



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
December 8, 2011
6:00 p.m.

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 and Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:03 p.m. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The Department Heads were also in attendance along with 8 members of the public.

Vice Mayor Bannon gave the invocation and Mayor Sullivan led the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

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

CONSENT AGENDA:

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to approve the agenda as presented. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the November 10, 2011 Public Hearing, the November 10, 2011 Regular Meeting, and the November 21, 2011 Work Session.

Councilwoman Natali noted the minutes from the November 10, 2011 Regular Meeting showed that Councilman Evans abstained from the vote on the October 27, 2011 Special Meeting since he was not in attendance, but the motion did not reflect his abstention.

Motion made by Councilman Sullivan, seconded by Councilman Veber, to approve the minutes of the November 10, 2011 Public Hearing and the November 21, 2011 Work Session as presented and the November 10, 2011 Regular Meeting as corrected. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. Town Manager's Report:

Mayor Sullivan informed Council and the attendees that she and Heather Arcos met with the president of a credit union who expressed their intent to open a branch in Cape Charles and hopefully, the Town can work with them so that as one bank closes its doors, another one could open. Councilman Veber thanked Mayor Sullivan for her help and effort in finding a bank to relocate to Cape Charles.

Town Manager Heather Arcos reported the following: i) This year's Progressive Dinner was a success and the Chamber of Commerce did an outstanding job in organizing the event; ii) The Town was expecting to receive the plans for the new Bay Creek Beach Club any day; and iii) The Central Park Grand Illumination was breathtaking. A huge thanks to the Citizens for Central Park and the Public Works staff for all their hard work in making the event happen.

Councilman Bennett asked about the revisions made to the Harbor Bath House plans from Boytos & Boytos. Tom Bonadeo responded as follows: i) There were some changes to the interior floor plan to increase the usable space within the building and the location of the doors

were adjusted; ii) Two windows were added; iii) The handicap ramp was modified adding railings for safety; iv) A countertop was added vs. having freestanding sinks; v) Several outlets were added around the exterior of the building; and vi) An anti-skid epoxy floor would replace the ceramic tile which was proposed. The project, with these modifications, was still within the approved budget.

B. *Treasurer's Report:*

The Treasurer's report dated November 30, 2011 showed \$642,210 in the Bank of America checking account and \$1,143,364 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,785,574. Treasurer Jo Anna Leatherwood went on to report the following: i) She talked to the County regarding the Mason Avenue property with delinquent real estate taxes and the County had still not received payment and were unsure about the timeframe for tax sale; ii) This year's personal property tax billing was the first year with prorated tax amounts and she has received a positive response from the residents; iii) She received six court-ordered real estate assessment adjustments which would impact the amount of tax revenue; and iv) December 16th was Jennifer Scott's last day. Tammy Teague would be assuming Jennifer's duties as well as continuing with the utility billing. She would monitor Tammy's progress to ensure that service to the customers did not suffer.

Councilman Bennett asked about the \$1,438 paid to Bow Wow Pet Waste Products. Jo Anna Leatherwood explained that this cost was to purchase bags for the doggie potty stations located around Town. Heather Arcos added that this expense was part of the Litter Grant.

Councilman Evans asked if the Town could put a lien on the property on Mason Avenue to ensure payment of our delinquent taxes in case it went to tax sale. Jo Anna Leatherwood responded that the Town could proceed legally after January 5, 2012 when the delinquency to the Town would be three years back.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to approve the Treasurer's Report as presented. The motion was approved by unanimous consent.

C. *Recreation Report:*

Community Events/Recreational Coordinator Jen Lewis reported the following: i) Dessert was served at Heritage Acres on December 17th and the residents were very thankful. Councilman Sullivan assisted in serving; ii) Last Tuesday, Mega Bingo was held at Heritage Acres from 1:00 – 5:45 PM. 61 games of Bingo were played with 32 participants; and iii) The Progressive Dinner was very successful. A lady who participated this year in a group has already called and left a voicemail message asking about making reservations for next year.

D. *Library Report:*

Librarian Ann Rutledge reported the following: i) On December 11th, the Bed & Breakfasts in Town would be holding a Cookie Tour from 2:00 – 4:00 PM with donations being requested for the Library; and ii) The Library was selling holiday tote bags for \$2 each with proceeds going toward the Library Building Fund; iii) The Library was holding "Food for Fines" during the month of December where customers bringing in a canned goods donation would receive \$1 credit toward any outstanding fines with a maximum of \$10. All donations would go to the Food Pantry; and iv) A gentleman used to come into the Library every day to use a computer to look for jobs. As a result of the computer usage, he found a job in Chincoteague. Staff will miss seeing him but were happy that he was able to find a job.

E. *Harbor Report:*

Harbor Master Smitty Dize stated that he did not have any additional information to add to his written report.

Councilwoman Natali asked about the Clam Slam. Smitty Dize explained that The Cape Charles Clam Slam was a new festival beginning next year. This year's Buy Boat Reunion was such a

success, he wanted to continue with a festival for the first weekend in August and decided on the Clam Slam since clams were a large industry on the Eastern Shore.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) The Public Utilities crew had been training at the new Wastewater Treatment Plant (WWTP); and ii) There were issues with the 14-day Clean Water Testing for the new WWTP and the engineers were suspending the test until the issues could be resolved. The testing will restart at Day 8.

Councilman Bennett asked about the paving of the crosswalks on Mason Avenue which were now more like speed bumps vs. crosswalks. Dave Fauber responded that the final walk-through had not been completed but this issue would be brought up.

Councilman Bennett asked about the status of the Public Works Maintenance Building. Dave Fauber stated that the siding was installed and the roof and doors were scheduled for installation this week. The construction should be completed by the end of next week.

G. *Code Enforcement:*

Heather Arcos informed Council that Code Enforcement Officer Jeb Brady was out sick and asked if there were any questions regarding his written report. There were no questions.

H. *Planning Report:*

Town Planner Tom Bonadeo reported the following: i) He met with FEMA and the Virginia Department of Emergency Management regarding damages from Hurricane Irene for the second time. The Town received preliminary approval for \$35K for beach replenishment and should be receiving final confirmation in about two weeks. FEMA was complimentary on the Town's paperwork; and ii) The Town was hoping to get mitigation assistance to extend the breakwater along the beach, but the request was denied citing that the cost for mitigation would have been approximately \$200K vs. the cost for beach replenishment at approximately \$35K. The Town was researching options.

Councilman Bennett asked where the Sinclair Tower was being installed. Tom Bonadeo stated that the new tower was being installed about 50' south west of the existing tower and would allow 4G wireless service as well as the opportunity for competitors. The tower was a 200' monopole and the foundation was 10' in diameter, 44' deep and used 16 tons of concrete.

OLD BUSINESS:

A. *Cape Charles Volunteer Fire Company:*

Heather Arcos informed Council that the Cape Charles Volunteer Fire Company (CCVFC) was requesting assistance to pay their annual equipment loan payment of \$14,567.56 which was due on December 13, 2011. The Town budgeted \$30K in a contingency fund for Council to approve disbursement of funds and to date Council had approved and paid \$8,191 towards insurance premiums.

Ms. Hollye Carpenter, Treasurer of the CCVFC, distributed a list of vehicles belonging to the fire company noting the ages of the vehicles and added that the vehicles have reached an age where significant repairs would be necessary. Several of the trucks need new tires and one tanker was permanently out of service due to safety issues. The roof of the building leaks and the back wall near the kitchen was separating from the building. Ms. Carpenter went on stating that the last quantity of turnout gear was purchased over five years ago and additional turnout gear was needed to replace older gear and to outfit new members. The cost for the coat and pants for one fire-fighter was approximately \$1,500 and helmets, gloves, etc. were also needed for an additional cost per person. The CCVFC could easily justify 10-12 new sets of turnout gear. Ms. Carpenter addressed the following expenses: i) \$400-\$500 per month in fuel; ii) \$4K for heat for the months of January through April; iii) \$14,500 for the annual equipment loan payment for which five years remain; and iv) \$18K annually for insurance premiums. Ms. Carpenter stated

that \$11K was raised from their letter drive, which was very positive, and \$8K was raised from other fundraisers but the CCFVC was struggling financially and needed government assistance. If the Town did not initiate a fire tax or provide annual donations, the fire company could not sustain itself.

Councilwoman Natali asked about the information and requirements made by Council in April 2011. Ms. Carpenter stated that all information had been provided and requirements had been met with the exception of the 2010 audit which should be completed by the end of next week.

Councilwoman Natali stated that the CCFVC served more than just the Town of Cape Charles and asked whether funding was provided by Northampton County. Ms. Carpenter stated that the County provided \$23K to each fire company in the County and levied a fire tax which provided \$7,500 in revenue which was divided amongst the five fire companies. The County also paid the fire training center fees. The total amount provided by the County was approximately \$25K annually.

Councilwoman Natali asked whether there were any plans to increase fundraising so the Town would not continually be asked to support the fire company. Ms. Carpenter stated that Mayor Sullivan and Heather Arcos were working on an auxiliary to help with the fundraisers.

Mayor Sullivan asked why the CCFVC went for years without asking for assistance but was now stating that they were struggling and asked if the spending had increased. Ms. Carpenter responded that it was a combination of a decrease in donations, increase in repair and maintenance costs of the trucks and a general increase in costs. The CCFVC applied for a grant which should be awarded by February 2012 and were hoping to replace a rescue truck and obtain a rescue pumper.

Councilman Veber asked whether the CCFVC and the Cheriton Fire Company had thought about sharing equipment, combining their efforts and working together since they were probably in a similar situation. Ms. Carpenter stated that there was no duplication of equipment between the two companies and the vehicles in each department complimented each other. The Cape Charles ladder truck was the only one in Northampton County. Another ladder truck was in Onancock. Cheriton was struggling with their \$1M building. All the fire companies in the County were struggling and needed volunteers as well. Cape Charles had a good group of volunteers and new members were coming in.

Councilman Bennett asked whether the level of revenue and the level of expenses had been compared to determine how much money was needed and what was expected from the fire tax. Ms. Carpenter stated that the CCFVC needed to look at equipment replacement and other extra expenses and an amount could not be determined. \$30K was a great help and paid their insurance and equipment loan payments, but hopefully, no unexpected expenses come up.

Dave Fauber stated that the FEMA representatives looked at the crack along the back wall of the CCFVC building and were researching information for consideration as earthquake damage. FEMA was also looking at the damage to the former school for similar coverage.

NEW BUSINESS:

A. *Resolution to Commemorate and Support the Bicentennial of the American War of 1812:*

Mayor Sullivan stated that a letter was received from the Virginia Commission on the Bicentennial of the American War of 1812 announcing the commemoration of the bicentennial in the Commonwealth and to invite the Town to participate in and support the bicentennial programs and activities.

Motion made by Councilman Sullivan, seconded by Councilman Evans, to adopt Resolution #20111208 – To Commemorate and Support the Bicentennial of the American War of 1812 in Virginia. Mayor Sullivan moved to adopt Resolution #20111208 as noticed and forwent

reading of the Resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

B. Eastern Shore Hazard Mitigation Plan:

Tom Bonadeo stated that FEMA required localities to adopt a Hazard Mitigation Plan and the Eastern Shore of Virginia localities, with the help from the Accomack-Northampton Planning District Commission (ANPDC), wrote and adopted a Mitigation Plan in 2005. The plan was required to be updated every five years in order to maintain a FEMA-approved status. Cape Charles was only a portion of the plan and the pages regarding Cape Charles were included in the agenda packet for Council review.

Councilman Sullivan noted that the second paragraph of page 205 referred to Onancock vs. Cape Charles and asked whether the stated numbers were for Onancock or Cape Charles. Tom Bonadeo responded that he would point this out to the representative from the ANPDC and get it corrected.

Tom Bonadeo continued to review the various sections of the plan with Council and noted that the Town's participation in the Community Rating System provided a 5% discount in flood insurance to residents of Town.

Motion made by Councilman Sullivan, seconded by Councilman Evans, to adopt Resolution #20111208A – To Adopt the 2011 Eastern Shore Hazard Mitigation Plan. Mayor Sullivan moved to adopt Resolution #20111208A as noticed and forwent reading of the Resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. Wireless Broadband Testing:

Tom Bonadeo informed Council that the Broadband Network was going live this month in various towns on the Eastern Shore. Eastern Shore Communications, LLC was conducting tests in Parksley, Onancock and Exmore to determine the practicability of providing wireless broadband service to customers in those towns and requested an opportunity to conduct a test of wireless service using the water tower as an antenna base. The Broadband Network was already available at the water tower. A successful test would mean the possibility of additional services to more citizens and a potential income stream from antenna site rental.

Tom Bonadeo introduced Messrs. Ron Van Geijn and Mark Henry from Eastern Shore Communications, LLC, who stated that the testing was going well and showed Council the antenna that would be placed on the water tower. Mr. Van Geijn went on to state that one antenna would be placed facing the Historic District and one antenna would be placed facing Bay Creek for the test and would be dismantled after testing was completed.

Several Council members expressed concern regarding the color of the antennae stating that the water tower was black and the antennae were white. Dave Fauber agreed with the concerns and added that many people take pictures of the water tower all the time and the white antennae would interfere with the appeal of the tower. Mr. Henry stated that he would check with the manufacturer to see if the antennae could safely be painted black.

Councilwoman Natali asked about the duration of the test period. Mr. Van Geijn stated that it would be approximately 4-6 weeks for installation of the antennae and volunteers, such as the Cape Charles Coffee House, were needed to test the system. Vice Mayor Bannon suggested the Library as a test site. Tom Bonadeo added that staff would be working with Eastern Shore Communications to find remote locations for testing.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to allow Eastern Shore Communications, LLC to conduct a wireless broadband test on the water tower with Town staff supervision. The motion was approved by unanimous consent.

Chief Brown asked Mayor Sullivan if he could take a moment to introduce the Town's new police dog, Arros, who was waiting outside with his handler, Officer Jim Pruitt. Arros was generously donated to the Town by the Town of Chincoteague and the Accomack County Sheriff's Department. Arros was six years old and weighed 100 lbs. and not an attack dog and could be used in schools and on the streets. The Town had received agreements from neighboring localities for Arros' services as well.

D. *Proclamation for Alston Joynes Godwin's 100th Birthday:*

Mayor Sullivan read the Proclamation for Alston Joynes Godwin's 100th Birthday.

Motion made by Councilman Evans, seconded by Councilwoman Natali, to adopt the Proclamation for Alston Joynes Godwin's 100th Birthday. The motion was approved by unanimous vote with the Council congratulating Ms. Godwin on this momentous occasion. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

ANNOUNCEMENTS:

- December 10, 2011 – Cape Charles Volunteer Fire Company's Tool Mania
- December 14, 2011 – Town Council Executive Session @ 5:30 PM
- December 16, 2011 – Cape Charles Employee Christmas Luncheon @ 12 PM
- December 23 & 26, 2011 – Town Offices Closed for Christmas Holiday
- January 2, 2012 – Town Offices Closed for New Year's Holiday
- January 12, 2012 – Town Council Regular Meeting @ 6 PM
- January 14, 2012 – Epiphany Party, 7 PM at the CCVFC. Everyone was invited. Bring your least favorite Christmas present and your checkbook.

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