

TOWN COUNCIL
Regular Session
August 8, 2006
7:30 p.m.

At approximately 7:30 p.m. in the Town Council Chambers, Mayor Dora Sullivan called to order the Regular Session of the Town Council. In addition to Mayor Sullivan, present were John Burdiss, Charles “Sambo” Brown, Mary Harris, Gerald Elliott, Bruce Evans and Chris Bannon. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, Town Treasurer Pat Buckley, approximately eight additional staff members and approximately twenty four members of the public.

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

Public Comments

Rob Stubbs – 207 Washington Ave.

Mr. Stubbs commented on the Work Session, particularly the item of Town Police Officers leaving town. He read a portion of the Town Police Policy Manual as related to this item and suggested it be clarified.

Donnie Brady – Bailey’s Bait and Tackle, and B & B Plumbing and Heating, Cape Charles

Mr. Brady expressed the crime level in the Town was at the lowest level he had ever seen and wanted to give credit to the Police Chief and his force of officers. He also went on to say that change and growth are inevitable, but he had heard nothing complimentary towards the Police force.

Donna Bozza – Director of the Eastern Shore Tourism Commission

Ms. Bozza reported 5,000,000 people travel the Bay Bridge Tunnel and Rt 13 each year. The Tourism Commission began a pilot program for the summer of 2006 (June thru September) to try to capture these tourists and direct them off Rt.13 to other points of interest. She further reported that to date 3200 travelers stopped at the Welcome Center to ask questions and were given information.

As the Tourism Commission is working on a tight budget, Ms. Bozza asked that Cape Charles consider funding \$1500 towards the program in order to continue the program for summer of 2007.

Larry Veber – 212 Monroe Ave

Mr. Veber complimented the Council on holding the earlier work session allowing the public to

view each member's position on the topic of the Police Department. He stated the Police Department needed Council's support to offset those in town that do not support the department. He asked that Council not gut the Police Manual, but make only those changes that are necessary. Mr. Veber mentioned the time, expertise and money involved in developing the current manual. He asked in making changes, to consider the changes in a supportive manner rather than degrade the Police Department.

Lynda Whitehead – 522 Monroe Ave

Ms. Whitehead asked that when the water pipes in Town are being flushed, please let the residents know in advance so they can prepare appropriately. The iron content in the water, during the flush, flows into the washing machines staining the clothing red. Her second request involved the sodium content of the water. Ms. Whitehead's belief is the content is too high and is dangerous to those who ingest it on a regular basis.

At this juncture, the Town Manager Tim Krawczel asked the Director of Public Utilities, Mike Thornes, to report on the current water situation.

Mr. Thornes described the deterioration of the filters at the water treatment plant and that if the filters were not handled properly iron and manganese could sift into the water tank. He stated the high water demand during this season had been complicating the process. Mr. Thornes went on to say that the Town was allowed to withdraw 5,800,000 gallons per month, and since Memorial Day the Town had been averaging 5,730,000 gallons per month; therefore, the town had been unable to fill the water tanks. Mr. Thornes asked the residents of the town to do what they could towards conservation of water.

Mr. Thornes agreed the aesthetics of the water was showing large amounts of iron. He asked residents to call him for instructions if they were experiencing problems so that he could take the appropriate steps to correct the situation. He also mentioned the town would supply, at no charge, "iron out" to those residents whose laundry had been affected. Mr. Thornes wanted to assure the public that engineers had been contacted to help us through the problem.

One last item he addressed was the white film left on dishes. Mr. Thornes explained the water softening system had been changed to accommodate the problems with the iron and magnesium causing the white deposits on the glassware. He did, however, explain it would be alleviated as we corrected all the issues with the water. His recommendation for removing the residue was to wash the items in white vinegar.

Motion made by Chris Bannon, seconded by Bruce Evans and unanimously approved to move item 7.A to become the first item and to mark both item 6.B and 7.F as action items.

Motion made by Charles "Sambo" Brown, seconded by Gerald Elliott and unanimously approved to accept the minutes of July 11, 2006 as they stand and July 24, 2006 as amended.

Report Presentations

A. Treasurer's Report – see attached

B. Planning Commission - see attached

At this time, Mayor Sullivan asked that anyone who may be interested in serving on the Planning Commission contact Jason Pruitt or one of the Council members.

Old Business

*A. Election of Vice Mayor

Chris Bannon nominated Bruce Evans as Vice-Mayor, and Gerald Elliott nominated Charles "Sambo" Brown as Vice-Mayor. **Polled Vote: John Burdiss, Evans; Mary Harris, Brown; Charles "Sambo" Brown, Brown; Gerald Elliott, Brown; Bruce Evans, Evans; Chris Bannon, Evans. Mayor Sullivan was called upon to break the tie.** She declared she was in favor of Bruce Evans. Mayor Sullivan announced the new Vice-Mayor was Bruce Evans.

B. Cape Charles Police Department Issues

Mayor Sullivan opened this item by asking for feedback concerning the work session that had been held earlier in the evening. Chris Bannon suggested any conflict between the Town Personnel Policy and the Police Manual Policy should be worked out.

Motion made by John Burdiss, seconded by Chris Bannon and passed with one opposed to table the item for further consideration.

C. Personnel Policies

Town Manager Tim Krawczel reported an agreement with Arlene Klinedist had been made during fiscal year 2005/2006 to update the personnel manual. The update began with Ms. Klinedist holding a workshop to cover the then current policy and discuss some recent suggestions toward change.

Motion made by Charles "Sambo" Brown, seconded by John Burdiss to table the item until such a time as further discussion concerning the presentation could be studied. Polled vote: Brown, yes; Elliott, yes; Evans, no; Bannon, no.

Motion made by John Burdiss, seconded by Bruce Evans and approved as follows: Council affirms that it is expected that the Town Manager and all supervisory personnel employed by the Town shall make consistent and reasonable efforts to personally comply with the Town's existing personnel policy, and to likewise make consistent and reasonable efforts to assure that all Town employees comply with the Town's existing personnel policy.

Discussion followed to clarify that the Personnel Policy is the master controlling element for employees which overrides any departmental policy. Tim Krawczel gave examples of items approved by Town Council that conflict with the Personnel Policy.

The motion was restated by John Burdiss, seconded by Bruce Evans and approved with

one opposed that the Council affirms this is the existing policy governing personnel until such time that it is changed, amended or rewritten, recognizing that there may be conflict with other departments or prior Council.

D. Committees

Mayor Sullivan explained the concept of committees was to offer support and gather public input to the following areas: Personnel; Finance; Town Properties and Transportation; Harbor; Charter/Code Ordinances; and the Rosenwald School/Old Cape Charles High School/Temporary office space. She then reported who had been appointed to the various committees and asked them to report back to Council when necessary.

At this point Mayor Sullivan interjected retreats held twice a year may be beneficial to the Council and suggested holding one in November. Tim Krawczel suggested the Council meet with each Department Head individually to get a clear picture of what they do and how the budget is affected.

E. Budget Workshops

Mayor Sullivan suggested holding retreats twice a year may be beneficial to the Council members; having one in November might be advantageous to the group. Tim Krawczel proposed the Council meet with each Department head to get a clear picture of what they do and how the budget is affected.

*F. Planning for Central Park

Tim Krawczel reported that the Director of Public Works had met with Mark Usry of the Central Park committee and formed a list of items (some routine and others more significant) that the committee thought needed attention. He deferred to Jennifer Parks, Public Works Director, for further information, and asked for guidance from the Town Council on how to proceed. He also mentioned \$5,000 was set aside in the Town budget to cover plans/drawings for the gazebo in Central Park and presented the Parham Design invoice for service and the request from the Park Committee for payment. Councilman Brown mentioned the lack of electrical supply for Park functions and asked that it be addressed. One last item was the Town properties committee had no members; volunteers were asked to step forward.

Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to pay \$1,000.00 to Parham Design.

Bruce Evans asked for additional discussion for the items to be addressed for the Park Committee. He suggested authorizing the Town Manager to administer the plan, delegating whatever necessary to Public Works. He further reported on a meeting he had with Dick Foster concerning the path over the railroad grounds to connect the Historic District and the Harbor. Mr. Evans understood Mr. Foster's concern to be the industrial look of the Harbor and that there was no park or other recreational area to draw the public to the area.

Motion made by Councilman Evans, seconded by Councilman Brown and unanimously approved to authorize the Town Manager to administer the general plan of the Park Committee delegating appropriately to the Public Works Department.

***G. Administration of TEA-21 Grant for Historic Society**

Tim Krawczel explained the agreement made between the Town and the Historic Society relative to the reconstruction of the Bloxom Railway Station in that the Town acts as the project administrator. The Town would advance needed funds with reimbursement from the Commonwealth. Mr. Krawczel stated the receipt and disbursement of these funds was not included in the FY2006/2007 budget; however, the museum has used all of its available funds so is not asking that the Town make the August and September payments each at \$14,152. He further indicated a budget amendment would be in order if this was approved.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to make the August and September payments of \$14,152 each for the work on the Bloxom Railway Station.

***H. Water Supply Planning Grant**

Tim Krawczel revisited for the Council the recent changes to the Code of Virginia concerning the regional water supply plan, and how Cape Charles could decline to participate. He then reported on his consultation with DEQ and Stearns & Wheler. Mr. Krawczel reported that based on the meeting, the best course of action appeared to be to agree to participate in the regional plan but reserve the right to file an individual plan with DEQ which would be the defining document for the Town if the results do not agree with the Town's interest.

Motion made by Councilman Bannon, seconded by Councilman Elliott and unanimously approved to file the resolution agreeing to joining in the regional plan, but reserve the right to file an individual plan with DEQ should the results not favor the interest of the Town.

Polled vote: Burdiss, yes; Harris, yes; Brown, yes; Elliott, yes; Evans, yes; Bannon, yes.

Bruce Evans asked for clarification on the completion date.

***I. Approval of Contract for Construction of Bio-Filter**

Tim Krawczel reported to the Council the steps taken thus far to resolve the problem of odor seeping from the Fig Street pump house. It was discovered the remedy may cost as much as \$42,000; therefore, the Council was asked if staff should continue to proceed with construction, or look for a more cost efficient solution.

Motion made by John Burdiss, seconded by Bruce Evans and to approve the contracting with Baker Electrical for \$42,000 to install the AirVac design.

Further discussion revolved around whether we have an attorney who could review the contract.

Motion amended by John Burdiss, seconded by Charles "Sambo" Brown and unanimously approved to contract with Baker Electrical for \$42,000 to install the AirVac design with the

Town attorney reviewing the contract beforehand.

New Business

- *A. IFB for Fire Truck (this item was heard as the first item on the Agenda)
Chief Steve Wilson stated that in order to stay within budget on the truck, the bid specifications had been revised somewhat. He said if Council approves the changes he was ready to advertise the IFB. Tim Krawczel, Town Manager, interjected the IFB would be posted on the State Website.

Motion made by John Burdiss, seconded by Gerald Elliott and unanimously approved to advertise the Invitation for Bid for the Fire Truck.

- *B. Consultant Services Contract for Future Land Use Plan
Tim Krawczel proposed to Council an extension of the contract with Paradigm Design/Renaissance Planning Group to help develop the Future Land Use Plan. This would help complete the process of updating the Comprehensive Plan. Mr. Krawczel briefly reviewed the work accomplished by the Planning Commission and Town Planner, Jason Pruitt, over the last year. He further explained the next process was to develop the policy phase with the creation of goals and objectives, a future land use map and implementation strategy. Mr. Krawczel assured the Council the funds to cover the expense had been budgeted. Jason Pruitt reiterated the Planning Commission had expressed their satisfaction with the work provided by the consultants and their willingness to work closely with the consultants going forward. Mr. Krawczel further informed the Council that in the area of intergovernmental environment we had been fortunate to use the same consultants used by the County in development of their Comprehensive Plan.

Motion made by John Burdiss, seconded by Chris Bannon and unanimously approved to authorize the Town Manager to execute a contract with Renaissance Planning to work with the Planning Commission and Town Planner to complete the Future Land Use Plan.

- C. Contract for Audit

Tim Krawczel announced we had contracted for audit services a three year contract, one year renewable, which included an escalation clause tied to the consumer price index. He stated the price increase for the renewable term would be \$600.00. He also informed the Council that for the current fiscal year the legislators had asked for a certified report of communication tax revenue. Mr. Krawczel reported the auditors agreed to handle this certified report for a fee of \$500.00 (which was verified to be a reasonable cost).

- *D. Request for Town Council Guidance to Planning Commission

Jason Pruitt introduced Joan Natali, Vice Chairperson of the Planning Commission, to ask for guidance on the following:

- Historic Demolition Regulation Revisions

Ms. Natali presented the changes asked for Council's approval and

asked if approved would a joint Public Hearing (Planning Commission and Town Council) be appropriate.

Motion made by Chris Bannon, seconded by Charles “Sambo” Brown and unanimously approved to accept the revisions to the Historic Demolition Regulation as recommended by the Planning Commission and to hold a joint public hearing before the next meeting on September 12, 2006.

- Accessory Apartment Regulations

Ms. Natali reported on the discussions held by the Planning Commission concerning Accessory Apartments and asked for Council’s recommendation as to whether the Commission should continue their work towards creating regulations or whether they should discontinue their work on the issue.

Bruce Evans pointed out items in the report created by Jesse Warren.

Motion made by Gerald Elliott, seconded by Chris Bannon and unanimously approved to request the Planning Commission to develop amendments to the Zoning Ordinance to develop accessory apartment regulations.

- Interaction with Northampton County Planning Commission

Joan Natali related to Council the scope of work that had been completed on the Route 184 Overlay. She asked for authorization from the Council to schedule a meeting with the Northampton County Joint Local Planning Commission to exchange information on the Route 184 Corridor Overlay.

Motion made by John Burdiss, seconded by Gerald Elliott and unanimously approved to authorize the Planning Commission to meet with the Northampton County Joint Local Planning Commission to exchange information concerning the Route 184 Corridor Overlay.

E. Request to Expand Historic District Review Board Membership

Tim Krawczel explained the Harbor District Master Plan designates a Board to administer the guidelines. It was suggested the Historic District Review Board be expanded and administer the guidelines of the Harbor District as well as the Historic District.

Motion made by Charles “Sambo” Brown, seconded by Gerald Elliott and unanimously approved to affirm an intent to expand the Historic District Review Board membership and adopt a resolution of intent to amend Zoning Ordinance Section 8.7; including in the resolution the intent to have a member of the Planning Commission serve also on the Historic District Review Board.

Discussion followed with Chris Bannon requesting the members of the Historic District Review Board attend classes to help them handle delicate situations.

John Burdiss had a concern over the issue of not having a quorum when a member was absent. It was explained a quorum was present; however, the HDRB felt the applicants did not get the attention deserved when a Board member was absent.

Bruce Evans agreed any available training should be mandatory. He

mentioned the training the Planning Commission members attend would be relevant to the Historic District Review Board. In addition Mr. Evans mentioned certified local government which entitles the Historic District Review Board to certain training with a subsidy toward payment of the training.

Charles “Sambo” Brown voiced a concern over mandatory training for the current Board members. He stated how difficult it was to fill the boards, making mandatory training for current members may cause some to retire from the position.

Councilman Brown withdrew his motion.

Motion made by John Burdiss, seconded by Charles “Sambo” Brown and unanimously approved to table the issue to a later date.

F. Contracts for Engineering Services for Water and Sewer

Mr. Krawczel presented the four task orders that would begin the process for the expansion of the Water Treatment Plant and the Wastewater Treatment Plant. He mentioned upon contracting for the services that the Town would be eligible for a grant that would support approximately 75% of the funds needed. He also mentioned that the annexation agreement obligated BayMark Construction to fund a portion of the expansion.

Motion made by Charles “Sambo” Brown, seconded by Gerald Elliott and unanimously approved to authorize the Town Manager to execute and administer Task Orders W-1; W-2; WW-1 and WW-2 for the expansion of the water treatment and wastewater treatment facilities.

John Burdiss mentioned this portion of the Council package had not been delivered until the previous day and that as a matter of; therefore, Council did not have time to research or absorb the consequences of the \$314,000 price tag. He asked, that in the future, this type of delay of information be eliminated.

Announcements

Mayor Sullivan reminded all that further discussion would be held concerning a Retreat in November.

A press release was read by Mayor Sullivan as follows:

“The Town of Cape Charles is asking all the town’s water customers to please conserve water. Water demand is extremely high this time of year and problems at the water treatment plant limit the amount of water that can be used daily. We further ask customers with water quality problems to please call the water treatment plant or the water billing clerk at the Town Office. Town employees will enable you to flush any tainted water from your system at no cost to you. If your laundry becomes stained from town water we will supply you with a product that will remove it, again at no cost

to you. As water demands drop, the town will thoroughly flush the water distribution system. This should totally eliminate all the quality problems.”

Mayor Sullivan also mentioned the Council will have a work session every month prior to the Town Council meeting. It was suggested that the topics could contain information from each of the committees.

Councilman Brown expressed a concern of Agenda items being E-mailed with no hard copy to follow as there is no guarantee that E-mail would be received.

Councilman Brown moved to adjourn the meeting. Gerald seconded the motion which was unanimously approved.

Mayor

Town Clerk