

TOWN COUNCIL
Regular Session
September 13, 2005
7:30 p.m.

At approximately 7:30 p.m. Mayor Frank Lewis called to order the Regular Session of the Town Council for the Town of Cape Charles. In addition to Mayor Lewis, present were Council members Sullivan, Brown, Davis and Elliott. Councilman Evans arrived during the Public Comment section and Councilman Veber was absent. There were several members of staff present including Town Manager Tim Krawczel and Town Clerk Joy Pelletier. There were approximately 17 members of the Public present.

Councilman Davis led the invocation and Councilman Brown led the Pledge of Allegiance.

Public Comments

Dr. Charles Butler, Mason Ave. – Dr. Butler wanted to go on record to voice his opinion that neither Councilman Davis nor Councilman Elliott should be members of Cape Charles' Town Council.

Melvin Dudley, 303 Madison Ave. – Mr. Dudley questioned the feasibility of spending a large sum of money to repair the bulkhead and then renting that harbor space to someone whose business activities damage the bulkhead. He suggested renting to a party that would not damage the bulkhead in the course of business or find an alternate use for that area of the Harbor. Mr. Dudley's second point was to suggest the beach breakwater process begin quickly or the winter storms would cut through the dunes. He indicated, also that several paths had been cut through the dunes as beach access with trashcans having been placed by the paths. He indicated the boardwalks had been built to use so the sea grass would not be disturbed and would help to hold the dunes in place. Mr. Dudley's third point related to the new fishing pier. He remarked that although the pier is not scheduled to open until the end of September, and although the no trespassing signs and orange fencing is in place, he has come across numerous people fishing there. He suggested in our press release and any other media sources that we let people know they must have a fishing license good through December 31, 2005 to fish from the pier if Cape Charles does not obtain the blanket fishing license until January, 2006. Mr. Dudley also indicated he had no response to his previous notice to the Town pertaining to 13 structures that may be subject to demolition by neglect.

Consent Agenda

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to accept the agenda as modified and the minutes of August 9, 2005, August 10, 2005 and August 19, 2005 as presented.

At this time, Mayor Lewis asked Police Chief Eder to give a brief statement on the State of Emergency as declared by the Governor of Virginia. Chief Eder indicated National Guard troops

had been dispatched to Norfolk and Onancock and Search and Rescue teams were also in place. The Police Department would be on 24 hour coverage with constant contact with the Fire Departments. We were currently in a wait and see stance.

Report Presentations

- A. Treasurer's Report - See attached.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to accept the Treasurer's report as presented.

- B. Planning Commission

Tom Bonadeo briefly reviewed the September 6, 2005 Planning Commission meeting. A Public Hearing to hear comments on the text changes for Section 3.12 – Planned Unit Developments was held. In the regular session, it was decided by the Commissioners to readdress the text changes based on comments from IDA attorney Dan Slone. A work session was held Monday September 12, 2005 to iron out the final details. Mr. Bonadeo described the portion of the meeting held with the Historic District Review Board and the negotiated agreements on the issues of accessory buildings. He went on to report the status of the Comprehensive Plan and the upcoming Trip to Yorktown. A mention was made of the October 12, Northampton County Comprehensive Plan Public Input Session and how important it would be to have all the Commissioners as well as the public in attendance.

Mr. Bonadeo took the time to briefly the current status of the Non-Profit group known as East Harbor Boat Works, Inc. He indicated the lease on the building would be executed within the next few days. All insurances had been obtained and the logo would soon be available for signage and to apply to the side of the building. The building had been cleaned and painted and Bayshore Concrete had donated benches to use at the site. Mr. Bonadeo went on to discuss the skipjack Norfolk, its history and the restoration process that would take place at the Boat Works. Water and Sewer issues were also stated with possible.

New Business

- C. Report of Non-profit – Central Park Committee

Mark Usry reported on the activities of the citizen oriented committee. He congratulated and thanked by name the numerous people and businesses who have given time, energy, supplies and funds in the efforts of realizing the vision for the park. Mr. Usry then described the sources of funds raised (Sears Home tour, Renovator's Ball, funding from the town, T21 Grant) and reminded all in attendance of the 5th Annual Renovators ball on Saturday March 18, 2006. Upcoming goals include a hard service walk-way official town garbage cans, 10 additional benches, removal of the old softball backstop, repair or removal of the old swing sets, and a plan for application of fertilizer and weed control. Mr. Usry mentioned the grounds keepers are continually harming the trees with weed trimmers and asked the town representatives to help create a plan of action to control this damage. He also presented a proposal to for Town Council to consider and adopt for proper use of the park. He also asked Town Council to provide a heating source for the gymnasium in the old school in order to make the area more comfortable when hosting the Renovator's Ball.

Old Business

- A. Board and Commission appointments

Motion made by Councilman d Brown, seconded by Councilman Elliott and unanimously approved by polled vote to reappoint all board and commission members who have expiring terms unless the individual turns in notice to resign. Polled vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes.

Town Manager Tim Krawczel introduced a letter received from Janice Williams, acting County Administrator. The letter was to notify Council that at the meeting of September 12, 2005, the Board of Supervisors of Northampton County appointed Mr. Phil Custis to the Joint Industrial Development Authority of Northampton County and Towns, replacing Mr. Peter Baumann whose term expired March 31, 2005.

***B. Public Notification Program**

Councilwoman Dora Sullivan introduced the program as a means to notify the citizens of Cape Charles in the event of an impending emergency. She announced citizens would be notified in two manners, one being an E-mail source, the other an alert placed on the Town Website.

C. Request for Equipment for Fire Company

Fire Chief Steve Wilson updated to Council on the status of the Fire Truck in which the Department is interested. The ladder needed to be certified, but the seller was willing to bring the truck down for our inspection. Chief Wilson also indicated the department's books would be prepared by Leatherbury & Broache and would be available for inspection by Council within 30 days.

***D. Waste Collection and Disposal Fees**

Councilman Brown opened the discussion on the Town's removal of construction debris for residents who are renovating their homes. He indicated the Town has not been responsible, in the past, for the disposal of construction debris and asked why we should change that policy. Mayor Lewis suggested we hold back discussion on construction debris and approve the remainder of the proposal from Public Works.

***E. Request for Use of Community Center Gymnasium**

Mayor Lewis indicated the Boys & Girls Club moved out of the Community Center about a year ago based on the building being unsafe. The Town was not in the position at the time to make the necessary repairs to bring the building up to fire code and building safety codes. Mayor Lewis reminded Council they made the decision at that time not to allow anyone to use the facility until it was made safe. A second issue brought up by Councilman Brown was the supervision of the young people playing ball in the gym. There are a number of items housed in the building that could be easily damaged. The Police Department does not have the budget set aside for that type of special duty. Both Councilman Elliott and Councilman Evans offered to Chaperone. The Town Manager, Tim Krawczel, offered the suggestion that the Public Works Department may send one their people to supervise the young people for two or three hours each day. The last item to consider was the lack of heat in the building and the poorly working restroom facilities. Mayor Lewis suggested Code Enforcement look at the building, again and report back on safety issues.

New Business

***A. Harbor Bulkhead Contract**

Mayor Lewis began this discussion by indicating the user of dock was not the cause of the deterioration of the dock. The pilings were creosote and had deteriorated from the center outwards prior to renting that area to Gerald Moore. Tim Krawczel, Town Manager, took the floor to announce the results of the bid opening on August 19, 2005. In researching the qualifications and performance of the two lowest bidders, it was found the lowest bidder past projects have been completed with significant change orders prior to final completion. The second lowest bidder, Marine Contracting has successfully completed a number of projects similar in size to the Town's project with good results. He mentioned there is no obligation by the Town to select the lowest bidder.

Motion to execute the contract with Marine Contracting Corporation as the firm which best

suits the needs of the Town for the Harbor Bulkhead project was made by Councilman Davis, seconded by Councilman Evans and unanimously approved.

***B. Beach Breakwater Contract**

Town Manager, Tim Krawczel reported on September 9, 2005 at 4:00 p.m. the bids closed for the construction of beach breakwaters. Coastal Design and Construction was the one responsive bidder at a cost of \$939,000.00. Although this price was up 16% from what the Town had originally budgeted, it is a project that needs to be completed to save the beach. Also as a follow-up item, Mr. Krawczel mentioned a potential grant source for living beaches in the State of Virginia had been identified which may bring in \$50,000.

Motion made to award the contract with Coastal Marine to construct the beach breakwaters made by Councilman Brown, seconded by Councilman Elliott and unanimously approved.

C. Report of Non-profit – Central Park Committee - see above “New Business”

D. Report of Non-Profit – Harbor Boat Building Project - see report presentations, Planning Commission.

***E. Lease Agreement for Community Boat Building Project**

A brief discussion was held over a cancellation policy and whether it would be advisable to charge a minimal fee of \$1.00 per year for the lease of the property.

Motion made to amend the lease to install the minimal fee of \$1.00 per year to lease the property made by Councilman Brown, seconded by Councilman Evans and unanimously approved.

***F. Harbor Lease Agreements for Docking and Storage**

Mr. Krawczel opened the dialog by indicating the current Lease Agreement had undergone several changes. Currently, the fueling of larger boats is handled by trucks independent of our Harbor. The proposed agreement indicates the fuel would be ordered through the Harbor Master. The proposed agreement also expels from the Harbor area anyone caught stealing. Harbor Master Smitty Dize also mentioned the Docking Agreement would now be separated from the Storage Agreement

Motion to accept the lease agreements as presented made by Councilman Elliott, seconded by Councilman Evans and unanimously approved.

***G. Cable Television Franchise – Bay Creek Communications, LLC. - Request for Extension of Installation**

Oral Lambert, the Resort Development Director for Bay Creek detailed the difficulties and delays experienced in installing the service.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to grant the extension of the deadline for making service available to all potential subscribers in the Town from October 13, 2005 until October 13, 2008.

H. Report on Wastewater Treatment Planning

Mr. Krawczel outlined for Council the results of the meeting with representatives from the Department of Environmental Quality. He reported that If development of the Bay Creek and Marina Village PUD continues as expected, wastewater loads will exceed the current design capacity of the Town’s treatment plant as early as 2007. Mr. Krawczel further reported due to time constraints, to assure the sewage treatment capacity is available to support new development the Town should begin preliminary engineering no later than January, 2006. He mentioned the Town received a grant for \$64,000.00 from the Department of Environmental Quality to being the process of upgrading the sewage treatment plant and that there may be a state level grant available. Mayor Lewis agreed Mr. Krawczel should move forward and apply for the water quality improvement grant funds.

*I. Fishing Pier License and Signage

Mayor Lewis opened the discussion by describing the costs of licensing and differentiating between individual licensing and the blanket license that can be purchased by the town that would allow anyone on the pier to fish without an individual license. .

Motion made by Councilwoman Sullivan, seconded by Councilman Brown and unanimously approved to purchase the commercial fishing pier license for the period ending December 31, 2005.

Additional discussion was held concerning the rules of the pier and the types of signage needed to advise the public of these rules. Councilman Brown brought up the point at this time signage to protect the dunes and additional sand fencing was needed.

*J. Trip to Yorktown

Mayor Lewis announced the tour would begin in Yorktown at 10:30a.m on October 17, 2005 and would run through early afternoon. He asked that anyone interested in going contact the Town Planner so arrangements for transportation and time to leave Cape Charles could be planned and communicated.

*K. Review of Town Code Requirements for Deep Wells

Mr. Krawczel indicated the issue of private wells had come up a number of times in the past month. He outlined the Town Code and described the impact that private irrigation wells make on water table.

Motion made by Councilman Evans, seconded by Councilman Davis and unanimously approved to uphold and enforce the current Town Code as it applies to private wells and to have offenders remove at their own expense any wells not previously grandfathered.

Mr. Krawczel brought forth the application to sub divide a parcel on Old Cape Charles Road that is now served by an existing well and septic system as the Town's water and sewer lines do not run to that area. The application asked for a new well and septic to be installed on the new parcel. Council discussed approving the request with the caveat of attaching to the Town's water and sewer when it becomes available.

*L. Request to Use Old Cape Charles High School for a Music Festival

Mr. Krawczel outlined the plans for use of the school grounds for a proposed music festival proceeds of which were to benefit the Saint Mary's Baptist Church and Shore Memorial Hospital Cancer Treatment Center. Discussion followed that a complete plan and layout must be provided prior to Town Council's approval.

Announcements

A. Blast from the Past – Kick-off for drilling a mile-deep hole through the center of the impact crater – Tuesday, September 20, 1:00 – 3:00 p.m.

Mayor Lewis described what should be expected from the event.

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

Mayor

Town Clerk