

# TOWN COUNCIL

## Regular Session

September 12, 2006

7:30 p.m.

At approximately 7:30 p.m. in Town Council Chambers, Mayor Dora Sullivan called to order the Regular Session of Town Council. In addition to Mayor Sullivan, present were: John Burdiss, Mary Harris, Charles "Sambo" Brown, Bruce Evans, and Chris Bannon. Councilman Gerald Elliott arrived after the gavel. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, Town Treasurer Patricia Buckley and Town Clerk Joy Pelletier. Several staff members were in attendance as well as approximately 17 members of the public.

Councilman Burdiss led the Invocation. Councilman Brown led the Pledge of Allegiance.

### Public Comments

*Melvin Dudley*, 303 Madison Ave.  
See attached.

*Scott Walker*, 528-A Washington Ave.  
Mr. Walker spoke as a member of the Chamber of Commerce. He presented a bumper sticker and asked the Town support locating a satellite office of the Community College in the Town of Cape Charles.

**Motion made by Bruce Evans, seconded by Mary Harris and unanimously approved to add to closed session Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; Specifically: Temporary office space.**

**Motion made by Chris Bannon, seconded by Gerald Elliott and unanimously approved to accept the minutes as presented.**

### Report Presentations

A. *Treasurer's Report* - See attached report.

**Motion made by Charles "Sambo" Brown, seconded by Gerald Elliott and unanimously approved to accept the minutes of August 8, 2006, Work Session; August 8, 2006, Regular Session, August 24, 2006 Work Session; August 25, 2006, Work Session; and August 31, Work Session.**

B. *Planning Commission*

See attached report.

Tom Bonadeo, the president of the Planning Commission spoke regarding the Public Hearing held prior to this meeting. He stated the Planning Commission was in agreement to the text changes to the Zoning Ordinance Historic District Overlay regulations, Article VIII, Section 8.21; Demolition. On behalf of the Planning Commission he recommended the changes to Council.

Chairman Bonadeo then updated the Council on the progress related to the Guidelines for the Harbor District. He suggested two changes to the document as agreed to by the Planning Commission and recommended Council move forward to Public Hearing on the issue of including the Harbor Design Guidelines Master Plan as an amendment to the Comprehensive Plan.

## **Old Business**

### *A. Cape Charles Volunteer Fire Department*

Tim Krawczel updated the Council on the developments towards the search for a fire truck and the Invitation to Bid. He reported one company had responded with a truck that would suit the needs so the Fire Department had placed a \$5,000 refundable deposit to hold the truck until the bid closed on October 4, 2006. Mr. Krawczel further reported the FY 2006-2007 adopted budget did not include funds to purchase the fire truck; however, uncommitted reserve funds might be available.

In further discussion it was noted the slump in housing starts reflected poorly on the balance sheet therefore expenses needed to be cut. In that vein it was suggested the Town partner with the Fire Department and not be the sole source of funding for the truck. The Fire Department was challenged to provide funds through a fund raising effort. The 4<sup>th</sup> of July celebration was recommended a fund raising opportunity.

It was brought to light there are thirty five members of the Fire Company, but only fifteen of them are active. Fund raising efforts in the past had been ineffective.

Tim Krawczel alerted the Council based on their feedback to proceed cautiously on renovating the old Cape Charles School building, funds may be freed up there to help fund the truck.

**Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to authorize staff to develop alternatives to fund the purchase of an aerial truck and report back to Council at the October Town Council Meeting.**

### *B. Tourism Commission Request for Welcome Center*

Mayor Sullivan briefly described the goals and activities of the Welcome Center located at the rest area of the Chesapeake Bay Bridge Tunnel. She stated she had seen a rise in the downtown traffic over the past months which she attributed to the Welcome Center.

**Motion made by Councilman Brown seconded by Councilman Bannon and approved to**

**donate \$1,500 to the Eastern Shore of Virginia Tourism Commission. Councilman Evans recused himself.**

Discussion followed over how to fund this item.

*C. Board and Commission Appointments*

Tim shared the list of terms which had expired or would expire in the future.

**Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to continue to review the list and set up times for interviews if necessary.**

*D. Demolition Regulations*

Town Planner, Jason Pruitt, briefly explained the text changes and the recommendations from the Planning Commission.

**Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to adopt the proposed revisions to Section 8.21 of the Zoning Ordinance -Historic District Demolition Regulations.**

*E. Record Retention*

Town Manager Tim Krawczel reviewed with Council the request from the Town Clerk to destroy Personal Property Tax Records 10/95 thru 12/95 and 1998 thru 1999 and Real Estate Tax Records 10/95 thru 12/95 and 11/95.

**Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to destroy the requested records per the provisions of the Virginia Public Records Act, 42.1-76 of the Code of Virginia.**

Councilman Burdiss suggested a more timely schedule be established for destruction of records. Town Clerk, Joy Pelletier interjected the records room had been ignored for several years and was now being addressed and assured the Council, going forward the records would be destroyed as specified by the Code of Virginia.

Councilman Bannon suggested looking into a professional shredding company be contacted and that the residents of Cape Charles could be invited to participate in the destruction event.

*F. Harbor Master Plan and Design Guidelines – Public Hearing Schedule*

Jason Pruitt reiterated the request from the Planning Commission to adopt the Harbor Area Master Plan and Design Guidelines as an amendment to the Comprehensive Plan.

**Motion made by Bruce Evans, seconded by Mary Harris and unanimously approved to hold a joint public hearing with the Planning Commission at 7:15 p.m. on October 10, 2006.**

**New Business**

A. *Selection of Financial Software*

Tim Krawczel recapped for Council the selection process for a Contractor to provide financial accounting software. He reported, after a site visit to observe software in operation, the firm of Edmunds Associates was selected. He briefly outlined the components of the contract and assured Council a performance bond would be posted. Further discussion led by the Town Treasurer, Pat Buckley, enlightened the Council on the benefits this software would offer towards increased efficiency and eliminating duplication of efforts.

**Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to execute the contract with Edmunds & Associates for the financial software package.**

B. *TEA-21 RFP for Multi-Use Path*

Tim Krawczel gave a brief history on the grant process that began in the spring of 2003. The next phase of the grant process would be to appoint an engineering firm that would be familiar with the TEA-21 process to begin the design phase. Discussion followed over the connection between the Harbor area and the Town and how critical to the process working relations with VDOT staff would be.

**Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to approve the RFP and direct the Town Manager to report to Council when the bids had been received and evaluated.**

C. *Designation of Swimming Area at Town Beach*

Mr. Krawczel acknowledged for the Council the conflict that had arisen the past summer between the waders and swimmers at the Town beach and the boaters and jet skiers. He then reviewed the Virginia Code Section 29.1-734 authorizing the prohibition of powered water vehicles in marked areas. He also relayed advice from the Virginia Municipal League on risk management and items which would help relieve the Town from any liability caused if a mishap occurred in the swimming area.

Discussion followed on marking an area for boats and ski jets and the inability of the Police Department to enforce a swimming only area.

**Motion made by Councilman Burdiss, seconded by Councilman Brown and unanimously approved to table this item until a later date.**

D. *Request to VDOT for 25 mph on Route 642 to Bay Creek Entrance*

**Motion made by Councilman Evans, seconded by Councilwoman Harris and unanimously approved to direct staff to initiate a petition to VDOT to lower the speed limit on Route 642, and incorporate the same limit with Route 1108 and Route 1107.**

E. *Cape Charles Endorsement of Eastern Shore Hazard Mitigation Plan*

Mr. Krawczel reported on the document mentioned above which had been prepared by the PDC using funds for the process from a pre-disaster mitigation grant. He mentioned the Town had not been asked for any input,

and reviewed the portions of the document that address Cape Charles. Discussion determined the A-NPDC's data collection was outdated and had not taken into account the recent Town initiatives that address the threats (breakwaters to prevent coastal erosion and flooding and the strict enforcement of the Uniform Statewide Building Code requiring all new construction to adhere to the 100 year flood elevation). Mr. Krawczel informed the Council the Northampton County staff reported similar concerns and intended to review and refresh the Plan.

**Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to direct staff to coordinate with Northampton County, the A-NPDC and VDEM, seek clarification and revisions to the Plan and develop and appropriate resolution for the Town Council action.**

F. *Purchase of Chipper for Public Works*

Tim Krawczel reported on the bid process for the purchase of a brush chipper and the subsequent potential award for purchase. He indicated the piece of equipment desired was offered at a state contract price but was slightly higher in purchase price than the \$20,000 budgeted. He then described the state of the art safety features and presented evidence of the cost/benefit and how quickly the equipment would pay for itself. Clarification of who was to run the equipment and training needs were addressed.

**Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to purchase the equipment and make an appropriate line item adjustment for budgetary purposes.**

G. *Sidewalk Repair Program*

Tim Krawczel gave an account on the relationship between VDOT and the Town in regards to maintenance of sidewalks and streets as well as care for the trees in the right of ways. He covered the budgeted items of both the Town and VDOT and the discussions and tentative agreements between VDOT and Town staff. He then asked the Council for direction.

**Motion made by Councilman Evans, seconded by Councilwoman Harris and unanimously approved to have the Director of Public Works work collaboratively with VDOT to repair sidewalks and make similar streetscape improvements required for public safety.**

H. *Jamestown Flags*

Heather Arcos, Assistant to the Town Manager presented a request from Dr. Arthur Carter, Chairman of the Virginia Eastern Shore Jamestown 2007 Community Committee to support the Jamestown 2007 Commemorative Event by purchasing flags or banners. The purchase of these flags/banners would provide monetary support for the 2007 Jamestown Programs.

**Motion made by Councilman Evans, seconded by Councilman Brown and unanimously approved to table this item.**

**Motion To go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of: *Paragraph 1: Discussion of prospective candidates for employment, Specifically: Attorney for Legal Services; AND Paragraph 3:***

**Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, Specifically: Temporary office space; AND *Paragraph 7*: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, Specifically: Strategy for Water and Wastewater Expansion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved.**

**Motion made by Councilman Evans, seconded Councilman Brown and unanimously approved to return to Open Session.**

**Motion made by Councilman Brown seconded by Councilman Evans certifying that to the best of each person's knowledge: only public business matters lawfully exempted from open meeting requirements under chapter 2.2-3711-A of the Code of Virginia of 1950 as amended and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of the Town Council. Roll Call Vote: Burdiss, Yes; Harris, Yes; Brown, Yes; Elliott, Yes; Evans, Yes; Bannon, Yes.**

**Motion made by Councilman Elliott, seconded by Councilman Brown and unanimously approved to recess the meeting.**

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Mayor

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Town Clerk