



Town Council Regular Session December 12, 2006 7:30p.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 Councilmen Evans, Bannon, Brown, Elliott, and Council woman Harris. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, and Town Clerk Joy Pelletier, approximately six members of staff and approximately five members of the Public.

All observed a moment of silence and Councilman Brown led the Pledge of Allegiance.

Public Comments

Scott Walker – 528 A Washington Street

Mr. Walker expressed concern over the amount of sand blowing from the north area of the beach onto the street. He asked that the issue be studied.

Mr. Walker's second concern was over the accumulation of leaves in the gutters at Mason Ave. He suggested asking the shop owners to take ownership of the area in front of each of their stores to help relieve the burden of clean up.

Motion made by Councilman Bannon, seconded by Council woman Harris and unanimously approved to remove item C (change to personnel policy) from New Business, replace it with item C (employee holiday bonus) and add item D (changing authorized signatures on bank accounts).

Motion made by Councilman Evans, seconded by Councilman Brown to approve the minutes of October 10, 19, 27, 31, and November 9, 14, 21, 30, 2006.

Report Presentations

A. Treasurer's Report - See attached report.

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

B. Planning Commission - See attached report.

Motion made by Councilman Brown, seconded by Councilman Bannon and unanimously approved to hold a Public Hearing jointly with the Planning Commission to hear comment on the application from Creative Property Development for a Conditional Use Permit to add six units between the second and third stories at 209 Mason Avenue.

C. *Public Works*

Public Works Director, Jennifer Parks, began her report by thanking Eileen Cobb for taking her time to training the Public Works staff on techniques for pruning the local trees. For other items, please see the attached report.

Councilman Bannon remarked that the street lights on Mason Ave. have been a constant problem and asked whether it would be better to replace the entire fixture rather than continually repair the existing fixtures. He also commented on the skateboarders making use of the new steps at Trinity Methodist Church and the damage that could occur. Police Chief Eder assured Council he had addressed this item and would continue to do so in order to minimize any potential danger to the youth and damage to Town property.

Councilman Evans mentioned past discussions with Delmarva Power and VDOT concerning their position on tree trimming to protect the electrical lines and the right of ways. He asked that both companies be again contacted for their input.

Old Business

A. *Erosion and Sediment Control Regulations and Fees*

Town Manager Tim Krawczel explained that the Ordinance was originally adopted in 1991, revised in 1995 and ratified in 1997. He went on to say the Department of Conservation and Recreation performed a technical review of the Town's program which prompted amendments to bring the ordinance in compliance with changes in State Code. Mr. Krawczel mentioned Steve Bennett had voiced concerns during the Public Comment Section of the Hearing.

Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to bring the item to the January meeting to allow sufficient time to review comments made by Mr. Bennett.

B. *Report on Water Treatment Plan*

Tim Krawczel reported on the urgency to make repairs to the water treatment plant. He briefly covered two options, repair the filters or replace the filters, and the costs involved for each situation. Councilman Evans suggested having the Finance Committee find a means to fund the expenditure.

Motion made by Councilman Brown seconded by Councilman Bannon and unanimously approved to authorize the expenditure of \$200,00 from utility reserves funds to rehabilitate the pressure filters and water softener at the water treatment plant.

C. *Petition to VDOT for 25 mph Speed Limit*

Mr. Krawczel reviewed with Council the request to reduce the speed limit on Old Cape Charles Road which was denied by VDOT. He brought to their

attention the data compiled by Chief Eder concerning reportable accidents in the area of the sharp curve.

Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to authorize the Mayor to renew the petition to reduce the speed limit on Route 642 as proposed. If a negative response is received, the Mayor would be authorized to take the request to a higher level of authority.

D. Petition to VDOT for Extension of Fig Street and At-Grade Crossing of Railroad.

Tim Krawczel recapped VDOT's objection at-grade railroad crossings as a safety concern for the traveling public. He then alerted Council that the 1990 Agreement between the Town and Brown & Root included a provision stating the Town should request VDOT to add the Fig Street extension to its six year plan. Mr. Krawczel had prepared a draft letter to VDOT outlining the information and requested a meeting at the site.

Motion made by Councilman Evans, seconded by and approved with Councilman Elliott opposed to authorize the Mayor to send the letter to VDOT requesting the Fig Street extension and at grade crossing be added to its six year plan and that Mr. Jack meet with Council representatives to discuss the situation with Council and the property Stakeholders.

New Business

A. Utility and Capital Facility Projects and Fees

Tim Krawczel indicated to Council development of strategies to fund the capital cost for water and wastewater projects must continue. Grant funds had been researched, the annexation agreement had been dissected, and impact fees were being studied. Options to increase impact fees were suggested, such as proffer policies, increasing tap fees and establishment of a new facility fee, but further analysis was recommended.

Motion made by Councilman Evans, seconded by Councilman Brown and unanimously approved to hold a capital project and funding workshop January 18, 2007 and designate the finance committee and anyone from Council who would like to collaborate on the proposed program.

B. Community Development Block Grant Planning Study

Mr. Krawczel explained to the Council that a Community Development Block Grant, which would benefit low to moderate income residents of a community, may be the way to handle the flood area at Plum and Madison Avenues. He further explained that parts of that area lacked sidewalks and that a windshield survey estimated that 20 of the 33 homes in the area needed rehabilitation. Mr. Krawczel stated the applications for the Community Development Block Grants were extremely cumbersome and detailed; therefore, if the Department of Housing and Community Development approved of the project, a planning grant may be provided up to \$25,000. He also stated a consultant to assist in filing the planning grant application would

be invaluable, and that the consultant could be paid from the planning grant funds.

Motion made by Councilman Brown, seconded by Councilman Elliott and approved with Councilman Bannon abstaining to authorize the Town Manager to apply for a Planning Grant and also advertise for a consultant services to assist in the preparation of the application.

Discussion – Councilman Bannon expressed concern over Planning Grants in general based on past history. He explained to qualify for the grant funding, the home must be owner occupied and the dollar amount for each home is limited to \$25,000 for rehabilitation and approximately \$12,000 to raise the home above the flood plain.

Councilman Elliott responded by stating we should do everything in our power to help those less fortunate. Town Manager, Tim Krawczel, explained specifications of rehabilitation would be in place for each house prior to the request for bids. He then explained the details of the bid process.

Mr. Krawczel also mentioned that if the Building Department became involved in the process, the Department would benefit by charging the administrative fees.

Councilman Evans expressed concern over administrative fees being charged, and work not accomplished. Mr. Krawczel assured Council efficient record keeping would be in place to prevent that from occurring.

C. Holiday Employee Bonus

Motion made by Bruce Evans, seconded by Mary Harris and approved with abstentions by Councilmen Brown and Elliott to approve the bonus of \$75.00 per employee.

D. Banking Authorizations

Motion made by Councilman Brown, seconded by Councilman Evans and unanimously approved to authorize removing the former Mayor and adding the current Mayor as authorized to transact banking business.

Announcements

A joint work session with Town Council and the Planning Commission to be held 12/21/06 with the Comprehensive Plan consultant to discuss possible uses for the STIP building and surrounding properties.

A joint meeting with the County Board of Supervisors and the Town Council to be held at 6:00 p.m. on January 4, 2007 at the County offices.

The Mayor wished all a safe and prosperous Holiday Season.

Executive Session: Lease of Space for Private Property for Public Use
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 6:* Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the governmental unit would be adversely affected.**

***Specifically:* Lease of space – private property for public use made by Councilman Brown, seconded by Councilman Bannon and unanimously approved.**

Motion made to return to regular session by Councilman Brown, seconded by Councilman Evans and unanimously approved.

Motion certifying that to the best of each person's knowledge: (i) 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 (ii) 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 made by Councilman Brown, seconded by Councilman Evans and unanimously approved. Roll Call: Elliott, yes; Harris, yes; Brown, yes; Evans, yes; Bannon, yes.

Motion made by Councilman Brown, seconded Councilwoman Harris by to accept the lease agreement as amended by attorney and Town Manager effective January 1, 2007.

Motion made by Councilman Brown, seconded by Councilwoman Harris and unanimously approved to adjourn the Regular Session and Executive Session of the Town Council.

Mayor

Town Clerk