



**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**May 16, 2013**  
**Immediately Following Public Hearing**

At 6:03 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 Dora Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Public Works/Public Utilities Director Dave Fauber, Police Chief Charles Brown and Town Clerk Libby Hume as well as the Department Heads and approximately 22 members of the public.

Council observed a moment of silence which was followed by the recitation of the Pledge of Allegiance.

**RECOGNITION OF VISITORS / PRESENTATIONS**

*Presentations*

- A. Mr. Dave Steward gave a presentation regarding the Cape Charles Yacht Club stating that the club was established about a year ago. Their first, spontaneous event was the Lighted Parade of Boats last Christmas. The Club was planning to host several socials for visiting yacht clubs with the first one scheduled for May 25 for the Old Point Comfort Yacht Club which was bringing about 39 boats to the Harbor for the Memorial Day weekend. Mr. Steward stated that the Club was interested in helping to stimulate the economy in the Town and also encouraged and supported the new yacht repair and storage facility being built at the Harbor.
  
- B. Mr. Jon Dempster presented a proposal regarding the relocation of the basketball court. Mr. Dempster stated that he grew up playing basketball and was interested in providing a new basketball court for the community on two lots next to the skate park. Mr. Dempster added that the former court was dangerous and he wanted to build a facility that the community could be proud of. Mr. Dempster went on to state that in the future, he would like to see programs and leagues held to help mentor the youth of the community. Mr. Dempster went on to state that in the wake of the issues with Echelon and Old School Cape Charles, he wanted to be an ambassador to bring everyone back together. (Please see attached.)

Councilman Bennett thanked Mr. Dempster for his enthusiasm for this project and to the Town.

**PUBLIC COMMENTS:**

*Deborah Bender, 300 Fulcher Street*

Ms. Bender addressed Council regarding the budget. (Please see attached.)

*Veann Duvall, 110 Tazewell Avenue*

Ms. Duvall stated that she applied for the Historic District Review Board and had asked about interviews for the Board. When she came to the last Council meeting, she found out that the four new members had been picked. Ms. Duvall went on to state that she checked her cell phone for the 331-3259 phone number and did not see the number, nor did she receive any messages or emails.

Ms. Duvall stated that she did not know what happened but she missed out on the opportunity to sit on the Historic District Review Board.

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

**CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:**

Vice Mayor Bannon stated that Old Business Item C-FY 2012-2013 Budget Supplemental Appropriations would be deferred to next month.

**Motion made by Councilman Bennett, seconded by Councilman Sullivan to approve the agenda format as amended. The motion was approved by unanimous consent.**

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the April 15, 2013 Reconvened Work Session, the April 15, 2013 Executive Session, the April 16, 2013 Executive Session, the April 18, 2013 Regular Meeting, the April 25, 2013 Special Meeting, the May 2, 2013 Work Session, and the May 9, 2013 Work Session.

Councilwoman Natali noted a typographical error in the April 15, 2013 Reconvened Work Session minutes on page 1 and suggested language clarifying some of her comments on page 3 of the May 2, 2013 Work Session minutes.

Councilman Wendell stated that page 6 of the April 18, 2013 Regular Meeting minutes showed that he had spoken to a County Planning Commissioner, but in actuality he had spoken to one of the Cape Charles Planning Commissioners.

**Motion made by Councilman Sullivan, seconded by Councilman Bennett, to approve the minutes from the April 15, 2013 Executive Session, the April 16, 2013 Executive Session, the April 25, 2013 Special Meeting and the May 9, 2013 Work Session as presented and the April 15, 2013 Reconvened Work Session, the April 18, 2013 Regular Meeting and the May 2, 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 April 30, 2013 which showed \$233,269 in the Bank of America account, \$519,622 in the Shore Bank account, \$68,454 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,295 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,261,640. The report also showed Total Cash Held in Reserve at \$356,010. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$63,976 more was collected in FY 2013 as of April 30<sup>th</sup> with increases noted for meals tax, transient occupancy, personal property and real estate taxes. The Business License Tax amounts were lower than FY 2012 since the FY 2013 taxes were just due on April 15<sup>th</sup> and payments were coming in now. Kim Coates also reviewed the revenues vs. expenditures and the capital improvement projects. A report showing the total value, total budgeted tax revenue, total of bills mailed, total of collections and total outstanding for real estate and personal property taxes as of April 30, 2013 was reviewed. Kim Coates noted that \$53,381 had been processed via credit cards since the credit card swipers were installed on November 20, 2012. The report detailing the dollars spent to date on the new library building was reviewed.

Vice Mayor Bannon asked whether there were any plans to collect delinquent taxes. Kim Coates stated that the Town planned to place liens on property and DMV stops on vehicles for unpaid taxes. Heather Arcos added that the County had been including the Town when they were pursuing delinquent taxes. The Town recently received three notifications from the County and provided them with the amounts owed to the Town on taxes, grass cutting, utilities, etc. The communication between the County and Town Treasurers had improved considerably and we were working well together. Kim Coates was also working with Anne Sayers, Commissioner of Revenue, to audit personal property and real estate regarding exonerations issued by the County in order to reconcile the Town's records.

Councilman Wendell asked how long taxes had to be in arrears before the Town could take action. Heather Arcos stated that the property had to owe three years of taxes before anything could be done legally. The Town Council had reviewed this issue in the past and found that the majority of accounts owed smaller amounts which were not cost effective to pursue legally. In January 2013, the Landmark Holdings property became delinquent by three years and could now be pursued legally. Kim Coates added that if the Town could work in conjunction with the County, it helped with legal costs. If the Town pursued a property, in many instances, the property would sell and there would not be enough money from the sale proceeds, after paying off other debt, to pay the outstanding amount owed to the Town. In these cases, the Town would still be responsible to pay its legal fees.

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

B. *Planning Commission and Boards:*

Town Planner Tom Bonadeo stated that he did not have any changes to his submitted report but added that he had compiled some interesting statistics from the census numbers. Tom Bonadeo went on to explain that many of the numbers were used out of context and went on to review numbers regarding the population, acreage, number of houses, etc. (Please see attached.)

C. *Other Departmental Reports:*

Librarian Ann Rutledge thanked everyone who helped make the new Library a reality and added that over 100 people of all ages helped with the move and the major move was completed a day early. Volunteers included the Town employees, citizens from the Town and surrounding areas and a number of inmates from the Northampton County Jail. The outpour of volunteers was incredible. Ann Rutledge invited everyone to come see the new Library and added that she was in the process of spending \$20K which was donated by the Friends of the Cape Charles Memorial Library. New computer classes, clubs and a variety of programs were planned. Ann Rutledge concluded by stating that she had been receiving lots of positive comments and thanked Council again for the new facility.

Town Manager Heather Arcos began by thanking Tom Bonadeo for his dedication on 5+ years as the Town Planner and for several years prior to that as a Planning Commissioner and for his service to the citizens of Cape Charles. Everyone at the Town would miss him. Heather Arcos wished Tom Bonadeo well and hoped that he would enjoy his retirement and the time that he would be able to spend with his family. Heather Arcos went on to report the following: i) The notice for the proposed tax rate increase had been submitted to the newspaper for publication. The public hearing was scheduled for May 30<sup>th</sup> at 6:00 p.m. at Parish Hall. A special meeting was scheduled for June 3<sup>rd</sup> at 6:00 p.m. to vote on the tax rate; ii) The new planner, Rob Testerman, would be starting on May 31<sup>st</sup>. He had been the Land Use Planner for Accomack County for the past 6 years; iii) New globes had been installed on the light fixtures along Mason Avenue; iv) New benches had been purchased and would be placed along Mason Avenue; v) The beach replenishment project was scheduled to begin next week; vi) The water softener upgrade had been completed at the water plant; and vii) The lawsuit regarding the Central Park

Restrooms was dismissed and the Town would be contacting the contractor, QS LLC regarding the construction of the facility.

Councilman Wendell stated that prior to the Crabby Blues Festival, the Town drained the ponds at the park and asked whether the Town could drain the ponds at other times as well, especially with the mosquito season approaching. Public Works/Public Utilities Director Dave Fauber stated that draining the ponds would take time and personnel but it could be done at any time. Councilman Wendell stated that if the ponds could be drained on a regular basis, it would enhance the park. Councilman Bennett expressed his concern regarding the legality of pumping out the ponds into the street. Dave Fauber stated that once the water sits in the pond, the impurities settle to the bottom and he felt it was safe to pump out and added that regular pumping would help with mosquitoes. Councilwoman Natali asked whether the Town still used pellets in the ponds to help with the mosquitoes. Heather Arcos stated that the Town did still use pellets and the Town was also sprayed for mosquitoes on a regular basis. Heather Arcos added that before the Crabby Blues Festival, the Town had a lot of rain and there wasn't sufficient time for the ponds to drain properly therefore, the ponds were pumped out.

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

#### **OLD BUSINESS**

##### **A. *PSA/Regional Wastewater System Update:***

Assistant Town Manager Bob Panek informed Council that the Northern Node, consisting of Exmore and the Nassawadox medical community, was on hold until Riverside determined the disposition of the Nassawadox medical campus and the existing wastewater treatment plant. The PSA had been exploring a limited Southern Node service area focused on the commercial properties around the US 13/SR 184 intersection and made a presentation to the Northampton County Board of Supervisors (BOS) in January and provided financial options for implementing the system. The BOS requested the PSA provide their recommendation on the financing approach as well as estimates to expand the system to the Webster property, which was approximately \$0.8M to \$1M, and the Town of Cheriton, which would be approximately \$6.7M. The debt service would be paid by County tax revenue. The PSA recommended 75% of the funding through a Special Tax District and 25% through General Real Property Tax.

Councilman Wendell asked about the effect of the added users to the current capacity of the Town's wastewater system. Bob Panek stated that the additional usage should not exceed 20K gallons per day (GPD). The Town was currently averaging 160K GPD so the added users would not bring the Town close to having to expand the system.

##### **B. *Wastewater Treatment Plant Update:***

Bob Panek stated that the process for the new wastewater treatment plant began in 2006 and the plant was initially planned for 500K GPD due to the construction boom at the time. In 2009, Council opted to reduce the capacity of the plant to 250K GPD. The Town awarded the contract to W. M. Schlosser Company in September 2009 in the amount of \$14.7M. Five change orders were executed during the construction process which brought the contract value to \$15.3M. The total project was estimated at \$19.2M, including design, engineering, construction, construction management and inspection and the project was being funded as follows: i) \$6M through a Virginia Clean Water Revolving Loan Fund (VCWRLF) principal forgiveness loan, which was the equivalent of a grant, underwritten by the American Recovery and Reinvestment Act (ARRA) of 2009 (Federal stimulus); ii) \$8M through a Water Quality Improvement Fund grant; and iii) \$5.2M through a VCWRLF zero-interest loan. The new plant had been treating all wastewater flow since April 2012 and the treated effluent had met or exceeded all regulatory standards. The nitrogen and phosphorous discharge had been reduced by about 93%. The Town was awaiting the completion of a few items and would make the final payment of about \$1.1M in the near future. All work to decommission the old plant had been completed and the Town was developing a plan to grade out the residual materials. All project evaluations, ARRA

compliance reviews conducted by the DEQ and the U.S. Environmental Protection Agency Office of the Inspector General had been successfully passed. Overall, the project should be completed by about \$300K under budget.

Councilman Wendell asked about the odor associated with the new plant and whether any strides had been made to minimize the problem. Bob Panek stated that a stainless steel cover had been installed on the influent tank and Dave Fauber was working on a design for an auto flush system for the Bay Creek pump station. The information would be presented to Council for review once a price had been determined. Bob Panek added that the issue was with the vacuum collection system which was not efficient with the low number of users in Bay Creek at this time. Another option would be to add chlorination, which was a relatively inexpensive option, to the pump stations to help with the odor.

C. *FY2012-2013 Budget Supplemental Appropriations:*

This item was deferred to June.

D. *Northampton County Solid Waste Management Plan Update:*

Heather Arcos stated that every five years, the County was required to update its Solid Waste Management Plan, which included all five incorporated towns. The last plan was adopted in 2009 and was due for review and update by June 20, 2013. Each Town was required to schedule a public hearing in order to allow submission of the plan to DEQ by the June 20<sup>th</sup> deadline. The Council held a public hearing earlier this evening and no comments were heard.

Councilwoman Natali stated that she had provided her input to the Town Clerk regarding some inaccuracies in the plan.

Councilman Wendell stated that he felt the plan was lengthy and confusing and asked Dave Fauber his opinion of the plan and an explanation of the plan. Dave Fauber responded that he was not familiar with the entire plan since he only reviewed the portions regarding Cape Charles.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to adopt Resolution 20130516-For Acceptance of the Updated Northampton County Solid Waste Management Plan by the Town Council of Cape Charles. Vice Mayor Bannon moved for adoption of Resolution 20130516 as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

E. *Town Code Modification – Procurement Policy:*

Heather Arcos stated that the current Cape Charles Public Procurement and Purchase Policies were adopted in 1982 to bring the policies into conformity with the State regulations at that time. Code of Virginia § 2.2-4300, et seq. was the Virginia Public Procurement Act and had been updated regularly through the years, most recently in 2012. In an effort to bring the Town's policy back in line with the Code of Virginia, Chapter 54 of the Cape Charles Town Code was modified. A public hearing was held earlier this evening and no comments were heard. Ordinance 20130516 needed to be adopted in order to approve the proposed modifications.

Heather Arcos added that a draft copy of the Town of Cape Charles Procurement Policy Manual was included in the agenda packet for Council review. The policy manual would be updated with feedback from Council and presented at the June meeting for possible adoption.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to adopt Ordinance 20130516-Revising Town Code Chapter 54 – Public Procurement. Vice Mayor Bannon moved for adoption of Ordinance 20130516 as noticed and forewent reading of the Ordinance. The motion**

**was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

**NEW BUSINESS:**

**A. *Asset Management Program Contract Award:***

Heather Arcos stated that in FY2013 the Town had budgeted \$30K for an asset management program to support the water and wastewater departments. A request for proposals (RFP) was advertised and one submission was received from Facility Dude, Inc. Facility Dude provided a web-based product which would meet or exceed all the requirements set forth in the RFP. The proposal had been reviewed and the Town was prepared to award the contract in the amount of \$6,287 for two years of service. The scope of work included maintenance management, asset inventory and tracking, analyzing and reporting utility consumption, and two days of onsite training. A portion of the budgeted \$30K would be transferred to FY2014 to cover the second year's costs.

There was some discussion regarding Facility Dude and the web-based product.

Councilwoman Natali asked whether any information regarding the Town's citizens would be uploaded into the web-based system expressing her concern regarding security of the information. Bob Panek stated that only information regarding the equipment at the water and wastewater plant would be input into the system in order for it to track the maintenance, age of the equipment and its useful lifespan. Heather Arcos added that the proposal was forwarded to the Town's IT service provider for their review and no issues had been found.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, and unanimously approved to authorize the Town Manager to execute a contract with Facility Dude, Inc. to supply software and support for the Town's asset management program.**

**B. *Wireless Internet Service Provider Designation:***

Tom Bonadeo stated that the broadband network was live and providing service to Cape Charles and the Eastern Shore from the Maryland line to the Chesapeake Bay Bridge Tunnel. Currently, Bay Creek Communication's Internet service was sent over the broadband backbone through the Eastern Shore of Virginia Broadband Authority (ESVBA). The Eastern Shore Public Library and the Cape Charles Memorial Library use the ESVBA backbone as well. In an effort to expand access to more customers, the ESVBA was working with the towns of Cape Charles, Chincoteague, Exmore, Onancock, Onley and Parksley to provide access to its network for wireless service providers. The ESVBA would be providing free and discounted services during the first year of operation for both the Town and providers to encourage investment in this service. In exchange for the service, the Town would provide access to the water tower or other high structure for a period of two years. An RFP was advertised and two proposals were received which were reviewed and scored by a small committee. The proposal from Bay Creek Communications received the higher score and included the lowest pricing to the consumers, telephone service in addition to Internet service, and demonstrated experience.

There was some discussion regarding the exclusivity of the contract. Tom Bonadeo explained that this contract was for this specific deal from the ESVBA and did not stop other companies from providing similar services in the Town but added that there were a limited number of users. The more companies offering similar services would increase competition but also would split the number of users for each company and may not support multiple providers.

**Motion made by Councilman Godwin, seconded by Councilwoman Natali, to award the Wireless Internet Service Provider contract to Bay Creek Communications, LLC. The motion was approved by unanimous consent.**

C. *Conditional Use Permit Application for 712 Randolph Avenue:*

Tom Bonadeo stated that a conditional use permit (CUP) application was received for the building located at 712 Randolph Avenue for residential use over commercial space. The building had been renovated and the upper floor had been rented previously to the Eastern Shore Community College for classroom space. The building did not have an elevator and the college could not continue holding classes there. The applicant had not been able to rent the property for commercial purposes and the space had been empty for a number of years. The applicant also owned the building next door, 718 Randolph Avenue, and the second floor of that building was rented as two residential apartments under a CUP. The Planning Commission held a public hearing regarding this CUP, reviewed and discussed the applicant's presentation, and found that the application would not i) adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood; ii) be detrimental to the public welfare of injurious to the property or improvements in the neighborhood; and iii) be in conflict with the purpose of the Comprehensive Plan. The Planning Commission also found the application in conformance with the Comprehensive Plan and the intent of the Zoning Ordinance. The conditional use would require less parking spaces than the current use. The Planning Commission forwarded the application for Council consideration and recommended approval with no added conditions. A Town Council public hearing needed to be scheduled prior to making a decision regarding the CUP application. The applicant would also make a presentation to Council at the June meeting.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to schedule a public hearing for June 20, 2013 preceding the regular meeting to hear comment regarding the conditional use permit application for 712 Randolph Avenue. The motion was approved by unanimous consent.**

D. *Byrne Justice Assistance Grant:*

Heather Arcos informed Council that the Virginia Department of Criminal Justice Services provided funding assistance for local law enforcement agencies and in previous years the Cape Charles Police Department had used the funding for payment of overtime to the police officers and equipment purchases. The Town recently received notification of an award of \$853 to be used toward equipment purchases. The Town's match on this award would be \$95. Police Chief Charles Brown was intending to use the funds toward the purchase of a new laptop. The cost of new laptops were included in the proposed FY2014 budget and this funding would help offset the expense. In order to receive the money, the Town must accept the grant award and provide quarterly reports regarding the usage of the money received.

**Motion made by Councilman Godwin, seconded by Councilman Bennett, to authorize the Town Manager to execute the Byrne Justice Assistance Grant Statement of Award/Acceptance. The motion was approved by unanimous consent.**

E. *FY2012 Audit Report:*

Heather Arcos stated that the audit firm of Robinson, Farmer, Cox Associates completed the audit for the period ending June 30, 2012. As part of the audit report and presentation, the auditors provided a management letter identifying any opportunities for strengthening areas of deficiencies in internal controls and operating efficiency. Town management would be implementing the recommendations to improve the internal controls and the Finance Department staff would continue to correct areas which may need additional strengthening.

Kim Coates reviewed areas of the audit report regarding the Balance Sheet, Revenues, the Statement of Net Assets, the Statement of Revenues, Expenses, and Changes in Fund Net Assets and added that if there were any questions, she would set a time to meet with the Council members individually.

F. *Computer Lab Update:*

Heather Arcos stated that this issue was initially raised in the fall of 2012 when a citizen filed a complaint with the Department of Housing and Urban Development (HUD) regarding the computer lab being temporarily set up in the Cape Charles Christian School and not available to the public. The complaint was referred to the Department of Housing and Community Development (DHCD) which notified the Town of the complaint. The Town furnished documentation of the computer classes held at the location and explained that the computer lab was available to the public with limited access as the Town was finalizing plans for the expansion of the library which would eventually house the lab. The DHCD required the computers to be relocated by December 19, 2012 and made available to the public on a reasonable limited schedule. The computers were relocated on December 11<sup>th</sup> and the computer class schedule was posted with a pre-registration requirement until the relocation of the library. Unfortunately, there was no interest in the classes during the winter months, so classes were not held. A site visit was made by DHCD representatives who found the 201 Mason Avenue building locked. As a result, the Town received notification from DHCD requesting repayment of the \$18K grant for the purchase of the computers. The Town requested reconsideration of the decision and provided documentation of the classes and availability of the computer lab. Another site visit was made the week prior to the scheduled move of the library and the representative was able to enter the building but no class was being held at the time. Following the visit, a letter was received from the DHCD stating that the Town was still required to repay the \$18K for the computers. An appeal would be submitted to HUD, with all documentation, on the basis of the requirement to relocate the computer work stations by December and for the computers to be available on a reasonable limited schedule until the relocation of the library. The library reopened at its new location on May 8<sup>th</sup> and the computers were now available for public use during the library's regular hours of operation. Copies of the appeal letter and documentation would also be forwarded to the legislators for their assistance. If the appeal was denied, the Town would have to repay the \$18K in grant funding, which would negatively impact the FY2014 budget.

There was some discussion regarding the computer classes. Heather Arcos stated that there was a lot of participation in the computer classes which were held regularly last year. The interest slowed down during the winter months.

Councilman Godwin suggested that if the person or persons who submitted the complaint to HUD would come forward and state their satisfaction now that the computer lab was located in the library and open to the public, the issue of repayment would be reversed. Heather Arcos stated that she did not know if it would help but added that the DHCD had been aware of the Town's circumstances from the beginning of the Broadband project.

**MAYOR AND COUNCIL COMMENTS**

Councilman Wendell stated the following: i) He began by commending Mr. Jon Dempster on his efforts regarding the basketball court but found it stressing that he needed to do this since the Town had a basketball court in the past. If the proposed project were to move forward, a CUP was needed and suggested that Mr. Dempster begin dialogue with the adjacent property owners to get their opinions; ii) He commented on the audit report stating that \$804K was expended for general government administration and added that the Town needed to tighten up and cap off the growth and expenses; and iii) The Crabby Blues Festival was wonderful.

Councilman Bennett stated that since 2008, the Town's staff was down from 36 full-time staff members to about 29 or 30 full time staff currently.

Vice Mayor Bannon stated that he and Councilman Wendell were on the Town Council in the 1990s when the Town was held together by scotch tape. Everything was broken and the Town was a

disaster. Everything was done as cheaply and tacky as possible. The things that had happened in the Town since 2006 had been incredible. The Town had gone from a poor, poor town to a town where almost everything had been renovated. Vice Mayor Bannon went on to state that the Town staff all did a great job and if Council kept cutting the money and staff, it would hurt the Town and what it had become.

Councilwoman Natali expressed her agreement with Vice Mayor Bannon's comments.

Vice Mayor Bannon informed Council and the attendees that it was Heather Arcos' birthday and everyone sang *Happy Birthday* to her.

**ANNOUNCEMENTS**

- May 20, 2013 – Joint Work Session with Planning Commission, 6PM
- May 23, 2013 – Town Council Budget Work Session, 6PM
- May 30, 2013 – Town Council Public Hearing, 6PM
- June 3, 2013 – Town Council Special Meeting, 6PM
- June 5, 2013 – Town Council Budget Work Session, 6PM
- June 20, 2013 – Town Council Public Hearing & Regular Meeting, 6PM
- June 27, 2013 – Town Council Special Meeting, 6PM

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

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Vice Mayor Bannon

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Town Clerk

**Presentation / Comments Submitted in Writing**

May 16, 2013 Town Council Regular Meeting

*Presentation by Mr. Jon Dempster – Basketball Court Proposal*

Dear Members of Council,

I would like to address the Council regarding the loss of the basketball courts at the old high school here in town. I believe they are an important instrument in providing opportunities for our youth to have productive outlets and possibly future programs that could provide leadership and team building.

I would like Council to vote on the use of using town owned lots 178 and 179, adjacent to the current skate park, to be set aside for the construction of a new basketball court so that we can move ahead to the Planning Commission and find a way to get this project started.

I have researched and gotten a quote for the total cost of a full size court that will fit within the setbacks on these lots. The total size of the court is 54' x 94' and will cost approximately \$30,000.00. I would like Council to first approve the use of these lots so that I may move forward with the Planning Commission to find the appropriate avenues of getting started while meanwhile continuing to research possibilities for funding.

Citizens for Central Park have offered to be a managing member of this project allowing us to seek funds from organizations as a charitable donation. I would like to continue to research possible funding for this project and would ask Council to consider passing a budget at the June Council meeting to be the main contributor depending on the outcome of the upcoming tax vote.

In the meantime I would ask Council to approve the use of these lots so that I may move through the bureaucratic process and get something built for the future of our community as soon as possible.

As always, thank you for your time and consideration.

Sincerely,  
Jon Dempster

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*Deborah Bender, 300 Fulcher Street*

I am here to speak tonight as a private citizen.

It has come to my attention that the town is having problems with their budget. I did a little homework after speaking with the Town of Onancock's administrative assistant.

Trim the fat in Cape Charles! The Town of Cape Charles has 1,009 full time residents. The Town of Onancock has 1,263 full time residents. The Town of Cape Charles has 10 employees in the office for a grand total of \$509,875.00 actual figures from 2012. The Town of Onancock has 3 employees in the office for a grand total of \$195,000.00 actual figures for 2013. That is a difference of \$314,875.00!!!

What is Onancock doing that we are not you ask? For starters their Town Manager is also the Town's lawyer, thus avoiding the price tag for a town lawyer. The two girls working in the office do all the billing, accounting, customer service work and they take turns taking the meeting minutes. They run the entire town office with just 3 people! Imagine that? That Onancock doesn't have is a town planner, accountant, building code enforcer, community rec/activities director, clerk, assistant clerk. Onancock makes out just fine without all the excess baggage. All of the employees wear many hats.

Oh and by the way, I called Onancock, Parksley, Exmore and Chincoteague town offices and all of the town office phones were answered by a real person, not some machine. All of the ladies that answered the phone were courteous and friendly and forthcoming with answers.

The Town of Cape Charles has 13 employees that I know of, doing all the public works jobs. Total labor @ \$595,526.00 2012 actual figures. The Town of Onancock has 7 public works employees with a total labor of \$350,000.00 actual figures for 2013. That is a difference of \$295,526.00. Perhaps if the Town of Cape Charles trimmed the fat in the office and the employees did a little more work each day we wouldn't need 10 people in the office. Perhaps if the Town of Cape Charles trimmed the fat a little in the area of public works we could save some money. Onancock's public works people pick up the trash, cut all of the town's grass, run the sewage treatment plant and the water plant, repair their own equipment, do all of the painting of town buildings, pick up twigs and debris 1 time per month, etc. Again, they all wear many hats. So between the

town's offices and the town's public works department the difference in salaries between Onancock and Cape Charles is \$610,410.00!!!

Now if the Federal Government is cutting back, laying off and making people take unpaid leave to keep their jobs...why can't we? I am not saying to go on a total firing spree but something needs to be done to get the amount of salaries more in line. I personally have been up in our offices many times and a lot of the employees are just sitting around doing nothing. Perhaps if we had just a few less employees those people would be busy.

This town needs to get a grip on spending. Wake up Cape Charles, we are just a tiny town with less population than Onancock yet they seem to thrive. Why can't we cut back so that we can avoid borrowing money, raising taxes and water/sewer bills? Then we could afford to do repairs and upkeep on our public buildings, lighting, equipment, etc. If the people running this town, as in the Mayor, Town Council and both Town Managers can't figure it out maybe what we really need is all new people running the town!!!

What we need is a town government that is for all of the people. Not just a chosen few.

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### **Census Data for Cape Charles**

Provided by Town Planner Tom Bonadeo

Population and Housing data:

1. Cape Charles has 1,009 full time people according to the 2010 census.
  - a. 958 homes.
  - b. 516 occupied homes (1.95 people per home).
  - c. 442 unoccupied by full time residents.
  - d. 40 homes not available.
  - e. 402 homes available for summer/weekend rental.
    - i. 4 people each x 402 is 1,608 part time people who use the utilities.
    - ii. Add the full and part time together and you have a real population of 2,617.
2. Utility Accounts:
  - a. There are about 1,086 utility accounts for 958 homes.
  - b. The other 128 accounts are commercial, etc.
  - c. That means that the full time people pay half of the utility costs.
  - d. We can check the number of people in a location by reviewing the water usage compared to known users.
3. Growth:
  - a. The original Town was divided into 644 lots but over 125 years, subdivisions of the lots created more small lots along the side streets. Over 700 lots now.
  - b. The creation of Bay Creek (PUD) creates the potential for 3,000 additional lots and 1,002 have been created and supplied with utilities and roads, all at the expense of the developer. All you need is houses. There are 363 homes in Bay Creek so that leaves 639 building lots with utilities in Bay Creek and about 70 building lots in the Historic District with utilities for a total of 709 fully developed building lots. This infrastructure is owned by the Town and is a valuable asset but requires maintenance while waiting for houses to be built.
    - i. 709 new houses would generate \$319,060 in real estate tax revenue if they were assessed at \$250,000 each.
    - ii. 709 new utility accounts would generate \$8,508,000 in connection charges, much of which would go to build additional facilities that won't require financing.
    - iii. 709 new utility accounts would generate \$63,101 in monthly income (\$757,212 annually).
  - c. Building Permits issued in the first quarter of 2013:
    - i. Cape Charles issues 78 building permits.
    - ii. Northampton County issued 61 building permits.
    - iii. Accomack County issued 143 building permits.
    - iv. Accomack County is 12 times the size of Cape Charles (Population of 33,000 compared to 2,617 population). If you use the census data only Accomack has 33 times the population of Cape Charles.