

**RESOLUTION 20120510
APPROVING CONTRACT FOR SALE OF FORMER SCHOOL**

WHEREAS, Echelon Resources, Inc., submitted an unsolicited proposal for the purchase of the former Cape Charles High School at a negligible price, historic rehabilitation and redevelopment of the property into approximately sixteen or seventeen rental residences; and

WHEREAS, a public hearing was held on February 9, 2012 as required by the Code of Virginia, Section 15.2-1800; and

WHEREAS, the Town Council of Cape Charles adopted Ordinance 20120209, specifying that upon conclusion of an agreement acceptable to the Council, the Mayor be authorized to execute the sale of the property to Echelon Resources, Inc., and that the property be transferred to a project-specific development entity; and

WHEREAS, a sale and purchase contract has been negotiated with Echelon Resources, Inc., for redevelopment of the property into seventeen rental residences with no public-use space; and

WHEREAS, the contract specifies a fifty percent (50%) reduction of the applicable water and sewer connection charges in recognition that the building is already connected to the systems; now

THEREFORE BE IT RESOLVED by the Town Council of Cape Charles this 10th day of May, 2012 that:

1. The water and sewer connection charges for residences having fewer than two bedrooms, as specified in Sections 70-35 and 71-42, be reduced by fifty percent, and be paid before issuance of a Certificate of Occupancy.

2. The sale and purchase contract, attached, is acceptable and shall be executed by the Mayor.

Adopted by the Town Council of Cape Charles on May 10, 2012

By: _____
Mayor

ATTEST:

Town Clerk



TOWN OF
CAPE
CHARLES

AGENDA TITLE: National Safe Boating Week Proclamation

AGENDA DATE:
May 10, 2012

SUBJECT/PROPOSAL/REQUEST:

Proclaim May 19 – May 25, 2012 as National Safe Boating Week

ITEM NUMBER:
7A

ATTACHMENTS: Proclamation #20120510

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

Americans increasingly head to the water for recreation and relaxation. It is vital that all boaters practice safe boating habits, especially wearing life jackets. Approximately 88% of those who drown in boating-related accidents were not wearing life jackets.

DISCUSSION:

May 19 – 25, 2012 is National Safe Boating Week. In an effort to promote National Safe Boating Week, U.S. Coast Guard Auxiliary, Flotilla 12-02 Painter requests that the Town Council of Cape Charles adopt a proclamation naming May 19th – 25th as Safe Boating Week within the Town.

RECOMMENDATION:

Staff asks the Council for a roll call vote to approve the Proclamation #20120510 naming the week of May 19 – 25, 2012 as National Safe Boating Week.

PROCLAMATION 20120510

**PROCLAIMING MAY 19 – MAY 25, 2012 AS
NATIONAL SAFE BOATING WEEK**

WHEREAS, Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the navigation rules or the nautical “Rules of the Road,” drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public; and

WHEREAS, U. S. Coast Guard Auxiliary Flotilla 12-02 Painter, provides safe boating instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur;

NOW THEREFORE, BE IT PROCLAIMED that the Town Council of Cape Charles supports the goals of the North American Safe Boating Campaign and hereby proclaims May 19 – 25, 2012 as National Safe Boating Week and the start of the year-round effort to promote safe boating and encourages all boaters to wear their life jackets, boat responsibly and enroll in a safe boating class.

IN WITNESS THEREOF, the Town Council of Cape Charles urges all those who boat to “Boat Smart. Boat Safe. Wear it.” And practice safe boating habits.

Adopted by the Town Council of Cape Charles on May 10, 2012.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: National Police Week Proclamation		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Proclaim May 15, 2012 as Peace Officers' Memorial Day and the week of May 13 – May 19, 2012 as National Police Week		ITEM NUMBER: 7B
	ATTACHMENTS: Proclamation #20120510A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Police Chief Charles Brown	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week. The law was amended in 1994 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 of each year.

DISCUSSION:

Tuesday, May 15, 2012 is Peace Officers' Memorial Day and the week of May 13 – 19, 2012 is National Police Week. In honor of all law enforcement officers, the Department of Justice Community Oriented Policing Services (C.O.P.S.) suggests municipalities adopt a proclamation for Peace Officers' Memorial Day and National Police Week.

RECOMMENDATION:

Staff asks Council for a roll call vote to adopt the Proclamation #20120510A In Honor of Peace Officers' Memorial Day and National Police Week.

**TOWN OF CAPE CHARLES
PROCLAMATION #20120510A**

**IN HONOR OF PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK**

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Town of Cape Charles Police Department play an essential role in safeguarding the rights and freedoms of the Town of Cape Charles; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their police department, and that members of the Cape Charles Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men of the Town of Cape Charles Police Department unceasingly provide a vital public service;

NOW, THEREFORE, the Town Council of Cape Charles calls upon all citizens of the Town of Cape Charles and upon all patriotic, civic and educational organizations to observe the week of May 13 - 19, 2012 as National Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens;

IN ADDITION, the Town Council of Cape Charles further calls upon all citizens of the Town of Cape Charles to observe Tuesday, May 15, 2012, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Adopted by the Town Council of Cape Charles on this 10th day of May, 2012.

Mayor Dora Sullivan

ATTEST: _____
Clerk of the Council

 TOWN OF CAPE CHARLES	AGENDA TITLE: Water Works Control Panel		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Award contract for the design and installation of new control panel for the water plant		ITEM NUMBER: 7C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The existing control panel that operates the automatic backwash of the pressurized green sand filters at the water plant was installed in 1993 when the plant was constructed. Soon after installation, the manufacturer redesigned modules that are the "Brains" of the operation which made ours obsolete and 20 years later very difficult to find.

Over the years the design of control panels has changed greatly with the addition of digital displays and touch screen operation making the need for upgrade more necessary each year.

DISCUSSION:

Staff advertised a Request for Proposals (RFP) for the design and installation of a new state-of-the-art control panel in the water plant. Prior to the submittal deadline, a mandatory pre-submittal meeting was held. Four (4) submittals were received but one of the companies submitting a proposal did not attend the mandatory pre-submittal meeting.

After evaluating the submittals/companies, MC Dean was chosen to design and install the control panel. MC Dean designed and installed the control panels for the new Waste Water Treatment Plant. Their preliminary pricing of \$81K is well below the estimates contained in the other submittals. The Town has budgeted \$120K for the new control panel.

RECOMMENDATION:

Staff requests Council to authorize the Town Manager to execute a contract with MC Dean for the Water Plant Control Panel Design and Installation with a cost not to exceed \$120K.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Closed Circuit TV Inspection of Sewer Mains		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Award the contract for Closed Circuit TV Inspection of Sewer Mains		ITEM NUMBER: 7D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town is currently operating under, and working to comply with, a Consent Order entered into with the State on September 27, 2010. The intent of the Consent Order was to compel the Town to seek ways to curb the inflow and infiltration (I&I) of storm water into the sanitary sewer system. The Town responded to the Consent Order with an Implementation Plan that contained a schedule for a plan of action. Included in the schedule is CCTV inspections of the sewer mains to be completed by June 30th.

DISCUSSION:

Staff published an Invitation for Bids for Closed Circuit Television (CCTV) inspection of the Town's sewer mains on April 18th with a proposal deadline of April 30th. Four (4) bids were received. Bionomic Services of Charlotte, NC was the lowest responsible responsive bidder at \$1.25/lf for TV inspection and \$.14/lf for pressure washing ahead of the camera. With approximately 20,000 feet to view, the total cost will be about \$27,800.00.

Staff would like to enter into a contract with Bionomic Services with a contract price based on \$1.39 per lineal foot anticipating that the total amount of the contract will be approximately \$27,800.00 but not to exceed \$35,000.00. \$50K is budgeted this year for I&I, of which, \$42K is unexpended.

RECOMMENDATION:

Staff requests Council authorize the Town Manager to execute a contract with Bionomic Services for the Closed Circuit Television inspection of the Town's sewer mains with a cost not to exceed \$35K.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Golf Cart Crossing		AGENDA DATE: May 10, 2012
	SUBJECT/PROPOSAL/REQUEST: Adopt a Resolution supporting golf cart crossings on Route 642 per VA Code 46.2-916.3.2		ITEM NUMBER: 7E
	ATTACHMENTS Resolution 20120510		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town has been working on a Golf Cart Path to connect the Golf Community with the rest of Cape Charles and the speed limit of Route 642 continues to hamper this effort. The Town constructed a path alongside 642 connecting Bayshore Road but has been unable to complete the path. Numerous problems have blocked the way.

DISCUSSION:

The Code of Virginia allows Towns of less than 2000 population to have golf cart paths cross roads with 35 MPH speed limit at marked intersections. This resolution is the first step in the VDOT process to get the approval of the crossings with proper signage.

The cart path will begin at Bayshore Road, continue south to approximately the school then cross 642 and follow the edge of the woods all the way to the Bay Creek entrance where the path will again cross 642 and enter Bay Creek.

RECOMMENDATION:

Review and approve the Resolution to start the VDOT approval process.

