



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
October 13, 2011
Immediately Following Public Hearing

At 6:09 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Code Official Jeb Brady and Town Clerk Libby Hume. The Department Heads were also in attendance along with 13 members of the public.

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

PUBLIC COMMENTS:

Marita Patterson, 15 Carissa Court

Ms. Patterson stated that she had comments on two items: i) The proposed building for the new library – The Friends of the Library met with Council in July and discussed possible buildings for the library and she asked when there would be a decision made or action taken regarding this issue; and ii) The computers at the Cape Charles Christian School – The computers were bought by the Town with money from the Broadband Initiative Grant. Ms. Patterson stated that she would not go into a discussion regarding the separation of church and state since the computers were already there and went on to state that she had several email exchanges with the County and the Town and the latest email from the Town stated that the Town was working on an operational plan for the computer lab. Since the computers were supposed to be for the community, when would they be available for the public? Ms. Patterson stated that she realized that the broadband service had not been connected yet, but the 20 computers have been used by the Christian School since January when they were installed in the building. Ms. Patterson stated that she went to the Christian School and asked for access to the computers and the personnel at the Christian School did not know what she was talking about. When was the operational plan going to be put into place so the public could use the computers?

Sean Ingram, 27427 Lake Drive

Mr. Ingram stated that he would be as brief as possible but had three items to discuss: i) On October 5th, a friend informed him that a contractor was scraping lead-based paint with little or no precautions for him or his family. In an effort to assist his friend, he called the Town office. Unfortunately, it was the day of the Harvest Festival and there were not many people in the office. Someone was there that listened to his concerns and it was agreed that it would be best to wait until the following day to discuss the matter further. Mr. Ingram stated that he went to the Town offices the following afternoon. One of the reasons that he was helping his friend was because his friend had two toddlers and there were dangers with lead-based paint around children. Mr. Ingram went on to state that he understood that the jurisdiction of the Town did not encompass the same jurisdiction as the Environmental Protection Agency (EPA) and Mr. Ingram passed around a computer printout explaining some of the detriments of lead-based paint especially to children, women and pregnant women. Mr. Ingram stated that his initial request was to ask the Town to help alleviate this tenant's concerns with the lead-based paint scraping with his children in the house. Through some research, he found that the Cities of Alexandria and Fredericksburg had posted some information on their website regarding the dangers of lead-based paint and suggested precautions. Mr. Ingram passed those printouts

around for Council review as well adding that the information was not from the EPA but from the cities taking it upon themselves to ensure the public safety of their citizens. The Virginia Department of Health lists the zip codes of areas with the highest concerns for lead-based paint and 23310 was included on the list. Mr. Ingram went on to state that in most of his discussions with the Town's personnel, he was told that it was a Federal EPA law and there was not anything the Town could do. The Cities of Alexandria and Fredericksburg have done something by posting the information online. Also, at the June 9th Cape Charles Town Council meeting, Vice Mayor Bannon had asked the Code Official to draft an ordinance addressing cluttered porches. If the Town could draft an ordinance to deal with cluttered porches, then it could do something about open lead-based paint scraping. Mr. Ingram stated that Section 18-3 of the Cape Charles Town Code stated that any building or structure where potential danger to health and safety exists may be inspected by the Code Official. Section 18-21 stated that if the Code Official shall find any unsafe situation, he may send notification by registered mail to the property owner to alleviate the unsafe situation. We all know that lead-based paint was an unsafe situation. Mr. Ingram went on to state that Section 46-2 mandated that the Town Council shall compel the abatement or removal of all unsanitary or unhealthy substances; ii) Mr. Ingram stated that his second issue was the Town's practice of issuing business licenses without asking for any Department of Professional and Occupational Regulation (DPOR) certification or classification information on the application. The Cities of Norfolk and Virginia Beach required an applicant to provide their DPOR certification number and license classification. The City of Virginia Beach also required an applicant to sign an affidavit stating that the information provided on the application was true. It was a Class 3 misdemeanor to issue a business permit to unlicensed professionals. Mr. Ingram went on to state that even though the Town did not request any DPOR information on the business license application, it advised property owners on its website to hire only licensed contractors to perform work on their properties. Mr. Ingram stated that he was only asking the Town to use its own judgment in issuing contractors' licenses for work to be performed in Cape Charles, and iii) Mr. Ingram then submitted a Freedom of Information Act request to the Town Council requesting copies of all business licenses, applications for business licenses and building permits issued in the Town in the year 2011.

Jennifer Ingram, 27427 Lake Drive

Ms. Ingram gave her three minutes to Mr. Sean Ingram so he could continue.

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

CONSENT AGENDA:

Mayor Sullivan stated that since several members of the Cape Charles Volunteer Fire Company were in attendance for the discussion regarding Item #7G – Cape Charles Volunteer Fire Company, she would like to move this item to the beginning of New Business.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the agenda as amended. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the September 8, 2011 Regular Meeting, the September 13, 2011 Work Session, the September 22, 2011 Joint Public Hearing with the Planning Commission, the September 22, 2011 Executive Session and the September 29, 2011 Special Meeting.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to approve the minutes of the September 8, 2011 Regular Meeting, the September 13, 2011 Work

Session, the September 22, 2011 Joint Public Hearing with the Planning Commission, the September 22, 2011 Executive Session and the September 29, 2011 Special Meeting as presented. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. *Town Manager's Report:*

Town Manager Heather Arcos addressed Ms. Marita Patterson's public comments stating that the Town was working on an operational plan and was hopeful that, by the time the broadband services had been connected, the Town would have a functional plan to offer training classes at the current location of the computer lab. The Town was working with the Library Board and the Friends of the Cape Charles Memorial Library in developing the plan. Heather Arcos also thanked Mr. Sean Ingram for coming this evening and added that she had met with Mr. Ingram to discuss his concerns. Staff was working to address Mr. Ingram's issues and a report would be provided to Council in the near future. Heather Arcos went on to report the following: i) The Schooner Spirit of Massachusetts was scheduled to arrive at the Town Harbor tomorrow and Harbor Master Smitty Dize would provide more information during his department report; ii) Official notification had been received confirming the Schooner Sultana would be coming to Cape Charles for six days beginning June 6, 2012 during OpSail. Several events and programs were being planned around their stay at the Harbor and this was a result of the OpSail / Tall Ships Initiative; iii) The Town was awaiting approval from VDOT for an alternate plan to repair the fountain at Central Park. Funds have been withheld from the contractor to allow the Town to make the repairs to the fountain under the Transportation Enhancement Grant. The Town was also working to alleviate the drainage issues at Central Park. Some trees would be replaced as part of the project; iv) Notification was received informing the Town that the former Belo building would be appraised next week. The building had been tied up in a family real estate trust since before 2004 and staff was hopeful that the new owners would do something to fix up or sell the property; and v) A ceremony was scheduled for November 19th at 11:00 AM for the unveiling of the historic marker for the Rosenwald School.

Councilman Bennett asked about the schedule for completion of the Broadband Project. Heather Arcos stated that the equipment had been ordered and the Town was moving forward. No official date had been received as yet but the project must be completed and the grant closed out by the end of December 2011. In the meantime, the Library staff was surveying patrons regarding the types of classes they would like to be offered at the computer lab.

Councilman Evans referenced Mr. Sean Ingram's comments and stated that he thought the Town was now enforcing the DPOR regulations and not issuing permits to unlicensed contractors. Code Official Jeb Brady responded that the Town obtained a legal interpretation of the regulations in regards to definition of a primary residence and the Town currently issues permits only to licensed contractors or homeowners doing work on their primary residences. Mr. Sean Ingram interjected that his issue was not with the issuance of permits but the issuance of business licenses to unlicensed contractors.

B. *Treasurer's Report:*

Treasurer Jo Anna Leatherwood was not in attendance. The Treasurer's report dated September 30, 2011 showed \$359,373 in the Bank of America checking account and \$895,478 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,254,851.

Councilman Bennett commented that the Capital Projects Update showed an over expenditure for the Inflow & Infiltration Project. Heather Arcos stated that she would research the numbers and provide an answer to Council tomorrow.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, 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) Two weeks ago, a variety of plants were planted in two of the beds at the New Roots Youth Garden. Jen Lewis pointed out several charts which were made by Ms. Kathy Bonadeo to display at Northampton County Day; and ii) It was a great weekend for the Birding Festival. Birder Cards were provided to the participants to drop off at the various businesses in Town. At the end of the festival, one card was drawn and the lucky winner would receive a free ticket for next year's festivities. Jen Lewis added that on Friday, she worked the registration table and about 80% of the participants were first timers.

D. *Library Report:*

Librarian Ann Rutledge reported the following: i) The week of September 24th – October 1st, the Library celebrated Banned Book Week with a book display, decorations and signs throughout the Town which generated a lot of interest and discussion about the celebration of the right to read; ii) Ms. Marita Patterson visited the Library for Storytime with her dog; iii) She was interviewed this afternoon regarding the Library on K-LOVE Radio; iv) With the end of summer, the number of visitors to the Library have slowed down; v) The Library will show the movie *Hocus Pocus* on October 28th for Halloween; vi) Staff was working on ideas for some adult programs at the Library; and vii) Computer usage had been steady with many people using the computers to look for jobs.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) The Spirit of Massachusetts experienced a delay in their departure from their current port and at this time was unsure of their arrival date in Cape Charles; and ii) The off-season rates at the Harbor became effective October 1st and so far this month, 55 boats have come into the Harbor.

Councilman Bennett asked why the Harbor staff was re-securing board on the new docks already. Smitty Dize stated that the boards were yellow pine and were cupping. He contacted Mr. Tom Langley regarding the issue and a crew from Sullivan's came and repaired the docks under warranty. The Harbor staff secured miscellaneous boards prior to the crew's arrival to ensure the safety of the patrons.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported that the following: i) He had spoken with Excel Paving and they were scheduled to complete the paving along Mason Avenue next week; ii) There was a storm sewer problem at Pine Street and Monroe Avenue. The original pipes were not laid properly and the road collapsed. VDOT was coming to repair the problem; iii) The slab had been poured for the new Public Works Maintenance Building. The crew should be here in about 10 days to erect the building; iv) The flag poles have been installed at Central Park. The base on the middle pole still needed to be completed; and v) The contractor was making good progress on the Municipal Building work and should be finished by the end of next week.

G. *Code Enforcement:*

Code Enforcement Officer Job Brady stated that he did not have any additional information to add to his written report.

H. *Planning Report:*

Town Planner Tom Bonadeo reported that the following: i) The Town was waiting on the Broadband service equipment to arrive and he was working with the Eastern Shore Broadband Authority and Bay Creek Communications on completion of this project. The December 2011 date was the deadline to finalize the grant and could not be extended; and ii) Northampton County proposed some changes to the Enterprise Zone with input from the Town. The map was corrected in a portion of Bayside Village in Bay Creek which originally included a portion of the Palmer Golf Course as well as an old site for the Swim Club. The proposed map was included for Council's review.

OLD BUSINESS:

A. *Lease of Town Property:*

Bob Panek stated that before getting into the discussion regarding the next agenda item, he wanted to explain that the repaving of the south side of Mason Avenue was a result of the work on the force main and gravity sewer and hopefully, the work would begin next week. Also, in response to Councilman Bennett's question regarding the Capital Project expenditures, he reviewed the report and stated that the Inflow & Infiltration project was a multi-year project which was budgeted over two years. Some of the work was delayed and the expenditures shown on the report should have been expended in last year's budget but was carried forward. There was also an issue with the contractor concerning engineering evaluation of substitute materials and the Town has had to pay the engineer a considerable sum and the contractor would be back-charged for those expenditures.

Bob Panek continued by stating that the Harbor Master Plan included a restaurant on the west end of the West Dock and recently Council held a work session and decided to move forward with a restaurant to be located at the Harbor. An invitation for bids was advertised in the Eastern Shore News, the Virginian Pilot and on the Town's website. One bid, from The Hungry Crab, LLC, was received and opened at a Special Meeting of Council on September 29, 2011. The bid included the following: i) An initial lease term of 10 years with three 10-year options; ii) Base rent of \$500 per month plus .5% of gross revenues for the first three years, beginning June 1, 2012, increasing to 1% of gross revenues for the remaining seven years; and iii) Rent for the 10-year options to be negotiated no later than six months prior to start of the option term. A public hearing was held earlier this evening and several comments were heard. Staff met with Mr. Jon Dempster, who was in attendance this evening representing The Hungry Crab, LLC, and reviewed development requirements in the Harbor District, discussed sharing costs for storm water management and parking and reviewed lease details. Mr. Dempster had submitted a request that the water and sewer connection charges be waived and his request was outlined in the staff report included in the agenda packet. The LLC was still in the process of being formed legally and staff was recommending that Council authorize the Mayor to execute the lease after the formation of the LLC had been finalized. Bob Panek introduced Mr. Jon Dempster.

Mr. Dempster passed a color copy of the proposal for Council review and thanked Council for moving along so quickly as well as everyone who spoke during the public hearing in support of his restaurant proposal. In order for this proposal to work, the restaurant needed to be opened several weeks before Memorial Day weekend. Mr. Dempster continued to state that he knew about restaurants, boats, and the water and he loved seafood. Mr. Dempster discussed his request regarding the waiving of the water and sewer connection charges adding that his investors were putting up a substantial amount of

money to improve Town property. If the restaurant project was not successful, he would have nothing but the Town would have a state-of-the-art facility. Mr. Dempster stated that his investors knew him and believed in him and the Town and asked Council to adopt the ordinance awarding the lease to The Hungry Crab, LLC and authorize the Mayor to execute the lease at a later date. Mr. Dempster concluded by stating that he had received extremely positive feedback and would be filling a void in the Town.

Councilman Bennett asked Mr. Dempster what his estimated cost was to get this project off the ground. Mr. Dempster stated that he was keeping it lean and estimated about \$250K initially. Mr. Dempster added that he would like to raise \$350K but stated that he could add on to the restaurant in the future and that he wanted this to be something that the Town could be proud of.

Bob Panek stated that the Town attorney was preparing the lease documentation which would be executed by the Mayor upon finalization of the LLC. Mayor Sullivan added that she would notify Council prior to execution of the lease documentation.

Motion made by Councilman Veber, seconded by Councilwoman Natali, to accept Mr. Dempster's proposal and award the lease of Town property, at the discretion of the Mayor.

Mayor Sullivan moved for adoption of Ordinance #20111013 - Granting Lease of Town Property and Resolution #20111013A - Waiving Water and Sewer Connection Charges. Ordinance #20111013 and Resolution #20111013A were adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

B. Northampton County Regional Water Supply Plan:

Bob Panek stated that Council heard a presentation from the Accomack-Northampton Planning District Commission (ANPDC) and was briefed on the draft Water Supply Plan at the September Regular Meeting. The ANPDC had incorporated changes to correct some inconsistencies in the Cape Charles data. A public hearing was held earlier this evening and no comments were heard.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to adopt Resolution #20111013 - Approving the Northampton County Regional Water Supply Plan. Resolution #20111013 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. Cape Charles Zoning Ordinance Modifications - Home Business & Agriculture Definition:

Tom Bonadeo stated that the Planning Commission reviewed and recommended modifications to the Cape Charles Zoning Ordinance Sections 3.2.C, 3.2.B and 4.0.B regarding streamlining the Home Business approval process and Section 2.9 regarding the definition of "Agriculture." In September, a joint public hearing was held with the Town Council and Planning Commission and no public comment was heard.

Councilman Evans stated that he felt it was a great idea to streamline the process so the majority of the applications for home businesses could be approved administratively.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to adopt the changes to Sections 3.2.C., 3.2.B., 4.0.B. and 2.9 of the Zoning Ordinance as proposed. The motion was approved by unanimous consent.

NEW BUSINESS:

G. Cape Charles Volunteer Fire Company:

Heather Arcos stated that the Cape Charles Volunteer Fire Company (CCVFC) had requested \$30K to be allocated in the FY 2011-2012 budget to pay for insurance and the annual equipment payment since the CCVFC had a shortfall due to equipment and vehicle repairs. On April 20, 2011, Council held a work session with the CCVFC Board of Directors. The Town had budgeted \$30K in a contingency fund to be approved by the Town Council for disbursement of funds. The payment of the July insurance payment was previously approved by Council. Ms. Hollye Carpenter, Treasurer of the CCVFC, had submitted an invoice and proof of payment for their September insurance payment and was requesting reimbursement of \$5,441 for this payment. Their annual equipment loan payment in the amount of \$14,567 was due December 13, 2011.

Heather Arcos introduced Ms. Hollye Carpenter, Treasurer of the CCVFC.

Ms. Carpenter informed Council that the majority of requested items have been completed. The scheduling of the audit was a challenge but an accountant had been located and the 2010 audit should be completed within 30 days. The CCVFC had scheduled a public meeting on November 6th to give an update to the citizens of Cape Charles. Ms. Carpenter thanked Council for their time and for moving them up on the agenda.

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to authorize the Town Manager to reimburse the Cape Charles Volunteer Fire Company \$5,441 for their September 2011 insurance payment. The motion was approved by unanimous consent.

A. Re-Appointment of Board of Zoning Appeals Member:

Tom Bonadeo stated that the Board of Zoning Appeals was comprised of five members and heard zoning appeals and reviewed variance and special exception applications. All members were volunteers and appointments were approved by the Northampton County Circuit Court. There was one member, Jay Wiegner, whose term would expire on October 31, 2011 and he had expressed his interest in continuing his service on this Board.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to re-appoint Mr. Jay Wiegner to the Board of Zoning Appeals for another term. The motion was approved by unanimous consent.

B. Appointment of Building Code Board of Appeals Member:

Jeb Brady stated that the Code Enforcement Office was required to maintain a Building Code Board of Appeals for matters that may come up from a contractor or homeowner. The Board was comprised of five members serving five-year terms. The Board members should have a basic knowledge of building regulations. In September, one position, with a term expiration of September 10, 2014, became vacant and Mr. Bruce Brinkley had volunteered to serve on the Board. Mr. Brinkley currently serves as the Chairman of the Town's Planning Commission and had served as Deputy State Fire Marshall for the Commonwealth of Virginia, Fire Protection Engineer for the City of Virginia Beach and was currently the Assistant Building Code Official for the City of Portsmouth. Jeb Brady stated that with Mr. Brinkley's strong background in the construction field and knowledge of the Uniform Building Code, he would be an asset to the Building Code Board of Appeals.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to appoint Mr. Bruce Brinkley to the Building Code Board of Appeals to fill the vacant position. The motion was approved by unanimous consent.

C. *Modifications to Nuisance Ordinance – Schedule Public Hearing:*

Jeb Brady stated that the Council held a work session on September 13th and reviewed the proposed modifications to the Nuisance Ordinance which were intended to clarify the ordinance to address debris. The changes recommended at the September 13th meeting have been incorporated. Before the revised Nuisance Ordinance could be adopted, a public hearing must be held to hear comments regarding the proposed changes.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to schedule a public hearing for November 10, 2011. The motion was approved by unanimous consent.

D. *Waterworks Engineering Services:*

Bob Panek stated that the Town currently had a contract with GHD/Stearns & Wheeler for waterworks engineering services but since it was not completed using the Disadvantaged Business Enterprise (DBE) solicitation procedures, the Town was unable to take advantage of the Virginia Department of Health grant program. The Town re-competed the waterworks engineering contract through competitive negotiation procedures and the Request for Proposals (RFP) was advertised in the DBE-focused media and five firms identified through the Virginia Department of Minority Business Enterprise database were directly solicited. On August 22, 2011, five proposals were received and were evaluated and rated based on criteria contained in the RFP. The rating panel consisted of Councilman Bennett, Heather Arcos, Dave Fauber and Bob Panek. The two highest-ranked firms were interviewed. Based on these interviews, GHD was rated as the most highly qualified firm with competitive billing rates.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to award the Waterworks Engineering Services contract to GHD. The motion was approved by unanimous consent.

E. *Central Park Restrooms:*

Bob Panek stated that the Town completed the first phase of the Cape Charles Community Trail and reconstruction of Central Park utilizing funding and other resources provided by TEA-21 grants, the Town of Cape Charles and several community organizations, primarily the Citizens for Central Park (CCP). Additional amenities were needed to enhance utilization of the park; arguably, the most pressing need was for permanent restrooms. Currently, the Town rents a handicap-accessible porta-potty on a yearly basis and budgets \$1,872 for this expense. This was augmented by an additional porta-potty for events such as the Memorial Day and Labor Day weekend community parties. The CCP had proposed to partner with the Town to build permanent restrooms in the southeast corner of Central Park, similar in design to the Plum Street Pump Station in the northeast corner of the park. This location would provide symmetry with the Plum Street Pump Station as well as excellent handicapped accessibility and was convenient to water and sewer. The initial rough estimate for the project was \$60K and would be refined as the project progresses. The CCP made initial contact with the Eastern Shore of Virginia Community Foundation (ESVCF) to explore the opportunity for obtaining a grant for the project. This project seemed to align well with the stated goals and objectives of the ESVCF and the monetary range of grants they have provided in the past. An element of cost sharing strengthens the grant proposal. The CCP proposed application for the ESVCF grant in the amount of \$45K, which would represent 75% of the proposed project cost, with a Town match of \$15K, which would represent 25% of the project cost. The CCP would apply for and manage the grant and cover the cost above \$60K. Realizing that this project was not included in the current fiscal year budget, the Town would need to commit to including it in the budget for the fiscal year beginning July 1, 2012 and the project would only be executed if the grant

was provided. Bob Panek introduced Mr. Hank Mayer from the CCP. Mr. Mayer did the research on the grant and was in attendance to answer any questions.

Mr. Mayer stated that the ESVCF met quarterly and their next meeting was scheduled for January 15, 2012. The CCP would submit a two-page letter to the ESVCF for their review and if okayed, more details regarding the project would be provided to them. If the grant was approved, construction must start within six months of approval. There was a 50/50 probability of getting the grant. If the grant was not approved this time, the CCP could continue to reapply.

There was some discussion regarding the estimated cost of the project and the CCP agreeing to cover any costs over \$60K as well as discussion regarding what would happen if the Council committed to this project now, but during budget discussions for the FY 2012-2013 budget, it was determined that the Town did not have the funds to support this project. Bob Panek stated that if the Town came to the conclusion, during next year's budget discussions, that it could not meet the Town match, the deal would be off.

Mr. Mayer stated that it would be helpful if Council adopted a resolution of support of this project to be included with the letter to the ESVCF. Bob Panek added that the resolution could be reviewed at the November meeting.

Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, to approve the plan for permanent restrooms at Central Park as recommended by the Citizens for Central Park. The motion was approved by unanimous consent.

F. July 4th Celebration 2012:

Heather Arcos stated that the years prior to 2011, the Town held its July 4th celebration, which included a fireworks display set off by members of the CCVFC, on the 4th. The only costs incurred were the costs of the fireworks. Last year, the Commonwealth of Virginia changed the law requiring certification to set off fireworks and there was no one on the Eastern Shore who was certified. The eligibility requirements for certification were very restrictive which prohibited individuals from becoming certified. In 2011, the Town hired a company to do the fireworks display and held the celebration on Sunday, July 3rd, due to the vast difference in cost between July 3rd and July 4th. In 2012, July 4th falls on a Wednesday and the cost for the fireworks display were \$15K if held on Wednesday, July 4th, and \$7K if held on Sunday, July 1st. The Town had budgeted \$7K for the cost of fireworks in the FY 2011-2012 budget. Each year, the Town asked Northampton County for assistance with the cost of the fireworks display since numerous residents throughout the County came to Cape Charles to see the fireworks, but to date, the County had not been able to share in the expense.

There was much discussion regarding which date to hold the fireworks. Councilman Evans stated that even if there was an \$8K difference in cost, you could not change the date of the holiday. It was better not to have it at all vs. changing the date. Councilman Bennett stated that he was not against holding the fireworks on July 1st, but would also like to see activities held on July 4th. Vice Mayor Bannon agreed that the fireworks could be held on July 1st, but all other activities should be on July 4th. Councilman Veber asked whether it would bring in more visitors if activities were held on both dates and asked the opinion of Ms. Sandy McFall who was a business owner in Town. Ms. McFall stated that she felt it would be a mistake to hold the festivities on any date other than the 4th. Mayor Sullivan asked her to think about it as a taxpayer vs. a business owner since the additional \$8K would come from the taxpayers. Ms. McFall stated that she understood but still felt that everything should be held on July 4th. Heather Arcos added that she had received some feedback from businesses

in Town and they told her that people would be in Town all that week regardless of when the activities were held and that the Town needed to advertise its events early. Vice Mayor Bannon stated that 15-18 years ago, the Cape Charles businesses asked for donations for the fireworks and asked whether the Cape Charles Business Association (CCBA) could help raise the additional funds. Ms. McFall stated that she could not speak for the CCBA but would talk to them about it. Councilman Evans suggested that an advertisement could be placed in the paper asking for donations for the fireworks.

Motion made by Councilman Bennett, seconded by Councilman Evans, to table the issue of the 2012 July 4th Celebration and fireworks display for another date. The motion was approved by unanimous consent.

ANNOUNCEMENTS:

- October 27, 2011 – Town Council Work Session @ 6PM
- October 29, 2011 – Trunk or Treat
- October 31, 2011 – Trick or Treating in Cape Charles until 8PM
- November 10, 2011 – Town Council Regular Meeting @ 6PM
- November 11, 2011 – Town Offices Closed in Observance of Veteran’s Day
- November 21, 2011 – Town Council Work Session @ 6PM

Mayor Sullivan stated that she would not be able to attend the November 10th meeting and Vice Mayor Bannon was also scheduled to be out of Town. In the absence of the Mayor and Vice Mayor, Mayor Sullivan named Councilman Evans to officiate the November Regular Meeting.

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