

TOWN COUNCIL
Minutes -Regular Session
June 14, 2005

At approximately 7:30 p.m. on June 14, 2005, Mayor Frank Lewis called to order the regular session of Town Council. In addition to Mayor Lewis, Council members, Sullivan, Brown, Davis, Elliott, Evans, Veber and were present. Also present were Town Manager Tim Krawczel, Town Planner, Jason Pruitt, Town Clerk, Joy Pelletier, several members of Town Staff and approximately 7 members of the Public.

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

Public Comments

Dianne Davis – Ms. Davis’ first comments addressed the lack of sufficient street lights in Town. She elaborated by saying many of the existing lights were blocked by tall trees and asking that the Public Works Department take charge to correct the situation. Her main topic was regarding the Youth of Cape Charles and the lack of supervised, co-ordinate activities. Ms. Davis asked Council to give some thought to hiring a part-time recreation director for the school season, and full time for the summer season.

Melvin Dudley – Mr. Dudley had submitted a letter to be read into the minutes. See attachments.

Consent Agenda

The motion was made by Councilman Brown, seconded by Councilman Davis and unanimously approved to accept the agenda format as amended (add item N, under closed session add paragraph 7, change order for the fishing pier, and request from the Concerned Citizens for use of Central Park and the Community Center).

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

Report Presentation

A. Treasurer’s Report:

See Council Packet Report

A motion was made by Councilman Brown seconded by Councilman Elliott and unanimously approved to accept the Treasurer’s Report as presented.

B. Planning Commission

Mayor Lewis took this time to introduce the new Town Planner, Jason Pruitt, to those in attendance. Mr. Pruitt is a native of the Eastern Shore, has an undergraduate degree from William and Mary, and a Masters in Planning from Virginia Commonwealth University. Mr. Pruitt then highlighted the issues discussed at the last Planning Commission meeting:

- a) Revised By-Laws were approved.
- b) Transportation Report Detail – It was agreed this report would be helpful in updating the Comprehensive Plan.
- c) Re-zoning/ Zoning applications – There is a need to change the current Zoning Ordinance to parallel the State Code.

Old Business

- A. Board and Commission Appointments – Building Code Board of Appeals
Building Code Official, Doug Smith mentioned John Burdis and Tom Bonadeo were both interested in joining the board.
- B. Virginia Port Authority Grant Extension
Town Manager Tim Krawczel indicated the extension was granted to carry the funds thru the end of the next fiscal year; therefore, funds would be available for the Bulkhead repairs.

New Business

- A. Adoption of FY 2005-2006 Budget
Mayor Lewis made note the \$3,925,000 would be borrowed money if any of those line items come into being. He wanted to clarify the budget looked much larger than it truly is when you take this fact into consideration and that we may not get to all these items within the next fiscal year.

Motion to adopt the budget as presented was made by Councilman Brown, seconded by Councilman Veber and unanimously approved.

- B. Town Support for ArtsEnter Cape Charles
Don Clarke and Clelia Sheppard gave a short description and history of how ArtsEnter has met the artistic needs of the community. Discussion followed over whether there were additional funds available to offer.

Motion to table the decision was made by Councilwoman Sullivan, seconded by Vice-Mayor Brown abstained from the vote.

- C. Town Council Input to Northampton County Comprehensive Plan
Mayor Lewis introduced this topic by announcing that Town Manager, Tim Krawczel, and Town Planner, Jason Pruitt attended a meeting at Northampton County concerning their Comprehensive Plan. By attending it not only allows us input to their plan but helps us develop the update to our Comprehensive Plan. Mayor Lewis asked Council to endorse his mailing of a letter to Chairman Richard Tankard of Northampton County Board of Supervisors. The letter emphasized the Town's concern over groundwater.

Motion asking Mayor Lewis to send the letter to the Chairman of Northampton County Board of Supervisors made by Council Evans, seconded by Councilman Brown and unanimously approved.

- D. Review of Police Programs – Bike Patrols
Tim Krawczel began the discussion of using Bike Patrol for crowd control. He asked

Council for their views. Chief Eder interjected information on:

- the usefulness of the bikes during the evening to prevent vandalism
- the ease the bikes provide in negotiating alleyways
- the increased efficiency of bikes versus foot patrol.

Motion to approve the purchase of one additional police bike and related police equipment was made by Councilman Veber, seconded by Councilman Evans and approved by majority vote. Councilman Brown abstained from the vote.

E. Deed of Easement – 11 Park Row Reviews of Easement and Path Plan

Mayor Lewis described the request from and subsequent discussion with Jim Alberts to encroach on Town property by about one (1) foot with HVAC units. The discussion included the following points:

- The Town will permit the encroachment of the HVAC units onto Town property.
- CPDII, Inc. will remove the chain link fence on the Town property between North Park Row and the Tennis Courts and remove any tree/shrubs which obstruct the path.
- The Town will mark an area for a walkway, 10 feet wide and generally adjacent to the edge of the existing line of trees that border the Tennis courts.
- CPD II, Inc. will construct a soft surface walkway within the marked pathway.

Motion to approve the encroachment on the Town property providing the chain link fence be removed as indicated, the pathway marked accordingly and finished with an acceptable pavement material to be determined by Council at a later date was made by Councilman Brown, seconded by Councilman Davis and unanimously approved.

F. Revisions to Personnel Policies, Rules and Regulations – Adjustment of Annual and Sick Leave for Seniority

Mayor Frank Lewis described the recalculation of annual and sick leave. He also described the “years of service credit” and asked for input. Councilman Brown pointed out a change should be made indicating time by hours rather than days. Limited discussion followed.

Motion to adopt the revisions to the Personnel Policies as discussed made by Councilman Brown, seconded by Councilman Davis and unanimously approved.

G. Proposed Revisions to Zoning Ordinance 3.12, Planned Unit Developments

Town Planner, Jason Pruitt briefly described the events which precipitated these revisions, and that our current ordinances exceed the requirements of the State Code. Tim Krawczel made a few comments and suggested the Town Council send these revisions forward to the Planning Commission to have them refine the item.

Motion to send this item to Planning Commission was made by Councilman Brown, seconded by Councilman Elliott and unanimously approved.

H. Adoption of Town of Cape Charles Fiscal Policies

Tim Krawczel outlined the fiscal policies as developed during the Council retreat. Mr. Krawczel explained this policy should be used as a guide on operations, all financial decisions, including debt and accounts receivables, capital equipment, etc.

Motion to adopt the Fiscal Policy as presented was made by Councilman Brown, seconded by Councilman Evans and unanimously approved.

I. Water and Sewer Tap Fees – Request of Rich Wagner for 235 Mason Ave

Tim Krawczel outlined the request for a reduction of the required tap fees. Mr. Wagner spoke to state his case to Council. Discussion followed.

Motion to deny the request as presented with the caveat the Town offer Mr. Wagner an opportunity to sign a note of agreement to pay the remaining \$6,859 over a twelve (12) month

period with no interest made by Councilman Evans and seconded by Councilman Davis.

Polled vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes; Veber, yes.

J. Update on Water Meter Reading – Digital Touch and Radio Reading Equipment

Tim Krawczel led the discussion on electronic meter reading and asked the Town Council to consider transitioning to an automated system in the next fiscal year. Mr. Krawczel invited all Council members to attend a meeting on Jun 27, 2005 to learn the details of the proposed system.

K. Update on Sewer System Planning – Malcolm Pirnie Executive Summary

Michael Thornes, Director of Public Utilities described the process the Town must follow in proposing strategies to upgrade the level of treatment of wastewater. He indicated DEQ may specify plant modifications in the near future and said we may have a financial drain on the budget. He also said, however, we may be reimbursed for a portion of the funds through a special DEQ grant program.

L. Harbor Update: Repairs, Improvements, Refueling Fees and Lease Agreements

Tim Krawczel updated the Town Council on the improvements to the operations at the Town Harbor. The permits to repair the final section of the Harbor were in place as of June, 7, 2005. Mr. Krawczel then elaborated on the future of the Town Harbor during the time of repair.

M. Renewal of Waste Management Contract

Tim Krawczel informed those present that the current contract had been in effect for three (3) years and nine (9) months based on a fee of \$8.11/month. He stated the new proposed contract would increase the rate to \$11.73 based on numerous issues such as the increase in gas prices, labor, etc. How the increase could be absorbed was discussed. Mayor Lewis pointed out due to the large percentage of increase, we had no choice but to put the job out for bid. It was agreed the contract would stay in place until the end of August.

Motion was made to authorize and RFP for the purchase of the fuel tanks and interim Harbor Master facility by Councilman Brown, seconded by Councilwoman Sullivan and unanimously approved.

N. Zoning Ordinance Text Changes Section 2.9 and Section 4.10

Motion made to accept the Zoning Ordinance Text changes as presented made by Councilman Brown, seconded by Councilman Veber and unanimously approved.

O. Update on Fishing Pier Project

Jim Crum, Project Manager spoke concerning detrimental findings in demolition of the original pier. It was discovered that approximately 400 feet of the pier needed additional framing work and the pilings needed to be replaced. To correct the problems found it would take approximate \$74,500 more than previously budgeted. Significant discussion followed. It was agreed a meeting with the Engineer and members of Council would be scheduled to reassess the situation.

P. Request from Concerned Citizens

Request to use the Central Park and the Community Center for July 2, 2005. Discussion took place on consistency of use and safety of building.

Motion made to allow the use of Central Park for July 2, 2005 with the stipulation they provide the items necessary, clean-up, trash receptacles, portable restroom facilities, rope off the newly seeded area of the Park, return the Park in the same condition prior to use and security provided made by Councilwoman Sullivan, seconded by Councilman Evans and approved by majority. Councilman Davis abstained from the vote.

Motion made that the Community Center cannot be used due to safety reasons was made by Councilwoman Sullivan, seconded by Councilman Evans and approved by majority. Councilman Davis abstained from the vote.

Motion made the Concerned Citizens of Cape Charles may not use the Community Center to hold their meetings due to safety conditions was made by Councilwoman Sullivan, seconded by Councilman Veber and unanimously approved.

Announcement

House Joint Resolution 768 from 2005 Session of the General Assembly

The General Assembly passed a joint resolution indicating they were in favor of spaying and neutering programs for dogs to control population.

Motion to go into Closed Session in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters and Paragraph 7: Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation made by Councilman Brown, seconded by Councilman Evans and unanimously approved.

Motion to go back into regular session was made by Councilman Davis, seconded by Councilman Brown and unanimously approved.

Motion stating Council discussed only those items for which the Closed Session was called made by Councilman Veber, seconded by Councilman Brown and unanimously approved by polled vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes; Veber, yes.

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

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

Mayor

Town Clerk