

TOWN COUNCIL

Regular Session

November 8, 2005

7:30 p.m.

At approximately 7:30 p.m. Mayor Frank Lewis called to order the Regular Session of the Cape Charles Town Council. In addition to Mayor Lewis, present were Council members Sullivan, Brown, Davis, Elliott, Evans, and Veber. Also present were Town Manager Tim Krawczel, Town Clerk Joy Pelletier, Town Planner Jason Pruitt, several staff members and approximately 25 members of the public.

The invocation was led by Councilman Davis and Councilman Brown led the Pledge of Allegiance.

Public Comments

Joan Natali, resident of Cape Charles - Ms. Natali indicated her displeasure in spending Taxpayer dollars to fund a holiday reception to honor the members of the various Boards and Commissions.

Tom Bonadeo, resident of Cape Charles – Mr. Bonadeo spoke on behalf of Melvin Dudley who was unable to appear due to a conflicting commitment. He presented information concerning a resolution prepared by the Northampton Anglers Club regarding the Menhaden fish management and went on to say the Menhaden fish is the only fish not managed by VMRC but rather is managed by the State Senate. Mr. Bonadeo informed council the Menhaden are fish that filter the Bay; however, they are currently being reduced in number by being harvested to use as poultry feed which is processed by the chickens and returned to the Bay as a pollutant. Mr. Bonadeo then changed topics and indicated he would be pleased to be considered as a volunteer for the Waterfront Design Guidelines and Plan committee.

Bud Baxter, Project Manager for Gallagher and Assoc. - Mr. Baxter indicated Gallagher had purchased 20 acres over in the area of the harbor next to concrete plant. He stated they would like to see a type of committee set up to create guidelines to preserve the waterfront. He also indicated Gallagher and Associates would like to be involved in the process of creating the guidelines.

John Wiggins, resident of Cape Charles - Mr. Wiggins spoke concerning the playground and indicated he'd like to see a track and exercise area added. He also indicated he'd like to be involved in the process of creating a plan for the park.

Dianne Davis, resident of Cape Charles – Ms. Davis came before Town Council on behalf of the local senior citizens with questions concerning tax relief for the elderly. She asked that a plan be implemented to inform citizens of the availability of the tax relief and the application process.

Consent Agenda

Motion made by Councilman Brown seconded by Councilman Davis and unanimously approved to accept the agenda format as amended adding item O to New Business and move new business A, B and C ahead of Old Business.

Report Presentations

Treasurer's Report – JoAnna Leatherwood, Assistant Treasurer reported on behalf of the Treasurer's Department. She indicated the Department had worked diligently on the tax bills and made them the priority; therefore, the Cash report was unavailable at this time. Mayor Lewis reported building had slowed down resulting in the Town being \$500,000 below budget in Building Permits.

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

Planning Commission report- Jason Pruitt reported on the Planning Commission meeting held November 1, 2005. A synopsis of the Items covered is attached

Old Business

A. Shallow Well Regulations

Town Manager, Tim Krawczel revisited with Council the background on this issue and reported no one had chosen to speak on this topic at the Public Hearing.

Motion made by Bruce Evans, seconded by Gerald Elliott and unanimously approved to revise the Town Code regulations to permit shallow wells to a maximum depth of 50 feet and change the permit fee to \$750, including a \$700 deposit, refundable upon receipt of a signed well driller's log and sworn statement from the owner that the well depth is no greater than 50 feet. Lacking this information, the deposit would be used to close the well.

*B. Bay Creek Communications Ordinance

Mr. Krawczel opened this topic by noting there were no comments made on this issue at the Public Hearing. He reiterated the information that was presented at the October Town Council meeting explaining the difficulties with the unavoidable construction delays.

Motion made by Councilwoman Sullivan, seconded by Councilman Brown and unanimously approved to accept the deadline modification as presented.

*C. Waste Collection and Disposal Fees

The members of Council reviewed the proposed fees of additional charges for trash pick up services that were not included in the services offered by Davis Disposal.

Motion made by Councilwoman Sullivan, seconded by Councilman Evans and unanimously approved to accept and put into effect the additional trash pick-up charges.

*D. Outdoor Basketball Courts at Community Center

Mayor Lewis described for Council the plan for the court. He indicated the new court would be played as two half court games and was not intended for full court play. Discussion was held over the location of the court.

Motion made by Councilman Evans, seconded by Councilman Davis and approved with majority vote the construction of the basketball court with modification of moving the court to the west and north to align with the tennis court.

*E. Amendments to Zoning Ordinance Text – Section 3.12 Planned Unit Development

Mayor Lewis opened the floor for discussion of what appeared could be inconsistencies between item C., Area Regulations and item K, Modifications to Standards.

Motion made by Councilman Davis not to accept the amendment to the Zoning Ordinance Text as presented. The motion died on the floor.

Discussion followed on the intensive research conducted which led to the verbiage of Section K. The desirable acreage of a PUD was debated.

Motion made by Councilman Brown, seconded by Councilman Veber and approved by a 4 -2 vote

to accept the recommendation of the Planning Commission and endorse the amendments to Zoning Ordinance Text – Section 3.12 Planned Unit Developments. Councilmen Elliott and Davis voted against the proposed amendments.

- *F. Request for Demolition of Contributing Structure to Historic District – 551 Mason Ave.
Mayor Lewis opened the floor to Council members Sullivan and Evans who described their findings upon visiting the property with a contractor. They found the building structurally sound and savable. The history of the building was then discussed as well as the challenges (Zoning Ordinances and lot size) the property owner would face in replacing the structure after demolition.

Motion made by Councilman Evans, seconded by Councilman Brown and approved with 5-1 vote to approve the request for demolition of 551 Mason Avenue with written notification to the applicant of the requirements for new construction in the Historic District and including the features of the property that may affect future construction. Councilman Davis voted against the motion.

- *G. Amendments to Section 18-5 of the Town Code Regarding Rental Properties
Town Manager, Tim Krawczel restated the proposed revisions for clarification and indicated no one had spoke in regards to this item at the Public Hearing. The Town’s Building Official, Doug Smith was asked to participate in the dialogue as to why the rental district would encompass all homes in the Historic District. The discussion continued over the controls and updated quality of new construction versus renovation of older properties and the safety factors in both cases.

Motion made by Councilman Brown, seconded by Councilman Elliott and approved with 5–1 vote to approve the amendments to Section 18-5 of the Town Code. Councilman Evans opposed the motion.

- H. Update on Financing for Breakwaters and Other Capital Improvements
Tim Krawczel reviewed for Council the need for short term as well as long term financing for all planned capital improvements and explained the financial vehicles available to accomplish the task.

New Business

Mayor Lewis opened this section of the meeting by commenting that the Town makes some sort of monetary donation to each of these non-profit agencies. The reports from these agencies help the Town Council to gather information which can then be used in preparation of the following year’s budget.

- A. Report of Non-profit – Chamber of Commerce
Chamber president, Scott Banks, described the purpose of the local Chamber of Commerce to be primarily the support of the local business. He went on to give an account of the projects in which the Chamber has been involved over the previous year. He indicated the Chamber had become the designated Marketing organization for the Virginia Tourism Commission representing Northampton County because Northampton County did not have a separate representative. Mr. Banks also mentioned the membership, which consists mainly of businesses, has increased from approximately 90 members to over 300 members in the last 2.5 years. Mr. Banks has also discussed the finances and mentioned funds had been set aside for future financial needs. In addition, Mr. Banks added funding from Northampton County had been lost as well as income from the Music Festival resulting in a loss of approximately \$19,500; therefore, he anticipated asking the Town for additional funds to help with certain projects such as the 4th of July fireworks

- B. Report of Non-Profit – Cape Charles Renewal Program
Joan Natali brought to the Council a Power Point presentation outlining the history, the

purpose of the CCRP, their accomplishments during the past fiscal year and their future plans. Ms. Natali noted the purpose of the Program was to work with the local Business owners to help promote, market, plan and educate. Included in the accomplishments, she mentioned that CCRP raised funds to prepare and publish marketing brochures dedicated to the tourist trade. They had also taken responsibility for running some of the local events including the Cape Charles Fall Festival (formerly Cape Charles Day) and the Farmers Market and helped to upscale the landscaping and visual appearance of the Business District. Ms. Natali also included information on the relationship between CCRP and the Regional Main Street Program.

C. Report of Non-Profit – Cape Charles Historical Society

Marion Naar introduced Chris Dickon, Historian, author and Emmy Award winning producer. Mr. Dickon spoke on the historical value of Cape Charles and stated it was “not just another town”. He reminded those present Cape Charles was created in 1886 as a planned convergence of industry and agriculture where the railroad and ferry met to connect the North and South. He congratulated the Town on the historical items available in our Museum and spoke on the necessity of preserving the written materials through digitizing and proper archiving. He also mentioned the possibility of finding Federal Grant money to help with the cost of this. This presentation segued into Marion Naar indicating the scope of what Mr. Dickon described is beyond the capabilities of volunteers and asked Council to consider providing funds to hire a professional permanent full time archivist. Ms. Naar thanked the Council for their generosity in handing of the contents of the Country Store, but mentioned the Museum’s budget is only \$22,000. If we do not have a full time archivist on payroll, the Historical Foundations will not grant funds for digitizing and archiving.

*D. Personnel Policies - Safety and Return to Work Policy Statements

Town Manager Krawczel reviewed with Council the VML recommendations to adopt a Safety Policy Statement and a Return to Work Policy. He provided samples of each and answered questions proposed by the Council members. Mr. Krawczel recommended to Council to adopt in concept the sample policies to put in the personnel manual.

Motion made by Councilman Veber, seconded by Councilman Evans and approved with 2 abstentions (Councilmen Brown and Elliott) to adopt the sample policies for Safety and Return to Work.

*E. Amendments to Town Code – Fishing Pier

Mr. Krawczel opened the discussion of regulating certain activities on the new fishing pier. A number of items were discussed which included alcoholic beverages, mooring of boats, diving from the pier and pets. Appropriate signage and parking restrictions were also discussed. Council directed the Town Manager to prepare revisions to the Town Code and schedule a public hearing in the near future.

*F. Application to Water Quality Improvement Fund – PER for Wastewater Treatment

Mr. Krawczel related to Council the availability of grant money through DEQ to partially fund the cost of design and construction of Wastewater Treatment Plants. As the Town has the need to update the plant capacity, the Town Manager asked for authorization to file and application for the funds.

Motion to apply for DEQ grant for water quality improvement funds was made by Councilwoman Sullivan, seconded by Councilman Brown and unanimously approved with a polled vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes; Veber, yes.

*G. Update on Water Treatment Plant Improvements – Aquifer Testing

Mr. Krawczel reviewed with Council the results of the meeting held October 19, 2005

regarding the Aquifer Test Plan.

*H. Committee for Waterfront Design Guidelines and Plan

The purpose of this item was to appoint a sub-committee to interview and select a Design Firm as well as oversee the work as it progresses. Two member of Council were chosen (Councilmen Brown and Evans) and one member of the Planning Commission (Tom Bonadeo).

*I. Committee for Concept Design and Construction Drawings for School

Two members of the Town Council (Larry Veber & Gerald Elliott) and one Historic District Review Board member (Jan Neville) were appointed as a sub committee to interview and select a consultant and to oversee the Design concepts of the selected firm.

*J. Record Retention

Mayor Lewis briefly reviewed with Council the request by the Town Clerk's office to dispose of real estate and personal property records for the tax years 1897, 1989, 1990, 1991 and 1992 as prescribed by the Code of Virginia, Virginia Public Records Act.

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to destroy the tax records indicated as designated under the Code of Virginia, Virginia Public Records Act.

K. Report on Use of USDA Grant Funds

Mr. Krawczel informed Council of an unused balance of USDA Grant funds and covered with them the equipment items which were purchased with the available funds.

*L. VRS Resolution on Employee Contributions

Mr. Krawczel reminded Council during the budget process it was agreed the Town would pick up the employees' contribution to the Virginia Retirement System as an employee benefit. This item was to adopt the resolution.

Motion to adopt the Virginia Retirement System resolution made by Councilman Davis, seconded by Councilman Veber and approved 4 yes votes and 2 abstentions (Elliott & Brown).

*M. Bonus Coupons and Holiday Reception

Town Manager Krawczel opened this discussion of the employee holiday bonus and a Holiday Reception to honor the volunteer Board and Commission members. In regards to the bonus money, discussion revolved around paying the employees a bonus of \$75.00 in cash rather than the gift certificate method that had been followed over the last several years. In regards to the Holiday Reception, it was mentioned by Town Manager Krawczel that since the Boards and Commissions were unpaid for the diligent work they do for the Town a party in their honor was not considered a malfeasance.

Motion made by Councilman Davis, seconded by Councilman Evans and approved by a 4-2 abstention (Brown & Elliott) vote to pay the employee bonus of \$75.00 in cash.

Motion made by Councilman Veber, seconded by Councilman Brown and unanimously approved to hold a Holiday Reception to thank and honor the Board and Commission members.

N. Town Council Discussions of Recycling Initiatives and Preservation of Trees

Councilman Veber presented one week's worth of newspaper to demonstrate how much paper is generated by just one person. He mentioned in one year over 55,000 pounds of just newspaper is deposited into the trash. Mr. Veber asked the Council, Mayor and Town Manager to have someone look into a recycling plan

Town Manager Krawczel mentioned an issue of trees came about which led to research

on the ordinance. As written the Zoning Ordinance stated a Certificate of Appropriateness must be obtained prior to removal of a significant tree; however, the definition of significant tree is missing from the ordinance. Mr. Krawczel recommended to Council the Historic District Review Board should be notified and asked to draw a definition of significant tree. Councilman Evans elaborated on research the Planning Commission had begun on tree ordinances for other districts. He also suggested the Town conduct a tree inventory and come up with a tree preservation ordinance to include a plan to reforest.

O. Menhaden Proclamation

Motion made by Councilman Brown, seconded by Councilwoman Sullivan and unanimously approved to adopt the Menhaden proclamation as presented.

P. Charter Communication

Mayor Lewis clarified why this item had been on the Public Hearing agenda and indicated we had no choice in the matter but to accept the increase in fees.

Announcements

- A. Cape Charles Fishing Pier Dedication – Wednesday, November 16th, 10:00 AM
- B. Santa Train – arriving December 3, 2005
- C. March of Dimes Walk-A-Thon – date to be determined but to take place in late spring
- D. Receipt of Appreciation from MS Tour

Motion to adjourn the Regular meeting of the Cape Charles Town Council was made by Councilman Brown, seconded by Councilman Veber and unanimously approved.

Mayor

Town Clerk