



TOWN COUNCIL
Executive Session
Town Hall
September 27, 2012
Immediately Following Work Session

At 6:45 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Executive Session of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Godwin, Sullivan, Veber and Wendell and Councilwoman Natali. Mayor Sullivan was not in attendance. Town Manager Heather Arcos and Assistant Town Manager Bob Panek were also in attendance.

Motion made by Councilman Sullivan, seconded by Councilman Veber and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:

Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Paragraph 40: Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

§ 2.2-3705.6.3: Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.

Specifically: Request and proposal from South Port Investors, L.L.C. to amend leases affecting Tax Map Parcels 83A3-12, 83A3-14, 83A3-17, 83A3-19, and 83A3-20:

- Parcel 83A3-12 – Proposed Second Amendment to Lease Agreement between the Town of Cape Charles, as Landlord, and South Port Investors, L.L.C., as Tenant, dated December 14, 2007, as amended by the First Amendment to Lease Agreement dated April 14, 2011.
- Parcels 83A3-14, 83A3-17, 83A3-19 and 83A3-20 – Proposed Fifth Amendment to Lease Agreement between the Town of Cape Charles, as Lessor, and predecessors-in-interest to South Port Investors, L.L.C., as Lessee, dated February 27, 1996, as assigned and amended by the Second Amendment to Lease Agreement dated December 14, 2007 (terminating First Amendment), and the Fourth Amendment to Lease Agreement dated April 14, 2011 (terminating Third Amendment).

Motion made by Councilwoman Natali, seconded by Councilman Sullivan and unanimously approved to return to Open Session.

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, yes.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk