



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
January 10, 2013
Immediately Following the Public Hearing

At 6:15 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, Sullivan and Wendell, and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the Department Heads and approximately 30 members of the public.

A moment of silence was observed followed by the recitation of the Pledge of Allegiance.

RECOGNITION OF VISITORS / PRESENTATIONS

Dixon Tucker, Virginia Department of Health

Mr. Tucker presented the 2012 Water Fluoridation Quality Award to Public Utilities Director Dave Fauber. Mr. Tucker continued to state that the staff of Cape Charles were consistent in their diligence in maintaining optimal levels of fluoridation in its drinking water and added that every dollar spent in fluoridation, saved \$38 in dental costs.

Beth Davis, Representative for the Eastern Shore 140 Triathlon

Ms. Davis presented information on the ES140 Triathlon planned for September 7, 2013 and gave an overview of the planned event, routes and expected impact for the Town. Ms. Davis introduced Don Mann, Director of the ES140 Triathlon, and Mark Montague, Director of Operations and Logistics and added that she was continuing to work with Town Manager Heather Arcos, Chief of Police Charles Brown, Community Events Coordinator Jen Lewis and other regional and local law enforcement agencies to finalize the course routes.

PUBLIC COMMENTS:

Don Riley, 538 Monroe Avenue

Mr. Riley stated that he had talked to Mayor Dora Sullivan telling her that the site for the Central Park bathroom was not proper for the park and it was too large. Mr. Riley added that he worried about flooding in the area and it would worsen flooding for others if a structure was built in the area. It was also a health issue and an engineering review was needed to see if it would work. Mr. Riley continued to state that last night, at the Planning Commission meeting, he had 3 minutes to speak and Mr. Bob Panek had 15 minutes to talk about the bathroom project and added that this would make him work harder to stop the bathroom project. The citizens of Cape Charles did not know about the large bathroom and asked that the Town Council reconsider this project and talk to the citizens before making a decision. Mr. Riley stated that he had a petition and filed an appeal.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall addressed the Council asking why the Town closed on the old school building for \$10. Ms. Duvall stated that Echelon said that they would not take the building without getting tax credits and asked why did they close on the property without getting the tax credits approved? Ms. Duvall asked why Echelon needed an extension on the date to begin construction and why should the Town give it to them. Echelon did not have to close on the property. Echelon took away the basketball court from the children and the parking for the playground. Echelon should not get an extension since they did not have to close on the sale of the property.

Deborah Bender, 300 Fulcher Street

Ms. Bender addressed the Council regarding the former school property. (Please see attached.)

John Burdiss, 117 Mason Avenue

Mr. Burdiss stated that he spoke during the public hearing and did not have anything additional to add, but would be available for questions when the Cape Charles Christian School item was discussed.

Spencer Parker, 421 Tazewell Avenue

Mr. Parker stated that he was the 2013 president of the Cape Charles Volunteer Fire Company and introduced Jay Bell who was the chief for 2013. Renovations were being made to make the fire hall a better facility for the public with the help of Malcolm Hayward, Donny Brady, Tom Bonadeo and others. New Ravenna donated the tile which was valued at about \$3K. Everyone was working together to make things happen. Mr. Parker concluded by stating that he hoped to work together with the Town to make things happen.

Victor Abrahamian, 213 Monroe Avenue

Mr. Abrahamian addressed the Council regarding the basketball court. (Please see attached.)

Town Clerk Libby Hume read a letter from Linda Burke, 516 Madison Avenue. (Please see attached.)

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

CONSENT AGENDA:

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

The Town Council reviewed the minutes of the December 13, 2012 Regular Meeting and the December 20, 2012 Executive Session.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the December 13, 2012 Regular Meeting and the December 20, 2012 Executive 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 December 31, 2012 which showed \$178,233 in the Bank of America account, \$978,197 in the Shore Bank account, \$68,420 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,076 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,664,926. The report also showed Total Cash Held in Reserve at \$355,998. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$197,747 more was collected in FY 2013 as of December 31st with increases noted for meals tax, personal property taxes and real estate taxes. Kim Coates also reviewed the revenues vs. expenditures and the capital improvement projects. A new report detailing the dollars spent to date on the new library building was reviewed. 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 December 31, 2012 was reviewed. Kim Coates noted that \$19,367 had been processed via credit cards since new credit card swipers were installed on November 20, 2012.

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) The beach was surveyed after Hurricane Sandy and a report was submitted to FEMA. Sand was lost down the entire beach but the dunes absorbed much of the impact. The Town participated in the Community Rating System (CRS) through FEMA and currently scored a 9 which equated to the residents being eligible for a 5% discount in their flood insurance premiums. The Town's CRS representative was currently in New Jersey and advised the Town to pay attention to what happened in New Jersey and to expect changes in the flood insurance program especially in regards to the Federal subsidies. Currently, there were about 250 flood insurance policies for property in Cape Charles so many residents do not have coverage. Tom Bonadeo stated that he would look into possible grants for outreach to get information out to the residents; and ii) The Planning Commission met last night and continued their work on the sign ordinance, density in the Harbor District, especially along the Mason Avenue Corridor. The Commissioners also reviewed the site plans for the Central Park Bathrooms and agreed the proposed location had the least impact and was the logical location due to access to water, sewer, electrical, etc.

There was some discussion regarding the importance of addressing the density issue in the Harbor District and Tom Bonadeo explained the Floor Area Ratio (FAR) concept which was being reviewed by the Planning Commission.

C. *Other Departmental Reports:*

Councilman Bennett asked Public Utilities Director Dave Fauber about the softener media schedule. Dave Fauber responded that he was contacting companies regarding the Town's options and the project should be moving forward very soon.

Councilman Wendell asked why the Harbor Revenue was down. Heather Arcos responded that last year's budget included grant revenue for the bath house project. There were no projects scheduled for this year so there were no grant reimbursements. Harbor Master Smitty Dize added that the Harbor revenues were actually up from last year.

Heather Arcos reported the following: i) Staff met with Davis Disposal Co regarding recycling services and the options for recycling services to the Town's residents would be discussed at a future meeting; ii) Staff met with the new owner of the Bay Creek Marina property and Aqua would be reopened by Easter weekend; iii) The VDOT sidewalk project continued with the repairs along Mason Avenue scheduled to be done during the months of January - March; iv) A structural review was completed on the fishing pier and the oldest section of the pier had been deemed unsafe. A temporary repair plan was being reviewed by the engineering firm to allow the Town to make the necessary repairs to safely open the fishing pier. The goal was to reopen the pier by the end of March; v) The Public Works crew was working on repairs to the playground and new mulch would be laid this week; and vi) Staff was looking at options for relocation of the basketball court. The Town owned three lots by the skateboard park. Dave Fauber was working on pricing to rebuild the court at its current size and possibly a larger size. The Town Council would be reviewing the options and costs during their budget discussions.

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

NEW BUSINESS:

A. *Central Park Bathroom Building - Appeal of Historic District Review Board Decision:*

Heather Arcos noted that Mr. Don Riley spoke earlier during the Public Comment Period and asked him if he had anything to add to his previous comments or if he wanted to present his petition. Mr. Riley responded that he did not have anything to add.

Heather Arcos stated that the Citizens for Central Park (CCP) originally approached the Town Council on October 13, 2011 with their proposal to construct a permanent bathroom facility in Central Park similar in design to the Plum Street Pump Station which was located in the northeast corner of Central Park. The bathroom facility would be located in the southeast corner of the park for symmetry. The park had porta-potty facilities for several years and citizens had complained about the quality of the service. With the Council's support, the CCP applied for an Eastern Shore of Virginia Community Foundation grant and received \$20K. A \$15K Town match was allocated in the FY 2013 budget. On November 20, 2012, the Historic District Review Board (HDRB) reviewed and approved the plans submitted by CCP. On December 10, 2012, a letter was received from Mr. Riley appealing the approval of the Central Park bathroom building by the HDRB. At their January 9, 2013 meeting, the Planning Commission reviewed the plans and information provided to the HDRB and approved the proposed location for the bathroom facility.

Councilman Bennett stated that he did not have as much problem with the location of the facility as the look of the building and added that he preferred a building which would be more compatible with the gazebo and a Victorian look vs. a brick building.

Vice Mayor Bannon stated that he had reviewed the plans and had no problem with the plans as approved by the HDRB.

Councilman Godwin stated that he also had no problem with the plans.

Councilman Wendell asked about the cost of the project. Bob Panek, Assistant Town Manager and President of the CCP, stated that the original plan estimated the cost of the project at approximately \$60K and the CCP applied for a grant of \$45K. The plan was revised upon notification of the grant award amount of \$20K.

Mayor Sullivan asked about the effect on the grant if the project was postponed. Bob Panek stated that the CCP could possibly lose the grant funding and there would be additional costs to redesign or relocate the facility and the CCP did not have the money to do so. Any additional funds would have to come from the Town in order for the project to move forward.

Councilman Bennett suggested that the design did not have to be changed but the materials and size could possibly be modified.

Heather Arcos stated that the Town Council could add a condition regarding the materials used.

Councilwoman Natali stated that she had no problems with the design or location and went on to disclose that she was also a member of the Board of the CCP. Councilwoman Natali added that if there was a problem, it was a problem with the guidelines. CCP complied with the guidelines in designing the building and suggested that the HDRB review the guidelines for a possible update. Councilwoman Natali concluded by stating that she preferred a permanent building to porta-potties with the stress on the functionality of the facility.

Motion made by Councilwoman Natali, seconded by Councilman Godwin, to accept the Historic District Review Board's approval of the Central Park Bathroom Facility as proposed by the Citizens for Central Park. The motion was approved by majority vote with Councilmen Bennett and Wendell opposed.

B. *Ordinance to Change Council Regular Meeting Day:*

Heather Arcos stated currently, the Town Council Regular Meetings were scheduled for the second Thursdays of each month and work sessions were scheduled on the fourth Thursdays of each month. Agenda packets were usually sent out the Friday prior to the meeting which causes some difficulty for several departments, such as the Finance, Code Enforcement, Harbor

and Police Departments, in having to close out the previous month to run the reports for inclusion in the Town Council agenda packets since the reports were typically due the end of the previous month or the first few days of the current month. A work session was held on November 15, 2012 to discuss this issue and the general consensus reached was to move the regular meetings to the third Thursdays and the work session to the first Thursdays of each month. Pursuant to § 15.2-1416 of the Code of Virginia, in order to change the regular meeting days, the governing body must pass a resolution as to the future meeting day. A copy of the resolution must be posted on the door of the public meeting place and inserted in a newspaper having general circulation in the municipality at least seven days prior to the first meeting on the new day.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt Resolution 20130110 - Changing the Day of the Cape Charles Town Council Regular Meetings. After Mayor Sullivan read Resolution 20130110, the motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

C. *Byrne Justice Grant Application Submission:*

Heather Arcos stated that the Virginia Department of Criminal Justice Services (DCJS) was making funds available for a one-time equipment grant. Applications were due January 31, 2013. The Police Department requested authorization to apply for funding for four in-car camera systems. Currently, only one police vehicle had a camera but at one time, all five vehicles had cameras in operation. The former cameras were over eight years old and no longer operational. The in-car camera systems were estimated to cost about \$3K per camera for a total of \$12K. Pending notification of the grant, \$1,200 for the 10% Town match would be included in the FY 2013-2014 Police Department Budget.

There was some discussion regarding equipment purchased previously using funding through Byrne Justice Grants and the compatibility of the existing camera with the new cameras being purchased.

Motion made by Councilman Godwin, seconded by Councilman Sullivan, to authorize the Town Manager to submit the DCJS grant application for \$12K to purchase four in-car camera systems for the Police Department. The motion was approved by a unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

D. *South Port Investors Lease Amendments:*

Heather Arcos stated that the two leases of five parcels of Town property to South Port Investors LLC contained language describing the permitted uses based on previous preliminary site plans. South Port's plans had since evolved and the leases required amendments to allow for currently planned uses which were consistent with South Port's application for a conditional use permit. Council previously reviewed the details of the proposed amendments, except for encroachment on the harbor bottom up to 100' west of Parcel 12 and 70' north of Parcel 19. The granting of such easements on public property was governed by §§ 15.2-1800 and 2100 of the Code of Virginia. A public hearing must be held per § 15.2-1800 and the Town must advertise the proposed easement for public bids per § 15.2-2100, et seq. The easement must be granted by an ordinance.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to schedule a public hearing for February 7, 2013 and advertisement for bids for the proposed easements as required. The motion was approved by unanimous consent.

E. *Virginia Port Authority Aid to Local Ports Grant Request:*

Heather Arcos stated that last year, the Virginia Port Authority (VPA) approved a \$500K grant requested by the Town for Phase 3 of the offshore breakwaters. The estimated project cost was

approximately \$800K, with Phases 4 and 5 estimated to be at least another \$1.2M. Even with the \$500K grant and a Town match of about \$167K, an additional \$133K in private or public funding would be required to execute the Phase 3 project. Staff met with South Port Investors regarding several alternatives to protect the inner harbor from waves and swells, but no decisions had been made to date. The options would be reviewed with Council at the special meeting scheduled for January 24, 2013. Staff recommended requesting a carry-over of the existing grant to fund the alternative ultimately selected.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to authorize the Mayor to send a letter to the VPA requesting a carry-over of the \$500K grant for protection of the harbor. The motion was approved by unanimous consent.

F. *Reappointment to Historic District Review Board:*

Mayor Sullivan stated that the Historic District Review Board oversaw the Town's Historic District and reviewed applications and plans for renovations to existing structures or new construction within the Historic District. The Board consisted of five members serving five-year terms. Ms. Dianne Davis' term expired on January 8, 2013 and she had expressed her interest in continuing her service on the Board for another term.

Vice Mayor Bannon stated that it was so difficult to find people to serve on the Town's various boards, so if an individual was interested in continuing their service to the Town, they needed to be reappointed.

Motion made by Councilman Wendell, seconded by Councilman Sullivan, to reappoint Ms. Dianne Davis to the Historic District Review Board for another term. The motion was approved by unanimous consent.

G. *Northampton County Funding Request:*

Heather Arcos stated that each year, the Town submitted a letter to the Northampton County Board of Supervisors for a contribution request for the next fiscal year budget. Typically, the Town requested funding assistance for the Cape Charles Memorial Library and the 4th of July celebration. Last year, the Town requested funding assistance as follows: \$20K for the operations of the Cape Charles Memorial Library, \$20K towards the library expansion, \$20K for the operations of the Cape Charles Computer Lab, \$7K for the 4th of July fireworks display, \$10K for public beach operations, and \$75K towards the offshore breakwater. The Town received \$20K for the operations of the Cape Charles Memorial Library. The County also provided assistance to the Eastern Shore of Virginia Festivals organization for the Tall Ships initiative last year and the County had already approved funding for the initiative this coming year. For fiscal year 2013-2014, the Town planned to submit a request the same as last year as well as an additional request for the County to continue its efforts to provide emergency services to the residents of the County after the relocation of Riverside Shore Memorial Hospital.

Councilman Bennett stated that the County residents received the benefit of all of Cape Charles' amenities – public beach, library, park, and the various events, at no cost.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to authorize the Town Manager to send a letter to the Northampton County Board of Supervisors requesting funding assistance from the County as discussed. The motion was approved by unanimous consent.

H. *Request from Echelon Resources:*

Heather Arcos stated that the sale of the former school property was finalized on December 20, 2012 pursuant to the Sale and Purchase Contract. Section 15.C. of the Sale and Purchase Contract required commencement of construction within 90 days after closing. Due to the rescheduling of the hearing date related to the pending litigation from December 17, 2012 to

January 25, 2013, Mr. Kevin Martingayle, attorney for Old School Cape Charles, LLC (OSCC), requested that commencement of any structural or physical work to the building be postponed until the legal issues were resolved in court. Charon Ventures had agreed to postpone the commencement of work on the building until after January 25, 2013 and Mr. J. David McCormack, Manager of Charon Ventures, LLC, submitted a letter to the Town requesting an extension to the 90-day period for commencement of construction to February 1, 2013 with commencement of construction by May 1, 2013.

There was some discussion regarding the timeframe and the lawsuit. Councilman Bennett stated that he heard the public comments but Charon Ventures was accommodating the attorney for OSCC who requested that Charon Ventures wait until “legal resolution before doing anything that would harm any part of the property” and added that he was agreeable to granting an extension to the 90-day period to commence construction to January 25, 2013 which was the date of the hearing.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to grant an extension to start the 90-day period on January 25, 2013 with commencement of construction within 90 days of January 25, 2013. The motion was approved by majority vote with Councilman Wendell opposed.

OLD BUSINESS

A. *Cape Charles Christian School Tax Exemption Status Request:*

Heather Arcos stated that the Cape Charles Christian School purchased the former Presbyterian Church located at the corner of Tazewell Avenue and Strawberry Street on May 14, 2010 and were requesting a tax exemption from the Town retroactive to May 14, 2010 and a refund of taxes paid since that date. A public hearing was held earlier in the evening and the only comment was from Mr. John Burdiss, attorney representing Cape Charles Christian School.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adopt Ordinance 20130110 - Granting Local Tax Exemption Status to the Cape Charles Christian School. Mayor Sullivan moved for adoption of Ordinance 20130110 as noticed and forewent reading of the Ordinance. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

B. *South Port Investors LLC Conditional Use Permit Application:*

Tom Bonadeo stated that a conditional use permit application for the Harbor District had been received from South Port Investors LLC for a boat and marine engine repair on Parcels 12 and 17, a boatel on Parcel 12, a dwelling unit over commercial space on Parcel 12, and a 6’ chain link security fence on Parcel 12. The Planning Commission reviewed the application and held a public hearing at their January meeting and found that the proposed uses 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 other land uses within the particular surrounding neighborhood; ii) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and iii) be in conflict with the purpose of the comprehensive plan of the Town. The Planning Commission recommended approval of the conditional use permit with the recommendation that South Port Investors LLC continue working toward the Virginia Clean Marina designation, as stated in their application letter, to the extent allowed by the program. Tom Bonadeo added that the Cape Charles Yacht Center would be a yacht repair center and may not fully qualify for the program. Tom Bonadeo also stated that the South Port project would be a \$5M investment in the Cape Charles waterfront and work had begun on the wetlands mitigation.

The Town Council held a public hearing earlier in the evening and one email was received from Mr. Dave Morgan of Sinclair Communications, in support of South Port Investors’ project.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to approve the conditional use permit application from South Port Investors LLC subject to approval of the lease amendments.

C. Citizen Participation Guidelines:

Mayor Sullivan stated that most localities had guidelines in place for citizen participation at meetings. A work session was held on November 15, 2012 where Council reviewed and discussed the development of guidelines in detail. The latest draft of the guidelines was included in the agenda packet for Council review prior to the meeting. The Town Council could not speak during the public comment period but a time was designated at the end of the meeting for Mayor and Council comments.

There was some discussion regarding the proposed guidelines. The three minute limitation was discussed and it was agreed that if an issue required more than three minutes, it could be added as an agenda item for further review and discussion. Councilwoman Natali stated that the comments could be submitted in writing and it would be included as part of the record in its entirety. Councilman Godwin added that he felt that everyone's three minutes were equally important.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt the Citizen Participation Guidelines as presented. The motion was approved by majority vote with Councilman Wendell opposed.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan stated that she did not have any additional comments.

Councilman Bennett stated that he did not have any additional comments.

Councilwoman Natali stated that she received input from a citizen questioning the validity of the loading zone in front of Hotel Cape Charles while it was closed for the season. Heather Arcos stated that she spoke with Mr. Chris Isdell of VDOT and was informed that if the Town received permission to use the space, the "loading zone designation" would have to be blacked out and the signage removed. The markings and signage would have to be redone when the hotel reopened in the spring. This work would be at the expense of the Town. Councilwoman Natali asked if there would be any consequences for parking in the area. Chief Brown stated that the officers could not ticket any vehicles parked in the loading zone since it was not addressed in the Town Code. Heather Arcos stated that staff would look into this issue.

Heather Arcos asked that Council consider a study for pedestrian crosswalks, mainly in the Mason Avenue area and the Randolph Avenue/Fig Street area. In order to evaluate crosswalks, a resolution would need to be adopted requesting VDOT to conduct a study before obtaining approval to install crosswalks. The Town could possibly do the work ourselves using VDOT specifications.

Councilman Wendell commented as follows: i) The practice of holding public hearings on the same night as the vote was insulting to the individuals making comments since Council could not do more research after the public hearings. Councilman Wendell stated that the public hearing and the vote should be on two separate evenings. It was the same principle as moving the Town Council meetings to allow Council time to review the Treasurer's report prior to the meetings; ii) He would like to know how the Hotel Cape Charles was able to install the glass balconies without the Town's approval and added that in a town this size and with all the personnel, it should have been caught sooner. Councilman Wendell stated that he would like an explanation. Heather Arcos stated that a plan was submitted by the owner of Hotel Cape Charles and approved by the Historic District Review Board. The work on the balconies was done at the end of the construction and was caught

by the Code Official. Councilman Bennett stated that Councilman Wendell's concern was merited and suggested an updated report from the Code Official. Heather Arcos added that an update would be provided at the next meeting; iii) Why didn't the Town ask for a grant to keep the old school maintained and open for public use? The Town had stated repeatedly that no grant money was available but Bob Panek found out about the \$45K for toilets in the park but nothing for the 100-year old historic school building which was a sad misplacement of priorities. Councilwoman Natali stated that the money was from a foundation which only gave money to 501c3 organizations and excluded governmental organizations. Vice Mayor Bannon added that he spoke to the former director of the Accomack-Northampton Planning District Commission who told him that there was no money available for schools. Councilman Wendell added that he talked to the Director of the United Way who informed him that funding was being provided to the Onancock Community Center; and iv) Councilman Wendell asked for an explanation regarding removal of the basketball court. Bob Panek stated that after the property was transferred, the Town made a judgment that the Town's signage indicating the area was Town property and the basketball backboards needed to be removed to eliminate the liability of anyone going on the property and getting injured. Councilman Wendell stated that Echelon should have removed everything at their expense.

Councilman Godwin stated that he felt that the children should have a place to play but more importantly they should be redirected to the Library so they could learn to use computers and get technical knowledge. Children needed to go to the Library to learn things to help them later on. It seemed that more emphasis was placed on basketball but not enough on education and more emphasis should be placed on the Library and education.

ANNOUNCEMENTS

- January 12, 2013 – Epiphany Party with the proceeds going to the Friends of the Cape Charles Memorial Library.
- January 18, 2013 – Town Offices closed for Lee-Jackson Day.
- January 21, 2013 – Town Offices closed for Martin Luther King Jr.'s Birthday.
- January 24, 2013 – Town Council Special Meeting, 6:00 PM.
- January 31, 2013 – VML Legislative Day in Richmond. Vice Mayor Bannon, Councilwoman Natali, Councilman Godwin have expressed their interest in attending. Meetings had been scheduled with Senator Ralph Northam and Delegate Lynwood Lewis.
- February 7, 2013 – Town Council Work Session, 6PM.
- February 21, 2013 – Town Council Regular 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.

Mayor Sullivan

Town Clerk

**Town Council Regular Meeting
January 10, 2013
Comments Provided in Writing**

Deborah Bender, 300 Fulcher Street

Now that our Town Council and Echelon Resources closed on the sale of the historic old school in the park it seems that Echelon realizes that they cannot begin building while a lawsuit is pending. One has to wonder why they went ahead and closed on the property thereby taking the town's only basketball court.

Did they think that the kids who go to play there every day would not notice that it was gone? Did they think that the people of Cape Charles would not care? Perhaps they are right about that. It is clear that a lot of people don't care. They don't have children, so they just don't care.

But what about Town Council, aren't you supposed to care about the town's people – rich and poor alike? Or is this the same town council that said they did not want any poor folks in the brand new rebuilt school in the Park.

Here tonight we will have another chance to see Town Council fall all over themselves to serve Echelon Resources. Echelon could have waited to close until they could begin work. They even promised that they would.

The Town Council could not wait because the contract was written solely for the benefit of Echelon Resources. There was no way that the town could decide when the closing would happen. It was all in Echelon's hands. So now again they must do Echelon's bidding.

Then we learn from our Town Manager that the contract required the town to remove the basketball hoops from their stands in the Park. But is that true? Not really! I defy anyone to find anything about the basketball court in the contract. Echelon did not want anything about it there because they did not want to be asked to pay to replace it in another location.

It is way too late for our Town Council to do the right thing and back out of the give-away contract with Echelon. But it is not too late for the courts to decide that the people of Cape Charles were treated very poorly by a bunch of lame-duck elected officials who sold their historic school for \$10.

That is not a joke. It should be, but it isn't. It is a very sad fact.

Victor Abrahamian, 213 Monroe Avenue

Removal of the Basketball Hoops

Was it necessary for the town to remove the hoops at this time?

Echelon has requested extension due to late January court hearing.

Couldn't the town wait and see or even discuss the matter with the residents and come up for an alternative solution?

The only recreation facility most utilized in the Town of Cape Charles was a damaged "Basketball Court."

The basketball court was the center of physical activity for all children and young men and women of all colors as well as the pride of the town, the Cape Charles Christian School's students with no exercise facility.

One basketball was enough to entertain and exercise 10 or more youths at the same time. No one complained about the rusted hoops, broken chains, uneven court, or lack of safety measures to protect the children from running to the middle of Madison Street to retreat the basketball.

The Basketball Court was the ONLY place when children and youth got away from TV, cell phones, text messaging and computer games.

This was the place where young people learned to unify as a group and cooperate with each other.

There is one Solution to our basketball court situation:

1. Convert the 2 tennis courts to:
 - a. One tennis court and
 - b. One basketball court
2. Preparing the basketball court:
 - a. Remove one of the tennis court's net-poles (2)
 - b. Cover the pole holes
 - c. Cover the center light court post with thick foam for safety
3. Portable Basketball Hoops:
 - a. 52 inch Lifetime Portable Basketball Hoops model 90167
3mm Shatter Proof MaKrolon Backboard
Speed Shift Height Adjustment from 7 to 10 feet for all ages
XL 35 gallon roller base – fill the base with sand:
 - Provides more rigidity
 - More suitable to stand higher than 40 mph wind and aggressive play
4. Cost per Portable Hoops \$379.99
5. Noise Policy and Operating Hours
Should be established with the consent of surrounding and adjacent residents.

I am available for discussion.

Linda Burke, 516 Madison Avenue

Dear Town Council:

Tonight you have an opportunity to demonstrate your fiscal responsibility and vote NO to restrooms in Central Park. Spending \$15,000 to get \$20,000 for something the Park doesn't really need is wasteful.

If you feel the need to spend \$15,000, spend it on a fix for the drainage problem in the Park, NOT on restrooms. When an event is planned, Porta Potties are just fine.

Let us know you understand the real needs of the town: the harbor, Mason Avenue Businesses and the Beach. Use that money to make the Town more profitable which will help to lower everyone's taxes.

Vote wisely and use this opportunity to repair some of the discord between Town Council and many of our citizens.

On the Echelon extension: Absolutely no extension should be granted. They have not turned a shovel of dirt and already they are in trouble with their schedule.

Thank you for listening.