

TOWN COUNCIL
Regular Session
May 9, 2006
7:30 p.m.

At approximately 7:30 p.m. on May 9, 2006 in the Town Council Chambers, Mayor Lewis called to Order the Regular Session of the Town Council. In addition to Mayor Lewis, present were Council members Dora Sullivan, Charles “Sambo” Brown, James Davis, Gerald Elliott, Bruce Evans and Larry Veber. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, and Town Clerk Joy Pelletier, several members of staff and approximately 15 members of the Public

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

Public Comments

Mary Harris – 619 Monroe Ave, Cape Charles, VA

Ms. Harris was complimentary to the existing Council for lending her their expertise in the process of the elections. She stated she found the experience positive, educational and valuable. Ms. Harris also went on record to say when Dora Sullivan takes the role of Mayor on July 1, 2006 she would like to see Council woman Sullivan’s empty seat filled by the people’s choice.

Consent Agenda

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to accept the agenda format as modified adding item E to Old Business – steps at the corner of Plum & Tazewell Streets and item F in New Business, Straw Poll.

Report Presentations

A. *Treasurer’s Report* - See attached

Mayor Lewis turned Council’s attention to the building permit fees on the written Treasurer’s report. He pointed out that permit fees as well as tap fees were well below the levels of the previous year

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

B. *Planning Commission* - See attached

Old Business

A. *Update on Cheriton Community Planning Grant*

Mayor “Bo” Lewis from the Town of Cheriton spoke to Council concerning the grant the Town of Cheriton is seeking which would allow them to conduct an engineering survey/study to see if water and sewage is feasible for the Town and if a regional partnership is feasible. He thanked the Council for their support in the process and stated a requirement of the grant process would be for Cape Charles Town Manager, Mayor, and two other representatives to fill some of the management and committee positions. He also mentioned the County Administrator and two County representatives were needed. Mayor “Bo” Lewis of Cheriton then read an announcement which stated the process the Town of Cheriton was following to pursue the funding for the planning and construction of a sewage system to serve the downtown and surrounding areas of Cheriton.

Mayor Frank Lewis clarified that The Town of Cape Charles at this time sees no benefit in pursuing a regional system, therefore has no interest in doing so, but is in full support of the Town of Cheriton in their endeavors. Mayor Frank Lewis indicated we would serve in an advisory capacity and help where we could.

The areas to be covered by the new system were discussed.

B. Revisions to Personal Property Tax

Mayor Lewis introduced this item by indicating this is the Ordinance as discussed in the previous month’s meeting.

Motion made by Councilman Brown, seconded by Councilman Veber and unanimously approved to adopt the ordinance to implement the Town Council’s policies regarding the Personal Property Tax Relief Act of 1998.

C. Boundary Line Adjustment Update: Northampton County Comp Plan Policies for Town Edge Areas

Town Manager, Tim Krawczel, stated he had attended the Public Hearing concerning the Northampton County Comp Plan which had been held the previous evening. He pointed out the summarization that he had provided in the Council packets and mentioned the importance of this policy, most especially in the Town Boundary Line Adjustments. He asked Council to study the concepts provided and decide the content of a letter to be drafted to the Northampton Board of Supervisors.

Mr. Krawczel summarized the most pressing points which included statements as follows:

- Towns are the most appropriate locations for the most new residential, commercial and industrial development;
- Town Edges are natural future expansion areas for Towns and should be served by Town utilities and services;
- the County will work jointly with the Towns to define specific Town Edge boundaries and prepare a Town Edge Plan;
- New development will be discouraged along identified road corridors and signage should minimize impacts to the historic and scenic character of the corridor;
- the County should consider development and adoption of a Corridor Overlay

District to provide various guidelines. Councilman Evans elaborated on the items clarifying “town edge area”. He also mentioned the Comp Plan is not complete and is still before the Planning Commission and needs additional Public input sessions. Mr. Evans posed the question of whether it may be too early to draft a letter to the Board of Supervisors since the County Comprehensive Plan was not yet complete.

It was agreed a Draft letter would be produced and evaluated at the next month’s meeting.

D. Historic Landmark Preservation – Rosenwald School

Tim Krawczel reported that the Planning Commission had asked for guidance in preserving the Rosenwald School. He stated that the Council, Planning Commission and Historic District Review Board had all looked at the situation and several options had been proposed. Mr. Krawczel briefly covered three options and asked Council for their input. He further reminded the Council the property owner is against having the structure declared as a historic landmark. Without her signature, the State cannot process the request.

Jason Pruitt, Town Planner, indicated and of the following options would require a zoning map amendment:

- Option 1 - rezone the school itself
- Option 2 - rezone the school and include the railroad property.
- Option 3 - extend the corridor from the existing Historic District and include the school.

Tim Krawczel pointed out the last two options would put the Town into the position of abiding by the Historical Guidelines in future development of the property.

Mayor Lewis suggested that option one could be considered spot zoning and may be a litigious matter.

Councilman Evans pointed out the structure was an education center and would be compatible as a library. If used as a library possibly grant funds, low interest loans and tax credits could be obtained for purchase and renovation. He mentioned the County may be enticed to help fund the library.

Mayor Lewis suggested this item should be sent back to the Planning Commission for further research. He stated the School as well as the Rail Road property was of historical significance to the Town. Cela Burge interjected there may be an issue with the Interstate Commerce Act.

E. Steps at library on Plum and Tazewell

Mayor Lewis introduced this item by indicating there was money available in the budget to correct the hazardous condition of the corners. He further mentioned there was work being completed in that area, and the contractor was interested in taking on this project. He did go on to say the Town must honor the procurement process and advertise for bids.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously

approved to begin the process of bids to repair the four corners of Tazewell and Plum Streets.

New Business

A. Schedule for June Council Meeting and Budget Hearings

Tim Krawczel covered the upcoming meeting schedules with Council and proposed alternative dates for the Council regularly scheduled Session to accommodate vacation schedules.

Motion made by Councilman Brown, seconded by Councilman Veber and unanimously approved to reschedule the June 13, 2006 meeting for June 27, 2006.

B. Extension of Conditional Use Permit for 239 Mason Avenue

Mayor Lewis indicated there were no changes to the application, but the permit had expired due to inactivity.

Gerald Elliott made the motion to accept the extension of the application.

Councilman Veber indicated he would prefer to know what the owners planned to do with the building (renovate or sell) prior to making a decision on extending the permit. Additional discussion followed concerning Conditional Use Permits and whether they can be extended if they have already expired or whether a new application must be filed. Tim Krawczel read the Ordinance for clarification. Based on the reading the decision was made to ask the applicants to reapply for the Permit.

Councilman Elliott withdrew his motion.

C. Amendments to Section 9-8 of Accawmacke Plantation PUD – Projections in Setbacks for Heating and Cooling Equipment

Jason Pruitt reviewed the revisions with Council. The discussion included access between homes for fire fighting equipment and the noise levels by bedroom windows. The applicable section of the Zoning Ordinance was read to Council noting which items were currently allowed to protrude into the setback.

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to take the item to Public Hearing on June 13, 2006 at 7:00 p.m.

D. Lease Agreement for Police Vehicles

Tim Krawczel noted the budget for FY 2005-06 included the purchase of two police vehicles at State contract pricing. He stated the vehicles had been ordered and point out the lease/purchase agreement that had been provided in the Council package. It was mentioned by Councilman Brown that these two vehicles were to replace one that had been retired and one that would be retired. The conclusion was the fleet now has two 2003 Dodge Intrepids, and two older vehicles.

Motion made by Councilman Davis, seconded by Councilman Veber and unanimously approved to purchase from Sheehy Ford two new 2006 Crown Victoria Police vehicles for a total price of \$20,302 per vehicle. I further move that these vehicles be financed with leases through Bank of America Leasing & Capital, LLC as identified in the attached documents. One of these leases would be an advance payment lease and the other to be an arrears lease carrying interest rates of 4.9679% payable over a 4-year term. Both leases include a non-appropriation termination clause.

C. *Town Guidance of Rental of Temporary Office Space*

Town Manager Tim Krawczel presented to the Council the concept of renting temporary office space. He stated the feasibility of renovating the old school was at least a year away with an additional year for construction. He mentioned several Town Offices were located on the second floor of the Municipal Building making them inaccessible to handicapped residents. A committee of three which included the Building Code Official, the Public Works Director and a member of Town Council were chosen to look at several properties in Town as possible temporary office buildings.

D. *Straw Poll*

Councilman Elliott recused himself from this agenda item. The Mayor stated that the Town Attorneys indicated this Straw Poll was not a Town function. It was a function of an outside group; therefore, Councilman Elliott did not need to recuse himself from hearing or commenting on the item. Councilman Davis pointed out that Councilman Elliott has been on the Council for four years, Councilman Brown for six years and asked how many problems had occurred during that time. Councilman Evans indicated numerous problems had occurred; the largest involving the Police Department. Councilman Evans went on to say the if a problem did arise concerning a Councilman's performance on the job, the Supervisor may be uncomfortable dealing with the performance issue of someone on Council. Councilman Evans stated the converse could be true, also, i.e. a Councilman, who is an employee of the Town, may be hesitant to say anything about the performance of a Chartered Officer as the Councilman works directly for the Officer. Councilman Veber interjected there could be many cases of perceived conflict; therefore, rather than make one minor change in charter other items should be considered at the same time. Mayor Lewis read excerpts from a Virginia Supreme Court case, West vs. Jones that dealt with and upheld the decision of Councilmen involved in decision making which would directly affect the Departments in which they work, or with their salary.

The results of the straw poll were discussed – 25 had no problem with Council members also being members of staff, 96 votes were against Council members working for the Town. Roughly 1/3 of the voters participated in Scott Walker's survey. Councilman Veber indicated the Charter is outdated – a number of items should be addressed.

Mayor Lewis stated the Town does not have the power or authority to do anything the State can't do. There are many steps to changing the Charter – the change must be submitted to the State Legislature to be acted on in the same manner as any other law. The next Legislature does not meet again until January, 2007. Mayor Lewis stated that Virginia is a Dillon Rule State - the State legislature tells us what we can and cannot do.

Announcements

A. June 2nd & 3rd: MS Bike Race

B. June 15th: Northampton Angler's Club Kids Day – South Side of Harbor

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

Mayor

Town Clerk