



**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**August 12, 2010**  
**7:00 PM**

At 7:05 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 Councilmen Bannon, Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Public Utilities Director David Fauber, Treasurer JoAnna Leatherwood and Town Clerk Libby Hume. The Department Heads were also in attendance along with two (2) members of the public.

Councilman Bannon offered the invocation and led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

There were no comments from the public in attendance nor any written comments submitted prior to the meeting.

**CONSENT AGENDA:**

Mayor Sullivan stated that Under New Business, Item 7H – Zoning Ordinance Changes-Signs/Political was being added.

**Motion made by Councilman Bannon, seconded by Councilman Sullivan to approve the agenda as amended. The motion was approved by unanimous consent.**

The Town Council reviewed the minutes of the July 8, 2010 Regular Meeting, the July 16, 2010 Work Session–Site Tour of the New Wastewater Treatment Plant and the July 22, 2010 Joint Meeting with the Planning Commission and Harbor Area Review Board.

Councilwoman Natali noted a typographical error on page 4 of the July 8, 2010 Regular Meeting minutes.

**Motion made by Councilman Sullivan, seconded by Councilman Bennett to approve the minutes for the July 8, 2010 Regular Meeting, the July 16, 2010 Work Session-Site Tour of the New Wastewater Treatment Plant and the July 22, 2010 Joint Meeting with the Planning Commission and Harbor Area Review Board as amended.**

**REPORT PRESENTATIONS:**

Mayor Sullivan informed the attendees of the new procedure relating to the Staff Report Presentations. Since the monthly Departmental Reports were included in the Town Council Agenda Packets, with the exception of the Treasurer, Department Heads would no longer present their monthly reports at the Council meeting, but would be in attendance to answer any questions that the Council members may have regarding their report.

**A. *Town Manager's Report:***

Town Manager Heather Arcos reported the following: i) Mr. Jim Mahaffy's issue regarding water meters has been rectified; ii) The construction work on the Cape Charles Central Park is moving along and Combination Inspector Jeb Brady will give an update during his report. Golf cart tracks have been seen in the sod in the park. If anyone sees someone riding a golf cart through the park,

please stop them and call the Town; iii) There is a small area that still needed to be covered with rock in order to complete the Breakwater Project. The third final inspection should be completed next week; iv) Fishing Line Recycling Bins, which were provided by the Virginia Marine Resources Commission, were installed today at the Harbor and the Fishing Pier; v) The Wastewater Treatment Plant construction was on schedule with a concrete pour on the UV walls this week. Public Utilities Director Dave Fauber will provide more details during his report; vi) The new "Blue" hotel suites had opened providing six suites for extended stays. Southeast Expeditions had rented an office in the front of the building as well. If anyone would be interested in a tour of the new hotel, stop by and Mr. Patrick Hand would be happy give you a tour; vii) The Town received \$4500 from the Safety Grant for the Police Department and she will be attending a work shop, along with Police Chief Brown, on August 20<sup>th</sup> in Suffolk; viii) In regards to Councilwoman Natali's question regarding the difference in the amount of fees charged vs. the amount of fees collected detailed on the Code Enforcement Monthly Report, in some cases, the Town was not able to collect the fees from the property owner so the fees charged continue to add up on the property until the property is sold.

**B. *Treasurer's Report:***

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated July 31, 2010 showed \$169,489 in the Bank of America checking account and \$1,874,025 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$2,043,514.

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

**C. *Recreation Report:***

The Council did not have any questions for Community Events / Recreational Coordinator Jen Lewis.

**D. *Library Report:***

The Council did not have any questions for Librarian Ann Rutledge.

Councilman Veber complimented and thanked Jen Lewis and Ann Rutledge for organizing all the activities that have been held in the Town and Library and added that their efforts have had a tremendous impact on the Town.

**E. *Harbor Report:***

The Council did not have any questions for Harbor Master Smitty Dize.

**F. *Public Works / Public Utilities Report:***

Public Works / Public Utilities Director Dave Fauber reported the following: i) A problem was discovered with the softener at the Water Plant. A part has been ordered and the softener should be back online the first part of next week; ii) The construction of the new Wastewater Treatment Plant was moving forward with approximately 80% of the reactor tanks poured. The water has been tested in the reactor tanks and has passed the tests. All duct work has been completed in the Process Building and the slab should be poured next week; iii) In regards to the Drinking Water Notice that was sent out several weeks ago, the THMs are byproducts of the reaction of the chlorine in the system with the minerals in the water. The longer the water stays in the system without being aerated, the more of a problem it can become. Dave Fauber stated that he talked to Southern Corrosion and they would install an aerator inside the water tank. A Preliminary Engineering Report (PER) will be prepared for options to help reduce the byproducts. Due to a faulty valve, the Spring water flush could not be completed in 2009. There was a bad number recorded on Jefferson Avenue which lowered the quarterly average for the Town. The Town will continue to flush the water system semi-annually and continue the quarterly tests. The Public Utilities Department will also be attending an upcoming webinar regarding byproducts; iv) The pumps have been installed on the Keck property wells. The Town is awaiting A&N Electrical Cooperative (ANEC) to set the meters and also the results of the aquifer test plan from the Department of Environmental Quality.

G. *Code Enforcement / Central Park Trail Update:*

Combination Inspector Jeb Brady reported the following regarding the Central Park Trail Project: i) The fountain was delivered today; ii) Two-thirds of the ground cover plants and shrubs have been planted; iii) The sod should be finished next Tuesday or Wednesday; iv) The Town will be installing bollards in the park, but the golf carts could still run over the sides to get into the park. There was some discussion regarding the location of the camera at the park and whether they could be re-directed. Chief of Police Charles Brown stated that the cameras would work during the day, but it would be difficult to see anything filmed after dark on the tape.

Mayor Sullivan asked about the standing water at the park. Jeb Brady stated that he was hopeful that it would drain. During the last storm, all but one BMP drained sufficiently. There was some discussion regarding this issue and Councilman Bannon added that there was some concern regarding the safety of children in Town and the possibility of drowning. Tom Bonadeo stated that the water was only inches deep. It was suggested that the Town install caution tape, but Jeb Brady added that even with the tape, people could get through it.

H. *Planning Report:*

Town Planner Tom Bonadeo reported the following: i) The crew laying the broadband fiber has been working along the railroad tracks coming into Town from Cheriton to Rayfields. Rayfields is the point where Bay Creek Communications will meet the Broadband fiber. Bay Creek Communications should be able to connect next week. ANEC was preparing the license agreements and once signed, the work would begin to bring the fiber around the Town for the first connection for public service. Service was already running from Virginia Beach to Wallops Island and into Maryland. The Eastern Shore of Virginia Broadband Authority was planning a "Grand Opening" celebration for October 12<sup>th</sup> for the backbone. The next phase would be the connection of the public service areas such as the Town Hall, computer labs, etc. which should occur within the next two months. Tom Bonadeo went on to inform the Council that there was no other network like this in the country.

Councilman Bannon asked who would staff the computer lab. Tom Bonadeo stated that the staff of the Cape Charles Christian School (CCCS) would staff it during the day since it would initially be housed in their building. The Town was still working on staffing for after-school hours. Heather Arcos added that the CCCS would use the computers for their after-school program. Councilwoman Natali stated that the Town could get volunteers to staff the lab during certain hours.

Councilman Bannon asked if the Town could provide a computer for the residents of Heritage Acres. Tom Bonadeo stated that there were no plans to do so at this time but the Town could look into this possibility.

**OLD BUSINESS:**

A. *Harbor Area Design Guidelines – Set Public Hearing:*

Tom Bonadeo reported that in July, the Town received the final draft of the Harbor Area Design Guidelines which was reviewed by the Town Council, Planning Commission and Harbor Area Review Board at a joint meeting on July 22<sup>nd</sup>. The additional changes discussed at that meeting have been forwarded to Mr. John Crouse who is in the process of making those changes. The final version of the guidelines should be back to the Town within the next couple of weeks. Before the guidelines can be adopted by the Town Council, a public hearing must be held to review these guidelines with the citizens of the Town.

**Motion made by Councilman Bennett, seconded by Councilman Evans to schedule a public hearing on September 9, 2010 at 6:00 p.m. immediately preceding the regular Town Council meeting. The motion was approved by unanimous consent.**

B. *Town Edge Zone Update:*

Tom Bonadeo informed the Council that the County Planning Commission had invited the Cape Charles Planning Commission to meet with them regarding the Town Edge. This joint meeting was held on August 3<sup>rd</sup> and was a historic meeting of sorts in that it was the first time in many years that the two commissions had met. The meeting was cooperative and congenial and was eye-opening for both groups. The Cape Charles Planning Commission reiterated some of the language of the Annexation Agreement relating to the Corridor Overlay and the commercial development for a two-mile stretch along Route 13 which set the stage for continued discussions of the area and new cooperation between the Town and the County. An immediate change was discussed where the County, upon receiving a rezoning request, would forward a copy of the application to the Town so the Town's Planning Commission could review the application at the same time as the County Planning Commission and provide input to the County prior to their public hearing. A potential modification of the Town Edge Zone was also discussed as well as other ways to improve the Town's involvement in the rezoning process. The two commissions plan to continue holding joint meetings on occasion in the future.

Tom Bonadeo stated that the Cape Charles representatives to the Cape Charles-Cheriton Boundary Adjustment Committee, Councilmen Sullivan and Veber, met with District 2 Supervisor Sam Long on August 10<sup>th</sup> to discuss boundary adjustments. Supervisor Long stated that he was in favor of the Town having more input in the area and agreed on the impact of the Route 13 corridor on the Town adding that he would support a boundary adjustment for the Town regarding the corridors along Route 184 and 642 to Route 13.

Councilman Bannon stated that the Route 184 corridor into Town had a beautiful line of crape myrtles but that no one was taking care of them. Councilman Bannon added that they are not in the Town's limits but could the Town get volunteers to help trim the trees. Councilwoman Natali stated that she has heard from a citizen offering to volunteer their services in the fall to help with the trees.

**NEW BUSINESS:**

A. *VDH Grant for Keck Wells PER:*

Heather Arcos stated that the Virginia Department of Health (VDH) had limited funds available for Planning & Design Grants up to \$30K which may be available to the Town for developing a PER for the connection of the Keck wells to the water treatment plant. Heather Arcos added that after talking to Mr. Dixon Tucker of the VDH, she felt confident that the Town would get this grant, with a 20% match, which has been included in this year's budget.

**Mayor Sullivan moved for adoption of Resolution #20100812 – Authorizing the Application for a Grant from the Virginia Department of Health. Resolution #20100812 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

B. *VDH Grant for Disinfection Byproducts PER:*

Heather Arcos stated that another \$30K grant was available through the VDH for developing a PER for the reduction of chlorination byproducts in the Town's drinking water. Dave Fauber added that he was optimistic that the Town would get this grant.

**Mayor Sullivan moved for adoption of Resolution #20100812A – Authorizing the Application for a Grant from the Virginia Department of Health. Resolution #20100812A was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

C. *Fiscal Year 2009 Audit Report:*

JoAnna Leatherwood stated that the Town audit for the period ending June 30, 2009 had been completed and a management letter identifying opportunities for strengthening areas of deficiencies in internal controls and operating efficiency was provided by the audit firm. Reference was made this

year about written reconciliations for all balance sheets accounts at the end of each year which is currently underway for June 30, 2010. Nothing was out of line and internal controls have been implemented regarding cash. A policy has been put in place where the utility clerk is only in control of the billing and collecting of payments made in person. The utility clerk no longer enters any payments received by mail and no longer makes adjustments to accounts. JoAnna Leatherwood stated that she reviews all adjustment recommendations and if approved, makes the entry to adjust the account.

It was noted that the Fiscal Year 2009 Audit Report was not delivered to the Council members for their review prior to the meeting. The audit report would be delivered to the Council this week and this issue would be revisited in September.

Councilman Evans stated that citizens have been asking questions regarding the utility billing process and whether the Town could allow more time from the billing date to the due date. If a person is out of town, it could be a problem for them to pay their bill within the fifteen day timeframe. Heather Arcos stated that staff had been looking at several options including electronic billing and some people come in and pay in advance. There was much discussion regarding this issue and Councilmen Evans and Bennett stated that they would prefer a work session be held to further discuss this issue.

*D. Reappointment of Members for Library Board:*

Heather Arcos stated that the Library Board oversees the Cape Charles Memorial Library and consists of seven members who serve staggered four-year terms. Two members' terms, Chris Bannon and Kim Dunton, expired on August 8, 2010 and both have expressed their interest in continuing to serve on the Library Board.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali to reappoint Chris Bannon and Kim Dunton to the Library Board for another four-year term to expire August 8, 2014. The motion was approved by unanimous consent.**

*E. Gray's Funeral Home Commendation:*

Mayor Sullivan stated that Gray's Funeral Home was founded in 1895 and is the oldest African American family owned and operated business in the Town of Cape Charles. Earlier this month, the 100 Black Women of Funeral Services, Inc. hosted the 73<sup>rd</sup> annual National Funeral Directors and Morticians Association, Inc. National Convention and the historic 2010 African American Funeral Home Hall of Fame Induction Ceremony in Fort Lauderdale, Florida. Thirty-nine of the oldest existing African-American funeral homes were recognized for their services, longevity and impact on the African-American community. The 100 Black Women of Funeral Service, Inc. asked the Town of Cape Charles to join them in commending Gray's Funeral Home for their years of service. Since Mr. Thomas Godwin was out of town and unable to attend the meeting, Mayor Sullivan did not read the commendation but stated that she would personally present it to him next week.

**Mayor Sullivan moved for adoption of Commendation #20100812 for Gray's Funeral Home. The Commendation was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

*F. Town Council Regular Meeting Time:*

Mayor Sullivan stated she had proposed a time change for future regular meetings of the Town Council to 6:00 p.m. with hopes that more citizens may be able to attend the meetings to keep informed of the various projects and issues affecting the Town. On meeting dates where a public hearing was scheduled, the public hearing would begin at 6:00 p.m. immediately followed by the regular meeting. Pursuant to § 15.2-1416 of the Code of Virginia, if the governing body wishes to change the location, date and/or time of their regular meetings, the governing body must pass a resolution as to such future meeting day, place or time.

Councilman Bennett stated that in the past, he did not want the meeting time changed from 7:00 p.m. so the citizens could have dinner before coming to the meetings. Unfortunately, very few citizens attended the meetings so he was in agreement to changing the start time of the meetings to 6:00 p.m.

**Mayor Sullivan moved for adoption of Resolution #20100812B – Resolution to Change the Time of the Cape Charles Town Council Regular Meetings. Resolution #20100812B was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

*G. Planning Commission Appointment:*

Mayor Sullivan explained that as vacancies occur on the Cape Charles Planning Commission and other Boards, the Town Council must appoint new members to fill these vacancies. At the July 8, 2010 Regular Meeting, the Town Council appointed Councilwoman Natali as the Council representative to the Planning Commission to replace Councilman Evans who had submitted his resignation as the Town Council representative to the Planning Commission. Since Councilwoman Natali had been serving on the Planning Commission for a number of years prior to her election to the Town Council, a citizen member needed to be appointed to complete her unexpired term which ends October 31, 2013. Earlier this evening, the Town Council interviewed Mr. Bruce Brinkley who had expressed his interest in serving on the Planning Commission.

**Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to appoint Mr. Bruce Brinkley to the Planning Commission to complete Councilwoman Natali's citizen-position term which expires October 31, 2013.**

*H. Zoning Ordinance Change – Signs/Political:*

Tom Bonadeo stated that he had received several telephone calls from residents regarding two political signs in a front yard that are 3' x 6' and the election was almost 90 days from now. The Cape Charles Zoning Ordinance allows temporary signs in every zoning district. Contractor and Real Estate signs are limited to four square feet but no size limitation was imposed on political signs. The current ordinance regarding political signs requires the removal of the sign(s) within seven days of the election but placed no limitation on the time before the election. Northampton County allows political signs to be displayed no earlier than 45 days prior to the election. Tom Bonadeo proposed modifications to the ordinance as follows: *“political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and shall be removed no later than seven days after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.”*

Tom Bonadeo also stated that a brochure would be developed and provided to candidates running for political office explaining the various regulations.

**Motion made by Councilman Bennett, seconded by Councilman Evans to schedule a public hearing on September 9, 2010 at 6:00 p.m. immediately preceding the regular Town Council meeting. The motion was approved by unanimous consent.**

**OTHER ISSUES:**

Councilman Evans stated that he had received multiple complaints from visitors who have rented seasonal rentals but could not stay in these houses due to their condition. Some of the houses are rented out by individuals but some are handled through rental companies. Councilman Bannon stated that he has been receiving similar complaints. There was much discussion regarding this issue and Councilman Evans asked if a work session could be scheduled to further discuss this issue or maybe this could be referred to the Planning Commission for their review.

Councilman Natali mentioned the recent news regarding the relocation of Riverside Shore Memorial Hospital. Mayor Sullivan stated that she had been in contact with Sentara Healthcare and they were

interested in meeting with the Town Council and others regarding options. Heather Arcos stated that Council would be notified once a meeting had been scheduled.

Councilman Veber informed the Council that Mr. Marshall Romeo, Jr. had approached him regarding how the Town could help get people travelling on Route 13 into Cape Charles. Heather Arcos stated that the Welcome Center provides information about Cape Charles and its businesses and quite a few people come to visit. Councilman Veber added that he researched signage through Clear Channel and perhaps the Town could work with the businesses in getting a billboard. Heather Arcos stated that the Town could possibly obtain funding through the Northampton Infrastructure Grant.

**ANNOUNCEMENTS:**

- August 14, 2010 – Chamber of Commerce Harbor Party – 6P-10P
- August 25, 2010 – Friends of the Library sponsoring Harrington Casino Trip
- August 26, 2010 – Town Council Work Session regarding Peddler’s License – 6P
- September 4, 2010 – Chamber of Commerce Harbor Party – 6P-10P
- September 5, 2010 – Cape Charles Central Park Grand Opening – 5P-8P
- September 6, 2010 – Town Offices Closed in Observance of Labor Day
- September 9, 2010 – Town Council Regular Meeting
- September 23, 2010 – Town Council Work Session – *tentative*
- January 16, 2011 – Clam Digger’s Daughter playing @ Arts Enter – 3P. This is a movie that was filmed in Cape Charles.

**Hearing no objections, Mayor Sullivan adjourned the Town Council Regular Meeting by unanimous consent.**

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Mayor Sullivan

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Town Clerk