

**TOWN COUNCIL
Minutes -Regular Session
March 8, 2005**

At approximately 7:30 p.m. on March 8, 2005, Vice-Mayor Brown called to order the regular session of Town Council. In addition to Vice-Mayor Brown, Council members, Davis, Evans, Veber and Sullivan were present. Council member Elliott arrived at approximately 7:40, and Mayor Lewis was absent. Also present were Town Manager Tim Krawczel, acting Town Planner, Cela Berge, several members of Town Staff and approximately 14 members of the Public.

Councilman Davis led the invocation and Vice-Mayor Brown led the Pledge of Allegiance.

Public Comments

Scott Walker – Gave each Council Member a handout and briefly outlined the content. The major theme of the handout involved the possible use of concrete block donated by BayShore Concrete in building the breakwaters that are planned for the Cape Charles beach.

Berkley Rayfield – Presented an application to Council to use the Cape Charles Central Park for a Christian Music festival to be held July 23, 2005. This will be a family event with food vendors and games for the children. They are planning on booking the Christian Music artist of 2004 as part of the entertainment.

Dora Sullivan - Spoke in the absence of Scott Banks to request the Town cover the cost of the 4th of July Fireworks display. In the past, the funds were provided by the County, but due to strong cut-backs, the funds from the County are not longer available. The understanding is this would be a one time venture, funds for 2006 and beyond would be obtained from other sources. The cost would be approximately \$3,700.00.

Consent Agenda

The motion was made by Councilman Evans, seconded by Councilman Sullivan and unanimously approved to accept the agenda format as amended (item L under new business to be an action item, add section N, making it an action item for use of Central Park on July 23 for the Christian Music Festival and section M should also be an action item).

Motion made by Councilman Sullivan, seconded by Councilman Elliott and unanimously approved to accept the minutes as presented.

At this time, Town Manager, Tim Krawczel introduced the new harbormaster, Dan Bell, to those in attendance at the meeting. Mr. Bell is a native of the Cape Charles area and has a degree in Fisheries and Wildlife from Minot State in North Dakota.

Report Presentation

A. Treasurer's Report:

See Council Packet Report

A motion was made by Councilman Evans seconded by Councilman Davis and unanimously approved to accept the Treasurer's Report as presented.

B. Planning Commission

Tom Bonadeo, Chairman of the Planning Commission briefly highlighted the last Planning Commission meeting:

- a) Demolition guidelines – There two sets of guidelines in the Zoning Ordinance which have conflicting information. Planning Commission and Historic District Review Board will meet for a work session to clarify the Ordinances.
- b) Corrections to update the by-laws were made and will be presented at an upcoming meeting for Council's approval.
- c) Parking Study completed – would like to meet with Council in the form of a work session to discuss ideas.
- d) Definition of basements reviewed and changed to match the building code.
- e) Began putting together information for the Comp Plan but major work will be held until new Town Planner comes on board.
- f) Putting together names for invitation to Planning Commission.
- g) County mapping up to date and online for review.
- h) Condition use permit amendment for 239 Mason Ave forwarded to Council with recommendation of approval. Would require 8 parking spaces as opposed to 13 if left in the commercial space.
- i) Sustainable Design Assessment Team – association of architects matching grant program to help put together an assessment on harbor front and transportation issues.
- j) Governors Conference on Greenways and trails takes place on May 1-4 in Richmond. Program consists of transportation problems in small towns, i.e. walkways, bikeways, etc. Permission is being asked to send a member of the Planning Commission.

Old Business

A. Conditional Use Permit – 207 Mason Ave Request for One-year Extension

Cela Burge reported that Mr. Beidas has been deployed, therefore will be unable to spend his energies on the renovation. If the extension is not granted, and no action is taken on the renovation, the existing permit expires.

Motion was made by Dora Sullivan to accept the request for the extension. The motion was seconded by Council man Davis and unanimously approved.

B. Board and Commission Appointments

Names of applicants were presented to Council.

C. Report for Condition and Potential Uses of the Old Cape Charles School

Vice-Mayor Brown spoke concerning the study he and Councilman Elliott conducted. Concerns are towards the flooding which occurs in that area during heavy rainstorms and the cost to renovate a seriously deteriorated building. He suggested a feasibility study as well as an engineering study be conducted to determine if the building would be useful as a municipal building. There was full agreement that the building should not be razed unless absolutely necessary in order to preserve the historical significance of the structure. After discussion among all the council members a Public Hearing was scheduled for the following month to ask for possible uses for the structure.

Motion was made by Bruce Evans, seconded by Larry Veber and unanimously approved to invite public comment on the use of the Old Cape Charles School Building and to hold a public hearing on the proposed conditional use permit at 239 Mason Ave on April 12, 2005 beginning at 6:00 p.m.

New Business

A. Amendment to Town Code Regarding Tax Relief for the Elderly

Tim Krawczel briefly explained the changes made to section 66-116-121 of the Town Code which establishes a program for tax relief for the elderly. This program parallels the Northampton County program which is already in place. Points follow:

- 65 years of age or permanently disabled.
- Owner Occupied residence.
- Total income not to exceed \$20,000/annually with net financial worth not to exceed \$40,000.
- Total amount of tax relief is capped at \$200.00.

The program is to be established this year and revisited in next year to make income or net financial worth changes if needed...

Motion to adopt the proposed amendment to Town Code was made Gerald Elliott and seconded by Dora Sullivan. Polled vote: Sullivan, yes; Brown, yes; Elliott, yes; Evans, yes; Veber, yes; Davis abstain.

B. DMV Safety Grants

Town Manager Tim Krawczel briefly described the two grants for which Police Chief Eder proposed to apply.

Motion to approve the process of application made by Bruce Evans, Seconded by Jim Davis and approved by majority vote. Vice-Mayor Brown abstained from the vote.

C. Renewal of Landscape Maintenance Contract

Town Manager, Tim Krawczel, outlined the proposal. Baymark Corp had previously been awarded a contract which expired in February, 2005. A quote for existing and additional services was presented.

Motion to approve the proposal as presented was made by Councilman Evans, seconded by Councilman Elliott and unanimously approved.

D. Update on Bulkhead Replacement at the Harbor

Tim Krawczel led the discussion. The major points follow:

- Project anticipated going for bid this spring and starting construction in June, 2005.
- Existing Harbor Master office to be removed and new office with related facilities will

be build.

- New restroom facilities, which include showers, must be constructed in order to comply with code.
- Existing fuel tanks must be relocated and new permanent tanks installed underground.

E. Update on Fishing Pier Project

Tim Krawczel led this discussion and briefly the scope of the project, including grant funding. The project is ready to be put to bid with an anticipated awarding of contract for April 15, 2005, construction beginning approximately May 15, 2005 and a 90 day construction period.

F. Update on Beach Breakwater Project

Tim Krawczel updated council on the progress of the project and the VBN evaluation of using concrete block as part of the construction. He indicated we are look at the time frame for construction as being September to December, 2005. Council held a brief discussion over the concrete block. It was agreed the old breakwaters had no concrete block, therefore for symmetry between the existing breakwaters and the new breakwaters, the new breakwaters should have no block.

Motion was made to build the breakwaters without the concrete block by Bruce Evans, seconded by Larry Veber and approved by majority vote. Councilman Jim Davis abstained.

G. Baymark Construction request to Hire Malcome Pirnie for Water System Upgrades

Tim Krawczel outlined the proposal submitted to the town by Engineering Resources Group who is the consulting engineering group for Baymark Construction. Their purpose of the proposal was to keep us apprised of their process in upgrading the water system as required by the Annexation Agreement. Don MacLennan also spoke to clarify the proposal.

Motion was made by Jim Davis, seconded by Larry Veber and unanimously approved to authorize the Town Manager to continue on with the forthcoming scope of work.

H. Presentation of Draft Capital Improvement Plan

Tim Krawczel explained that the handout was only a rough estimate of needs over the next five years. It does not include any State or Federal funds that may be made available for certain projects, i.e. water project upgrades, sewer system enhancements, etc.

I. Set Date for Town Council Retreat

Date set for April 20th, 21st and ½ day 22nd. Facility to be named.

J. Volunteer Appreciation Initiative

Larry Veber led the discussion indicating how fortunate the town is to have the number s of volunteers to work on the various events. Larry recommended the Town sponsor an event – date and type of event to be determined – in order to thank all volunteers for their time and efforts.

K. Request for waiver of Two Year Time limit for Real Estate Tax Exemption Application for Property Located at 712 Randolph Ave.

Discussion revolved around the application guidelines and the fact Northampton County had decided not to make any exceptions on the deadline date of rehabilitation.

Motion made by Dora Sullivan, seconded by Bruce Evans and accepted to deny the request for the extension. Polled vote: Sullivan, yes; Evans, yes; Brown, yes; Davis, no; Elliott, abstain.

L. Request for Funding of 4th of July Fireworks

A Brief discussion was held concerning the reason the County was not funding the non profit organizations for this year.

Motion made by Bruce Evans, seconded by Dora Sullivan and unanimously approved to fund the \$3,700 cost of the fireworks for the 2005 4th of July celebration as a one time affair with the caveat we write a nice letter to the County asking for help in the future.

M. American Institute of Architects Grant Proposal

No discussion

Motion made by Dora Sullivan, seconded by Gerald Elliott and unanimously approved to allow a member of the Planning Commission to attend the seminar in Richmond. Bruce Evans abstained from the vote.

N. Use of Central Park July 23, 2005 for Jubilee Jam

Motion made by Dora Sullivan, seconded by Jim Davis and unanimously approved to allow the Cape Charles Baptist Church use of Cape Charles Central Park July 23, 2005 for the Jubilee Jam.

Announcements

A. April 16, 2005 Open House at the Library

Motion to adjourn was made by Councilman Veber, seconded by Councilman Davis and unanimously approved.

Vice - Mayor

Town Clerk