



TOWN COUNCIL

Work Session

Town Hall

September 25, 2008

5:30 p.m.

At approximately 5:30 p.m. at the Cape Charles Town Hall, Mayor Sullivan called to order the Work Session of Town Council. In addition to Mayor Sullivan present were Councilmen Bannon, Bennett and Veber. Councilman Elliott arrived at approximately 5:45 p.m. and Councilman Burdiss arrived at approximately 6:30 p.m. after the discussion regarding the Regional Water and Wastewater System to avoid any hint of impropriety. Councilman Evans was not in attendance. Also present were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos, Town Consultant Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume. Several other staff members were also present as well as five (5) members of the public.

Mayor Sullivan announced the business for the evening would be to discuss the Regional Water and Wastewater System and the Cape Harbor Project.

REGIONAL WATER AND WASTEWATER SYSTEM

Bob Panek reviewed information regarding the Responsible Public Entity ("RPE") for a Regional Water and Wastewater System. He explained that the Town Council needed to decide what type of public entity to create in moving forward with this project. The two (2) options are: i) Creation of a Public Service Authority ("PSA") which would be incorporated as a separate governmental entity. Bob Panek stated that there would be additional overhead and political issues with a PSA; ii) Creating an Agreement with the involved localities (Cape Charles and Cheriton) pursuant to § 15.2-2112, 2114 and 2148 of the Code of Virginia. A Board would be created consisting of at least four (4) citizens, two (2) from each town and the Board would elect a chairperson and the Towns would appoint an Executive Director which would be a paid position on either a full or part time basis. Under this option, the Towns will maintain control. The Board would recommend rates for approval by the Town Councils. The connection fees could be different for each jurisdiction. Many of the questions posed by the Town Council could not be answered since the proposal has not yet been received from Webster Investors. After some discussion, Bob Panek summarized that the Town Council: i) needed to prepare to accept a proposal; ii) needed to decide whether to form a partnership with Cheriton or create a PSA. He stressed that the Town Council needed to make a decision between forming a partnership or a PSA at the next meeting.

CAPE HARBOR PROJECT

Mayor Sullivan stated that she had requested all Council members to send in their comments and any additional conditions regarding the conditional use application. The Council began by reviewing some of the conditions submitted, but Councilman Burdiss pointed out that the Council needed to be evaluating the proposal to determine whether to approve the project as proposed or make changes to the proposal. He went on to state that he was unsure if this method was a good use of time. Councilman Bennett stated that the Council needed to go back to the original application which was simply stated as a request for a hotel and multi-family residences over commercial property. Mayor

Sullivan stated that the Council was not able to come to a consensus on the height or density of the project and suggested the discussion concentrate on those two (2) issues.

HEIGHT ISSUE

There was much discussion regarding the height issue. Tom Bonadeo reiterated that the maximum height according to the Zoning Ordinance was 40' unless a conditional use permit is approved and the applicant was asking for a maximum height of 55' with an average of 45'. Councilman Bennett pointed out that air conditioning units, etc. are excluded from the height restrictions however they cannot exceed 15' over the roof line of the building. Mayor Sullivan asked the Council to go around the table and voice their preferences for the height along Mason Avenue, along the Harbor, and for the hotel. Their preferences are as follows:

Hotel:

Councilman Bannon: 50'
Councilman Bennett: 55'
Councilman Burdiss: 50'
Councilman Elliott: 50'
Councilman Veber: 40'

Along Mason Avenue:

Councilman Bannon: 30'-40' with an average of 35'
Councilman Bennett: 45' maximum with an average of 35'
Councilman Burdiss: 40' maximum
Councilman Elliott: 30'-40' with an average of 35'
Councilman Veber: 30'-40' with an average of 35'

Along Harbor:

Councilman Bannon: 35'-45'
Councilman Bennett: 55' maximum with an average of 45'
Councilman Burdiss: 45' maximum with an average of 40'
Councilman Elliott: 45' maximum with an average of 35'-40'
Councilman Veber: did not state a preference

DENSITY ISSUE

There was much discussion regarding the ratio of residential to commercial being proposed at 10:1 vs. the current ratio at 3:1. Councilman Burdiss felt that this was too much of a jump and the Council may want to limit the ratio at 5:1. Councilman Veber asked what the proposed square footage was per residential unit. Tom Bonadeo responded that the proposed units were approximately 1097 SQFT. After further discussion, it was realized that even if the Council decided to increase the square footage per unit to 2000 SQFT, the ratio would remain unchanged because it was based on total square footage. Councilman Bennett stated that if the Council restricted the height of the development as previously discussed, the number of units would also be restricted. Mayor Sullivan asked the Council to go around the table and voice their preferences for the number of residential units. Their preferences are as follows:

Councilman Bannon: 360-370 units
Councilman Bennett: If height is restricted, would like to see how many units are proposed by the developer.

Councilman Burdiss: 220 units
Councilman Elliott: Let height determine the number of units
Councilman Veber: 180 units
Mayor Sullivan: 160-165 units (25 units per acre)

Councilman Burdiss suggested that the Council also look at the streets in the proposal. Councilman Bannon stated that he would like to see the new streets line up with the current streets. Councilman Burdiss stated that streets are not in the application, but the Council could make it a condition.

Mayor Sullivan stated that she felt progress was made at tonight's work session. Councilman Burdiss suggested forwarding the list of conditions submitted by the Council members to the developer so they can have it prior to the next week's work session. Assistant Town Manager gave a copy of the list to Ms. Judy Morgan of Landmark Holdings.

Motion made by Councilman Bannon, seconded by Councilman Bennett and unanimously approved to adjourn the Council Work Session.

Mayor Sullivan

Town Clerk