

TOWN COUNCIL

Regular Session

December 13, 2005

7:30 p.m.

At approximately 7:30 p.m. December 13, 2005 in Council Chambers Mayor Lewis called to order the Regular Session of the Cape Charles Town Council. In addition to Mayor Lewis, present were Dora Sullivan, Charles “Sambo” Brown, James “Jim” Davis, Gerald Elliott, Bruce Evans, and Lawrence “Larry” Veber. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, Town Clerk Joy Pelletier, approximately seven additional members of staff and approximately 24 members of the public.

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

Public Comments

Nathan Johnson – Represented the Delmarva Boxing Foundation which holds a 501.3 non profit status. Mr. Johnson, a former resident of Cape Charles, expressed his interest in opening an outlet of the Boxing Foundation in Cape Charles if the Town could provide a suitable training area. He expressed his interest in training the local youth and helping to provide an outlet to keep the young people occupied in positive endeavors. A Mission Statement and letter requesting space were provided to Council.

Consent Agenda

Motion made by Councilman Brown, seconded by Councilman Veber and unanimously approved to accept the agenda as modified adding item 5. C. Historic District Review Board under Report Presentations.

Motion made by Councilman Brown, seconded by Councilman Elliot to approve the Minutes dated October 11, 2005 and November 8, 2005 as presented.

Report Presentations

- A. Treasurer’s Report - see attached.
- B. Planning Commission - see attached.
- C. Historic District Review Board

Town Planner, Jason Pruitt recapped a request from Town Council to the Historic District Review Board asking them to look at the definition of “significant tree” and the permitting/enforcement guidelines of planting and removing trees. He then turned the discussion over to the Chairman of the Historic District Review Board, Russ Dunton, for the Review Board’s position on the item. Chairman Dunton explained after much

was not be The research, the Board could find no stated definition of a “significant tree”. He stated it the Review Board’s contention permits to remove trees on private property should required; only trees in the streetscape and parks should be monitored by the Town. Board did agree mature canopy trees and properly pruned/maintained trees were important elements adding charm and a special dimension to the Town.

Old Business

*A. Contract for Replacement of Commercial Harbor Bulkheads

Town Manager, Tim Krawczel, explained to Council cost savings involved by contracting with Marine Contracting of Virginia Beach to repair the commercial bulkhead in conjunction with the work they are currently completing on the recreational Harbor docks. He also mentioned he confirmed that the Town is eligible to apply for VPA cost-share financing further reducing our financial commitment to the project.

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to authorize Mayor Frank Lewis to execute the contract with Marine Contracting, Inc. in the amount of \$280,000 to repair the commercial harbor.

*B. Shallow Well Regulations and Fees

Tim Krawczel briefly detailed the process of strengthening the application and procedures for the shallow wells. The new guidelines increased the permit fee, eliminated the deposit and included a certification that the owner/well driller understands the Towns regulation and the well will be closed at the owner’s expense if the well exceeds 50 feet in depth.

Motion made by Dora Sullivan, seconded by Larry Veber and was unanimously approved to accept the new application form, affidavit and revisions of the Town Code regulations to require a permit fee of \$100.

C. WQIF Application for Wastewater Treatment Plant

Mayor Lewis alerted Council that the Town will reach 90% of the capacity of the existing Wastewater Treatment Plant as early as 2007; therefore the Town should begin the preliminary engineering as early as January, 2006. He indicated the estimated project cost to be approximately ~~\$10.75~~ \$10.75 million (01/10/06). To help with the cost, the Town has applied for a 90% grant award. Also, The Town has a special relationship with BayMark Construction regarding the funding of the expansion of the water and wastewater treatment plants. The awarding of grant funds will help not only the Town, but ease the anticipated financial burden of BayMark Construction.

*D. Outdoor Basketball Courts at Community Center

Councilman Evans briefly outlined the discussion and motion of the November meeting in relation to the proposed basketball court. He suggested reconsideration of the location of the court so as not to be an annoyance to those playing tennis. It was also suggested fencing be erected to protect the players and keep the ball inside the court area.

Motion made to reconsider the location of the court moving it to the originally intended location, approve a final plan and authorize staff to solicit bids for construction of the basketball courts.

E. Review of Responses to RFP for School Building

Tim explained Shriver and Holland was the only company to respond to the solicitation for proposal for the renovation of the Cape Charles High School. The

firm proposes a six month time frame to complete conceptual plans. At the end of the six months, the Town will have to decide whether to go forward and commission construction drawings. A subcommittee consisting of Councilmen Veber and Elliott and Historic District Review Board member Neville had been appointed to meet with the firm. Leon Parham, a local architect, had agreed to lend his assistance. Further discussion involved using funds to build a new state of the art structure on property the Town owns rather than renovate the old school. The school could then be used as an arts and community center and may then be eligible to be improved with grant funding.

F. Review of Responses to RFP for Harbor Plan

Tim Krawczel reported two firms had submitted responses to the solicitation to address the design standards for the waterfront areas. A subcommittee consisting of Town Council members Evans and Brown and Planning Commission Chairman Bonadeo has been appointed to interview the firms.

New Business

A. Report from Non-Profits – Regional Main Street Program

Barbara Schwenk of the Accomack-Northampton Planning District Commission, who staffs the Regional Main Street Program, gave a brief overview of what the program entails. The main focus of the program is to aide in the revitalization of the Main Street “downtown” area of each town by providing training to the downtown associations and to help target projects that are eligible for Community Improvement Grants.

B. Report from Non-Profits – Library Board

Chris Bannon, Chairman of the spoke thanking the Town for all their contributions to the Library including air-conditioning, heating, repairs, landscaping, etc. Mr. Bannon then reviewed the mission and goals of the Library Board. He also indicated the library had outgrown its current location and asked for consideration of moving the library to the old Cape Charles School

*C. Engagement of Auditors for FY 2005 Audit

Tim Krawczel explained the current auditors, Witt Meyers, had declined to continue handling our annual audits because their strategic business plan was moving in a different direction. Mr. Krawczel then contacted Virginia Municipal League and Virginia Financial Officers Association and asked for references. One firm, Robinson, Farmer and Cox (who are highly recommended by VML) responded to the Town’s needs. The firm provided a proposal with a fee of \$15,000 for the FY 2005 audit. The contract is renewable for two subsequent years with the option to extend the contract for an additional two years with costs adjusted based on the Consumer Price Index. The firm also offers a number of other services such as utility rate studies and software consulting that the Town can access.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to retain the audit services from Robinson, Farmer and Cox.

*D. Policies for Demolition by Neglect in the Historic District

Building Code Official, Doug Smith, was introduced by Town Manager Tim Krawczel to present a proposed policy to abate violations of the Building Code. Mr. Smith indicated the Building Department had determined 20 structures in Town to be unsafe or unfit for human habitation. The interior of many of these structures is exposed to

weather adding to their deterioration. The owners had all been contacted with little or no response to the situation. Mr. Smith asked the Town Council to consider implementing a policy that would include having the Town take measures to secure any building that may endanger the health or safety of the public and charging the cost of these repairs to the owner of the structure. He asked Council to set a work session date to discuss the policy and discuss a budget to cover the initial cost of such a policy.

*E. Discussion of Tree Regulations in the Historic District

Bruce Evans opened this discussion by referring to the Historic District Overlay of the Zoning Ordinance, Section 8.18 - A. which states a Certificate of Appropriateness must be issued prior to the removal of significant trees in a Historic District. A heated discussion ensued that included mention of a tree inventory and creating a list of trees suitable for the area. It was also mentioned the Planning Commission is working on a tree preservation ordinance. A suggestion was made to adopt a Resolution of Intent to amend the Zoning Ordinance to revise Section 8.18 A of the Zoning Ordinance to delete the reference to significant trees.

A motion to revise the ordinance while at the present time deleting the mention of significant tree was made by Councilman Brown, seconded by Councilman Veber and approved with roll call vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes no (1/10/06); Veber, yes.

*F. Rezoning Application – Northampton Hotel

Mayor Lewis briefly reviewed the history of zoning changes for the structure known as the Northampton Hotel. He went on to explain that the current request was to rezone the area as Harbor District to allow the building to be resurrected as a hotel with a restaurant and meeting rooms. A Public Hearing was set for 7:00 January 10, 2006.

G. Recycling Discussion – Councilman

Councilman Veber quickly reviewed the conversations he and Public Works Director Mike Cosby had with Davis Disposal. It was reported that at the present time, there is no market for newspaper recycling; however, cardboard recycling may be an option.

Announcements

A. Town Council Holiday Reception – Thursday, December 22, 2:00 – 4:00 PM

B. Tax Relief for the Elderly – Applications Accepted January – April 2006

Tim Krawczel mentioned Treasurer Pat Buckley would send notices out to the Public as well as establish an outreach program to let the residents know of the Program. Mayor Lewis suggested contacting the churches to get the word out.

C. Legislative Day scheduled for February 9, 2006 – Let Joy know if you are interested in attending.

Motion made by Councilman Brown, seconded by Councilman Veber and unanimously approved 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

Specifically: Employee performance

Paragraph 3

Discussion or Consideration of the Acquisition of Real Property of a Public Purpose

OR

Discussion or Consideration of the Disposition of Publicly Held Real Property

Specifically: STIP

Paragraph 7

Consultation with Legal Counsel and/or Briefings by Staff Members or Consultants
Pertaining to Actual or Probable Litigation where Such Briefing in Open Meeting
Would Adversely Affect the Negotiating or Litigating Posture of the Public Body

Specifically: Boundary Adjustments

Motion made by Councilman Veber, seconded by Councilman Brown and unanimously approved to return to Regular Session.

Motion to affirm that only those matters intended for discussion during Closed Session were discussed was made by Councilman Davis, seconded by Councilman Brown and unanimously approved by roll call vote: Sullivan, yes; Brown, yes; Davis, yes; Elliott, yes; Evans, yes; Veber, yes.

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

Mayor

Town Clerk