



**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**March 21, 2013**  
**Immediately Following Public Hearing**

At 6:05 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, Sullivan and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the Department Heads and approximately 25 members of the public.

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

**RECOGNITION OF VISITORS / PRESENTATIONS**

*Hugh Sharkey – Spay the Shore Presentation*

Mr. Sharkey addressed the Council regarding Spay the Shore which was a non-profit organization of volunteers dedicated to providing alternative to euthanizing abandoned, stray and feral cats and kittens. Their van was brought to Cape Charles every other month to offer low cost spaying/neutering for both dogs and cats. Mr. Sharkey went on to detail a proven solution to trap feral cats, neuter them and administer a rabies shot, and return them to their environment (TNR). The tips of their ears were removed to keep track of which cats had been neutered. Over time, approximately 6-10 years, the feral cat population would be diminished. Mr. Sharkey stated that for TNR to be successful, it required the support of the community and local government. Mr. Sharkey thanked the Council for the opportunity to speak and distributed brochures regarding the Spay the Shore organization.

*Marion Naar – Cape Charles Historical Society*

Ms. Naar began by thanking the Council for the \$5K appropriation provided to the Historical Society in FY2013 which was used toward completion of the repairs to the museum ceiling and installing a new roof. Ms. Naar added that the Town helped them with the mulch for the landscaping and also allowed her to use the Town's copier/printer when needed. Many of the Council members were also members of the Historical Society. The Historical Society was requesting designation of another \$5K in FY 2014 towards their current operations and projects which included the following: i) Painting the exterior and refurbishing the interior of the caboose; ii) Looking for a home for the County Store Collection which was purchased a number of years ago for \$75K, with the Town providing \$25K; iii) The hiring of a professional director of the Historical Society who could manage operations of the museum, cataloging of archives and development of the Society to better serve the Town and community. This position could start as a part-time position with a salary of approximately \$15K, with the Historical Society contributing about \$3K from their operating funds.

*Carol Evans – Eastern Shore of Virginia Tourism Commission*

Ms. Evans introduced Mr. David Shulte who was also in attendance and continued to state that she was the commissioner for Northampton County. Ms. Evans thanked the Council for their past support and added that the Eastern Shore of Virginia Tourism Commission (ESVTC) was requesting another \$5K again this year for the Welcome Center sponsorship. A survey was done of 120K travel parties and approximately 38%, which equated to 45,600, visited Cape Charles. The Cape Charles businesses also stated that the exposure at the Welcome Center helped their businesses. Ms. Evans

also thanked Council for the 1% designation of the Transient Occupancy Tax for the ESVTC. There had been numerous articles about Cape Charles in the national media outlets. Ms. Evans expressed her delight in the new Cape Charles Tourism website and added that the ESVTC website was the most comprehensive site for events on the Eastern Shore.

Councilwoman Natali asked about the amounts contributed by other localities. Mr. Shulte stated that Onancock gave \$2,750, Accomack County gave \$86,853, Northampton County gave \$114K and Cape Charles gave \$11,300 in the last fiscal year. Councilman Wendell asked about the Town of Chincoteague. Mr. Shulte stated that Chincoteague did not contribute directly, but did so via the transient occupancy tax amount paid by Accomack County.

#### *Joan Prescott – ESVA Festivals*

Ms. Prescott began by thanking the Council for the \$5K seed money and generous in-kind support for the 2012 OpSail Virginia celebration and the more far-reaching tall ships initiative. Ms. Prescott also thanked Council for their continued support of the Eastern Shore Birding and Wildlife Festival which would be marking its 21<sup>st</sup> year in October 2013. Both events were managed under the umbrella of ESVA Festivals. Ms. Prescott stated that she was aware of the challenges facing Council but believed that an investment in the ESVA Festivals was one that would provide the Town with major economic return through the impact of tourism spending and added that the Virginia Tourism Corporation research demonstrated that Northampton County had the highest statewide increase of tourism revenue for 2010. Ms. Prescott continued to state that ESVA Festivals was beginning the process of seeking a location for a “store-front” presence in the Town and for the provision of a full-time executive director. As part of their growth, the ESVA Festivals would work toward a self-sustaining operation, however; at this time, they must obtain funding to market their two current events. Ms. Prescott requested funding assistance in the amount of \$10K in support of ESVA Festival’s Tall Ships at Cape Charles and the Eastern Shore Birding and Wildlife Festival and added that Northampton County had already pledged \$45K in support for the Tall Ships Festival. To date, three ships had confirmed their attendance from June 14 – 16: the Sultana, the Alliance and the Virginia. The Virginia was considering a longer stay in Cape Charles but that was still under negotiation.

#### *George Proto – Cape Charles Business Association*

Mr. Proto began by stating that he was elected President of the Cape Charles Business Association (CCBA) about one week ago and added that the CCBA was requesting \$2,500 in funding assistance, which was the same as last year’s request, to be used towards the following projects: i) Sponsorship of internet classes to familiarize business owners with little or no experience in this area with e-business tools; ii) Sponsorship of social network marketing classes; iii) Workshops for start-up businesses on the basics of running a business – sales tax applications, hiring, dealing with credit cards, etc.; iv) Prizes for store window decorations for various events such as the Blessing of the Fleet, Crabby Blues, July 4<sup>th</sup> Celebration, Tall Ships, Pirates & Wenches Ball, Sea Glass, etc.; v) Advertising to promote local businesses during various events; vi) Sponsorship for the Fall Festival; and vii) Sponsorship of the Art Show. Mr. Proto stated that these events would be reviewed and prioritized in terms of effectiveness in drawing business into Cape Charles and the implementation cost to maximize the effectiveness of the fund spent. Mr. Proto concluded by thanking Council for the Town’s support in the past and for the opportunity to seek further support to grow the business community to the mutual benefit of the Town and its businesses.

Vice Mayor Bannon wished Mr. Proto luck as President of the CCBA and for the future of the CCBA. Mayor Sullivan expressed her excitement to see the CCBA grow.

#### *Spencer Parker – Cape Charles Volunteer Fire Company*

Mr. Parker thanked the Council for their support over the last years, that it was greatly appreciated by all the members and added that anything that the Town could designate for the Cape Charles Volunteer Fire Company (CCVFC) would again be greatly appreciated. Mr. Parker informed Council of their recent acquisition of the brush truck from the Greenbackville Fire Company. The bathroom

renovations should be completed this week. The CCVFC had been collecting donations and sending fire fighters to help the fire companies in Accomack County.

*Clelia Sheppard – Arts Enter*

Ms. Sheppard began by thanking the Council for their past contributions to the Local Government Challenge Grant. The past several years, the Town had given \$5K per year and this year's request was also for \$5K and was critical for their operating budget. It was very difficult and expensive to sustain a large, historic building and a new roof was needed. Ms. Sheppard stated that their programs and entertainment season was progressing well and a very full summer schedule was planned. They were in the process of organizing a two-week Summer Harbor Festival beginning with the Clam Slam and through August 18<sup>th</sup>. Ms. Sheppard concluded by expressing her gratitude again for the Town and its contributions to the Arts Enter.

**PUBLIC COMMENTS:**

*Mary Ann Roehm, Arts Enter Cape Charles*

Please see attached.

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

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

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

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the February 21, 2013 Regular Meeting, the February 21, 2013 Executive Session, the February 28, 2013 Budget Retreat, and the March 7, 2013 Work Session.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the minutes from the February 21, 2013 Regular Meeting, the February 21, 2013 Executive Session, the February 28, 2013 Budget Retreat, and the March 7, 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 February 28, 2013 which showed \$231,787 in the Bank of America account, \$666,141 in the Shore Bank account, \$68,437 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,184 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,406,549. The reduction in the Shore Bank account was due to debt service payments which were made in January and February. The report also showed Total Cash Held in Reserve at \$356,029. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$221,111 more was collected in FY 2013 as of February 28<sup>th</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 February 28, 2013 was reviewed. Kim Coates noted that \$32,948 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.

Heather Arcos added that Northampton County Commissioner of Revenue Anne Sayers informed her that the updated tax book could be picked up next week. Ms. Sayers stated that the property values had decreased approximately 25%.

Kim Coates continued to review the legal fees spent year-to-date which were as follows: i) Acquisition of the Bank of America building – \$14,256.08; ii) Central Park Bathroom Facility Appeal – \$2,770. Heather Arcos stated that the VML Public Officials Liability Insurance was covering the cost of this lawsuit; iii) General Matters – \$11,742; iv) Old School Cape Charles, LLC (OSCC) lawsuits – \$76,386. This figure also included amounts spent in May and June 2012. Heather Arcos added that the VML Public Officials Liability Insurance was also covering the cost of the second lawsuit from OSCC and at the last update, the VML had accrued approximately \$25K in legal expenses for this case; v) Sale of the School building – \$16,264; vi) South Port Investors – \$16,509; and vii) Wastewater Plant Construction – \$3,620 for a total of \$141,545.

Kim Coates also stated that renewal notices were mailed to all golf cart decal owners from 2012. This year, decals had been provided to the two inspection stations in Cape Charles in an effort to streamline and simplify the decal process for golf cart owners. She was in the process of printing the delinquent real estate and personal property tax bills which should be mailed within the next week.

**Motion made by Councilman Sullivan, 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 reported the following: i) South Port Investors submitted a revised application for Harbor Area Review. The Harbor Area Review Board met on March 19<sup>th</sup> to review the application and had recommended approval of the application as submitted. An updated staff report was provided to Council and would be reviewed later this evening as Item 8G of New Business; and ii) A Wetlands Board Meeting would be scheduled in April as two new applications were expected. One application would be for additional work in the Bay Vista area. The second application would be from Bay Creek South for work by the Nicklaus Golf Course.

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

Town Manager Heather Arcos reported the following: i) The Blessing of the Fleet would be held on April 5<sup>th</sup> and a draft version of the program was provided to the Council. Since the printing of these programs, the Town was notified that the Torch Run originally scheduled for April 6<sup>th</sup> had been cancelled; ii) Three photographs of trees on Mason Avenue, by Bad Girlz, Bay Creek Communications and the old hotel were reviewed. These trees would be removed because they were not the correct trees to plant in these areas and had grown too large for their particular location and were causing damage to the sidewalks. Several of the trees were rotted and had reached the end of their life cycle. New, more appropriate trees would be planted as replacements; iii) Staff was very busy working on the budget. The next budget meeting was scheduled for April 4<sup>th</sup>; iv) The new shelving for the Library would be installed the second or third week of April. If everything went as planned, the Library could be opening on May 1<sup>st</sup>. Tom Bonadeo added that the shelving was being shipped on April 15<sup>th</sup> and would be installed the following week. The move was expected to be sometime the week of April 22<sup>nd</sup> and the Town was looking for volunteers to assist with the move. Heather Arcos asked Public Works Director Dave Fauber to give an update on the fishing pier and sidewalk project.

Dave Fauber stated that the fishing pier was expected to be reopened this weekend. The old portion of the pier was completed but some work still needed to be done to the new portion. The VDOT sidewalk project was moving along. The work on Washington Avenue was mostly

done. One crew was now working on Mason Avenue and another crew was finishing up on Tazewell Avenue. The crews would work on the respective streets and meet on Randolph Avenue.

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

#### **OLD BUSINESS**

**A. *Dissolution of Joint Industrial Development Authority of Cape Charles-Northampton County:***

Heather Arcos stated that the Joint Industrial Development Authority (IDA) of Cape Charles-Northampton County was created by resolution on June 5, 1972 by Northampton County and the Town of Cape Charles to administer Industrial Revenue Bond financing made to Shore Memorial Hospital and Heritage Hall until the bond was retired. The IDA was to be dissolved upon retirement of its debt. County Administrator Katie Nunez reviewed the entire outstanding bond obligations and could not locate any outstanding bond obligations. In February 2013, the IDA adopted a resolution to dissolve the body. The Northampton County Board of Supervisors held a public hearing on March 13<sup>th</sup> and adopted an ordinance to dissolve the IDA. A public hearing was held earlier this evening to hear comments regarding the dissolution of the IDA and no comments were heard or submitted in writing prior to the hearing.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adopt Ordinance 20130321 to Repeal Ordinance 321 To Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, Pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended. Mayor Sullivan moved for adoption of Ordinance 20130321 as noticed and forewent reading the Ordinance.**

Councilman Wendell objected to voting on an issue on the same night as the public hearing regarding the issue stating that it discounted the public input. Councilman Sullivan stated that there were no comments this evening. Town Clerk Libby Hume stated that Council could postpone the vote on an item to a future meeting if they felt that more time was needed for further research or discussion on the issue. Mayor Sullivan stated that this issue could be discussed later in the meeting during the Council comment period.

**Ordinance 20130321 was adopted by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

**B. *Police Car – USDA Rural Development Financing:***

Heather Arcos stated that at the February 21, 2013 meeting, the Town Council authorized the application requesting \$11,745 for a US Department of Agriculture – Rural Development (USDA RD) loan to purchase a new 2013 Dodge Charger to replace the 2008 Ford Crown Victoria which was deemed a total loss after an accident on December 25, 2012. The cost of the 2013 Dodge Charger was \$23,145. The insurance proceeds of \$11,400 would be applied towards the purchase price to reduce the balance to finance to \$11,745 at 3.125% for three years with annual payments of \$4,162.20. Staff received notification from Ms. Peggy Jordan, Area Specialist with USDA RD, that the Town had received approval to proceed with the loan application. Resolution 20130321 was required to be adopted by the Town Council stating its agreement to abide by the covenants and to execute the forms required by the USDA RD.

There was some discussion regarding the necessity for each police officer to have their own vehicle. Police Chief Charles Brown explained that the mileage and hours put on the vehicles were an issue. The more hours on a vehicle, the higher the cost for maintenance and repairs. Currently, the Town was on a five-year rotation for police vehicles. If vehicles were shared by two officers, the hours and mileage would double, causing the vehicles to have to be replaced that much sooner. Also, the Town entered into a Mutual Aid Agreement with the Northampton

County Sheriff's Office to assist them with calls, if needed. If the officers were not able to take the vehicles home, it would hinder their response time for these calls.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to execute all applicable forms required by the US Department of Agriculture – Rural Development in order to purchase a replacement police vehicle as discussed. Mayor Sullivan moved for adoption of Resolution 20130321 of the Governing Body of the Town of Cape Charles to Purchase a Police Vehicle and Equipment as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

**NEW BUSINESS:**

**A. *Grounds Maintenance Service Contract:***

Public Works Director Dave Fauber stated that in February 2011, the Grounds Maintenance Service contract had been awarded to Eastern Landscape Management, Inc. (ESLM) for one year with three one-year extensions. This would be the second of three extensions. Some changes were made to the base list of areas to be mowed reducing the overall service area. With those changes ESLM's base bid for mowing services decreased to \$21,018 and the maintenance for Central Park was \$16,870 which included mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation. String trimming of the hump would be done as needed. The work on the hump was not part of this contract but was included in the budget. Dave Fauber explained that the Public Works staff maintained the area along Route 13, the flower beds on Mason Avenue along with other areas in Town.

Councilman Wendell asked whether anything was being done regarding the mosquito deterrent in the standing water in Central Park. Tom Bonadeo stated that the Town had a contract with Bay Creek for mosquito spraying and Town staff also added pellets to the drainage ponds in the park.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the one-year extension of the Grounds Maintenance Service Contract, including the maintenance of Central Park, with Eastern Shore Landscape Management, Inc. as discussed. The motion was approved by unanimous vote.**

**B. *Water Softener Media Contract Award:***

Dave Fauber stated that the useful life of ionic exchange media was from 10 to 20 years or less depending upon the use. The media in the Town's water treatment plant was 20 years old and in need of replacement. \$50K was budgeted for replacement. The Town advertised for bids for the replacement of the water softener ionic exchange media and one bid was received from M. L. Ball Company, Inc. for \$24,750, which was subject to change depending on the amount of gravel needed to complete the work.

**Motion made by Councilman Bennett, seconded by Councilman Sullivan, to award the contract for the replacement of the water softener media to M.L. Ball Company, Inc. as discussed. The motion was approved by unanimous consent.**

**C. *Cape Charles Memorial Library Exterior Painting and Repairs:***

Dave Fauber stated that the current Cape Charles Memorial Library building was last painted in 2006 and \$15K was included in this year's budget for library painting and repairs. An invitation for bids was advertised and two bids were received. The bid was received from Bill Widgeon with a bid of \$5,500. The building appears to be in good shape but some siding needed to be replaced. The Town would supply the materials.

Councilwoman Natali stated that an advisory committee was looking into future use of the building. If the Town were to keep the building for public use, the building would have to be

modified for ADA accessibility. Councilwoman Natali asked whether the work on the ADA ramp be done prior to the painting of the building. Dave Fauber stated that the addition of an ADA ramp should not affect the painting of the exterior of the building and that it would be preferable to paint the building prior to constructing the ramp.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to award the contract for the exterior painting and repairs of the Cape Charles Memorial Library to Mr. Bill Widgeon as discussed. The motion was approved by unanimous consent.**

*D. Contract for Demolition of Wastewater Treatment Plant:*

Dave Fauber stated another change order was submitted for the demolition of the wastewater treatment plant (WWTP). The moisture content in the sediment was too high to be graded on site and in order to progress with site preparation the sediment was moved off site to an area just west of the new WWTP. Change Order #3 incorporated the hauling associated with this change of scope and had been invoiced in the amount of \$17,250. Dave Fauber went on to state that Change Order #4 was also being requested for grading the site west of the new WWTP which contained stock piled, rejected materials from the excavation of the new WWTP, top soil from Central Park used as a cap over the rejected material, other over excavation materials created during plant construction and the sediment brought from the old WWTP site. The dollar amount of Change Order #4 was \$35K and the work would take approximately three to four weeks. The total cost of the project was approximately \$131K, including Change Orders #3 and #4. Heather Arcos added that the Town had budgeted \$288K for closure of the plant. There was much discussion regarding Change Order #4, the cost estimate, size of the area and work being done. Dave Fauber explained he was requesting authorization for the Town Manager to sign Change Order #4 once received and payment was included as part of the grant.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize Change Order #3 in the amount of \$17,250 for the Brittingham contract for the additional work on the demolition of the wastewater treatment plant and to obtain a written quote for Change Order #4 with the inclusion of the description of how the work would be handled.**

There was some further discussion regarding the work and the seeding process. It was determined that the Town needed to move forward with the possibility of hydro seeding the area to ensure that the Town did not have further costs at a later date. It was also determined that once the requested information was received regarding Change Order #4, a special meeting would be scheduled to review and vote on the change order.

**Councilman Bennett amended his motion, seconded by Vice Mayor Bannon, to authorize Change Order #3 in the amount of \$17,250 for the Brittingham contract for the additional work on the demolition of the wastewater treatment plant and to obtain a written quote for Change Order #4 with the inclusion of the description of how the work would be handled along with engineering documentation. The motion was approved by unanimous vote.**

*E. FY2013/2014 Virginia Commission for the Arts Local Government Challenge Grant:*

Heather Arcos stated that the Town of Cape Charles had participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997 and the grant matched local government funds, dollar for dollar, up to \$5K. The Town had allocated \$5K as the local match for the last two years. The grant deadline was April 1, 2013. The application was drafted by the Arts Enter and signed by Town staff. The Town must confirm in writing to the Commission the Council's decision to appropriate the matching funds by July 1, 2013. The local match of \$5K was included in the draft FY 2013/2014 budget and the amount would be reviewed by Council at a future budget work session. The amount could be changed during the budget process.

Mayor Sullivan asked whether this \$5K was what Ms. Clelia Sheppard requested earlier in the meeting. Heather Arcos stated that it was the same request.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize the submission of the Local Government Challenge Grant application by the April 1, 2013 deadline as discussed. The motion was approved by unanimous vote.**

F. *Saint Charles Catholic Request for handicap Parking Spaces:*

Mayor Sullivan stated that a letter was received from the Saint Charles Catholic Church requesting additional handicap parking spaces near the entrance of the church citing their ever-growing elderly population for the need for additional spaces. Currently, Saint Charles had one handicap space directly in front of the building. Handicap parking designation came under the purview of VDOT but a resolution needed to be adopted by the Town Council expressing the Town's support of the project in order for VDOT to consider the request. There was some discussion regarding the number and usage of the spaces. Vice Mayor Bannon, also the president of the Saint Charles Pastoral Council, stated that four additional spaces would suffice and signage would be placed for usage during church services only.

**Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to adopt Resolution 20130321A in Support of the Request from Saint Charles Catholic Church for up to Four Additional Handicap Parking Spaces for use during church services only. Mayor Sullivan moved for adoption of Resolution 20130321A as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

G. *Harbor Area Review Board – South Port Project:*

Tom Bonadeo stated that the Harbor Area Review Board met on March 19<sup>th</sup> to review the application from South Port Investors for development of Phase 1 of the Cape Charles Yacht Center on Parcels 12 and 17 and considered the criteria as listed in the Cape Charles Zoning Ordinance and voted to recommend approval of the application to the Town Council. Council had already approved a Conditional Use Permit for the uses of boatel, marine engine repair, security fence and a dwelling over the storage building. There was much discussion regarding the boatel being an open structure with racks vs. an enclosed building such as several boatels located in Virginia Beach and Norfolk. It was noted that the Coast Guard could have some security concerns if the boatel was enclosed since a building would block off their view of the Harbor area.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the application and issuance of the Harbor Development Certificate to South Port Investors, LLC. as recommended by the Harbor Area Review Board. The motion was approved by majority vote with Councilman Bennett opposed.**

H. *Request from Concerned Citizens for Cape Charles & Old School Cape Charles Partnership:*

Mayor Sullivan stated that on March 14, 2013, a request was received from the Concerned Citizens for Cape Charles (CCCC) and Old School Cape Charles (OSCC) Partnership regarding the proposed use of the current Cape Charles Memorial Library building on Tazewell Avenue as a base for community social, recreational and educational programs and projects with special emphasis on youth and seniors and that the existing computers and equipment and other items not needed by the new facility remain in the building. The future of the current library building was being reviewed by the Community Needs Advisory Committee and Councilmen Bennett and Wendell served on the Committee. The proposal would be forwarded to the Committee for their review and their recommendations would be presented to Council for review when received.

Mayor Sullivan asked Councilman Bennett how the Committee meetings were progressing. Councilman Bennett stated that the Committee invited Ms. Lenora Mitchell, a member of the CCCC Board, to join the meeting. This proposal, like the recommendation from the Library Board and Friends of the Cape Charles Memorial Library, would be taken under advisement.

Vice Mayor Bannon noted that the existing computers at the current library belonged to the Eastern Shore Public Library, not the Town.

#### **MAYOR AND COUNCIL COMMENTS**

Mayor Sullivan suggested discussion regarding Councilman Wendell's earlier comment regarding the holding of a public hearing and the vote on the same night and asked for the opinions of the other Council members.

Vice Mayor Bannon stated that he agreed with the Town Clerk's suggestion regarding if public comments proved that the issue was controversial or if Council felt that more time was needed for research, then the vote on the issue could be tabled to another meeting.

Councilman Bennett stated that in his experience, no comments were heard for over 50% of the Town's public hearings. If there were no comments, there was no reason to delay the vote another month. For issues where people came to speak, Council needed to consider the comments received and possibly postpone the vote to the next meeting.

Councilman Wendell argued that when a public hearing was held and a resolution had already been drafted, the decision was already made. It would better serve the public if the public hearing was held in one month and the vote held at the next meeting.

Councilman Sullivan stated that he did not agree with Councilman Wendell but also did not disagree completely with him. If public comments were heard at the public hearing, the vote on the particular issue could be tabled to the following meeting so further discussion could be held.

Councilwoman Natali agreed that the current procedure should be kept in place. If there were no public comments heard or the comments heard were in agreement, the issue could be voted upon. Council also had the ability to table any issue to another meeting if so desired by the majority.

Councilman Wendell brought up the issue with the sale of the former school building on June 14, 2012 when the public hearing was held followed by a vote to sell the school at the meeting immediately following the public hearing. Councilman Sullivan stated that this issue was in the past and was "water under the bridge" and suggested closing the session this evening.

Councilman Wendell stated that he had a question regarding an item from the February meeting when he was not in attendance and continued to ask why the amendment to the Echelon contract was called the "First" amendment and whether this was open to additional amendments. Heather Arcos explained that it was a legal procedure and the Town did not expect any additional amendments to the contract. Councilman Wendell asked why the issue was not taken to Council. Heather Arcos stated that the resolution approving the sale authorized the Mayor and Town Manager to take action in this capacity. Mayor Sullivan added that it was a legal decision. Councilman Wendell asked how many people were involved in the discussion to amend the contract. Heather Arcos stated that legal counsel advised the Town to amend the contract in this matter as the intent of the Town, Town Council or the purchaser in regards to the clause that was removed was not how it was understood by the citizens. Since all parties agreed regarding the intent, legal counsel advised removal of the clause.

**ANNOUNCEMENTS**

- April 4, 2013 – State of the Country, State and County Breakfast
- April 4, 2013 – Town Council Budget Work Session, 3PM
- April 5, 2013 – 6<sup>th</sup> Annual Blessing of the Fleet, 5:30 PM
- April 11, 2013 – Town Council Budget Work Session, 6PM
- April 18, 2013 – Town Council Regular Meeting, 6PM
- April 25, 2013 – Town Council Budget Work Session, 6PM
- May 4, 2013 – Crabby Blues Festival

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

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Mayor Sullivan

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Town Clerk

**Town Council Regular Meeting  
March 21, 2013  
Comments Provided in Writing**

*Mary Ann Roehm, Arts Enter*

I'd like to take this public opportunity to reiterate some of the exciting grants that have been awarded in Cape Charles this past year. Arts Enter has embraced important partnerships that have enabled some major initiatives.

This has been a very busy year. Not only has Arts Enter been providing entertainment and education in the arts, maintaining the Palace Theatre and managing the Stage Door Art Gallery, we were the lead applicant for a National Endowment for the Arts grant called Our Town. Our grant partners are the Town of Cape Charles, Citizens for Central Park and the Cape Charles Business Association. The Our Town grant supports projects that help transform communities into lively, beautiful and sustainable places with arts at the core. This has opened up a whole new opportunity for Cape Charles to explore ways to engage the businesses and organizations to work together to promote Cape Charles as a great place to live and a popular place to visit. This is a two-year grant. From this we hope to launch an annual festival, an arts walk and continued partnerships in the years to come.

Inspired by the success of receiving the NEA grant, Arts Enter applied for and received a \$5,000 marketing grant through the Virginia Commission for the Arts and the Virginia Tourism Corporation to help financially support the Capecharlesbythebay.com tourism website. Following that success, the Bed and Breakfast Association applied for and received a \$10,000 marketing grant from the Virginia Tourism Corporation. This \$15,000 and financial contributions from local businesses and organizations provided the seed money for a multi-tiered marketing strategy for Cape Charles. The website portion is almost complete and is expected that the new Cape Charles tourism website will be up by mid-April.

It is an honor and a privilege to be working side by side with the Town of Cape Charles as we all share the vision of our town flourishing.

Thank you for your support.