



TOWN COUNCIL
Regular Meeting
Cape Charles Fire Hall
September 19, 2013
6:00 P.M.

At 6:00 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Godwin, Sullivan and Wendell, and Councilwoman Natali. Mayor Sullivan was not in attendance. Also in attendance were Assistant Town Manager Bob Panek, Town Planner Rob Testerman, Treasurer Kim Coates and Town Clerk Libby Hume as well as the Department Heads and approximately 25 members of the public.

Vice Mayor Bannon announced a moment of silence which was followed by the recitation of the Pledge of Allegiance.

RECOGNITION OF VISITORS / PRESENTATIONS

John Chandler and Chad Saunders, Bayshore Concrete Products

Mr. Chandler gave a brief history of Bayshore Concrete Products adding that it was started in 1960 and located at a deep water harbor with no overhead obstructions which was very important in the shipping industry. The least expensive mode of shipping was water, followed by railway, then truck. Bayshore had access to all three modes. Mr. Chandler went on to describe a number of large projects along the East Coast that they were bidding on. In the late 1990s and early 2000s, Bayshore employed as many as 500 workers, but there had been a steady decline in employees since that time due to the economy and increased competition. The employment levels over the next two years were projected to be back up to 300-400, provided Bayshore won the contract bids. The construction of the Cape Charles Harbor Access Road would benefit Bayshore by providing a better access to U.S. 13 and would enable them to build larger pieces which were required for many of the larger projects. The access road would also enable other companies, such as Orbital Science, to access U.S. 13 and could open up numerous opportunities for the area. Currently, Orbital Science shipped their rockets to a port in Wilmington, DE and trucked them down to Wallops Island.

Mr. Saunders stated that the concrete beams used on the original Chesapeake Bay Bridge Tunnel (CBBT) were 75' long. The beams for the newer portion of the CBBT were 100' long. The spans for most projects now were 130' – 200' long. Concrete was the most cost effective for bridge construction and the most durable. Bayshore Concrete had turned down a number of projects because of the current road and the lack of the ability to load an appropriately sized barge to handle the load. A longer and wider barge was needed for stability in the ocean. Bayshore Concrete Products was trying to partner with the Town, County, the State of Virginia, the Virginia Port Authority and others to improve their infrastructure to allow loading of larger barges. Mr. Saunders went on to describe their project for improvements to include 250' long finger piers for barge loading, including a wave break on the western pier. The work would benefit all users of the harbor. Mr. Saunders concluded by thanking the Town for the support and assistance with the permitting process, etc.

PUBLIC COMMENTS:

Lisa Bell, 20545 Lankford Highway
Please see attached.

Deborah Bender, 300 Fulcher Street
Please see attached.

Spencer Parker, President of the Cape Charles Volunteer Fire Company
Mr. Parker addressed Council and recognized all the volunteers and donations for the two new bathrooms in the fire hall. The renovations were completed with a lot of hard work. Mr. Parker added that the kitchen project would begin in December and concluded by thanking all the volunteers for their time.

Mike Steelman, Cheriton
Mr. Steelman began by stating that he was proud of Bayshore Concrete and added that the Town should look at its priorities and that Bayshore Concrete should be a priority for the Town Council. Mr. Steelman felt that now was not the time for the Town of Cape Charles to introduce the wastewater treatment system into the Town of Cheriton, adding that they needed to prioritize and not jeopardize spending money that they didn't have as far as the County was concerned for a system that they did not need right now.

Irene Morris, 3369 Stone Road and Cape Charles Marine
Ms. Morris stated that no one had considered whether anyone did or did not want the wastewater system. The Town Council should have provided the information to the public first but that was not done. Everyone was upset about it. Their taxes were doubling and many could not afford it. Many businesses got by during the summer months but business would be slow for the next six months.

Wayne Downing, Cape Charles
Mr. Downing spoke in opposition to the regional wastewater system.

Chad Davis, 5 Randolph Avenue
Mr. Davis thanked the Town Council and asked that they get all the information together to consider the thoughts of the citizens and not to shoot themselves in the foot. Mr. Davis distributed a written statement to be included in the record. Please see attached.

Elizabeth Brown, Stone Road
Ms. Brown spoke in opposition to the proposed special tax district. Ms. Brown stated that the extension would promote business outside of Cape Charles and added that she attended the information meeting two nights ago where it was mentioned that efforts would be made to attract businesses that would not affect the businesses that were in Cape Charles. Ms. Brown stated that she thought that was absolutely absurd.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Councilman Wendell stated that he had an objection on the agenda under Mayor and Council comments and asked how five minutes per speaker had been decided. Councilman Bennett stated that he had suggested that at the last meeting and via email to the Town Council. The responses received were in support of the 5 minute time limitation and was relayed to the Town Clerk for implementation.

Motion made by Councilman Bennett, seconded by Councilman Sullivan to approve the agenda format as presented. The motion was approved by majority vote with Councilman Wendell opposed.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the August 15, 2013 Executive Session, August 15, 2013 Regular Meeting, the September 10, 2013 Joint Public Hearing with the Planning Commission, and the September 12, 2013 Work Session.

Councilwoman Natali noted a typographical error in the August 15, 2013 Regular Meeting.

Councilman Wendell commented that the minutes from the September 12, 2013 Work Session, for which he was not in attendance, did not contain enough detail regarding the presentation from South Port Investors and Mr. Eyre Baldwin’s unofficial plan to relocate the railroad yard from its current location to east of the hump.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the August 15, 2013 Executive Session, August 15, 2013 Regular Meeting, the September 10, 2013 Joint Public Hearing with the Planning Commission, and the September 12, 2013 Work Session as amended. The motion was approved by unanimous consent.

DEPARTMENT REPORTS:

A. Treasurer’s Report:

Treasurer Kim Coates reviewed the Treasurer’s report dated August 31, 2013 which showed \$55 in the Bank of America account, \$353,683 in the Shore Bank account, \$68,479 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,457 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$862,674. The total cash held in reserve was \$356,089. Kim Coates went on to review the Tax Collection Comparison for Fiscal Years (FY) 2013 and 2014, the revenues vs. expenditures and the capital improvement projects. Kim Coates informed Council that Northampton County was contracting out services for the IT portion of their real estate bills and were working to complete the adjustments for the 2013 assessment book. The Town should receive the revised assessments within the next couple of weeks and she was hoping to get the tax bills out by the end of October or early November with a December 5, 2013 due date. By law, the Town had to get the bills out within 15 days of the due date. Kim Coates continued to report on the Virginia Local Disability Program (VLDP) through the Virginia Retirement System. The Town had to decide whether to opt in or out of the program by November 1, 2013. Once the decision was made, the locality would be bound by the decision and not be able to change to other programs offered by the Virginia Municipal League (VML), the Virginia Association of Counties (VACO) or any other company at any time in the future. She attended two meetings regarding this issue and many of the localities in Virginia, including Chesapeake and Norfolk, were opting out of the VLDP. More information and other options would be provided to Council in October.

Motion made by Councilman Bennett, seconded by Councilman Wendell, to accept the Treasurer’s Report as submitted. The motion was unanimously approved.

B. Planning Commission and Boards:

Town Planner Rob Testerman reported the following: i) The Historic District Review Board (HDRB) met on September 17 and held a public hearing to change its by-laws and reviewed an application for an addition at 209 Jefferson Avenue. The by-laws change was approved and a certificate of appropriateness was issued for 209 Jefferson Avenue; and ii) An appeal was

received regarding the HDRB certificate of appropriateness approved for the development of the former school building.

C. *Other Departmental Reports:*

Public Utilities:

Director Dave Fauber gave an update on the backwash for the water system. Currently, the Town was flushing one filter tank at a time and the backwash was staying in the settling vault. Pricing was being obtained to expand the size of the vault so that both filters could be flushed at the same time. The Department of Environmental Quality (DEQ) suggested installation of filter bags to filter the effluent before being released. The DEQ was agreeable to expansion of the tank. Dave Fauber stated that he had spoken with South Port Investors and they had verbally committed to the expansion as well.

Councilman Bennett asked about the meeting with representatives from Baymark regarding the automatic flush valve for Heron Point. Dave Fauber stated that he met with Bobby Thomas and Bobby Jarman and added that it would take about double the amount of water to flush the wastewater collection system adequately. A storage tank for the flush would be installed in October or November but a specific location with a water source and sewer pod needed to be determined in Heron Point. Councilman Bennett stated that he would like to hear the solution and the amount of water to be used before moving forward with installation. Dave Fauber stated that about 5K gallons per week would be used for a total of about 250K gallons per site and there would be about seven to eight sites.

Councilman Wendell asked the representative from the PSA for a report. Councilman Bennett stated that the PSA gave formal updates regularly to the Council and suggested waiting until the next update. Councilman Wendell stated his objection to this matter adding that there were no updates given. Vice Mayor Bannon stated that there were updates every other month and pointed out that Councilman Wendell was not in attendance at some of them.

There were no further questions regarding any of the other monthly Departmental Reports.

OLD BUSINESS

A. *Zoning Ordinance Section 3.9 – Harbor District:*

Rob Testerman stated that a joint public hearing was held with the Planning Commission on September 10, 2013 to hear comments regarding the proposed modifications to the Harbor District in regards to density. The Planning Commission worked on the Harbor District ordinance and added language that would regulate density of development in the district using the Floor Area Ratio (FAR). FAR was the relationship of the total developed square feet to the total square feet of the parcel. Incorporating FAR into the district would limit the density of future development in the Harbor District preventing any hugely dense, out of character development. Rob Testerman reviewed the draft modified ordinance as follows: i) § 3.9(B) was added to define the “Mainstreet Mixed Use Area” as well as defining the FAR standards for the Harbor District. The Mainstreet Mixed Use Area would have a maximum FAR of 1.25. Other areas in the district would have a maximum FAR of 1.5. This section also stated that parking at levels other than ground level would count as floor space. The Tavi project had proposed two levels of underground parking; ii) § 3.9(E)1 regulated the block lengths on the south side of Mason Avenue stating that the block lengths should be equal to those on the north side and the viewsheds should be maintained; and iii) § 3.9(E)2 stated that the maximum height of buildings in the Mainstreet Mixed Use Area should be 40’ and that in other parts of the district, buildings over 40’ but equal to or less than 55” would require a conditional use permit. No building should have the same continuous elevation for a distance of more than 80 linear feet.

Rob Testerman went on to state that at the last meeting a question came up about the FAR for the Tavi project. Building plans were never submitted for the project so he looked at the site

plans to determine the square footage of the footprint of the buildings. Using the dimensions from the site plans and elevation drawings and the area of the lot, he determined that the FAR for the development would have been approximately 2.25, not including the underground parking. The proposed modifications required underground parking to be counted towards the FAR so the FAR would have ended up being well over 2.25 with two levels of underground parking.

Rob Testerman continued to state that he had reached out to various planners in localities currently using FAR in their zoning ordinances, as well as the Virginia Chapter of the American Planning Association, to get their opinions on the success of the methodology. He received information from several localities as follows: i) Loudon County had used FAR since the 1970s and stated that it worked well for commercial/industrial districts, which is what the Harbor District is generally; ii) Roanoke used FAR and reported no problems. Their FAR range went from 1.0 in their Mixed Use District and up to 15 in their Downtown District. They have a maximum of 5.0 in their neighborhood commercial, general commercial and commercial large-site districts; iii) Other localities using FAR are Stafford County, Alexandria, Fairfax, Prince William, Orange and many others. This was not a new or unique tool for managing non-residential density either in Virginia or across the country. Generally, the feedback received stated that FAR was a more simple and flexible approach to density issues and was widely a used tool.

Councilman Wendell asked how the FARs of 1.25 and 1.5 were determined. Rob Testerman stated that these numbers were a carryover from the previous planner but were a result of the Town wanting to control density in the Harbor District after the Tavi proposal fell through. Councilman Wendell expressed his concern that the south side of Mason Avenue should reflect the north side and that the Town needed to talk to similar communities, not communities in Northern Virginia and added that he wasn't sure if this was applicable to Cape Charles. Councilman Wendell continued to express his concern that the Town might know of a developer interested in the area. At the September 12 workshop, it was discussed that the railroad tracks were possibly moving to the south side of the harbor and the land could be available for possible development and asked how many of the Council had prior knowledge of this plan.

Councilman Bennett stated that the reason this issue was on the table was because of the Tavi proposal. Many of the people in Town were opposed to the proposed plan. Councilman Bennett expressed his concern that a FAR of 1.25 and 1.5 went too far in the other direction adding that he didn't think a developer could mimic the north side of Mason Avenue with a FAR of 1.25. The Tavi plan had the required amount of open space with two to three story buildings. Councilman Bennett went on to state that he didn't think a developer could have two to three story buildings and maintain a FAR of 1.25.

Councilwoman Natali stated that the objective was to have this area be more consistent with the existing buildings on the north side of Mason Avenue and to maintain differences in building heights from the street level.

Councilman Bennett reiterated his concerns that a FAR of 1.25 was too restrictive and added that he would like to reconsider the FAR number. He added that he didn't have a problem with the other language but felt that the FAR numbers were too restrictive.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to table the decision regarding the proposed modifications to Section 3.9 - the Harbor District until the numbers could be reworked.

Councilman Wendell stated that since the railroad had relaxed its position on permitting access to the crossing to the harbor, the Town should include in the ordinance language that a developer of this property needed to negotiate with the railroad to make an access road from

Mason Avenue to the harbor. Vice Mayor Bannon stated that the Town had met with the railroad and as long as it was an active railroad, the Town could not have access to the property. Councilman Wendell stated that if the railroad moved to the south side of the harbor, the land would be available. Councilwoman Natali stated that this discussion did not have anything to do with density or FAR and asked what Councilman Wendell wanted the Planning Commission to do. Councilman Wendell responded that he wanted the Planning Commission to include language asking for the access road to the harbor. Rob Testerman stated that he didn't think the Town could add language in the Zoning Ordinance requiring this road. It could be something that could be discussed during the process to issue a conditional use permit. Councilman Wendell commented that planning was the point of a Comprehensive Plan.

The motion was unanimously approved.

NEW BUSINESS:

A. 2014 Boating Infrastructure Grant:

Assistant Town Manager Bob Panek stated that the last two years, the Town requested and was awarded \$10K per year to assist in the development of a marketing campaign designed to attract transient boaters to the Harbor's transient slips and sanitary facilities. This year, the Town would like to apply for \$25K for a similar marketing campaign with the additional \$15K to be used for brochures, signage at the Harbor, security cameras, life rings, fire extinguishers and safety jackets for staff. The Town match varied from year to year. In FY 2012, the Town's match was 27% and in FY 2013, the match was 33%. The awards would be announced in the spring of 2014 so the Town's match could be discussed during the budget review process and included in the FY 2014/2015 Harbor Fund Budget.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize the Town Manager to submit a grant application for the Boating Infrastructure Grant Program Tier 1 for \$25K to be used towards a marketing and safety campaign for the Cape Charles Harbor. The motion was approved by unanimous consent.

B. Police Car Replacement:

Chief Charles Brown stated that the Police Department was on a 5-year rotation schedule for replacement of vehicles. The last 2006 Ford Crown Victoria was scheduled for replacement during FY 2013-2014. It had 75K miles and 4,600 hours on the engine and drive train. The new vehicle would be a 2014 Dodge Charger for a state contract price of \$23,236. The first annual payment would be included in the FY 2014-2015 budget.

Kim Coates reviewed the Police Vehicle Payments Schedule for the existing vehicles plus the new 2014 Dodge Charger. The USDA Rural Development (RD) rates were currently 3.125% and their new fiscal year would start on October 1, 2013. She would research other financing options but the rates from USDA RD were typically lower than their competitors.

Councilman Wendell asked how much interest was paid by the Town for the police vehicles. Kim Coates responded that she did not know the total amount of interest being paid. Councilman Wendell asked why the Town didn't budget to purchase the vehicles outright and save interest. Councilman Bennett stated that spreading the payments over four years saved the Town from having to raise the tax rate. Bob Panek stated that he had calculated the first year interest at an estimated \$471.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to authorize the Town Manager to submit an application for loan and grant funding to the USDA RD in the amount of \$23,236 for the purchase of a new police car as discussed. The motion was approved by majority vote with Councilman Wendell opposed.

C. Constitution Week Proclamation:

Vice Mayor Bannon stated that Constitution Week was an American observance to commemorate the adoption of the United States Constitution and ran annually from September 17 to September 23. It was enacted into Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower but it was President George W. Bush who officially declared the inception of Constitution Week in September 2002. The purpose of the observance week was to i) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; ii) inform the people that the Constitution was the basis for America's great heritage and the foundation for our way of life; and iii) encourage the study of the historical events which led to the adoption of the Constitution on September 17, 1787. Localities across the United States annually proclaimed the week of September 17-23 as Constitution week. This year marked the 226th anniversary of the actual signing of the Constitution. Vice Mayor Bannon read Proclamation 20130919 Designating September 17-23, 2013 as Constitution Week in the Town of Cape Charles, Virginia.

Councilman Wendell stated that the Town proclaimed this week in 2012 as Constitution Week and Town Council decided to limit the public's participation at meetings. This year, the Town was proclaiming this week as Constitution Week again and limited the amount of time available for Council comments to five minutes. Councilman Wendell added that it was hypocritical.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adopt Proclamation 20130919. The motion was approved by majority vote with Councilman Wendell opposed.

D. Appointment of Zoning Administrator:

Rob Testerman stated that § 2.4.1 of the Cape Charles Zoning Ordinance outlined that the Town Council should appoint a Zoning Administrator to serve under the direction of the Town Manager and the Zoning Administrator's authority to enforce the Town's Ordinance. The Town Planner's duties included guiding long range land use planning and natural resource management for the Town and to implement related programs and regulations, including zoning, subdivision, erosion and sediment control, and flood plain management. The Planner monitored changes in the state and federal law and was responsible for initiating modifications to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. The Planner's duties also included conferring with the Town Manager on zoning and subdivision topics and enforcing compliance with the Town's zoning, subdivision and wetland ordinances. Rob Testerman stated that he joined the Town's staff in May 2013 as the new Town Planner.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to appoint Rob Testerman as the Zoning Administrator. The motion was approved by unanimous consent.

E. Long Term Financing Selection:

Kim Coates stated that as part of the annual budget preparations, she and Heather Arcos met with Mr. David Rose of Davenport & Company, LLC to discuss and evaluate the Town's debt profile and capital needs. The financial advisory services provided by Davenport & Company came highly recommended by Northampton and Accomack Counties as well as the Town of Kilmarnock. After the review and evaluation of the Town's existing debt service and future capital needs, the potential savings opportunities were presented as follows: i) potential refinance of two water and wastewater loans which were currently financed through USDA RD. The debt service savings could save the Town over \$230K over the term of the loan; and ii) potential of \$1M availability for financing current and future capital projects at low interest rates. Services offered by VML and VACO were very similar, but staff recommended developing a relationship with Davenport & Company. Their services would be procured under the cooperative contract with the City of Poquoson, Virginia dated November 9, 2009. Northampton County also procured their services under this cooperative contract. The next step would be to authorize Davenport & Company to competitively solicit for refinancing and for current and potential capital needs to local, regional and national banks. This process did not obligate the Town to move forward nor did it cost the Town at this point. Davenport &

Company would review the financing options resulting from the solicitation and provide a written summary and recommendation to Council for consideration.

David Rose reiterated that the Town would not have any obligation unless Council agreed to move forward with one of the financing options which would be presented at a later date. Davenport & Company would work to find options to help save the Town money. The same maturity dates, or shorter terms, would be provided at lower interest rates.

Councilman Bennett asked the benefit of procuring their services under the cooperative contract with the City of Poquoson. Mr. Rose responded that the state of Virginia permitted cooperative procurement agreements to help localities save money and time. Bob Panek added that several months ago, the Town Council approved modifications to the Town's procurement policy in the Town Code to permit cooperative agreements.

Councilman Wendell expressed his objections to the contract not being provided to Council for review. There was much discussion regarding the cooperative contract, the research and offers for refinancing options and options for new money, and the terms for repayment. Mr. Rose confirmed that even after signing the Notice of Acceptance, the Town would have no obligation to pursue the financing options offered if Council did not like the terms of the offers.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to execute the Notice of Acceptance. The motion was approved by majority vote with Councilman Wendell opposed.

MAYOR AND COUNCIL COMMENTS

Councilman Bennett commented on the following: i) The Free Fishing Pier and Public Beach signage at Route 13 adding that some people felt the signage brought people into the Town over the summer. The signage was great to have for the summer months but suggested that the signs be changed periodically to bring people into the Town to stay. Vice Mayor Bannon stated that 20 years ago, there were very few people on the beach but this last summer, the beach was packed with people; and ii) He had an opportunity to tour the new wastewater treatment plant today and it was an amazing piece of construction and engineering. The facility was well built, well run and well maintained. He added that if anyone on Council had not seen it yet, they needed to do so and suggested offering public tours of the plant. Bob Panek stated that Heather Arcos and Dave Fauber were working on a schedule to offer tours to the public.

Councilman Wendell commented on the following: i) He was very impressed with the program and the thoroughness of the project presented by the Cape Charles Yacht Center. The project had great potential for ecotourism and he hoped that a bicycle trail would be coming into town from the county; ii) Northampton County and the Town were not following their Comprehensive Plans in regards to the PSA and commercial development along Route 13; iii) He never thought he'd see the Town agree to a contract that they had not seen; iv) The commercial rate to the PSA was \$42-\$45. He didn't understand it and it wasn't addressed; and v) Abuse of power was having the ability to write emails and change the format of the meeting. Councilman Bennett stated that Council could self-regulate themselves and put items on the agenda.

Vice Mayor Bannon stated that the move of the hospital could kill Cape Charles. One of the first things people asked about when coming to Town was the location of the hospital. Mayor Sullivan had lead the fight to bring an emergency room facility into Town or lower Northampton County. The comments and outpour regarding the PSA and Old School Cape Charles needed to be redirected to the hospital. Once the hospital moved to Onley, growth here would slow down.

Councilwoman Natali commented on the following: i) Last week at the Town Council work session was the first time a consolidated plan was presented by South Port Investors. This was the first

that she had heard of South Port's plan regarding the helipad, Port of Cape Charles and Oyster. There had been no collusion with Council because this was the first that Council had heard of the plan; ii) She took offense that Councilman Wendell accused Council of negotiating in advance to make changes. The bottom line was that she tried to listen to all opinions, including Councilman Wendell's. People talked to her on the street and she tried to understand from their perspective before making any decisions. Her decisions were for the best alternative for the Town. Not everyone agreed on everything and she did not like being told that Council knew about a developer interested in the railroad property so that was why FAR was being considered in the Harbor District. Councilman Wendell asked if that was the reason for adaptive reuse because there was a developer waiting to obtain the property. Councilwoman Natali responded that last week was the first time it had come up regarding the possible relocation of the railroad tracks. The Planning Commission was charged to review the density issue in the Harbor District so another big project like the Tavi project could not come in. FAR looked like it would be the best fit. She didn't want to see something like the Tavi project because the citizens stated they didn't want it.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to adjourn the Town Council Regular Meeting. The motion was approved by majority vote with Councilman Wendell opposed.

Vice Mayor Bannon

Town Clerk

Public Comments Provided in Writing
September 19, 2013

Lisa Bell 20545 Lankford Highway

Mayor Sullivan: At last month's Town Council meeting you insulted Mr. & Mrs. Bender. From what I understand you gave an off the cuff apology outside the meeting that night in front of maybe three people. Mr. & Mrs. Bender deserve a public apology, tonight in front of all of the people sitting here. Just because they may have ideas that you don't agree with, that does not give you the right to publicly insult them. You were wrong, rude, insulting and you need to make this right.

Deborah Bender, 300 Fulcher Street

At the PSA meeting Monday night, Bob Panek threw the Town Council under the bus. He clearly stated that the Town Council were the people to voice your complaints to. He said that the Town Council had formally decided to approve the sewer pipe. He had a map that showed the areas that would be included in the special tax district. He called the color of the specified area magenta. There was an elderly gentleman in the crowd, Michael Steelman's father. Mr. Steelman called the color blood.

Mr. Panek answered one lady's question as to how many homes would have to be hooked up to get the sewer rate to a reasonable charge. Mr. Panek stated at least 5,000 homes. Are you kidding me? There are only 11,000 people in the whole county.

Councilwoman Natali stated recently that the Town could MAKE MONEY on the sewer pipe. How nice Ms. Natali. It seems you have learned a little something from your buddies Edwin Gaskin and David McCormack. You remember them don't you? They were the men that you and the Town Council paid \$40,990 to take our school. They also like to make money on the backs of tax payers.

Many of us are wondering why the Town has gotten into this in the first place. The Town's own comprehensive plan calls for keeping business in the Town, not outside of Town.

Tonight many of the people that will be directly affected by the sewer pipe are here. Will the people in the audience that will be affected by the sewer pipe during phase 1 and phase 2 please stand up.

The Town Council has the power right here, right now to stop this deal they are entering into with the Board of Supervisors.

This pipe will damage the businesses in Cape Charles. This pipe will damage the businesses in the special tax district. It may even cause a few of the businesses in the special tax district to close.

Many of the homeowners in phase 2 of the project left Cape Charles to get away from the taxes and the water and sewer bills. How do you think they feel now that Cape Charles is chasing them down?

How dare you come up with a plan to pay for your new sewer plant by damaging all of these people and businesses?

SHAME ON YOU!

Austin Chadwick Davis, 5 Randolph Avenue

I rise to ask the members of Town Council not to allow the use of our sewer treatment plant by anyone who does not pay the full connection fee and full treatment fee, or under any agreement which will lead to a higher County-wide property tax, or which is under an open ended arrangement with entities (the PSA and County) over which we do not have enough representation to influence, much less control our future. I trust and depend on your judgment to please not shoot yourselves in the foot.

I submit this and the following further comments in writing for inclusion in your records.

The PSA can ask the County to set up a special tax district consisting of the area served by new sewer connections and let that tax district or future grants pay the full cost of whatever they want to build. If they want us to treat the effluent, Cape Charles must in fairness and good stewardship be paid the full connection and treatment fees plus an extra fee to compensate for bringing us more rapidly towards our capacity limit. When we do one day reach our capacity limit, Bay Creek may say they do not have to pay up because it would not be Bay Creek that put us over the limit.

Even if each party thereby pays for the construction and treatment, and provides escrow funds for future new capacity, we are still left with the question: Do we help create infrastructure for faster development on Highway 13? I think sewage treatment must be planned for Cheriton and for the Cape Charles to Oyster job creation axis, but only as grant funds become available, and not for development of the Route 13 groundwater recharge corridor. Let storefronts prosper in Cheriton, Cape Charles and Oyster and keep Route 13 in lower Northampton County the peaceful countryside tourists seek. Please! Please! Do not allow the County Board of Supervisors to shoot you in the foot!

Any involvement by Cape Charles must clearly be of advantage to the Town, town businesses and citizens of Cape Charles.

Thank you for your attention.