

**TOWN COUNCIL
EXECUTIVE SESSION
MARCH 5, 2008
5:30 p.m.**

At approximately 5:30 p.m. in Town Council Chambers, Mayor Dora Sullivan called to order the Executive Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Brown, Burdiss, Elliott, Bannon, Dudley and Evans. Also present were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos and Public Works Director Dave Fauber.

Mayor Sullivan announced there would be a short discussion concerning the Water Withdrawal Permit prior to going into closed session. Dave Fauber was introduced. Mr. Fauber referred to the attached memo and stated due to an oversight in the budgeting process, no funds were designated for the Ground water permit application or for its preparation. He further explained that Stearns and Wheeler was involved in the meeting with the DEQ, therefore, unused portions of budgeted funds on other task orders could be routed to fund this need.

Motion made by Councilman Brown, seconded by Councilman Evans and to move the funds from Task Order W-2 to Task Order W-4 to cover the unbudgeted expenditures.

Discussion included being aware in the next budget year that accommodations may need to be made to cover any deficit in Task Order W-2. The question remained as to whether additional funds would be needed for the current fiscal year.

Motion amended by Councilman Evans, seconded by Councilman Brown to move the funds from Task Order W-2 to Task Order W-4 to cover the unbudgeted expenditures as long as the expenditure for the balance would not be made payable in the current fiscal year.

Motion amended by Councilman Evans, seconded by Councilman Brown and unanimously approved to move the funds from Task order W-2 to Task Order W-4 to cover the unbudgeted expenditures on the condition that analysis of all the task orders would yield sufficient funds to cover all expenditures.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of: Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an

open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Specifically: Potential Real Estate Acquisition

And

Paragraph 7: Consultation and briefings by staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Specifically: Status of Annexation Agreement Discussions.

Motion to return to Open Session made by Councilman Brown, seconded by Councilman Bannon and unanimously approved.

Motion made by Councilman Brown seconded by Councilman Elliott and unanimously approved to certify to the best of each member's knowledge(1) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii)only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Elliott, yes; Evans, yes; Burdiss, yes; Brown, yes; Dudley, yes.

Motion to Adjourn the Session made by Councilman Brown, seconded by Councilman Elliott and unanimously approved.


Town Clerk


Mayor Sullivan

Town Council Regular Session

March 11, 2008

7:00 p.m.

Cape Charles Hotel Historic Inn

At approximately 7:00 p.m. on March 11, 2008 in the Cape Charles Hotel Historic Inn, Mayor Dora Sullivan called to order the Regular Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Brown, Dudley, Burdiss and Evans. Councilman Elliott arrived after the gavel sounded. Also present were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos, and Town Clerk Joy Pelletier, several members of staff and approximately 30 members of the Public.

Councilman Dudley led the invocation Councilman Brown led the Pledge of Allegiance.

Katherine Campbell – 206 Jefferson Ave.

Ms Campbell identified herself as being on the board of the SPCA. Her goal as board member was to educate the residents of Northampton County on the role of the SPCA, its goals and mission.

She addressed the feral cat population in Cape Charles and offered solutions which included the trap, neuter and release program and a program to help defray the cost of spay/neuter for low income households.

She asked the Town for its support and involvement to control the feral cat population.

Councilman Brown pointed out in comparison to the euthanizing carried out at the county facility, the SPCA was a “no kill” shelter.

Donna Boza – Director of the Eastern Shore Tourism Commission

Ms. Boza spoke in favor of 4th of July celebrations and specifically fireworks. Her research showed there was a direct correlation between fireworks displays and tourism. She stated there would be no public display of fireworks in Northampton County for July 4, 2008 if the Town of Cape Charles did not hold their annual celebration. She encouraged the Town to become involved.

Scott Walker – resident 520 A Washington Ave.

Mr. Walker expressed concern over the loss of beach sand with it washing through the jetty and with it blowing into the yards of residents. He stated cherry trees had been planted in the dune area with the hopes that they would grow helping the sand stay in place. He asked that the Wetlands Board be brought into play for their take on how to control the loss of the beach sand.

Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to accept the agenda as presented.

Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to accept the minutes of February 12, 2008 as presented.

REPORT PRESENTATIONS

Harbor Report

Harbor Master Smitty Dize reported the widening of docks was proceeding as scheduled with phase three to be completed by the end of the week. New bumpers and pile fenders were scheduled to be installed the following week.

Harbor Master Dize then spoke regarding crab dredging. He gave a short history and announced that the VMRC was looking into prohibiting future dredging. He stated if that happened, not only would it affect the livelihoods of the crabbers, but the Town would also lose revenue. He also stated concern over the history and heritage of the crabbing industry.

Harbor Master Dize then described the activities planned for the first annual "Blessing of the Fleet." He explained the concept was to ask for protection of watermen and to ask for a plentiful harvest. Activities had been planned for the period after the blessing to include seafood, and a blue grass band for entertainment. He thanked all who had taken part for their hard work

Treasurers Report

See attached report.

Town Treasurer Paul Skolnick also noted the recent reassessment of real estate and covered the process of disputing the increase. A short discussion was held concerning residents questioning the large increases and how their taxes would be affected. Many felt that Cape Charles was "over assessed". Mr. Skolnick explained Virginia Code had a provision limiting the rate of tax increase so although the assessments had increased, and an increase in taxes was expected the increase had to stay within a specified range.

A work session to discuss the matter in detail was proposed.

Motion made by John Burdiss, seconded by Chris Bannon and unanimously approved to accept the Treasurer's report as presented.

Public Works

Dave Fauber, Direct of Public Works/Public Utilities gave a brief overview of what had been accomplished during the prior month which included the installation of security cameras in Central Park and the work accomplished to date on the water withdrawal permit application.

Planning Commission

Please refer to the minutes of March 4, 2008.

Historic District Review Board

Please refer to the minutes of March 19, 2008.

Recreation Report

Youth Director Jimmy Marvel reported on the preparations for the dance scheduled for March 28 at the Cape Charles Volunteer Fire Department. He also stated the program at Heritage Acres has been successful and that the Diabetes Foundation had tagged on to the program for screening purposes. The tennis courts had been reserved by the Northampton High School tennis team between 3 and 5p.m. Monday thru Friday.

OLD BUSINESS

A. *Appointment to IDA*

Town Manager Joe Vaccaro explained per Council's direction further research had been completed and all the questions were answered. A copy of a resolution had been adopted June 13, 1972 and the board had met only five times since the adoption of the resolution. The board was separate from the IDA board which made recommendations concerning the Sustainable Technologies Park.

Motion made by Councilman Evans, seconded by Councilman Elliott and unanimously approved to endorse Sharon Bailey as a member of the IDA Board.

Further discussion asked that the next board member be a resident of Cape Charles.

B. *Appointment to Wetlands Boards*

Town Planner Tom Bonadeo explained that due to Dave Burden being elected to serve on the Northampton County Board of Supervisors, he was no longer eligible to serve on the Cape Charles Wetlands Board. He mentioned Council had interviewed several candidates for the position and were interested in selecting three of the candidates to serve and had suggested the board be expanded from five to seven representatives. Two of the candidates were serving on other Cape Charles Boards and there was a question as to whether they would be eligible to serve on the Wetlands Board. The matter had been referred to Paul Watson the Town's local attorney. While waiting for the outcome, it was suggested to appoint the one remaining candidate to the Board.

Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to appoint Jim Weiner to the Cape Charles Wetlands Dune Board.

Further conversation clarified the State Code was specific in prohibiting members to "cross-serve" on specific boards; therefore, the opinion of the Attorney General had been requested. Mr. Bonadeo asked that Council consider adding two alternate members to serve when needed as suggested by State Code.

C. *Annexation Agreement*

Town Consultant Bob Panek reported as directed by Council an offer had been made to Baymark concerning the final disposition regarding the Annexation Agreement. He was waiting for a reply from Baymark.

NEW BUSINESS

A. *Resolution to Move the Location of the Council Meetings*

Mayor Dora Sullivan explained the Cape Charles Hotel Historic Inn would no longer be available as a venue for the Town Council meetings. She further stated a conflict had been noted with the Northampton County Board of Supervisors changing the day they met. She read a proposed resolution to the record and asked for a motion.

Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to accept the resolution to move the day of the Town Council meeting to the second Thursday of the month and to move the venue to the St. Charles Catholic Church Social Hall. Polled vote: Brown, yes; Bannon, yes; Burdiss, yes; Dudley, yes; Evans, yes; Elliott, yes.

B. Capital Projects Update

Treasurer Paul Skolnick briefly covered the 2008 capital projects which included sidewalk repair, the Central Park Gazebo, town beautification projects and the Multi-use Trail.

C. *Bay Shore Conditional Use Application*

Mr. Bonadeo reported to the Council that the Planning Commission had reviewed an application from Bay Shore Concrete Products to move the batch plant and construct it at a height exceeding 50 feet. He explained the height fell within the guidelines for a conditional use permit. He further stated the Planning Commission recommended approval of the plant with two conditions: the existing plant would be removed within two years of the completion of the new plant; and any new lighting on the plant would be dark skies compliant.

Motion made by Councilman Bannon seconded by Councilman Brown and unanimously approved to set a public hearing for April 10, 2008.

D. *309 Mason Ave. Conditional Use Permit Application*

Mr. Bonadeo reported the Planning Commission had reviewed an application and held a public hearing. The outcome of their deliberation was to recommend approval of the Conditional Use Permit to add a second floor to the building and create two efficiency apartments. Two conditions were attached to the permit: the applicant would make the rear of the property into a parking space and the two dwelling units would meet the requirement of section 3.6C of the Zoning Ordinance.

Motion made by Councilman Burdiss, seconded by Councilman Elliott and unanimously approved to hold a public hearing on March 10, 2008.

E. *Fireworks for July 4, 2008*

Assistant Town Manager Heather Arcos addressed the Council stating that at the April, 2007 Council Retreat, it was agreed they did not want to sponsor the 4th of July event, nor did they wish to purchase the fireworks. They asked that one or more of the local organizations step up to handle the event. However, the 2007/2008 fiscal year budget was approved with the purchase of the fireworks. Ms. Arcos further explained that Northampton County had been solicited in the amount of \$7,000 to help defray the cost of the materials and time spent by the Fire Co., Police Department and Public Works Department, but it was unlikely they would respond positively.

A suggestion was made to charge non residents a small fee upon entering Town to offset the cost of the fireworks display. Councilman Burdiss agreed that would be one way to offset the cost of the display, but other ideas should be discussed in the near future.

Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to spend \$3500 plus manpower to provide a fireworks display for the 4th of July celebration .

F. *Personnel Evaluation*

Town Manager Joe Vaccaro presented a new evaluation form to the Council for their approval. He explained there were three separate evaluations being used that did not tie the employees into a common work standard. The evaluation form presented related to higher work standards and performance including, but not limited to general work performance, knowledge , communication skills, leadership and safety. Mr. Vaccaro also presented an evaluation form that would be used for Department Heads to measure strengths mid year. He closed his presentation remarking that one of the Council's goals during the 2006 was to address the Personnel Policy and Procedures manual. Upgrading the evaluation process met that goal.

Motion made by Councilman Dudley, seconded by Councilman Burdiss and approved with abstentions from both Councilman Brown and Elliott to accept the new evaluation form as the standard.

Councilman Burdiss complimented the work completed on the evaluation form, but also asked that the Department Heads be trained on how to objectively prepare an evaluation.

Councilman Evans noted that there would always be some subjectivity but having a uniform evaluation process for all employees enhanced the feeling of consistency and unity. He then complimented Joe Vaccaro on the spirit of teamwork and the growing pride as expressed by the employees.

G. *Grounds Maintenance Service Award*

Public Works Director Dave Fauber explained that staff reviewed bids from three grounds maintenance providers. The recommendation was to use Eastern Shore Landscape Management at a cost of \$23,262.40. The contract was \$10,000 less

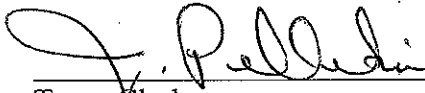
than the contract of the previous year. He also noted that the contract was a more flexible contract allowing some areas not to be cut while others might get more attention. He also stated areas to be sprayed would be under separate contract.

Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to grant the contract for grounds maintenance to Eastern Shore Landscape Management at a cost of \$23, 262.40.

ANNOUNCEMENTS

- March 13, 2008 at 6p.m. – a presentation on children, youth and drugs to be held at the Cape Charles Volunteer Fire Company.
- The annual Renovator's Ball would be held on March 29, 2008 at the Sustainable Industrial Park.
- March 28, 2008 – a dance for the youth sponsored by the Town of Cape Charles and Cape Charles Children and Youth Committee
- Breakwater name – Walker's Reef

Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to adjourn the Regular Session of Town Council.



Town Clerk



Mayor

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 JULY 1 THRU FEBRUARY 29, 2008

FUND	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED/ EXPENDED
GENERAL			
REVENUES (Note 2)	1,975,885	1,485,953	75.20%
EXPENDED	1,975,885	1,177,785	59.61%
PUBLIC UTILITIES			
REVENUES (Note 1)	1,330,539	712,417	53.54%
EXPENDED	1,330,539	801,448	60.23%
HARBOR			
REVENUES	870,493	378,936	43.53%
EXPENDED	870,493	473,762	54.42%
SANITATION			
REVENUES (Note1)	173,310	116,388	67.16%
EXPENDED	173,310	111,586	64.39%

Points of Information

1. Utility revenues are recorded as collected. Therefore February utility charges are not included above.
2. General Fund revenues will increase with the Business License and Decal sales which start during March.

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
FEBRUARY 29, 2008

Cash on Hand	1/31/2008	2/29/2008
Bank of America Checking	94,285	44,215
Bank of America Credit Card	38,394	4,167
Local Government Investment	<u>2,159,504</u>	<u>2,091,759</u>
Total Cash On Hand	<u><u>2,292,183</u></u>	<u><u>2,140,141</u></u>

MUNICIPAL CORPORATION OF CAPE CHARLES
REAL ESTATE & PERSONAL PROPERTY TAX SUMMARY
JULY 1 THRU FEBRUARY 29, 2008

	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED
REAL ESTATE TAX	879,948	872,323	99.13%
PERSONAL PROPERTY TAX	159,176	139,895	87.89%

20080311-B

Resolution

To Move the Location of the Cape Charles Town Council Meetings

WHEREAS, the Town of Cape Charles desires to promote an increased awareness of governmental activities by all citizens provide every opportunity to citizens to witness the operations of government;

WHEREAS, County Board of Supervisors has moved their meeting to the second Tuesday of each month creating a conflict to those who wish to attend both the Town Council meetings and the Board of Supervisors meetings;

WHEREAS, the current location of the Town Council meetings will no longer be available;

WHEREAS, the planned reconfiguration of the second floor of the Municipal Building to provide additional office space to the municipal employees will preclude returning to that location;

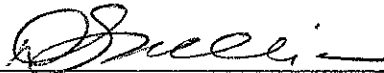
WHEREAS, the St. Charles Catholic Church has proposed the use of its Parish Center to hold Town Council meetings;

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective April 10, 2008, the Cape Charles Town Council will meet on the second Thursday of each month at the St. Charles Catholic Church Parish Center, 545 Tazewell Ave., Cape Charles, VA 23310

Adopted in Cape Charles, Virginia this 11th day of March, 2008.



Attest, Town Clerk



Dora Sullivan, Mayor

Candidates Forum

March 20, 2008

1:00 p.m.

Town Council Chambers

Joe Vaccaro welcomed Steve Bennett, Bruce Evans, Sophie Harvey, Joan Natali and Scott Walker to the Candidates Forum. This had not been previously posted as a Town Council meeting as it was not intended to be a meeting of Council. However, present were three Council members – Bruce Evans, Chris Bannon and Gerald Elliott.

Each Department Head was asked to introduce the candidates to how each department correlated to the others and report on the function of the Department. This meeting was not called to discuss or deliberate on an agenda item.

The only Councilman that commented was Bruce Evans as he was also one of the candidates.

The meeting was not called by or for Council to discuss or deliberate any public business Va. Code 2.2-3707; therefore, this report is meant as documentation/information only to comply with Section 2.2-3701 of the Code of Virginia.



Town Clerk

Town Council Emergency Session

March 24, 2008

5:30 p.m.

Town Council Chambers

At approximately 5:30 p.m. in the Town Council Chambers, Mayor Dora Sullivan called to order the Emergency Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Evans, Brown, Bannon and Dudley. Absent were Councilmen Burdiss and Elliott. Also present were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos, Town Planner Tom Bonadeo, Town Clerk Joy Pelletier and two members of the public.

Mayor Sullivan introduced Tom Bonadeo who was to explain the urgency of the meeting and the business to be handled for the evening. Mr. Bonadeo briefly explained the northern portion of the Eastern Shore from Wallops Island to Exmore had been working towards a DHCD grant to expand broadband technology. The ultimate goal would be then to run from Exmore across the Chesapeake Bay to connect with Langley Air Force Base. This would complete a wide circle connecting all the NASA sites and provide broadband to the Towns surrounding the loop.

During the bid process, it was discovered the funds allotted would fall short of completing the project, but if the project were expanded, additional grant funds would possibly be made available; therefore, Cape Charles was invited to participate in the project.

Mr. Bonadeo explained the resolution before Council would be to authorize the application for \$489,900 of Virginia Community Development Block Grant funds for the Cape Charles Broadband Network Project. He pointed out that approximately 1,129 residents would benefit from the project with over half of those residents being described as being in the low and moderate income levels. He also mentioned that a second project was being proposed to renovate the Cape Charles High School to house low to moderate income teachers and to house the Cape Charles Library – both of which would also benefit from the broadband technology.

Mr. Bonadeo also explained that any local “match” to the grant would be in terms of Town employee time and other contributions; no cash was expected as part of the match.

Mayor Sullivan read the resolution to record with a few modifications. A copy is attached.

Motion made by Chris Bannon, seconded by Sambo Brown and unanimously approved with a polled vote: Bannon, yes; Brown, yes; Evans, yes; Dudley, yes.

Assistant Town Manager Heather Arcos then asked the Council if they had received a copy of the E-mail she had sent earlier that asked whether a Town Council work session was desired to discuss the changes made to the Central Park design and the option that four Town lots adjacent to the park be used for tennis and basketball courts. It was agreed all the Council was sufficiently informed of the project and no work session would be needed.

A discussion began concerning the project planned for the old Cape Charles High School, but was quickly put to rest with the agreement the item would be discussed at the Council Retreat.

Motion made by Sambo Brown, seconded by Bruce Evans and unanimously approved to adjourn the Town Council Emergency Session.


Town Clerk


Mayor

**Resolution
Community Broadband Network
Grant**

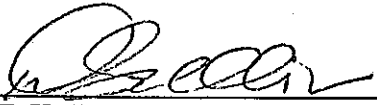
Whereas, pursuant to two public hearings, Town of Cape Charles wishes to apply for \$489,900 of Virginia Community Development Block Grant funds for Cape Charles Broadband Network Project.

Whereas, \$31,500 in-kind match will be provided by Bay Creek Communications and the Town of Cape Charles to support this project, and \$10,000 is committed by the Accomack-Northampton Regional Housing Authority for preliminary design of the Cape Charles High School renovations; and

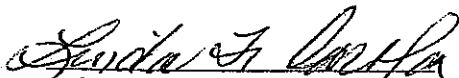
Whereas, it is projected that 1,129 persons will benefit from the implementation of this project, of which 655 will be low- and moderate-income persons.

Be it resolved that Joe Vaccaro, Town Manager is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.

Adopted at a special meeting, March 24, 2008


T. K. "Dora" Sullivan, Mayor

3-24-08
Date


Witness

3-24-08
Date

Town Council
Special Called Meeting
March 27, 2008
1:30 p.m.
Town Council Chambers

At approximately 1:30 p.m. in the Town Council Chambers, Mayor Dora Sullivan called to order the Special Called Meeting of Town Council. In addition to Mayor Sullivan, present were Councilmen Dudley, Brown, Evans, and Bannon. Councilman Burdiss arrived shortly after the gavel sounded and Councilman Elliott was absent. Also present for the meeting were Commissioner of the Revenue for Northampton County Anne Sayers, Town Manager Joe Vaccaro, Town Treasurer Paul Skolnick, Town Clerk Joy Pelletier several staff members and approximately six members of the public.

Mayor Sullivan welcomed Ann Sayers and explained she had been invited to the meeting to share information so the Council would have a better understanding of the reassessment process. She then turned the meeting over to Town Treasurer Paul Skolnick.

Mr. Skolnick explained that many citizens were concerned about the valuation of their properties in relation to other properties in the county and were asking questions of the Councilmen that they were unable to answer. He asked Ms. Sayers to give an overview of the assessment process.

Ms. Sayers explained the process began with the Code of Virginia which mandates a reassessment to be conducted every four to six year based on population. She then explained the procurement process of choosing a firm to handle the assessments and went into the key elements the assessors used to make their valuations (building material costs, recent sales figures). Ms. Sayers detailed the blocked neighborhoods, the field appraisers and how comparable sales figures were used for determining value. She further explained that sales figures used for valuation were those of the 2005/2006 time frame when real estate was selling at inflated prices. Ms. Sayers added that the company chosen to handle the assessments was thorough and was backed with high credentials.

The steps following would be the appeals process, and then a hearing with a Board of Equalization for further review is needed. The Board of Equalization was appointed by a circuit court judge and included Dave Griffith, Barbara Thomas and Charles Rinner. The members of the Board were trained by the Department of Taxation and were ready to be sworn in.


Discussion brought forward that there was concern over the values of property in Cape Charles having risen at a higher percentage than the values in other areas of the County. Mr. Sayers responded that there was seldom a level playing field based on sales and location. Further concerns over comparing areas of Cape Charles to one another were

voiced. It was also discussed that inconsistencies seemed to be County wide. An example of property in Cheriton was used as an illustration. Two plats of adjoining property, one measuring .5 acres the other 1 acre, both valued the same seemed incongruous. Ms. Sayers mentioned the land value could also be affected by the quality of construction.

Ms. Sayers was thanked for her time and for imparting the information.

Motion made by John Burdiss, seconded by Chris Bannon and unanimously approved to adjourn the special called meeting.


Town Clerk


Mayor Sullivan