



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
April 12, 2012
6:00 PM

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon and Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Chief of Police Charles Brown, Public Works/Public Utilities Director Dave Fauber, Treasurer Jo Anna Leatherwood and Town Clerk Libby Hume. The Department Heads and several Cape Charles Police Officers were in attendance along with 50+ members of the public.

Councilwoman Natali gave the invocation and led the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

Officer Jim Pruitt

Officer Pruitt stated that Tom Bonadeo came into the police department several months ago asking whether he or Chief Brown had any information regarding James Taylor who was a police officer for Cape Charles for 15 years and killed in the line of duty on Jefferson Avenue. Officer Pruitt stated that he had not heard about this incident but started doing research on James Taylor. Officer Taylor was a sergeant for 15 years and killed on November 28, 1918 when he entered a home to make an arrest on a subject involved in a double shooting the night before. The subject shot him three times in the arm, leg and a fatal wound to the stomach. He was rushed to a hospital in Norfolk where he died the following day. He had eight kids and a wife. He found family members on Ancestry.com and had been in contact with them. James Taylor was the second great-grandfather of Matthew Sweeney. Officer Pruitt told the family what he intended to do and received the family's blessing. Officer Pruitt also spoke with Mr. Thomas Godwin of Gray's Funeral Home and got a price of \$800 on a 24" x 12" granite stone, which was Mr. Godwin's cost. Officer Pruitt stated that he planned to include the date of death and a police badge as part of the inscription and asked that anyone wanting to donate toward the cost of the stone and inscription to contact him and added that he had already received several donations. Officer Pruitt stated that he went to the National Law Enforcement Memorial in Washington DC and found Officer Taylor's name on the wall.

Mayor Sullivan asked Officer Pruitt where he would like to put the memorial. Officer Pruitt stated that he was going to contact the American Legion to ask permission to place Officer Taylor's memorial by the War Memorial or at the park. Officer Pruitt added that his goal was to place the memorial where it would be safe. Officer Pruitt stated that he emailed the family earlier today asking if they would come down for a dedication once the memorial had been completed.

Brock Stiles, 525 Madison Avenue

Mr. Stiles deferred his allotted time to Mr. Frank Wendell.

Michael Belot, 525 Madison Avenue

Mr. Belot deferred his allotted time to Mr. Frank Wendell.

Frank Wendell, 515 Monroe Avenue

Please see attached.

Ralph Giannini, Corner of Madison Avenue and Plum Street

Mr. Giannini stated that he and his wife lived on the corner of Madison and Plum which was as close to the high school as anyone could get. Mr. Giannini commented on Frank Wendell's statement about the maintenance of the school building, the cost of asbestos removal, etc. and suggested that if the work needing to be done to the building was so costly, why not tear down the building and increase the size of the park. Mr. Giannini also stated that the intersection where the school was located was in a flood zone and everyone knew that. All the things that Frank Wendell brought up were pretty involved and he was not aware of a lot of it. The park was beautiful and it was a nice area. Mr. Giannini thanked the Council for the opportunity to speak.

Karen Jolly Davis, 5 Randolph Avenue

Ms. Davis addressed the Council stating that the April 5th letter to Old School Cape Charles rejected their unsolicited proposal but did not reject their fledgling organization which was a wise move on Council's part since the organization could produce more than one proposal. The initial offering was a vision statement, but with time and additional expertise, a business plan meeting Council's specifications could be produced. The key element was more time. Echelon Resources would have six months after the contract was signed to bail out if they so choose. While Echelon shops the project to investors, Old School Cape Charles would be gathering the community to explore the needs of the citizens and talking to other groups who had successfully restored old schools for new uses. Ms. Davis referred Council to www.thehighlandcenter.org and asked that they review the capital campaign video. This group in western Virginia was doing what we hoped to do and for the same reasons. Ms. Davis noted that they were running programs in the school before restoring it to its highest potential. After fixing the safety issues, we could do the same with our building. Ms. Davis thanked Council for listening to their concerns and added that they would still be here as friends, neighbors and voters after Echelon Resources was long gone.

Chad Davis, 5 Randolph Avenue

Mr. Davis thanked Mayor Sullivan and the Council for continuing to evaluate the highest and best use of the school building. The timing, however, made the Council's decision more difficult. Mr. Davis stated that he remained optimistic and trusted Council to act in the long-term best interest of the Town. A gradual remediation and conversion into a community center and economic engine remained possible for the school building with an active partnership between the Town, the Council and the staff. Mr. Davis stated that he hoped this was the direction Council would move toward. Mr. Davis concluded by stating that he knew the decision was difficult and thanked Council again for their consideration.

Mabel C. Mitchell, 217 Madison Avenue

Ms. Mitchell stated that she's lived in Town almost all her life and she was here this evening to speak specifically for the youths and children of the Town and how desperately a center was needed for the community and more importantly for the children. If we are going to have good citizens for tomorrow, our special attention needed to be directed towards the children and the teens who will be the citizens of tomorrow. Ms. Mitchell stated that she worked in Cape Charles for 20 years and 6 years in the County and knew something about working with children. The parents could not do it all. Other people were needed to work with children. If we guided and directed our children when they were young, more importantly, we would expect to have good adults and citizens in the future. If something should happen, whether a disaster or any other causes, we would all group together to help each other. We should not wait until something bad happens before the children were considered. Our children needed a

place to go. If there wasn't any place for them to go, they would be on the street doing negative things to cause problems. If the children don't have structure, they would get into trouble. Idle hands were the devil's workshop. Council needed to do something now. Don't put up a building because buildings would crumble. Our children's lives were crumbling. Every day on the news you hear about someone getting shot or killed. This was bad and we needed to do something in this Town now. Our children were people and they needed our guidance.

Lenora Mitchell, 309 Tazewell Avenue

Ms. Mitchell stated that she was very sorry to see another community asset for sale to a developer / investor. The building being considered for sale had 100 years of history behind the walls – a history that was woven in to the fabric of the history of our country. We don't give up on people or things because they were old. We should do all we could to save them. We had hope, faith, the will to do and would find a way to do this. Other groups had successfully completed projects – the museum/welcome center, Arts Enter, the playground, the skate board park, and the initial development of Central Park. Council was seven people who had been elected and sworn in to represent our interests. Councilman Chris Bannon came to her and asked for her vote and support and she said "yes" because she believed he had changed. Chris Bannon had a history in this Town but she told people that he had changed and based on that, she voted for him. Please don't make a liar out of her because she put her word on the line for him so Councilman Bannon's vote should be "yes." Councilwoman Joan Natali asked for her vote and support meaning "get my people to vote for you" which she did and encouraged everyone to do the same. Councilwoman Natali stood in God's house, St. Stephens on Jefferson Avenue, and thanked them for voting for her and asked for Ms. Mitchell to keep her honest. Ms. Mitchell asked Councilwoman Natali to stay honest and vote "yes." Councilman Mike Sullivan did not ask for her vote but she voted for him anyway because long before he thought about being on the Town Council he was providing services to the community and donated computers, printers and technical support and showed an interest in the community. Ms. Mitchell stated that she believed that he still cared about the community and she expected a "yes" vote. Councilman Bruce Evans served with her on the Industrial Development Authority many years ago. She was the lone female on a board of middle-aged white men. After a particular heated discussion about an industry that wanted to locate here, she called the group members a bunch of racists and walked out of the meeting. A day or two later, Councilman Evans came by her house to talk to her and told her that if that was what she saw in him or heard from him, he was sorry and that he was not a racist. She saw the character in the man and gained a lot of respect for him from that gesture. Ms. Mitchell considered Councilman Evans her friend and still saw that character in the man and asked him to vote "yes." Councilman Larry Veber solicited her vote and support which she gave. He won the election and she expected him to vote "yes." Ms. Mitchell stated that she did not have any personal contact with Councilman Steve Bennett. When he first ran, he called her on the phone and she asked Councilman Bennett to also vote "yes." Mayor Dora Sullivan came to St. Stephens Church for services. There was a baptismal ceremony and Mayor Sullivan marveled at how awesome it was that a person's sins could be forgiven and they could walk away and start a new life. The same thing could happen here. The slate did not have to be wiped clean but consideration of a community center needed to be added to the agenda. Ms. Mitchell addressed the community stating that the bible stated that if you have faith the size of a mustard seed, you could move mountains. You didn't have to move a mountain, this was a hill. Ms. Mitchell encouraged everyone to pray. No matter what your beliefs were, prayer changed things. Your prayer should be "God, help us get a community center if it be your will." God may have other plans and God's power was a force to be reckoned with.

David Mitchell, 217 Madison Avenue

Mr. Mitchell stated that he was not much of a talker but felt that he had to say something adding that he wished he could sing what he had to say. Mr. Mitchell sang a prayer for Council.

Mr. Mitchell stated that he didn't think there was anyone in this room who had lived in this Town as long as he had. Mr. Mitchell went on to state that he had seen the good times and the bad times and been involved in the good times and the bad. He loved the Town and the people in it. He had heard the expression "come heres" and he was one but he came here when he was five years old. He had spent all but five years of his life in Cape Charles and he would love to see the old school building used as a community center for the young and old. It would be a place where people could go and enjoy. Mr. Mitchell stated again that he was not a talker but added that he prayed that the Council would get together and vote for the community center.

Don Bender, 300 Fulcher Street

Mr. Bender deferred his allotted time to Ms. Deborah Bender.

Deborah Bender, 300 Fulcher Street

Ms. Bender stated that she had been living in Cape Charles about 18 years and her husband Don had been living in Cape Charles almost all of his life. Ms. Bender stated that she was here to support the community center and it was time for the Town to do something for the people who actually lived here instead of catering to the tourists. The Town was always after more revenue. She realized that it took a look of money to run a town, however, if the people working for the Town didn't all need assistants maybe there would be money available to do maintenance on the school that should have been done and wasn't for the past six years. If the staff all need an assistant, maybe they were not qualified for the position in the first place. The Town did not need more rental properties. We needed a community center. A place where children could go and the Christian School could perhaps have their recess there in the winter or on rainy days. The library could be there. There could be a room for the Town Council to meet. There was a multitude of things that could be done with a community center. Ms. Bender stated that she thought everybody at the meeting this evening was in favor of a community center. Please give the group at least six months, which was given to Echelon, to figure it out.

Lisa Harman, 104 Madison Avenue

Ms. Harman stated that she wanted to present to the Town Council and staff a petition requesting time for Old School Cape Charles that was signed by over 230 citizens of Cape Charles and requested it go into the minutes if possible. The petition represented a diverse group of all ages, income levels and race as the group continued to grow every day. Ms. Harman proceeded to read the petition to Council. Ms. Harman emphasized that they were our neighbors, friends and supporters and most importantly, the taxpayers. Ms. Harman asked Council to partner and embrace Old School Cape Charles as much, if not more, than Council had embraced Echelon Resources who stood to profit from the Town's losses with the Town's asset. Ms. Harman also asked who Echelon Resources was and why had they not come forward to present themselves to the community. Ms. Harman stated that she knew the community center concept was a long road but a familiar road that we had all been down before, like the four years that the community committed to the playground and the ten years to build Central Park. Council envisioned these projects that had served the community well - why not the community center. Ms. Harman stated that at this time, she was asking the Town Council, and especially Mayor Sullivan, and Town staff to partner with Old School Cape Charles through a workshop where we could work together to explore the possibilities. Council had rejected their proposal but could not dismiss them. They deserved Council's help and attention on this issue. They were the ones who provided the funds and this was their property. Ms. Harman told Council to do the right thing, not the easy thing.

Malcolm Hayward, 121 Strawberry Street

Mr. Hayward stated that he thought he might be the lone dissenting voice this evening. If this Town had the opportunity to give away the old high school, he recommended strongly that

Council do that for economic reasons. This could hopefully reduce the current tax assessments and definitely the tax burden by eliminating existing maintenance costs and engineering study costs and adding new real estate taxes. At the same time, this would bring additional residents to Town whether full or part time. This was the right direction and showed Council's fiscal responsibility. Any other direction would be fiscally irresponsible. In these economic times, Council was tasked to balance the budget without raising taxes. This plan would not raise taxes. To even consider the school becoming a community center could jeopardize negotiations with Echelon. To those that were concerned with the school being restored, this project would restore the school to its original condition according to what he's heard from members of Council. Those who want a community center should look elsewhere. Mr. Hayward stated that he was very much in favor of a community center but not in the school building. There were much more suitable locations in Town for a community center. The Town had a population of 1,000 residents. You could fit all the residents and their families in the school building. The building was too large. When it used to be the Boys and Girls Club, there were frequent complaints about activities around the building and a police presence was often required. The bottom line was the underlying maintenance costs of running a community center that large would be huge and who was going to pay for it. Mr. Hayward felt that something much more practical could be done and asked the group to pick another vacant building in Town and use that building, a single story building, to build a great community center. Mr. Hayward stated that he understood the group's passion, but he thought this deal gave the Town a building which was totally renovated at no cost to the Town, plus the Town would get increased tax revenue and another location could possibly be found to make a community center work. We all wanted things we could not afford and this, we definitely could not afford. Someone earlier talked about Central Park. Central Park was started back in 1997 by a group of volunteers who worked diligently for about 12 years before any funds in the form of grants was received to make the park the way it was today. Mr. Hayward asked the attendees where they were 12 or 15 years ago. That was the time to start working on this project. Mr. Hayward stated that he was definitely against the community center for the school building.

June Brinkley, member of the Church of the Lord Jesus Christ of the Apostolic Faith affiliated with the Church at 311 Jefferson Avenue

Ms. Brinkley stated that she wanted to inform Council and ask permission for a community gospel concert outdoors on the church property on September 15th. Ms. Brinkley stated that they did not want to offend anyone in the neighborhood. The noise would not be too loud, but it would be gospel music with drums and instruments. Ms. Brinkley also invited everyone to attend their event. The social gathering would be held at 2PM and the music would start at 3PM and should be over by 6PM. Everything would be cleaned up afterwards.

Mayor Sullivan told Ms. Brinkley that there should not be a problem and they did not need to ask for permission to hold an event on their property.

Ms. Brinkley stated that this was the first time the church had done anything of this nature and wanted to make sure that everything was done in accordance with the Town's ordinances. Ms. Brinkley stated again that everyone was invited to participate in the event and added that she wanted to formally invite the Council and attendees.

Mayor Sullivan thanked Ms. Brinkley for driving all the way from Norfolk to address Council regarding the event.

Erin Harvey, 123 Peach Street

Mr. Harvey began by thanking Council for the meeting held a few weeks ago. It was a very informative meeting and a good community meeting as this one was tonight. It was nice to see that everyone was paying attention and cared about what was happening in the Town, whether

they agreed or not. After absorbing the information presented at the last meeting, which was very good, he felt that the Town could afford to wait an additional six months to ensure that the best possible move was made for this very special part of the Town. In that six month timeframe, he believed that the citizens of Cape Charles be given the opportunity to invest their own time and energy into an attempt to save the entire building for the community. Mr. Harvey stated that he also thought that the Town should put the building out to bid to other developers in case Old School Cape Charles could not come up with a workable plan. Other developers should be informed that the Town was ready to give away the building to whomever could devise a plan that would give the most back to the Town. The chance that we might lose the current bid in this timeframe seemed unlikely to him. The proposal was not put together as a form of charity for the Town. It was obvious that Echelon would profit from it which they should if they won the bid. So far, it seemed that Echelon was operating in a vacuum with no competition and if the Town was on a downward slope right now, he would advise jumping on the proposal, but Mr. Harvey did not feel that was the case at this time. Over the next six months, with the addition of a new hotel on Mason Avenue, a new waterfront restaurant and a generally improving economy, he firmly believed that any investment in this Town would seem more attractive and more profitable than it did today. Let Echelon and the citizens of Old School Cape Charles both compete with whatever other suitors who might be interested in that property. In six months, we could review all the plans and decide which offer was the best option for our community. When you have a huge group of people feeling strongly and so passionate about an issue in the community that they were willing to put in their own time and energy, give them six months to work with the Town. Don't work against them. Council had been doing a great job and we were a small Town with a small staff. The Town had four times the number of people ready to work with the Town to try to make it happen. Mr. Harvey stated that he believed that some of Council, if the group could come up with a financial plan, would agree that a community center would be the best possible option. Please open it up to other bidders and review everything in six months and not have Echelon be the only offer besides what the community could come up with.

Kim Starr, Chesapeake Properties

Please see attached.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall stated that the people of Town wanted a community center as could be seen by all the signs all around the Town. The citizens were here tonight to tell Council to vote for the citizens. The citizens voted Council in, now Council needed to vote for the citizens. The citizens were counting on Council. The members of Council were their neighbors and friends. The citizens would be here forever. Ms. Duvall stated that she was trying to make it really simple and repeated that the citizens voted Council in, now Council needed to vote for the citizens.

Town Clerk Libby Hume read seven letters which were submitted prior to the meeting. The letters were from Ms. Dianne Davis of 601 Jefferson Avenue, District 1 Supervisor Willie Randall, Mr. David Gay of 506 Monroe Avenue, Ms. Dana Lascu and Mr. Bram Opstelten of 609 Monroe Avenue, Ms. April Kane Davis of Florida, Mr. W. Andrew Dickinson, Jr. MD of Virginia Beach, and Mr. Wayne Creed of 548 Monroe Avenue. (Please see attached.)

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

Councilman Veber stated that if the Town were to agree to renovation of the old school building for use as a community center, taxes would have to be increased to cover the cost and asked the citizens in attendance to raise their hands if they were agreeable to paying increased taxes for this purpose. There were 50+ people in attendance and approximately 25 raised their hands.

Mayor Sullivan informed the attendees that their words were heard. It was Council's responsibility to listen to all the citizens and vote for the best interests of the Town.

CONSENT AGENDA:

Motion made by Councilman Bennett, seconded by Councilman Veber, to approve the agenda as presented. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the March 6, 2012 Joint Public Hearing with the Planning Commission, March 8, 2012 Public Hearing, March 8, 2012 Regular Meeting, the March 10, 2012 Public Information Meeting, the March 14, 2012 Work Session, the March 22, 2012 Executive Session and Work Session, the March 29, 2012 Work Session and the March 29, 2012 Executive Session.

Councilwoman Natali noted a typographical error in the minutes for the March 8, 2012 Regular Meeting at the end of the Public Comments on page 4 where "Memorial" in "Cape Charles Memorial Library" needed to be capitalized.

Councilman Evans stated that he would abstain from the vote on the March 10, 2012 Public Information Meeting and the March 14, 2012 Work Session since he was not in attendance.

Councilwoman Natali stated that she would abstain from the vote on the March 6, 2012 Joint Public Hearing with the Planning Commission since she was not in attendance.

Councilman Bennett commended the Town Clerk in completing the minutes for all the March meetings and getting them in the agenda packet for approval.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to approve the minutes of the March 6, Joint Public Hearing with the Planning Commission, the March 8, 2012 Public Hearing, the March 10, 2012 Public Information Meeting, the March 14, 2012 Work Session, the March 22, 2012 Executive Session and Work Session, the March 29, 2012 Work Session and the March 29, 2012 Executive Session as presented and the March 8, 2012 Regular Meeting as amended. The motion was approved by majority vote with Councilman Evans abstaining from the March 10, 2012 Public Information Meeting and the March 14, 2012 Work Session and Councilwoman Natali abstaining from the March 6, 2012 Joint Public Hearing with the Planning Commission.

REPORT PRESENTATIONS:

A. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) Heather Arcos publicly thanked Bay Creek for donating and planting the trees and plants at the intersection of Routes 13 and 184 for the Gateway into Town; ii) The Cape Charles sign at the intersection of Routes 13 and 184 would be relocated after completion of the work on the new stoplight; iii) Heather Arcos thanked Dave Fauber and the Public Works crew for all their hard work in sprucing up the Town; iv) The Cape Charles Women's Club is sponsoring the Cape Charles Town Council Candidate Forum next Monday, April 16th, beginning at 6:00 PM at the Cape Charles Fire Hall; and v) Treasurer Jo Anna Leatherwood would be retiring on April 30th after seven and a half years of service to the Town. She would be presenting her last Treasurer's Report this evening. Mayor Sullivan presented Jo Anna Leatherwood with a gift from the Town Council and thanked her for her years of service.

B. *Treasurer's Report:*

The Treasurer's report dated March 31, 2012 showed \$388,623 in the Bank of America checking account, \$328,145 in the Shore Bank account and \$1,143,364 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,860,132. Treasurer Jo Anna Leatherwood continued to report the following: i) The real estate tax collections were down approximately \$69K. Three owners of substantial property in Town have been in touch with the Town but to date had not made payments; and ii) Business License applications were coming in and the estimated revenue numbers were higher than in previous years. The deadline for applications and payment was next week.

Councilman Bennett asked about the \$19K expenditure for the Virginia Nutrient Credit Exchange. Bob Panek explained that the Town joined the Nutrient Exchange and this amount was a one-time expense.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to accept the Treasurer's Report as presented. The motion was approved by unanimous consent.

C. *Recreation Report:*

Community Events / Recreational Coordinator Jen Lewis reported that Cape Charles was chosen to participate in the Captain John Smith Geocache Trail. The grand opening was this Saturday. Currently, the Town had one location but would probably have three locations once everything was finalized. Geocaching was similar to a treasure hunt and was very popular right now. She was working with the National Park Service on this project.

D. *Library Report:*

Heather Arcos stated that Librarian Ann Rutledge was recovering and should be back to work later this month. The Library hours had been changed temporarily through the end of May and the Library would be closing at 5:00 PM on Thursdays. Vice Mayor Bannon added that the Library would also be closing at noon the next two Saturdays.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) Several new staff members had been hired and he would bring them around to introduce them to the Council; ii) The drywall had been installed at the Bath House and the painting should begin this week. The tile was scheduled to be installed next week and the contract was on schedule for completion by May 1st; and iii) He was waiting until the large equipment was removed from the Harbor area before proceeding with the parking area. Councilman Evans stated that the Harbor looked great. Councilwoman Natali asked when the naval vessel was scheduled to arrive on Friday. Smitty Dize stated that the naval vessel was expected to arrive around 11:00 AM and the Blessing of the Fleet ceremony and festivities would begin at 5:30 PM

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber informed Council that his written report incorrectly stated that the flow from Bay Creek was still going to the old wastewater treatment plant (WWTP). All flow was now going to the new WWTP and only the backwash was going to the old plant. The new WWTP was operating well.

Councilman Bennett asked when the control panel contract would be finalized for the water plant. Dave Fauber informed Council that he had just advertised for bids for the control panel and the information would be reviewed at the May Council meeting for contract award.

G. *Code Enforcement:*

Code Official Jeb Brady informed Council that he was actively pursuing five enforcement cases. A permit was issued on one property for the repairs. Several cases had been referred to the attorney. Jeb Brady stated that he just became aware of a roof collapse on Mason Avenue and would be checking on that property.

Heather Arcos stated that the plans for the Bay Creek Beach Club were under review. Jeb Brady added that the plan review letter went out this week notifying Bay Creek that they could get their permit to start construction.

H. *Planning Report:*

Town Planner Tom Bonadeo stated that the report included in the packet was unchanged but the majority of the information reported had moved forward.

I. *Police Department:*

Chief Charles Brown reported the following: i) An active investigation was ongoing regarding the incident at the beach on March 23rd. A number of leads were being pursued and it took time to sort everything out. No forensic evidence had been received as yet. Once received, he hoped for better leads. The department was working with the Northampton County Sheriff's office on this investigation; ii) The mutual aid agreement with the Northampton County Sheriff's office was very important to the Town. The County had more manpower, etc. and could assist the Town with events such as Tall Ships Cape Charles. The agreement would include the 24 members of the Northampton County Sheriff's office and the four members of the Exmore police department as well as the five Cape Charles officers. This was an agenda item for Council review; and iii) Section 46.2-916.3 of the Code of Virginia was distributed to Council regarding golf cart operations on designated public highways. In towns with a population of 2,000 or less, a golf cart may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by VDOT if the posted speed limit of the highway was no more than 35 MPH and the crossing was required as the only means to provide golf cart access from one part of the town to another part of the town. Individuals had the ability to cross a highway from one portion of a golf course to another portion or to another adjacent golf course or to travel between their home and golf course if the trip would not be longer than one-half mile in either direction and the speed limit on the road was no more than 35 MPH. Chief Brown stated that he was working with Mr. Malcolm Hayward and Bay Creek Resort regarding the golf cart crossings on Old Cape Charles Road. Signs were required to be posted by VDOT.

OLD BUSINESS:

There was no Old Business to review.

NEW BUSINESS:

A. *Law Enforcement Mutual Aid Agreement with Northampton County Sheriff's Department:*

Heather Arcos stated on occasion, the Town of Cape Charles Police Department and the Northampton County Sheriff's Department assist each other on various calls for service. In the past, this had been done in an unofficial capacity. The Northampton County Sheriff's Department requested all the incorporated towns in the County with police departments to execute the mutual aide agreement. Heather Arcos and Chief Brown met with the Law Enforcement Specialist with the Virginia Municipal League (VML) and the VML was receptive of the Town signing the agreement.

Councilwoman Natali stated that several years ago, there was an issue regarding the Cape Charles Police Department working outside of Town and asked what the current policy

was. Chief Brown stated that the officers stay within the Town's limits unless specifically requested to assist in a service call outside of Town.

Motion made by Vice Mayor Bannon, seconded by Councilman Evans, to authorize the Town Manager to execute the Law Enforcement Mutual Aid Agreement with Northampton County. The motion was unanimously approved.

B. Water and Sewer Connection Charges:

Assistant Town Manager Bob Panek stated that the current connection charges for residential water and sewer service were based on an Equivalent Residential Connection creating a demand of 125 gallons per day. The connection charges had always been equal for any size residence whereas commercial/industrial connection charges were based on the demand associated with the use of the premises. There were various methods used by localities to establish connection charges – standard, number of bedrooms, number of plumbing fixtures, etc. Council recently adopted a change to the zoning ordinance to allow Adaptive Reuse of contributing historic structures and structures over 50 years old in the R-1 Zone. These structures, such as former churches, schools and commercial buildings, were likely to be redeveloped into a number of smaller residences such as one bedroom and efficiency apartments. There were other areas, such as the Harbor Zone, where it might be cost effective to develop smaller units above commercial space. The typical home in Cape Charles had three bedrooms and the average occupancy was just under two persons. It was likely that one bedroom and efficiency units would have an average occupancy of closer to one person, thus creating lower demand for water and wastewater capacity. It was therefore logical to differentiate the connection charges for these smaller units which could remove an unnecessary barrier to development of these units when it otherwise would make sense. Staff recommended a 50% reduction in the connection charges for water and sewer for residences with fewer than two bedrooms. A public hearing needed to be scheduled before modifications to the Town Code could be made.

Motion made by Councilman Evans, seconded by Councilman Bennett, to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding an ordinance revising the water and sewer connection charges. The motion was approved by unanimous consent.

C. Schedule Public Hearing for Northampton County PSA Ordinance Amendment:

Heather Arcos stated that the original ordinance and the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority (PSA) called for a membership of ten. With the county redistricting, the number of members had been reduced to nine and the Ordinance and Articles of Incorporation needed to be amended to reflect the change in membership. The County and the other incorporated Towns were also amending their respective ordinances. A public hearing must be held prior to adoption of the amended ordinance.

Motion made by Councilman Bennett, seconded by Councilwoman Natali to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding the proposed amendment to Ordinance 20100628 – Cape Charles Town Council Ordinance re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority. The motion was approved by unanimous consent.

D. Schedule Public Hearing for Zoning Map Amendment and Condition Use Permit:

Tom Bonadeo stated that the Planning Commission reviewed the zoning map of the Town of Cape Charles to amend the southwest corner of Madison Avenue and Plum Street from Open Space (OS) to Single Family Residential (R-1). The area included old North Park Row, lots 281, 282, 283, 284, 285, 286, 287 and the tennis courts and was zoned OS around the

time of annexation but no definition of OS was established until recently when the Planning Commission and Council adopted a definition for the zone. The current definition of OS did not allow community centers or residential uses. This modification would change the school from a nonconforming structure to a legal structure in the R-1 Zone and would also allow the adaptive reuse for apartments and/or a community center.

The Planning Commission also reviewed a Conditional Use Permit (CUP) for the Adaptive Reuse of the school building. The Adaptive Reuse of the building for 16-17 apartments and/or a community center was in accordance with the Adaptive Reuse text amendment approved by Council in March.

The Planning Commission held a public hearing on April 3, 2012 and no comments were heard. The Commissioners reviewed the CUP requirements and recommended Town Council approve the proposed modifications to the Zoning Map and a CUP for Adaptive Reuse of the school building. A Town Council public hearing must be held prior to adoption of the proposed modification and approval of a CUP for Adaptive Reuse of the school building.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan to schedule a public hearing on May 10, 2012 preceding the Town Council Regular Meeting to hear public comment regarding the proposed modification to the Cape Charles Zoning Map and a Conditional Use Permit for Adaptive Reuse of the school building. The motion was approved by unanimous consent.

E. *Joint IDA Board Member Reappointment:*

Heather Arcos stated that the Joint Industrial Development Authority of Northampton County and Its Incorporated Towns (Joint IDA) was formed in 1995 to administer development of a network of industrial facilities throughout Northampton County's participating towns. The Board consisted of a total of seven members who serve a term of four years. Mr. John Burdiss was previously appointed as the Cape Charles representative to the Joint IDA and his term expired on March 31, 2012. Mr. Burdiss expressed his interest in continuing his service on the Joint IDA for another four-year term.

Motion made by Councilman Evans, seconded by Councilman Bennett, to appoint Mr. John Burdiss to serve another four-year term on the Joint Industrial Development Authority of Northampton County and Its Incorporated Towns. The motion was approved by unanimous consent.

F. *Fiscal Year 2011 Audit Report:*

Jo Anna Leatherwood stated that the Town required and accomplished an annual external audit of its financial statements at the end of each fiscal year and at the completion of the annual audit, the auditing firm issued a management letter containing recommendations of items to be changed to closer adhere to audit standards and to create better internal controls. The audit firm of Robinson, Farmer, Cox Associates accomplished the Town audit for the period ending June 30, 2011 and provided the management letter with the following: i) The monthly bank reconciliations should be reviewed by someone that was not involved in the original preparation. Any old outstanding checks should be investigated and either reissued, turned over to the Commonwealth of Virginia as unclaimed property or restored to cash, whichever is applicable. All bank statements should be retained on file for future use by either management or the auditor. A plan was in place to perform these duties monthly for all bank accounts; ii) Another issue regarded the posting of prior year taxes and grants receivables and additional payables to the general ledger for the General Fund and the Water/Sewer Fund without being reversed out of current year revenue. This necessitated adjusting entries having to be made by the auditors. Jo Anna Leatherwood

stated that she was able to make some of the reversals but ran out of time for others; and iii) An item that appeared on the letter each year pertained to the ability to identify delinquent tax balances by tax year. The situation was created when back years were loaded into our current software as an accumulated amount and not by year. As these taxes were collected, the balances could be broken down by year. The auditors recommended that tax revenues be reconciled to assessments, abatements and outstanding balances on a quarterly basis. Jo Anna Leatherwood added that she hoped to give Jerry Murphy a list to give to the auditors next year and that Jerry Murphy was tracking the taxes received every month.

Heather Arcos added that procedures were in place so these items should not appear on the management letter next year.

G. *Beach Maintenance Services:*

Heather Arcos stated that the Town owned and maintained the only public beach in Northampton County and reviewed the condition of the beach annually and maintenance must be performed to restore vegetation, sand fencing and replenish beach sand due to wind and tidal erosion. Mayor Sullivan asked whether Cape Charles beach was the only free public beach in Northampton County or the Eastern Shore of Virginia. Dave Fauber stated that he did not know whether there were any free public beaches in Accomack County, but Cape Charles beach was the only public beach in Northampton County. Heather Arcos added that the Town was working with VDOT for signage on both the northbound and southbound lanes of Route 13 notifying travelers of the Cape Charles Public Beach.

Heather Arcos continued to state that the Cape Charles beach suffered some damage from Hurricane Irene and had been approved for up to \$35K in reimbursements from FEMA for sand replenishment. An invitation for bids was advertised for sand replenishment with a deadline of April 5, 2012. Three bids were received as follows: i) Branscome Eastern Shore - \$27.03/yard; ii) Micor Enterprises, Inc. - \$12.25/yard; and iii) Wagner Brothers Landscaping - \$12.49/yard. Dave Fauber stated that the lowest bidder was Micor Enterprises, Inc. who performed the sand replenishment work last year.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to authorize the Town Manager to execute the Beach Maintenance Services contract with Micor Enterprises, Inc. at \$12.25/yard not to exceed \$35K. The motion was approved by unanimous consent.

H. *Pier Repair Contract Award:*

Heather Arcos stated that during the November 2009 Nor'easter storm, the pier sustained considerable damages to the supporting structure. The cost of repairs would be reimbursed by FEMA. An invitation for bids was advertised and two bids were received. The contract was awarded to Annex General Contracting, Inc. who was the lowest bidder with a bid of \$10,800. The contract was signed on November 16, 2010. Since that time, the project went through an application review by the Virginia Marine Resources Commission and the U.S. Fish and Wildlife Service asked that the work on the pier be delayed until after September 15, 2011 due to the tiger beetles. A change order request for \$6,800 dated June 24, 2011 for modifications of footers was submitted to FEMA and approval was received on December 2, 2011 at which time Annex was notified to proceed. On January 6, 2012, Annex informed the Town that they could not proceed until March due to poor weather conditions for concrete work and due to the extended time period between the bid date and start date, Annex would require an additional \$2K to proceed. This was unacceptable and the Town agreed to release Annex from the contractual agreement. The contract was terminated effective January 23, 2012. Staff contacted the second bidder, J. A. Habel Corporation, who agreed to perform the pier repair at the same cost as quoted by Annex. The Town

previously paid Annex \$4,300 for the materials for the project and the remaining balance was \$13,300. FEMA allotted a total of \$22,500 for the project so the Town would be reimbursed for the entire cost of the repairs / mitigation work. Dave Fauber stated that FEMA approved the new contract and the work should be starting soon.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Town Manager to execute a contract with J. A. Habel Corporation for the pier repair at a cost of \$13,300. The motion was approved by unanimous consent.

OTHER:

Councilman Evans stated that several ties were coming up at the railroad crossing. Heather Arcos stated that she would inform Mr. Larry Lamond of Bay Coast Railroad.

ANNOUNCEMENTS:

- April 13-14, 2012 – Blessing of the Fleet. Mayor Sullivan stated that this event starts the season on the Eastern Shore and invited everyone to attend.
- April 14, 2012 – Town yard Sale @ 7AM at Central Park
- April 14, 2012 – Pirates & Wenches Ball @ 7PM
- April 19, 2012 – Town Council Special Meeting @ 6PM
- April 19, 2012 – Town Council Budget Work Session, immediately following the Special Meeting
- April 26, 2012 – Town Council Budget Work Session @ 6PM
- April 26, 2012 – Town Council Executive Session, immediately following the Work Session
- April 28, 2012 – Cape Charles Historical Society Shrimp Boil
- May 10, 2012 – Town Council Regular Meeting @ 6PM

Mayor Sullivan thanked everyone for attending.

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

Mayor Sullivan

Town Clerk

**Town Council Regular Meeting
April 12, 2012
Public Comments**

Frank Wendell, 515 Monroe Avenue

To Mayor Dora Sullivan & the Cape Charles Town Council:

Upon receipt of your letter to me, dated April 4, 2012, I was consumed by the sad irony of having you, Mayor Sullivan, sign the rejection letter to our grass roots organization "Old School Cape Charles." Approximately three years ago, you and I came up with the idea of starting "Old School Cape Charles" based on a dream that you had of the transformation of the school into a combination municipal and community center, where you would work and serve our community in the capacity of Mayor. I, in turn told you that I was concerned for our old school as well and together we could launch an effort to pursue such a dream for our Town. However, our plans were put on hold when the new Christian School expressed the need for the building, when they were unable to move forward, the Town Council had apparently decided to move toward privatizing the building, and I was not informed of this change of direction. I learned of the proposed sale to Echelon Resources, Inc. just three months ago.

The irony in your letter is that you have rejected the very dream and the means to realize your dream "Old School Cape Charles Proposal" that you envisioned. The sad part is that you are the spokesperson for a Council that continues to pursue Echelon Resources, Inc. for profit shortsighted proposal in spite of increasing citizen opposition at the expense of all the public good a community center will accomplish in this town. The Echelon plan proposes that the Town sell our school and seven lots to Echelon for a measly \$10.00 to create housing and condos in our town park. Our Town is already full of empty houses and condos. Furthermore, Echelon intends to convey their contract to a third party "site specific entity" who no one at this point knows the background or the identity of that entity.

You reference the need for a financial pro forma and that our plans are lacking in that information when you Council and staff knows full-well that kind of detailed information is generally produced by means of a planning grant when citizen groups such as ours steps forward. We need the cooperation of your Council and staff in order to go forward with a planning grant. At some point, I think it would be helpful if Council and staff could communicate to us, your friends, your taxpayers, what aspects of our plan they actually agree with. Are our goals for a senior citizen and youth activity center something they feel they can endorse if we can get past the pro forma issue? Tell us what your Council likes about our plan and give us time to continue to refine it just as you have given equal time to Echelon's plan.

After seven months of negotiating with Edwin Gaskin of Echelon Resources, Inc., with the use of executive session privileges, I ask that you and your Council make public the pro forma from Echelon Resources, Inc. that Councilman Bennett says has been available since "day one" of their proposal. By making this pro forma public, we can learn just what "Old School Cape Charles" pro forma should look like, as well as allowing the citizens of the Town an opportunity to see for themselves, the viability of Echelon Resources, Inc. If Echelon can reassign the contract to a third party in six months, should we not look at the pro forma as well? Please make public the pro forma that was used by Citizens for Central Park who have done such a great job with the park grounds. I am sure we can learn a lot from that pro forma as we try to emulate their recent successes. Also, please make public the pro forma of the new company that holds the Lease to the new restaurant being built on our harbor waterfront property. That pro forma would also be helpful in guiding our efforts.

I think we all can agree that we need to collect all the facts as a community to decide the best course for our 100-year-old Historic Cape Charles High School Building. Another concern I have is, the wild speculation over asbestos in the school I recently had a Councilman tell me that it would cost the Town as much as \$500,000 to abate the asbestos. Other parties are circulating the figures of One to Three Million Dollars. No wonder the people are concerned over the possibility of tax increases, but the wild speculation over tax and asbestos are not grounded in fact. However, Town Planner, Tom Bonadeo has recently pointed out to me that the abatement could be substantially less than the previously stated figures, with the technique of encapsulation of the "non-friable" asbestos located in the building. The Town of Onancock has been operating a community center for over five years with no tax increase. I have recently learned that after having asbestos testing done over five years ago, the Town has "never obtained an asbestos abatement" quote. The current Town Council has known or should have known this, but instead allows the continued speculation to work as a scare tactic to promote their \$10.00 sale.

Let us have all the facts and then make decisions based on those facts. I have contacted Eastern Virginia Environment, LLC who performed the 2006 test as well as Steve Bliley who conducted the air sample analysis in order to get the facts on the abatement costs. The Town should have done this five years ago. Another issue is the withholding of funds for maintenance that should be done on the building. I do not understand why this is still being allowed to occur. At the February Council meeting, I learned that Councilman Bennett is a structural engineer. Who better to advise our Council as to what happens to the structural integrity of a building if you do not maintain a building in accordance with the States Building Maintenance Code, which the Town has adopted and enforces on its citizens. Unfortunately, the Town has continued not to maintain the school building even though we have a code enforcement department funded to prevent "the demolition by neglect" that is taking place.

Please make public the most recent code inspection reports on the school that you have based your statement that the building is a "safety hazard," so that we can factually access the current condition of the structure. Again, facts, not speculations, are needed in order to make sound business-like decisions in this Town.

Mayor Sullivan, the first sentence of the second paragraph of your letter states, "The Town is continuing to negotiate a project for the school which **may** include **some** public space." That statement again fuels more speculation. After seven months, why doesn't the Town know whether the negotiation include public space or not? How much public space? In addition, at what costs to the Town, if any? Once again, facts are needed and are not available.

I would urge you, Mayor Sullivan to not let yourself be "bullied" by the naysayers of your Council and staff who seem to have "pride of authorship issues" while continuing to promote the private profit plan offered by Echelon Resources, Inc. Your dream of a community center is still the best plan and can do so much good for Cape Charles and all its citizens. Let us all work together to accomplish this dream. All citizens, young and old, deserve nothing less than our best efforts in pursuing the highest and best use of our Historic Building. Let's get the facts and move forward toward our historic future.

Sincerely,
Frank Wendell

- Residence: 515 Monroe Ave., Cape Charles, VA 23310
- Contact Frank Wendell via email at Frank.Wendell@verizon.net

Kim Starr, Chesapeake Properties

To Mayor Dora Sullivan and the Cape Charles Town Council:

My name is Kim Starr. I live in Cape Charles and own and operate Chesapeake Properties, a real estate office here in town. I have been a sales agent here on the Shore since 1984 and have had my Real Estate Broker's License since 1987. I opened Chesapeake Properties in the fall of 1996 on the corner of Fig & Randolph Street in the old Sinclair gas station. Things looked pretty bad in Cape Charles 16 years ago. There was a little interest in some of the historic houses, mostly from people from Richmond. A couple of B&B's had opened. Originally, being from Cape May, NJ, I could easily see the potential with the Town. About 2 weeks after opening my real estate office, it was announced that Dickie Foster with Bay Creek was buying the Brown and Root property. Real estate prices started going up with the speculation surrounding Bay Creek. Flipping properties in Cape Charles became a way of life. Even people who bought with every intention of enjoying the property themselves, sold because the profit margins were so enormous. Of course, Bay Creek did come to fruition, golf courses were built and a marina was opened, upscale houses were built and lots and lots of "lots" were sold for really high prices. Houses and commercial buildings were being restored to their former glory. Oh, and yes, the advent of condos came about. What a great idea for the investor, multiple dwellings in large commercial spaces. Having the ability to sell the units separately further increased values. These condos were not inexpensive to create, the buildings they were retrofitted into were old and dilapidated much like the Old Cape Charles School. The business model for creating these condos was based on an ever-exploding real estate market. The heyday of the market, if you will. These condos were sold for \$350,000, \$400,000 to \$500,000. At those prices, the project made sense, there also seemed to be no end of people who would want to buy these expensive properties. The only thing was, it seemed like the same people were buying the condos, several of them and paying lots of money for them. Later, we learned that these investors walked

away from the closing table with lots of money in their pockets. All of these condos ended up being foreclosed on and resold for \$80,000, \$90,000, \$100,000 or so. This brings me to the point of my letter.

I am here tonight to encourage you to slow down with a decision regarding Echelon's unsolicited bid. Please consider and give time to the "Old School Cape Charles" group to develop their idea. I was greatly saddened by the Town's negative response to their proposal. Why are we moving so fast to accommodate Echelon? I understand completely the "allure" of an unsolicited proposal. It corresponded to a time in which the Town was particularly concerned about damage to the rear wall as a result of the earthquake last year. On the surface, it looked like a perfect fit. Great timing, it seemed, to receive a bid from an economic developer from Hanover County, someone who was familiar with the redevelopment process and to appear undaunted by the building's condition. Best of all, the Town would no longer need to be concerned with the building maintenance issues.

Those who have pursued the FOIA requests and questioned the Town regarding this decision have simply requested additional time to pursue other avenues. I must stress here, none of these individuals have any motive of profit for themselves. Instead, they are genuinely looking out for the long-term interest of the Town and its citizens, our collective friends and neighbors.

I am concerned about all of the misinformation passed around as to the condition of the building. I keep hearing about a Million Dollar cost of abating the asbestos. I have come to understand through the FOIA requests, that the Town does not even have a price for this abatement. We need to get our facts straight. How can we begin to approximate the value of this building without understanding the cost of abatement? I would also like to question the real estate tax benefits to the Town. I am sure Echelon will be utilizing the real estate tax abatement program offered by both the Town and the County. I want to make it clear that any benefit to the Town with increased real estate tax revenue will not commence for ten years.

It seems as if the Town feels somehow now obligated to Echelon Resources, Inc. because you have been working on this since November and you feel indebted to them to proceed with this contract. Please be assured that any negotiations and proposals of this magnitude affecting the Town and all its present and future residents and visitors should not be entered into in haste. It is certainly understood why Echelon Resources, Inc. is in a hurry to get a contract signed because once Edwin Gaskins, who is Echelon Resources, Inc. has a contract with the Town, it is binding on the Town, and not on him. Echelon will continue to have six months of due diligence in which they get to decide to move forward or in this time he can sell the contract to another developer. Remember, the contract price is \$10.00. It is not hard to see how easy it would be for them to make a profit in selling this "contract." As all of you have known, Echelon has from the beginning, advised you that they are not taking title to the property, but rather, will set up a "site specific entity."

I am confused as to why we are more concerned with protecting Echelon Resources, Inc. rather than our own interests as a Town. Our interests are not compatible, regardless how convincingly Echelon has presented this as a win/win scenario. Echelon is simply interested in a profit. They are in it for the money. Yes, Edwin Gaskins is a businessman and his motives are clear. This is a business deal to him, plain and simple. This should surprise no one; no, it is not a crime to make money at the Town's expense. Gaskins is simply pursuing a business model of profit. I myself, have also bought and sold numerous properties and have worked with most of the developers who have been involved with real estate redevelopment in the Cape Charles area. You could say I have known the "players." I know how the players think. I understand how they make their money.

The Town needs to be clear as to what our motives are. Do we really believe we are "unloading a white elephant which is an eyesore to this Town and removing from our collective plate a crumbling down brick building full of asbestos?" Again, it is a serious mistake to enter into negotiations with a "for profit" entity, Echelon Resources, Inc. from a perspective of weakness and desperation. I would like to remind you this building is a valuable asset. It is a key piece of real estate (7 lots) and a Historic Building, included as a building on the Historic Register. Quite valuable, particularly because of the Historic Tax Credits, State and Federal. These tax credits are routinely sold and are a huge benefit to investors such as Echelon, in getting upfront money to finance their projects. In fact, the entire business plan is predicated on the Historic Tax Credits.

Why are we not soliciting bids? In indeed we believe that housing or condominiums is the highest and best use of this property, then why aren't we interested in who might pay more than \$10.00 for this property? Have we thoroughly vetted Echelon Resources, Inc?

Do we have not only the pro forma on this project but pro formas on his other projects and more importantly, how those pro formas matched up with results? Have you considered that this business model quite likely was successful due to the booming real estate market? Are we only looking at pretty pictures of buildings, which were restored at the height of the real estate market? Is there a real demand for the product he is creating? Are we going under the assumption that if he builds it they will come? This is not an isolated piece of property that the Town owns. It is in the very center of the Town. It is the key piece in the midst of Central Park. This building is a diamond in the rough. Are we motivated by and acting out of fear, rather than from a position of strength and confidence. I am here tonight asking for genuine leadership, skillful wisdom and discernment prior to any decision being made.

Sincerely,
Kim Starr

Submitted via email and read into record:

601 Jefferson Avenue
Cape Charles, VA 23310
March 30, 2012

Mayor Dora Sullivan
Members of the Town Council
Mason Avenue and Plum Street
Cape Charles, VA 23310

Dear Mayor Sullivan and Members of the Town Council

COMMENDATION – BRIAN FISHER

On Thursday evening, March 29, 2012, when I was preparing to go to a meeting, my lawn care provider came and I had to move my car to the opposite side of the street. I went inside the house, completed getting ready for my meeting, and left for Nandua High School in Onley, Virginia in a different car. Believe it or not, I forgot to turn the first car's ignition off.

I had seen Brian Fisher, a Fourth Grader at Kiptopeke Elementary School, earlier and had told him that I was going to a meeting and would not be walking that evening. He was on his way to his grandmother's house and when he returned, he noticed that my car's engine was running, the lights were on, and the other car was gone. He immediately went home and told his mother that I was gone and my car's engine was running. Being a somewhat skeptical parent, Mrs. Angela Powell thought that I had probably gone a short distance and would return soon. Brian was quite persistent with his mother and said that I had gone out of town. She finally got up and came to see what was happening with the car. After being unable to reach me on my cell phone and attempting unsuccessfully to contact some others, she finally called the police who came to my home and turned the ignition off.

I commend Brian because he was persistent and knew that somebody could have easily come by and driven off in my car. Thank the Lord that this happened in Cape Charles; because it probably would have been taken if this had been in another town or city.

I am appreciative to all of those who assisted in getting my car turned off; because it had been running for more than an hour. A special commendation to Brian Fisher for being observant and persistent in seeking an adult's assistance in getting my car turned off.

Sincerely
Ms. Dianne Davis

c: Mrs. Heather Arcos, Town Manager
Dr. Walter R. Clemons, Superintendent
Mr. Gary McDonald, Principal
Ms. Subrina Owens-Parker, Asst. Principal



Board of Supervisors of Northampton County
P.O. Box 66 • Fastville, Virginia 23347

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PHONE: 757-678-0440
FAX: 757-678-0483

April 2, 2012

The Hon. Dora Sullivan, Mayor
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Mayor Sullivan:

I have received calls with regard to the old Cape Charles High School. As you know, the school has a historical aspect that many of our citizens would like to keep local. I would like to add my support for keeping the old school with the town. We currently do not have a community center in the County and this property can service that purpose.

I would also add that we might want to work with the County to support this effort. We have begun to see more activity in our permitting and developers are showing interest in our County. This might give us an opportunity to add some proffer in the future.

Please let me know if there is anything that I can do at the county-level to help. Please read my letter at your next town council meeting.

As always, my very best

Respectfully,

WILLIE C. RANDALL
District 1
Northampton County Board of Supervisors

From: David.Gay@aggregate-us.com [<mailto:David.Gay@aggregate-us.com>]
Sent: Monday, April 09, 2012 10:13 AM
To: Dora Sullivan
Subject: RE: Cape Charles High School Plan

Dear Madame Mayor:

I am sorry to hear that the proposal put forth by Frank Wendell and the Concerned Citizens of Cape Charles was rejected by the Town Council. I understand that the proposal was lacking some key information that is needed to evaluate it against the current unsolicited proposal from Echelon. I would like to once again ask the Council to give the Concerned Citizens an opportunity to put forth a more complete proposal before voting on any deal with Echelon. It is only fair and prudent that the town leaders provide adequate time and consideration for such an important

decision that will impact the town and it's citizens for some time to come.

Other questions that I have with regard to the Echelon Proposal:

What due diligence has the town done with regard to Echelon? Does Echelon have the financial where-with-all to complete the project and meet OSHA & EPA standards? How will the town ensure that it citizens are protected in the event that Echelon is not able to successfully remediate the various environmental hazards that the town has identified with the building? The last environmental study was done in 2006. I have read the report and it is very thin to say the least. Will a new study be done so we have a clear picture of the risks and remediation that such a cleanup will require? Will Echelon put up a bond to ensure the town is not left with a half completed project? If Echelon backs out of the deal will the property revert back to the town? How will the town ensure that the building does not become low income or slum property lowering the property values of all the adjacent neighborhoods? Cape Charles has gone through a revival over the past few years and has become a great place to live and raise children. We want to continue that trend. Let's take the time to make the right decision not just an expedient one.

Madame Mayor, I would appreciate it if you would have this letter read into the minutes of the next Council Meeting. Thank you.

David C. Gay
HOMEOWNER
506 Monroe Avenue
CELL: (240) 252-8407

From: Lascu, Dana [mailto:dlascu@richmond.edu]
Sent: Wednesday, April 11, 2012 11:52 PM
To: townclerk@capecharles.org; clerk@capecharles.org
Subject: Letter for the Town Council meeting

To the Town Council and the Town Leadership of Cape Charles,

We would like to address you, as we are fully convinced that you have the best interests of the citizens of Cape Charles in mind.

We hope you will consider the possibility of creating a vibrant community center in the heart of the town. The Old School structure lends itself to many uses that the citizens of the town need, among them, a community center. Technology is rapidly replacing libraries with multi-purpose community centers where different activities take place, such as education in digital learning spaces; networking and collaboration between individuals in what are known as "loud rooms"; and multimedia-based education and entertainment in spaces outfitted for larger groups. The latter could be also used for events with wide community appeal. The School could become our community center.

It would be a great feat to revive a community treasure, rather than to potentially jeopardize it in a commercial venture with questionable outcomes. It would also show respect from us, the "come-heres," toward the history of our town. As Cape Charles' relatively new custodians, we should honor the Old School building's past, understanding that, with it, we honor the generations of former students of the School.

As good managers of the town, Town Council members and the Town leadership will undoubtedly ask how we would pay for this community center. As dedicated citizens, we are going to do everything we can to make this endeavor possible, from sustained volunteering to contributing as much as we can afford toward this end.

We are asking the Town of Cape Charles to be a partner and to assume a central role in this worthy effort.

Respectfully submitted,
Dana Lascu and Bram Opstelten
609 Monroe, Cape Charles

From: akdcchs71@aol.com [mailto:akdcchs71@aol.com]
Sent: Wednesday, April 11, 2012 4:20 PM
To: clerk@capecharles.org
Subject: Cape Charles School Building and Grounds

Dear Ms. Hume,

As clerk of the town of Cape Charles, I ask that you read this e-mail at the meeting on Thursday, April 12. It is sent from Florida, where I am carefully following the town council's actions concerning the sale of the Cape Charles School.

That school is part of my very roots. Not only did I attend the school from the age of 6, but my father was the coach (of all the sports, no less!) and then served as coach and principal. He drove the school bus on all the trips, both for games and academic trips. I firmly believe that I received a superb education from that school that prepared me for life. And you, town council, have placed such a measly value on that education when you want to sell the school for so little!

Many of us who matriculated there remember the school as the center of social life in Cape Charles, too. It deserves to continue to be just that and I ask you to consider the proposals set forth by Frank Wendell, Lisa Harmon, and all of us who want some time to develop a plan and raise some funds to hold on to our precious school, Cape Charles High School.

Thank you for your consideration.
April Kane Davis

From: wadjrmd@aol.com [mailto:wadjrmd@aol.com]
Sent: Thursday, April 12, 2012 12:24 PM
To: clerk@capecharles.org
Subject: Old Cape Charles School

April 12, 2012

It was my good fortune to graduate from Cape Charles High School, well prepared to meet the academic challenges of first VMI and then Duke University Medical School where I received my MD degree in 1956. No small community in America had a better faculty, attested to by the later academic success of so many of it's graduates. The high school was just a building and remains so but within those halls was a wonderful nurturing environment from which students drew lifetime lessons on responsibility, morality, ethics, fairness and most of all, a sense of community.

Now, once again, that building could yet again host a variety of community programs to enrich the lives of young people as they set out on their life journey. Old folks could find activities that bring them together and more active citizens would find rewarding challenges in providing volunteer services.

Most any small town in America would risk all to own such a building in the center of town on a beautiful park, in easy walking distance for all. It is unlikely that Cape Charles would, in the future, ever be able to find the resources or the land to recreate such a facility, an essential to any quality community.

So, members of the City Council, take a deep breath, sit back for a moment and reflect on the opportunity you have now to embrace an energized populace among you to put the heart and soul of the community back into that building. With passion and commitment, public and private funding is available to restore Old Cape Charles High School to an important mission. Give them a chance.

Respectfully yours,

W. Andrew Dickinson, Jr. MD
1228 East Bay Shore Drive
Virginia Beach, VA 23451
428-8677
wadjrmd@aol.com

I would like to request that this be read before the council and entered into the minutes.

From: Wayne Creed [mailto:waynepcreed@yahoo.com]
Sent: Thursday, April 12, 2012 1:56 PM
To: clerk@capecharles.org
Subject: Letter for Council Meeting: Old School Cape Charles

Thursday, April 12, 2012

To the Honorable Mayor and Cape Charles Town Council:

Just a quick note about the Historic Cape Charles High School. Given the amount of public concern about the proposed sale of the old school to Echelon Inc., LLC, we believe that the Council should take a deep breath and re-evaluate the landscape before coming to any decisions regarding the future of the old school. To be fair, there are worse alternatives than the Echelon proposal, however, the proposals offered by Old School Cape Charles also deserve to be flushed out. Even by adding that marginal bit of work, you still only have two proposals to choose from. That hardly seems to have exhausted all possibilities. Maybe it would be worth a bit of time and effort to follow this idea all the way through, and possibly get a third, maybe even forth proposal.

In the end, the Echelon proposal may be the best. However, it would be unfair to not thoroughly review what Old School Cape Charles and their partners bring to the table. We have so many unanswered questions; it would seem foolish to rush into anything without truly understanding the ramifications, and what it would mean to the Town and the folks that live here. A wise move would be just table this for now, and take it up after the elections in May.

It is the centennial for the old place, so for once, I think we owe it to the school, and to ourselves, to finally do our due diligence, and at least attempt to not do something we will come to regret in the future.

Thank you for taking the time to read this letter.

Wayne Creed
548 Monroe Ave