



**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**April 18, 2013**  
**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, Councilmen Bennett, Godwin and Wendell, and Councilwoman Natali. Councilman Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Public Works/Public Utilities Director Dave Fauber, Police Chief Charles Brown and Assistant Town Clerk Amanda Hurley as well as the Department Heads and approximately 15 members of the public.

Chris Bannon gave the invocation which was followed by the recitation of the Pledge of Allegiance.

**RECOGNITION OF VISITORS / PRESENTATIONS**

*Citizen Recognitions*

A Certificate of Recognition was presented to Ms. Jenni Potts for her dedication and assistance with the Town's numerous events and activities to help make the Town of Cape Charles a better place to live.

A Certificate of Recognition was presented to Ms. Onnie Davis of Bayshore Concrete for her dedication in organizing the Bayshore Concrete Community Outreach Program and the assistance of the Bayshore employees in cleaning up the Town Harbor area and with preparations for the 6<sup>th</sup> Annual Blessing of the Fleet Event held on April 5, 2013.

A Certificate of Appreciation was presented to Bayshore Concrete and its employees for the Bayshore Community Clean-Up Day at the Town Harbor on April 3, 2013. Forty Bayshore Concrete employees worked at the Harbor cleaning up the area, repairing damages from Hurricane Sandy and assisting in preparations for the 6<sup>th</sup> Annual Blessing of the Fleet Event.

*Presentations*

Greg Kohler presented the Capecharlesbythebay.com website. Heather Arcos asked when the website would be live and Greg Kohler explained that there were technical aspects that required further development including making the website easy to update and maintain, but were proposing it to go live in early May. Greg Kohler identified that the name of the website, capecharlesbythebay.com, explained who and where Cape Charles was and helped to present a vision to tourists. The website committee underwent an extensive process to select a vendor for the website and finally made a decision to choose Ciniva, a company from Virginia Beach who was very heavily involved in the tourism industry and regarded as one of the best website developers on the east coast.

Every tourist based business in Town received a basic listing which consisted of a 50 word description, phone number and a link to that business's website or Facebook page. Businesses could also pay to have their information on the home screen for additional exposure and approximately 18 businesses around Town had taken advantage of that feature. The cost was \$250 per year and included being featured on the homepage, an expanded listing with hours and a map

and an "About Business" page with additional photos. These listings were visually different from the basic listings. There were approximately 42 total business listings on the website and exceptions were made for a few businesses outside of Town.

Mayor Sullivan asked if businesses could still sign up for a listing and Greg Kohler stated that businesses could sign up any time throughout the year.

There was much discussion regarding the website demonstration.

**PUBLIC COMMENTS:**

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

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

The Mayor stated that she would like to move the National Safe Boating Week Proclamation under New Business to the beginning.

**Motion made by Councilman Godwin, seconded by Councilwoman Natali 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 March 21, 2013 Public Hearing, the March 21, 2013 Regular Meeting, the April 4, 2013 Work Session, and the April 11, 2013 Work Session.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve the minutes from the March 21, 2013 Public Hearing, the March 21, 2013 Regular Meeting, the April 4, 2013 Work Session and the April 11, 2013 Work Session as presented. The motion was approved by unanimous consent.**

**DEPARTMENT REPORTS:**

*A. Treasurer's Report:*

Treasurer Kim Coates reviewed the Treasurer's report dated March 31, 2013 which showed \$232,651 in the Bank of America account, \$544,500 in the Shore Bank account, \$68,446 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,241 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,285,837. The reduction in the Shore Bank account was due to expenditures. The report also showed Total Cash Held in Reserve at \$355,994 which was a decrease due to money taken out for the police account. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$205,240 more was collected in FY 2013 as of March 31<sup>st</sup> with increases noted for license, meals tax, transient occupancy, personal property taxes and real estate taxes. It was noted that the personal property totals were still being researched and adjustments would be made moving amounts collected for previous years' taxes to the appropriate category. The Business License Tax amounts were lower than FY 2012 since the FY 2013 taxes were not due until April 15<sup>th</sup>. 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 March 31<sup>st</sup>, 2013 was reviewed. Kim Coates noted that \$47,042.38 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.

Delinquent real estate bills were mailed a couple of weeks ago. Two inspection stations in Cape Charles had been provided golf cart decals in an effort to streamline and simplify the decal process for golf cart owners. 2013 golf cart decals and business licenses were due April 15<sup>th</sup>. The 2013 real estate tax assessments were received from Northampton County and there was a 35% decrease in total value.

Heather Arcos gave a brief overview of the latest budget meetings and stated that April 25, 2013 was the next budget meeting.

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

**B. *Planning Commission and Boards:***

Town Planner Tom Bonadeo reported the following: i) Met with two outside agencies and the Army Corps of Engineers in Chincoteague on the potential channel dredging project and met with VDOT on the County Six Year Road Plan; and ii) Wetlands and Coastal Dune Board meeting was scheduled for April 22<sup>nd</sup> for a Bay Creek South request regarding damage on the 5<sup>th</sup> hole of the Nicklaus golf course as a result of Hurricane Sandy.

**C. *Other Departmental Reports:***

Town Manager Heather Arcos reported the following: i) Code Official Jeb Brady reported an increase of \$647,957 in total construction this year from last year. There was a significant increase in permit fees from last year at \$78,882.42. Total tap fees were up \$68,706 from last year; ii) The June 30, 2012 audit would be presented and finalized at the May 16, 2013 Town Council meeting; iii) The Waste Water Treatment Plant received a 2012 Ground Water Award on April 16<sup>th</sup>. Representatives from Northampton County Board of Supervisors, DEQ, ANPDC, Town Council and staff attended a tour and award ceremony at the plant; and iv) Sidewalk work was continuing on Mason Avenue and trees were removed. Councilman Wendell questioned the timeframe of the sidewalk work in front of Shore Treasures and it was noted that the area had not yet been marked.

Ann Rutledge reported that the Library move would take place on May 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>. Volunteers were signed up for two hour intervals. The Parade of Books by the Cape Charles Christian School would take place at 10:30 a.m. on May 2<sup>nd</sup>.

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

**OLD BUSINESS**

There was no Old Business to discuss.

**NEW BUSINESS:**

**A. *National Safe Boating Week Proclamation:***

Mayor Sullivan informed Council that Americans increasingly head to the water for recreation and relaxation and it was 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. The week of May 18- 24, 2013 had been named National Safe Boating Week.

Mayor Sullivan read a Proclamation Proclaiming May 18 - 24, 2013 as National Safe Boating Week and presented it to the U.S. Coast Guard members who were in attendance.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, and unanimously approved to adopt the Proclamation Proclaiming May 18-24, 2013 as National Safe Boating Week. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Wendell, yes.**

B. *Town Code Modification – Procurement Section – Set Public Hearing:*

Heather Arcos stated that the current Town of Cape Charles Public Procurement and Purchase Policies were adopted by the Town Council of the Town of Cape Charles on December 14, 1982 to bring the policies into conformity with the State regulations at the time. The Cape Charles Town Code Chapter 54 – Public Procurement had not been updated since its adoption in 1982 with the exception of § 54-20 – Invitation for Bids which was revised in October 2007. The 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. At the February 28, 2013 Town Council Retreat, staff suggested modification of the Town Code stating the Town’s intent to follow the guidelines set forth in the Virginia Public Procurement Act. One modification was the dollar amount for small purchase threshold in Sec. 2.2-4303.G. which was \$100,000 for the State of Virginia for goods and services other than professional services. This would be decreased to \$50,000 with professional services at \$30,000. A public hearing must be held prior to making any modifications to the Town Code. Staff was working to update the purchasing manual and administrative regulation which would be provided for Council review prior to the public hearing.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to schedule a public hearing for May 16, 2013 preceding the regular meeting to hear comment regarding the proposed changes to the Town Code. The motion was approved by unanimous vote.**

C. *Northampton County Solid Waste Management Plan Update – Set Public Hearing:*

Heather Arcos stated that every five years, the County was required to update its Solid Waste Management Plan. The last plan was adopted in 2009 and was due for review and update by June 20, 2013. The County’s plan included all five incorporated towns. Each Town was required to schedule a public hearing in order to allow the submission to DEQ by the June 20<sup>th</sup> deadline. The Town received excerpts from the Solid Waste Management Plan Update pertaining to Cape Charles and staff was reviewing the plan and would make any recommendations to the County. The draft plan would be available for review prior to the public hearing.

**Motion made by Councilman Godwin, seconded by Councilwoman Natali, to schedule a public hearing for May 16, 2013 preceding the regular meeting to hear comment regarding the Northampton County Solid Waste Management Plan Update as proposed. The motion was approved by unanimous consent.**

D. *Beach Replenishment Project Contract Award:*

Public Works Director Dave Fauber 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. The Cape Charles beach suffered some damage from Hurricane Sandy. The Town had allocated \$20K for Beach Repair/Maintenance in the FY2013 budget. An Invitation for Bids was advertised and two bids were received. Micor Enterprises came in as the low bidder at \$11.15 per cubic yard. The FEMA grant was also approved and the Town was awarded approximately \$30K.

Dave Fauber reported the following: i) Possible project with Micor Enterprises and Brittingham Bulldozing after sand replenishment to fill empty trucks with soil from the old Waste Water Treatment Plant and haul to the pit to dispose of. GHD was working on a plan for that area; ii) FEMA had approved all projects. Two were already completed and included the ADA crossovers for the beach and debris cleanup and disposal. Paperwork would be submitted shortly for reimbursement for those projects. The Town received \$30K up front for pier repair and mitigation with a timeframe of a year and a half to spend it and required submission of quarterly reports. Alternate path plans were to be drawn up to construct a more traditional pier

on pilings on the harbor side of the jetty; and iii) The beach was getting a medium grain sand for replenishment and it would take about 2,500 cubic yards of sand to build up the north end of the beach.

Councilman Bennett suggested the Town use more than the \$18,500 for the replenishment and went on to state that the full \$30K be used since it would be reimbursed by FEMA.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to award the contract for beach replenishment to Micor Enterprises as discussed. The motion was approved by unanimous consent.**

E. *Fill Vacancies on Town Boards:*

Heather Arcos stated that there were a number of vacancies on the Cape Charles Historic District Review Board and the Wetlands & Coastal Dune Board. On April 16<sup>th</sup>, the Town Council interviewed four candidates to fill these vacancies.

Councilman Wendell questioned Veann Duvall's application for the Historic District Review Board and why she was not interviewed. Mayor Sullivan stated that Ms. Duvall had not returned the phone messages the Clerk's Office had left and went on to state that there would be other openings and Ms. Duvall's application would be considered at that time. Vice Mayor Bannon pointed out that Councilman Wendell was not in attendance at the interviews on April 16<sup>th</sup>, 2013 and had he attended, the concern could have been discussed at that time.

Councilman Wendell suggested including an alternate's application along with the new applications in the Town Council packets. John Caton's application was not included in the Town Council packets since he had been interviewed in December 2012 and named as alternate. This would be taken into consideration next time.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali to appoint John Caton, Ted Warner, Joe Fehrer, and David Gay to fill the vacancies on the Historic District Review Board and Ray Salopek to fill the vacancy on the Wetlands & Coastal Dune Board. The motion was approved by majority vote with Councilman Wendell opposed.**

F. *National Police Week Proclamation:*

Chief Brown read a letter written by Officer Jim Pruitt. (See Attached)

Mayor Sullivan read Proclamation #20130418A – In Honor of Peace Officers' Memorial Day and National Police Week.

**Motion made by Vice Mayor Bannon, seconded by Councilman Godwin to adopt Proclamation #20130418A. The motion was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Wendell, yes.**

**MAYOR AND COUNCIL COMMENTS**

Mayor Sullivan commented that Assistant Town Clerk Amanda Hurley was doing a great job sitting in for Town Clerk Libby Hume.

Councilman Wendell commented that he enjoyed the website presentation and went on to state that he would like to compare that to where we were going with commercial development on Route 13. Councilman Wendell went on to read an article from the Eastern Shore Post regarding the State of the Shore and economic growth and suggested that commercial development along the highway would compete with businesses in Town. Councilman Wendell directed his comment to Mayor Sullivan, asking what rationale had created a change of policy for the Mayor and Town Council to support commercial growth along Route 13 instead of in the Town, adding that this policy differed

with what the comprehensive plan stated. Mayor Sullivan clarified that her statement at the State of the County breakfast was that five of the six councilmen were in favor of sharing with Cheriton. Councilman Bennett stated that having wastewater services available from Cheriton to Cape Charles did nothing to discourage growth in the Town and this would take many years to complete. Mayor Sullivan stated that she had no fear in helping Cheriton because there was a need for people to want to visit the Town and was confident it would not hurt Cape Charles. Councilman Wendell commented that there was a terrible risk of strip malls and chain stores. There was much discussion regarding the old stores in Town that were no longer in business. Vice Mayor Bannon pointed out Onancock and Four Corners Plaza which were full of small stores and restaurants just like Cape Charles and he did not foresee large stores coming into Town with the lack of land and population. Councilman Wendell stated that he spoke with a Planning Commissioner and added that they had never discussed the subject. Heather Arcos clarified that the County created a PSA and the towns had a representative on the PSA. Cheriton could build their own plant on Route 13 to service commercial zones or they could utilize the Cape Charles facility and the PSA would pay the Town for it. There was much discussion and debate on economic development along Route 13 versus the Town of Cape Charles.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett to conclude discussion. The motion was approved by majority vote with Councilman Wendell opposed.**

#### **ANNOUNCEMENTS**

- April 25, 2013 – Town Council Budget Work Session, 6PM
- April 29, 2013 – Meeting with Board of Supervisors re: Hospital
- May 2, 2013 – Town Council Budget Work Session, 6PM
- May 4, 2013 – Crabby Blues Festival
- May 9, 2013 – Town Council Budget Work Session, 6PM
- May 16, 2013 – Town Council Regular Meeting, 6PM

Mayor Sullivan announced Jeb Brady's birthday, welcomed Chief Brown back to work and also welcomed new Officer Danny Bell. New Roots Youth Garden was celebrating their 3<sup>rd</sup> annual Blessing of the Worms on April 28, 2013 from 1:30PM – 3PM with a rain date of May 5, 2013.

**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.**

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Mayor Sullivan

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Assistant Town Clerk