

TOWN COUNCIL

Regular Session

April 11, 2006

7:30 p.m.

At approximately 7:30 p.m. in the Town Council Chambers, Mayor Frank Lewis called to order the Regular Session of the Town Council. In addition to Mayor Lewis, present were Councilman Davis, Councilwoman Sullivan, Councilman Veber and Councilman Brown. Absent were Councilman Bruce Evans and Councilman Gerald Elliott. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, and Town Clerk Joy Pelletier.

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

Public Comments

John Burdiss 117 Mason Ave.

Mr. Burdiss Briefly spoke concerning the conflicts that could arise by allowing employees to serve as elected officials and that the petition which had been circulated months earlier had demonstrated the concern of Town residents to this issue.

Melvin Dudley 303 Madison Ave

Mr. Dudley had three items of concern: 1) a sign should be posted stating no alcohol to be consumed on the pier, the only wheels allowed should be wheel chairs, and no salt water fishing license needed to fish from pier; 2) If Delmarva Power is allowed to increase their rates as high as they have indicated, the Town should revisit the idea of turbine windmills to harvest electric power for the use of residents, only; 3) Demolition by neglect: the south end of Bay Ave has new construction which is being allowed to deteriorate and may be affecting real estate sales in Town. Mr. Dudley explained non residents had asked him about those structures and why nothing was being done to correct the situation.

Dianne Davis 601 Jefferson Ave

Ms. Davis thanked Councilwoman Sullivan for addressing the issue of responding to questions and items requested from the Public. Ms. Davis then went on to request that the Town not forget the Youth of the Town when working on the Budget. She'd like to see funds available for use towards keeping the youth entertained. The last item addressed by Ms. Davis was the Fig Street Pumping Station. She remarked on the odors emitted by the station and asked that something be done to correct the situation.

Consent Agenda

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to accept the minutes as presented and the agenda as amended adding item F under New Business, Cape Charles/Onancock partnership; Add item F under Old Business, Banners

Report Presentations

A. *Treasurer's Report* - Pat Buckley

See attached

Mayor Lewis interjected that at this point there would be no cash infusion until November. He also stated that although the financial picture looks good, all bills and invoices that are presented for payment from the present until November must be paid out the current balances in the accounts.

Motion made by Larry Veber, seconded by Jim Davis and unanimously approved to accept the Treasurer's report as presented.

B. *Planning Commission* – Jason Pruitt

See attached

Old Business

A. *Update on Fig Street Vacuum Pump Station*

Town Manager, Tim Krawczel reported to the Council that a number of citizens had reported foul odors associated with the pump station. He explained the cause of the odors was from the limited use of the station, and that as the Marina Villages East built out and use for that station became heavier, the odors would subside. A number of ways to eliminate or decrease the odors had been tried in-house and were unsuccessful in containing the odors. He further informed Council an engineer had been contracted and had presented a design to eliminate the odors by routing the emissions through a compost area. He stated finding a contractor willing to attempt the project and take the responsibility for upkeep at a reasonable cost to the Town had failed; therefore new alternatives to correct the situation were being discussed.

B. *Skateboard Park Safety*

Tim Krawczel reported that the VML had been contacted for their input concerning the proper programs which should be in place to minimize potential liabilities when considering the building of a Town sponsored Skateboard Park. Mayor Lewis reported that the insurance process was more rigorous than previously thought in that registration forms, waivers, supervision, etc. were all necessary to protect the citizens and the Town from potential adversity. Having supervision would also create the need of hiring and the Town paying for an additional employee. It was agreed additional research should be completed.

C. *Status of Contract for Trash Removal Services*

Mr. Krawczel reported as a part of the transition from Waste Management to Davis Disposal, the Town had to purchase the existing trash cans. He mentioned at the time of the transition the rate to the consumer had been raised in order to pay for the cans, and that the breakeven point had been reached. Mr. Krawczel stated the contract was in the process of renewal, but that due to fuel and tipping costs, Davis Disposal had asked for an increase for services. He indicated that by leaving the rate to the consumers at the present level increase would be covered and a mechanical reserve fund could be established allowing for maintenance and purchase of additional tools. He also mentioned the Town was purchasing a tipper for its own garbage truck in order to make it easier for our employees to collect trash from missed cans.

*D. *Fund request for the Virginia Arts Festival*

Mayor Lewis recapped for Council the request for funds in the amount of \$1,000 made by the Cape Charles Consortium for the Arts and Humanities to help fund the upcoming event sponsored by them in conjunction with the Virginia Arts Festival. He reported that although the event would be held during the current fiscal year, the Consortium would be happy to wait for the funding until the new fiscal year if they were assured the funds would be forthcoming.

Motion made by Dora Sullivan, seconded by Larry Veber, and unanimously approved to donate \$1,000 to the Cape Charles Consortium for the Arts and Humanities to be allocated from the fiscal year budget of 2006/2007.

E. *Amendment to the Charter or Personnel Policies – Town employees in elected offices*

Mayor Lewis introduced this topic by referring to the circulated petition concerning the issue.

He then turned the floor over the Larry Veber who reiterated there was obvious concern by Town residents as 131 people had signed the petition. He congratulated the Council for not reacting to the petition with out careful consideration. The matter of a straw poll was discussed with the Mayor clearly stating that straw polls were not binding, and they must be held a minimum of 40 feet away from the electoral polls. It was agreed a member of the public would host a straw poll to determine the Town resident's opinion of Town employees serving on Town Council.

F. *Banners*

Assistant to the Town Manager, Heather Arcos, reported to Council the status of the Banner project. She described how the banners would be rotated during the seasons and presented the logo as designed by Chuck Little of the Cape Charles Renewal Program.

Motion made by Dora Sullivan, seconded by Charles "Sambo" Brown and unanimously approved to accept the logo design as presented.

New Business

*A. *Living Shorelines Grant Award*

Tim Krawczel reported that the Chesapeake Bay Small Watershed Grants Program had awarded the Town of Cape Charles with a Living Shorelines Grant in the amount of \$50,000 to fund the following activities: Complete stone installations; start to import and place sand fill - \$15,000; Complete sand fill placement and grading; install s and fencing – 3,600; and Install plantings, complete final paperwork - \$30,800.

Motion to accept the grant from the Chesapeake Bay Small Watershed Grants Program in the amount of \$50,000 made by Larry Veber, seconded by Charles "Sambo" Brown and unanimously approved.

*B. *Revisions to Personnel Policies – Sick Leave*

Tim Krawczel explained the Town employees were not covered by a short term disability policy. In the case of a disability, an employee would use their accrual of sick leave. When drained, the Council then asks for other employees to volunteer hours of their accrued sick leave. Mr. Krawczel covered the issues surrounding this system which included trouble in budgeting as well as the appearance of favoritism towards employees. He described a short term disability program which could be put in place at a cost of \$7,082 per year and asked Council for their recommendation.

Motion made by Larry Veber, seconded by James Davis and unanimously approved to delete the current policy towards donation of sick time and to adopt the short term policy allowing the Town Manager to place the cost in the fiscal year budget of 2006/2007.

*C. *Revisions to Personal Property Tax*

The Town Treasurer, Pat Buckley explained to Council the modifications to the 1998 Personal Property Tax Relief Act indicating that beginning in tax year 2006, each locality would receive a fixed amount of tax relief with the individual locality deciding on how to distribute the funds. Ms. Buckley explained the various options of distribution percentages and asked for the Council's recommendation.

Motion made by Council Brown, seconded by Councilman Davis and unanimously approved to pay the tax relief in the same percentages as previously paid.

*D. *Revisions to Zoning Ordinance – Landscaping & Buffering*

Town Planner Jason Pruitt summarized the proposed changes to the Zoning Ordinance Section 4.4. The main objective as stated was to strengthen the existing tree protection language. The Mayor and Council discussed the intense involvement of the Planning Commission and the Historic District Review Board in this project and the role of the tree committee (which had been created to propose policies and regulations for tree preservation

and planting). They discussed the items which Planning Commission needed to complete in the near future and recommended the Commission place their concentration on priorities other than the Ordinance covering landscaping and buffering.

Motion to reject the Planning Commission’s recommendation to alter the text of Zoning Ordinance Section 4.4 made by Councilman Brown, seconded by Councilman Davis and unanimously approved.

**E. Revision to Zoning Ordinance – Demolition Regulations*

Jason Pruitt once again summarized the item that sparked the discussion to revise the Regulations (request for demolition of 551 Mason Ave.) and outlined the proposed revisions. Discussion followed with Dora Sullivan making a motion to take the revisions to Public Hearing. The motion died for a lack of second. Additional discussion followed with the emphasis place on the number of signatures needed to question valuation of the property and the number of appraisals that could eventually be required. The monetary obligation to the Town was also discussed. .

Motion made by Councilman Brown, seconded by Councilman Davis and approved with one opposed to return this item to Planning Commission for further study.

F. Letter from Northampton Co. Chamber of Commerce and the Tourism Alliance.

Mayor Lewis read the attached letter into record.

Motion to endorse the partnership and lend support made by Councilman Davis, seconded by Councilman Brown and unanimously approved.

Announcements

- A. April 17th – Last Day to Buy Decals and to purchase a Business License
- B. April 22nd - Town Clean Up Day
Any bulky refuse must be put at the normal pick up point by Monday, April 17.
- C. April 24th – Friends of the Library Sponsor “Meet the Candidates” 7-9 PM, Palace Theatre

Motion made by Councilman Brown, seconded by Councilman Veber and unanimously approved to adjourn the meeting.

Mayor

Town Clerk