

**TOWN COUNCIL**  
**Regular Session**  
**November 14, 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 Town Council. In addition to Mayor Sullivan present were Councilwoman Harris, Councilmen Brown, Burdiss, Bannon, Evans, and Elliott. Also in attendance were Town Manager Tim Krawczel, Town Planner Jason Pruitt, Town Treasurer Pat Buckley, Town Clerk Joy Pelletier, several members of staff and approximately fourteen members of the Public.

John Burdiss led the Invocation and Charles “Sambo” Brown led the Pledge of Allegiance.

Public Comments

A. *Comments from General Public*

Melvin Dudley – 303 Madison Ave.

Mr. Dudley addressed the recent approval to allocate \$145,000 to fund and aerial ladder fire truck which he indicated as a necessary expense. He stated, however, in order to approve the expense, other planned items had to be dropped from the budget. He asked if there were any other unallocated funds in the General Operating account to cover some of these dropped items.

Mr. Dudley’s second remark related to Town Council meeting with the County Supervisors for the proposed uses of the Sustainable Technology Industrial Park. He asked Council to come to agreement among themselves prior to addressing the Supervisors.

His third concern was over the ethics code. Mr. Dudley remarked he understood logically the need for an Ethics Policy, but in his heart he could not grasp why such a thing should have to be legislated. He then read the Oath taken by each Council member when accepting office.

B. *Presentation: America Sail Program*

Mark Danes of Bay Creek Marketing presented to Council the opportunity for the Town of Cape Charles to host the 2010 America Sail Program. Mr. Danes drew on the recent experience of Beaufort, NC that hosted the Program most recently. He outlined the work involved and touched on the infrastructure needed to host the two to four day event attended by approximately 250,000 people. Mr. Danes highlighted that it would be a rare opportunity not only for Cape Charles, but for Virginia’s Eastern Shore. He asked Council to scrutinize the matter thoroughly for the feasibility of such an undertaking but to look at it in a positive light.

**Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to modify the agenda format by removing item B of Old Business and taking it into a full workshop.**

**Motion made by Councilman Burdiss, seconded by Councilman Evans and unanimously approved to hold the minutes of October, 2006 open until the meeting of December 12, 2006.**

### **Report Presentations**

A. *Treasurer's Report – see attached.*

In addition to the attached report, and as a response to the question posed by Mr. Dudley during Public Comments, Ms. Buckley reported that the funds in the General Account were earmarked for use.

**Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to accept the Treasurer's report as presented.**

B. *Planning Commission - see attached*

In addition to the attached report, Jason Pruitt announced Mr. Keck withdrew his application for the development of the acreage once known as the Martin Farm.

### **Old Business**

A. *Certified Local Governments Program*

Tim Krawczel reviewed the benefits of being involved with the Certified Local Governments Program which includes the ability to comment on national register nominations, receive technical assistance for Department of Historic Resources and the National Park Service, and the opportunity to receive grant funding for various historic preservation related activities.

**Motion made by Councilman Bannon, seconded by Councilman Evans and unanimously approved to direct the Town Planner to submit an application for the Certified Local Government Program.**

B. *Tenant Utility Deposits*

Item removed to take to Council Workshop.

C. *Record Retention/Destruction*

Town Manager, Tim Krawczel, reviewed with Council Schedule No. 28 Series 100988 and 100996 as pertain to Personal Property and Real Estate Tax

**Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to authorize the Town Clerk to destroy the tax records indicated as designated under the Code of Virginia, Virginia Public Records Act.**

D. *Asbestos Cleaning in School*

Tim Krawczel reported to Council the results of the recent asbestos inspection conducted at the old Cape Charles High School and the cost of the cleaning process.

He stressed the process would only remove the current debris in the affected areas and would not prevent any further contamination; therefore it might be in the Town's best interest to vacate the building. He also mentioned if and when the Town decided to renovate the structure, full abatement would be needed.

**Motion made by Councilman Bannon, seconded by Council woman Harris and unanimously approved to not move forward with the cleaning process but rather move the Police Department and the Public Works Department out of the building as quickly as possible.**

*E. Adoption of Ethics Policy for Town Council*

Mayor Sullivan briefly reviewed the previous discussions held at the October Council Meeting and a follow up Workshop and offered alternatives including removing Section 18 which imposes sanctions on members whose conduct does not comply with the Town's standards.

**Motion made by Councilman Burdiss, seconded by Councilman Bannon to adopt the policy initially presented with two changes: 1) in conflicts of interest, insert the words "where conflicts may exist"; and 2) section 18, delete the third paragraph.**

During discussion, Councilman Evans asked for clarification on financial disclosure. Town Manager Tim Krawczel apprised Council that Towns with population under 3,500 residents are exempt from financial disclosure.

**Motion amended by Councilman Burdiss, seconded by Councilman Bannon to adopt the policy initially presented with two changes: 1) in conflicts of interest, insert the words "where conflicts may exist"; 2) section 18, delete the third paragraph and; 3) remove the financial disclosure remark from paragraph two. Motion approved 4-2. Polled vote: Burdiss, yes; Harris, yes; Brown, no; Elliott, no; Evans, yes; Bannon, yes.**

*F. Initial Report on Water Treatment Plant*

Tim Krawczel reported the engineers from Stearns & Wheler were in the completion process of the "immediate needs study". They had requested the date of November 21, 2006 to hold a Work Session for reporting their findings and present their recommendations to the Town Council. The date of November 21, 2006 had been suggested.

**Motion made by Mary Harris, seconded by Bruce Evans and unanimously approved to hold a Town Council Work Session to hear the findings and recommendations of Stearns and Wheler.**

**New Business**

*A. Update of Erosion and Sediment Control Regulations and Fees*

Town Manager, Tim Krawczel presented a draft of changes to Chapter 22 of the Town Code. The revisions were proposed to bring the Town Code into conformance with changes in the State Code. The revisions also give the Town the option of utilizing two members of the Building Code staff who have been certified as plan reviewers eliminating the expense of hiring an outside firm.

**Motion made by John Burdiss, seconded by Bruce Evans and unanimously approved to schedule a public hearing to be held December 12, 2006 at 7:00 p.m. to hear comment on the proposed revisions to Chapter 22 of the Town Code.**

*B. Meeting with Northampton Board of Supervisors Regarding STIP*

Tim Krawczel informed Town Council that the County has received several proposals on the use of the Sustainable Technology Industrial Park and as requested by Council asked to set a meeting for their input. Mr. Krawczel suggested a workshop be scheduled to review Council's thoughts prior to meeting with the County.

**Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to direct the Town Manager to prepare a summary of the Town's zoning requirements, Comprehensive Plan vision, and water and sewer issues, set November 30, 2006 as a workshop date to review the draft proposal and propose dates for a joint meeting with the Northampton County Board of Supervisors.**

*C. Community Development Block Grant Planning Study*

Mr. Krawczel reported on the Department of Housing and Community Development grant program and outlined several projects in town (storm-water management, water plant renovation, substandard housing, inflow and infiltration) that may be considered appropriate uses for the grant. Also potentially available would be planning grants to communities interested in applying for comprehensive improvement grants.

**Motion made by John Burdiss seconded by Chris Bannon and unanimously approved to enter into the bid process to engage a grant specialist and prepare the Planning Grant application request.**

**Announcements**

Mr. Krawczel announced the following:

- VML legislative day would be coming up in February.
- VA Port authority meeting in February to hear petitions from Towns for funds needed.
- November 30, 2006 at 4:00 Workshop to discuss proposed uses for the STIP.

At approximately 9:15 p.m.:

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

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Mayor

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Town Clerk