



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
November 8, 2010
6:00 PM

At 6:02 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 Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:05 p.m. Also in attendance were Town Manager Heather Arcos, Town Consultant Bob Panek, Town Planner Tom Bonadeo, Harbor Master Smitty Dize and Town Clerk Libby Hume. The Department Heads were also in attendance along with four (4) members of the public.

Mayor Sullivan offered the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS:

Mrs. Chris Michel & Mr. Steve Michel, 10 Peach Street:

Mr. and Mrs. Michel addressed the Council in support of the Town leasing a billboard along northbound Route 13 to advertise Cape Charles and the businesses in Town. Mrs. Michel stated that she had talked to several business owners regarding the monthly rental fees for the billboard and Mr. Malcolm Hayward offered to pay \$350 towards the monthly rental fee which was estimated to be approximately \$700 per month and five other business owners have expressed a willingness to contribute. Mrs. Michel stated that she hoped the other business owners would all chip in to help pay the monthly fee. Mr. Michel added that the billboard would be good to promote Cape Charles but needed to be simple but concise to appeal to everyone travelling along Route 13 in order to get them to stop to visit the Town. Mr. Michel concluded by stating that he would be willing to contribute towards the rental cost.

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

CONSENT AGENDA:

Motion made by Vice Mayor Bannon, 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 October 14, 2010 Public Hearing, the October 14, 2010 Regular Meeting and the October 14, 2010 Executive Session.

Councilwoman Natali noted that under the Public Comments on the bottom of page 1 of the October 14, 2010 Regular Meeting should show that Ms. Coghill presented a copy of the first annual yearbook from the Cape Charles Christian School to Mayor Sullivan. The word "yearbook" was omitted.

Councilman Bennett noted that under the Industrial Access Road on page 5 of the October 14, 2010 Regular Meeting, it stated that he was opposed to spending staff time and money... before a written commitment had been received from South Port's attorneys, but he actually stated that he was opposed to spending staff and money... at any time. Libby Hume will listen to the recording of the meeting and make the appropriate corrections.

Motion made by Councilman Veber, seconded by Councilwoman Natali to approve the minutes for the October 14, 2010 Public Hearing, October 14, 2010 Regular Meeting and the October 14, 2010 Executive Session as amended. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) The Town received some inquiries about a possible casino boat leasing dock space at the Harbor but there was no additional information at this time. The Town was researching the project but no contract or lease had been received. There was an announcement this past weekend at the Bay Creek Homeowners' Association Meeting, but no other details were available; ii) The Harbor Redevelopment Project was divided into two projects. The Invitation for Bids (IFB) for the floating slips has been advertised with a bid opening date of December 2, 2010. The Town has opted to wait until the bids for this portion of the project have been opened before advertising for the bath house to insure that the funding was available to complete the new slips since they would produce revenue for the Town. Harbor Master Smitty Dize would provide more details regarding the modifications made to the plans for the floating slips and the bath house during his report presentation; iii) The Boundary Adjustment Sub-Committee Meeting was scheduled for November 15, 2010 at 5:00PM at the Town Hall to continue discussions regarding a possible boundary adjustment request; iv) January 28, 2011 was the proposed date for the Town Council Retreat. Please get back to Libby Hume regarding your availability for that date and also let her know if you have any topics to be included in the agenda for discussion; and v) Jeb Brady attended a Fire Prevention Class last week and earned 20 hours towards his certification to become a Code Enforcement Officer. Jeb has to complete a two-part examination, which should be done by January, before achieving his certification.

B. *Treasurer's Report:*

The Treasurer's report dated October 14, 2010 showed \$321,215 in the Bank of America checking account and \$1,150,096 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,471,311. The 2010 real estate and personal property tax bills have been mailed. \$1,138,840 in real estate taxes and \$162,738 in property taxes were billed.

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

C. *Recreation Report:*

Heather Arcos stated that Community Events/Recreational Coordinator Jen Lewis was not able to attend the meeting but praised her for doing a great job with the Trunk or Treating which was held on October 23rd. There were approximately 20 cars that participated as well as many businesses along Mason Avenue and 50-75 children attended.

D. *Library Report:*

The Council did not have any questions for Librarian Ann Rutledge. Councilwoman Natali stated that over 170 children came to the Cape Charles Memorial Library for Trick or Treat.

E. *Harbor Report:*

Harbor Master Smitty Dize informed the Council that he had an unforgettable moment last Monday. On the weekend of October 30th, a family with two little girls docked their sailboat

in the Cape Charles Harbor and asked about Trick or Treating in Cape Charles. Smitty Dize stated that he contacted Jen Lewis regarding left over candy from Trunk or Treat and she brought goody bags for the little girls. The family also stayed the weekend for the girls to enjoy trick or treating in Town. Smitty went on to state that he received a nice note from the little girls thanking him. Smitty Dize went on to report that staff, along with the engineer and architect, reviewed the revised plans for the Harbor Redevelopment Project. The original plans included three additional feet per boat slip, which was not standard practice, but the revised plans now show the slips with their exact lengths (45', 55' and 65'). The diameter of the anchor pilings have been reduced from 24" to 16" which should help reduce the project costs. This phase of the project has been put back out to bids with a deadline of December 2nd. The plans for the bath house have been revised as well. The buildings would have block foundations with wood structures. The cedar shakes have been reduced from 24" to 16" but no aesthetics have been lost. This portion of the project would be put out to bids after review of the bids for the boat slips.

F. *Public Works / Public Utilities Report:*

Heather Arcos informed Council that Dave Fauber was not able to attend the meeting this evening. Vice Mayor Bannon stated that the Public Works crew has been trimming the crape myrtles along Stone Road which has greatly improved the appearance coming into Town. Vice Mayor Bannon added that the Public Utilities report showed that Patrick Christman had attended a class and commended him for continuing his education for water plant operator.

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

Combination Inspector Jeb Brady reported that as a result of last month's public comments regarding overgrown properties in Town, 31 notices have been sent to property owners giving them 45 days to comply with the notice. Jeb Brady added that after completion of the Central Park project, he would concentrate on sending notices to property owners regarding houses / buildings in disrepair.

Councilwoman Natali thanked Jeb Brady for modifying the Permit/Construction Fee Report showing the properties in order by property address as requested at the October meeting.

H. *Planning Report:*

Town Planner Tom Bonadeo stated that he had no additions to his written report and the Council did not have any questions for him.

OLD BUSINESS:

A. *Wastewater Treatment Plant Construction Update:*

Town Consultant Bob Panek informed Council that the concrete work at the wastewater treatment plant (WWTP) should be completed within the next two or three weeks. By early December, the work should be under roof and the crew would begin work on the interior regarding equipment installation, wiring, etc. The contractor has stated that the construction was back on schedule. The cost of the total project was now estimated at \$19.2M, down from \$19.4M, and the amount of the zero-interest loan had been reduced to \$5.2M from \$5.4M. The Town was scheduled to close on this loan on November 18th. A significant amount has been included in the estimate for contingencies and if the contingencies were not used, there was no need to borrow the entire \$5.2M. Bob Panek added that if any Council members wanted another tour of the site, to please contact him.

Mayor Sullivan stated that she had heard that the Town was way over budget on the WWTP but did not see from these numbers that this was the case. Bob Panek explained that the

WWTP construction was not over budget, but the Mayor could be confusing it with the Mason Avenue Pump Station Project bids which have come in considerably over the budgeted amount. Mayor Sullivan stated that she had heard comments from citizens specifically about the WWTP. Bob Panek added that if Council hears comments of this nature from citizens, to please ask them to contact him. Bob Panek went on to state that he would be willing to take interested citizens on a tour of the site as well.

B. *Mason Avenue Pump Station Upgrade and Force Mains Project:*

Bob Panek informed Council that based on the information from Mid-East Builders (MEB) and discussion with another contractor negotiating with the next lowest bidder of this project would not yield significant cost savings and a better approach was to split the project into two phases, similar to what was done for the Harbor Redevelopment Project. Bob Panek explained that Phase 1 included: i) fixing the gravity sewer restriction going into the pump station using 16" pipes vs. 10" pipes; ii) demolition of the grit removal chamber to eliminate another flow restriction; iii) reconfiguration of the headworks structure to accept the larger diameter pipe; iv) the new Mason Avenue forcemain to accommodate larger volume (10" pipes vs. 6" pipes); v) extension of the Fig Street forcemain to divert flow; and vi) minor improvements to the wet well. This work would improve performance of the pump station by at least 50%, thereby achieving the objectives of the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ) to minimize the potential of sewage overflows. The cost of Phase 1 was estimated at approximately \$1M.

Phase 2 would include new pumps, controls, channel grinder, generator and instrumentation, wet well reconditioning and a new building. Bob Panek recommended bidding this work based on the remaining project budget after receiving bids for Phase 1 and available financing.

Bob Panek added that it would take approximately one month to obtain EPA and DEQ approval of the revised plan and to advertise for Phase 1 bids. Contract award was anticipated for January 2011 with the work being completed in four to six months.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to restructure the bid package into two phases as presented. The motion was approved by unanimous consent.

NEW BUSINESS:

A. *Fuel Services Contract Award:*

Smitty Dize explained that the current contracts for Town fuel services would expire at midnight on November 30, 2010. An IFB was advertised with a closing date of October 26, 2010. Bids were received from Bagwell Oil Company, Floyd Energy and H.W. Drummond. Bagwell Oil Company was the low bidder on all but the non-ethanol plus (89 octane) fuel which was \$0.0059 higher than H.W. Drummond. The new contract would be for one year with the option to extend for an additional three years.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to authorize the Town Manager to execute a contract with Bagwell Oil Company for fuel and propane services to the Town. The motion was approved by unanimous consent.

B.i. *Fishing Pier Repair Contract Award:*

Heather Arcos explained that during the November 2009 Nor'easter storm, the fishing pier sustained considerable damages to the supporting structure. An IFB was advertised with a

closing date of November 2, 2010. Bids were received from J.A. Habel Corporation and Annex General Contracting, Inc. The low bidder for the fishing pier repairs was J.A. Habel Corporation with a bid of \$15,000. The cost of the repairs would be reimbursed by the Federal Emergency Management Agency (FEMA).

Motion made by Councilman Sullivan, seconded by Councilman Veber, to authorize the Town Manager to execute a contract with J.A. Habel Corporation in the amount of \$15K for the fishing pier repair. The motion was approved by unanimous consent.

B.ii Fishing Pier Mitigation Contract Award:

Heather Arcos explained that FEMA strongly recommended mitigation of the pier to insure no further damage would be sustained during future storm events. The cost of the mitigation would be reimbursed by FEMA. An IFB was advertised with a closing date of November 2, 2010 and bids were received from J.A. Habel Corporation and Annex General Contracting, Inc. The low bidder for the fishing pier mitigation was Annex General Contracting, Inc. with a bid of \$10,800.

Councilman Bennett asked for an explanation of what was meant by “mitigation.” Tom Bonadeo explained that modifications would be made to the pier to prevent further damages in the future.

Councilman Bennett asked if staff was familiar with Annex General Contracting and their work. Heather Arcos stated that Public Utilities Director Dave Fauber had talked to the contractor and was comfortable with them doing the work.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to authorize the Town Manager to execute a contract with Annex General Contracting, Inc. in the amount of \$10,800 for the fishing pier mitigation. The motion was approved by unanimous consent.

C. Boardwalk Repairs Contract Award:

Heather Arcos explained that during the November 2009 Nor’easter storm, the boardwalk also sustained considerable damages to the supporting structure. An IFB was advertised with a closing date of November 2, 2010 and bids were received from J.A. Habel Corporation and Annex General Contracting, Inc. The low bidder for the boardwalk repairs was Annex General Contracting, Inc. with a bid of \$6,800. The cost of the repairs would be reimbursed by FEMA.

Councilman Bennett expressed his concern regarding the bid from Annex General Contracting being less than half of the other bid and asked what was involved with the repairs to the boardwalk. Dave Fauber, who had arrived at approximately 7:00 p.m., explained that approximately 40’ of the existing concrete slab would have to be removed along with the sand underneath. Two to three pieces of vertical bulkhead would be installed, the sand filled back in and a new 4” concrete slab would be poured. Dave Fauber added that Annex General Contracting had attended the pre-bid meeting which included a site visit with explanation of the work involved.

Motion made by Councilman Veber, seconded by Councilman Evans, to authorize the Town Manager to execute a contract with Annex General Contracting, Inc. in the amount of \$4,800 for the boardwalk repairs. The motion was approved by unanimous consent.

D.i. Zoning Ordinance Revisions – Group Homes (§ 4.0.C)

Tom Bonadeo explained that during the last General Assembly session, many new bills were adopted. Since the Commonwealth of Virginia closed some of its hospitals for mental illnesses, this bill allowed the establishment of homes to care for these people in single family zones and was a requirement to be adopted into local zoning ordinances. The Council reviewed the proposed modifications. A public hearing would need to be scheduled prior to the adoption of the proposed revisions. There was some discussion regarding regulation of these homes by the State.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to schedule a public hearing for December 9, 2010 preceding the Town Council regular meeting to hear public comment regarding the proposed revisions to the Cape Charles Zoning Ordinance to accommodate group homes as mandated by the State of Virginia. The motion was approved by unanimous consent.

D.ii. Zoning Ordinance Revisions – Temporary Family Health Care Structures (§ 4.2.E.8)

Tom Bonadeo explained that the General Assembly adopted another bill requiring zoning ordinances to allow family health care structures in the single family zone. A family health structure was an accessory structure of 300 SQFT or less for no more than one occupant who must be a family member who was mentally or physically impaired. The Council reviewed the proposed modifications. A public hearing would need to be scheduled prior to the adoption of the proposed revisions. There was some discussion regarding the limitation of having only one person in the structure and whether the Town could add language allowing for the care of a couple so individuals could provide for the care of both parents. Tom Bonadeo stated that the requirements limited the structure to 300 square feet or less and that the Town's responsibility was to comply with the law.

Motion made by Councilman Veber, seconded by Councilman Sullivan, to schedule a public hearing for December 9, 2010 preceding the Town Council regular meeting to hear public comment regarding the proposed revisions to the Cape Charles Zoning Ordinance to accommodate temporary family health care structures as mandated by the State of Virginia. The motion was approved by unanimous consent.

D.iii. Zoning Ordinance Revisions – Site Plan Ordinance (Appendix B)

Tom Bonadeo explained that more than ten years ago, the Town of Cape Charles became one of the first localities to adopt the Chesapeake Bay Preservation Act and that the Chesapeake Bay Local Assistance group was auditing localities to determine whether the ordinances were effective or needed to be strengthened. It was determined that some improvement could be made to the Cape Charles ordinance. Tom Bonadeo added that the recommended changes would not modify the intent of the ordinance but were text changes requiring additional information to be included on site plans. The Council reviewed the proposed modifications. A public hearing would need to be scheduled prior to the adoption of the proposed revisions.

Motion made by Councilman Evans, seconded by Vice Mayor Bannon, to schedule a public hearing for December 9, 2010 preceding the Town Council regular meeting to hear public comment regarding the proposed revisions to the Cape Charles Site Plan Ordinance which was incorporated as part of the Cape Charles Zoning Ordinance. The motion was approved by unanimous consent.

E.i. Conditional Use Permit Application – 207 Mason Avenue – Residential Over Commercial

Tom Bonadeo stated that a Conditional Use Permit (CUP) application had been received by the Planning Commission requesting residential use over commercial at 207 Mason Avenue which was the former Delisheries building. The applicant proposed to add a second and third floor for two apartments, provide four parking spaces in the rear of the building and remodel the commercial space. This building had a CUP approved in 2003 for residential use with a second floor and loft. This CUP was extended in 2004 and 2005 due to the applicant being deployed for military service, but the CUP was never acted upon. The new plan was similar to the plan from 2003. There were extenuating circumstances surrounding the purchase of this building including a potential tax sale and/or foreclosure so time was of the essence. The Planning Commission reviewed the application and has scheduled a public hearing preceding their December 7, 2010 regular meeting. The Commission requested that this be a Joint Public Hearing with Town Council since time is of the essence for the procurement of this property. The Commission planned to make a recommendation to Council after its next meeting and Council would be in a position to render a decision at its December 9, 2010 regular meeting.

Motion made by Councilman Evans, seconded by Vice Mayor Bannon, to schedule a joint public hearing with the Planning Commission for December 7, 2010 preceding the Planning Commission's regular meeting to hear public comment regarding the Conditional Use Permit Application for 207 Mason Avenue. The motion was approved by unanimous consent.

E.ii. Conditional Use Permit Application – 546 Madison Avenue – Home Occupation

Tom Bonadeo stated that a CUP application had been received by the Planning Commission requesting permission for a small chocolate candy operation at 546 Madison Avenue. The applicant would have one small chocolate tempering machine in addition to the normal kitchen appliances and the product would not be sold at the home but through retail outlets. The business was small volume and the applicant did not expect any change in traffic. The Zoning Ordinance permits home businesses of this type as long as certain criteria were met and this CUP application met those requirements. The Planning Commission reviewed the application and has scheduled a public hearing preceding their December 7, 2010 regular meeting. The Commission requested that this be a Joint Public Hearing with Town Council to save advertising costs and meeting expense since there were five hearings required in December.

Motion made by Councilman Evans, seconded by Vice Mayor Bannon, to schedule a joint public hearing with the Planning Commission for December 7, 2010 preceding the Planning Commission's regular meeting to hear public comment regarding the Conditional Use Permit Application for 546 Madison Avenue. The motion was approved by unanimous consent.

F. Town Code Revision – Proration of Personal Property Tax

Heather Arcos explained that the Town of Cape Charles currently did not prorate personal property taxes even though the majority of localities in the Commonwealth of Virginia prorated personal property taxes. If a resident moves in or out of the Town or buys or sells their vehicle or other taxable personal property, they were billed for the full year regardless of the amount of time such property was housed in Town. The Town has received some requests to prorate personal property taxes. Heather Arcos stated that Northampton County prorated personal property and a copy of their ordinance was included in the agenda packet. Heather Arcos added that she talked to a representative of the County Commissioner of Revenue's office regarding implementation of a procedure relating to the

processing of any proration requests for taxable personal property housed in the Town and that the Town and County would work together to notify each other of proration requests to insure both entities have the same information. The proposed modification to Chapter 66 of the Cape Charles Town Code was reviewed. A public hearing would need to be scheduled prior to the adoption of the proposed ordinance.

Councilman Veber asked how much additional work would be created by adopting this ordinance. Jo Anna Leatherwood stated that the County would initiate a property tax proration and send their information to the Town. Upon receipt of this information, an entry would be made into the tax records requiring approximately 15 minutes staff time to complete.

Councilwoman Natali questioned the use of “garaged” in the Town’s proposed ordinance vs. the County’s use of “situs.” Heather Arcos explained that this was to simplify the ordinance to make it easier for the citizens to understand. The Town’s attorney was also reviewing this language and it would be revised to show “situs” if necessary.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to schedule a public hearing for December 9, 2010 preceding the Town Council regular meeting to hear public comment regarding the proposed addition to the Cape Charles Town Code regarding proration of personal property tax. The motion was approved by unanimous consent.

G. *Eastern Shore of Virginia Tourism Infrastructure Grant*

Heather Arcos stated that each year, Northampton County funds the regional Eastern Shore of Virginia Tourism Grant Commission with proceeds of a supplemental 3% Transient Occupancy Tax. Of that 3%, the Northampton County Board of Supervisors specified that 25% must be spent on tourism infrastructure projects within the county. Heather Arcos went on to state that the Town had been fortunate in that in 2009, \$2K was awarded to the Town for a webcam and in 2010, \$9K was awarded for an ADA access to the boardwalk and fishing pier along with three dune crossings to the beach and a kayak access on the north end of the beach. No match was required for this grant. The deadline for submitting an application for consideration for the 2011 grant was November 19, 2010. Heather Arcos went on to review several projects suggested by staff to include in this year’s grant application as follows: i) Billboard on Route 13. The grant would pay for the design and printing of the billboard but not the \$10K annual rental fee; ii) Printing of the Cape Charles brochures for the Welcome Center. This project would not likely be funded since it was not infrastructure but staff was advised to include this project in the application since it was tourism related; iii) Installation of ADA access to the restrooms at the beach; iv) Installation of roll-out mats for ADA access from the pier to the beach; and v) construction of a picnic shelter at the beach by the restrooms. Councilman Veber suggested building a kiosk at the Cape Charles Museum to provide brochures to visitors. Tom Bonadeo stated that the Cape Charles Museum was submitting a separate application and he would contact them regarding adding this item to their request. Councilman Evans suggested the possibility of including plans for a bike trail from Route 13 into Cape Charles and into Bay Creek. Councilman Evans also stated that some localities have nice, one-page maps for businesses to distribute to visitors. Bob Panek suggested including the cost of crusher run for a golf cart path to Bay Creek stating that a 10’ strip had already been cleared for this path along Old Cape Charles Road. Council agreed that this would be a worthwhile project for this grant. There was much discussion regarding the billboard. Mayor Sullivan asked Council to forward any other suggestions to Heather Arcos.

H. *Personnel Policy Manual Update*

Heather Arcos stated that the Town of Cape Charles established a Personnel Policies, Rules and Regulations in order to provide a uniform system of personnel administration for the staff of the Town and a copy was given to each employee upon hire. In an ongoing effort to update the current Personnel Policy Manual, policies from other localities and various Human Resource sites were researched. Since this endeavor is a time consuming process, individual sections would be presented to Council for approval as they were completed. Four sections were provided for Council's review as follows: i) Section 1 – Introduction; ii) Section 2 – Personnel Recruitment and Selection; iii) Section 3 – Employee Compensation; and iv) Section 8 – Employee Ethics, Conduct and Responsibilities.

Council reviewed the sections by page. Several grammatical and typographical corrections were noted as well as several issues regarding consistency with terminology between sections.

Councilwoman Natali questioned that part-time employees were defined as working less than forty hours per week, but were only entitled to one half of full-time leave benefits whether they worked 20 hours or 39 hours. Heather Arcos stated that this accrual was pretty standard in business to which Councilman Sullivan agreed.

There was some discussion regarding the new "Employment At Will" language. Councilman Bennett asked why this paragraph referred to all employees. Councilman Veber explained that Virginia was an "At Will" State and that it was very important to have this language included in the manual. Heather Arcos stated that after approval by the Council, these sections would be forwarded to Ms. Arlene Klindedinst of Vandeventer Black LLP for her review.

There was some discussion regarding Section 2.6 – Medical Examination and whether it was necessary to keep in the manual since the Town does not required medical examinations for most positions.

Councilwoman Natali noted that in Section 2.9 – Probationary Period, it stated that after an employee had worked three months, they would be credited with 24 hours of annual and sick leave and asked whether this applied to full-time and/or part-time employees. Jo Anna Leatherwood stated that this applied to both full-time and part-time employees. It was noted that this should be clarified.

Vice Mayor Bannon noted that in Section 2.14 – Exclusion of Employees as Mayor or Members of Council, the last sentence should be deleted since there were no longer any employees serving on the Town Council.

Councilman Bennett stated that in Section 3.2 – Hours of Work, the second paragraph should be moved to the beginning of the section. Councilman Evans commented regarding the allowance of a 15-minute break for each 4-hour work period and suggested the language be changed to state that the employee must work four hours before taking a break.

Councilwoman Natali noted that Section 3.3 refers to "non-exempt employees" which were not defined in Section 1.5 – Definitions. The term "non-exempt" would be added to Section 1.5. There was also much discussion about whether exempt/salaried employees should be required to use the time clock and it was determined that many exempt/salaried employees were often out of the office attending to business or off-site meetings as well as taking work home so it would not be feasible for them to punch in and out on a time clock.

There was some discussion regarding Section 8.1 – Gifts and Gratuities which has been in the manual since it was adopted. The discussion focused on the possibility of a Harbor employee being offered a tip by a customer. Mayor Sullivan also mentioned that people tend to give gifts over the holidays. There was discussion regarding possibility placing a value limit on the gift or gratuity. A resolution was not determined.

Vice Mayor Bannon suggested the Town consider developing Facebook pages for certain department such as the Cape Charles Memorial Library and the Cape Charles Harbor. Councilman Sullivan stated that the risks of downloading a virus were extremely high when using Facebook and other social media sites. Libby Hume added she learned at the Virginia Municipal Clerk Institute that she attended last week, that many municipalities within the State of Virginia were now using social media sites but most were larger municipalities which had entire departments to monitor and update the various sites. These sites were beneficial in getting information out to the public, but required a lot of staff time devoted strictly to maintaining the sites.

Councilwoman Natali asked whether any employees had the ability to remotely access the Town's network. Councilman Sullivan stated that currently two people had remote access. Heather Arcos could access her work computer from a laptop and he could access the network from his office to fix problems or to perform maintenance on the system. Councilwoman Natali suggested that language regarding remote access be added to Section 8.11.2 – Computer Use and Monitoring of E-mail and Internet Access.

Heather Arcos advised Council that the suggested changes would be incorporated and these sections of the Personnel, Policies, Rules and Regulations would be revisited possibly at the next meeting.

ANNOUNCEMENTS:

- November 11, 2010 – Town Offices Closed in Observance of Veterans' Day
- November 11, 2010 – American Legion Memorial Service at the Cape Charles Veterans' Memorial on Mason Avenue
- November 18, 2010 – Town Council Special Meeting @ 6PM
- November 18, 2010 – Town Council Work Session @ 6PM
- November 24, 2010 – Town Offices Close at Noon for Thanksgiving Holiday
- November 25-26, 2010 – Town Offices Closed for Thanksgiving Holiday
- December 9, 2010 – Town Council Regular Meeting @ 6PM
- December 16, 2010 – Town Council Work Session @ 6PM
- December 17, 2010 – Town Employee Christmas Party

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

Mayor Sullivan

Town Clerk