



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
December 11, 2008
7:00 p.m.

At approximately 7:00 p.m. at the St. Charles Parish Hall, Mayor Dora Sullivan called to order the Regular Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Burdiss, Elliott, Evans and Veber. Also present were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. Several other members of staff were present as well as 20 members of the public.

PUBLIC COMMENTS:

Mr. Melvin Dudley, 303 Madison Avenue, addressed the Town Council regarding the following: i) He requested the Town Council to consider cleaning up the old Cape Charles High School to turn it into a community center, a library and teachers' housing; ii) He went to Randy Custis Park after the November Council meeting and he requested the Town Council to support the park with a \$2K sponsorship but had a concern with the \$500 annual fee stating that the maintenance, seeding, etc. could be done by charging fees for usage of the park.

Mr. Scott Webb, Randy Custis Park, addressed the Town Council with more information regarding their goals to add six (6) multipurpose fields and a multipurpose building. Mr. Webb stated that their purpose was to provide a location for the kids on the Eastern Shore to play on well-maintained, regulation sized fields. Mr. Webb also addressed Mr. Dudley's concern regarding the \$500 annual maintenance fee stating that this fee from the sponsors would help to maintain the park and keep registration fees down. Mr. Webb concluded by challenging the Town Council to take ownership in this park stating that the monies will go to good use to help the children grow up to become leaders in this community. Mayor Sullivan asked about the commitments received from the other Towns and Northampton County. Mr. Webb responded that the County has not offered any sponsorship but that Nassawadox had sponsored the park for two (2) years and that Exmore had committed to a sponsorship but has deferred payment until 2009.

Mr. Tom Godwin, Gray's Funeral Home, addressed the Town Council regarding his plans to enlarge his funeral home stating that he has been working on plans for several years, dating back to when Ms. Cela Burge was the Town Manager, but has been unable to meet the strict requirements of the Historic District regulations. Mayor Sullivan recommended that he meet with Town Planner Tom Bonadeo and Code Enforcement Officer Doug Smith to see what can be done.

Mr. Jim Davis, 533 Mason Avenue, addressed the Town Council regarding the following: i) Several alleyways in Town are blocked and he asked that something be done to rectify the problems; ii) He stated that Gray's Funeral Home is a family-owned business that has been in Cape Charles for 65-70 years and asked that the Town make a fair decision regarding Mr. Godwin's request.

Ms. Judy Morgan, Landmark Holdings, addressed the Town Council stating that the Cape Harbor Project embraces the use of height to compliment the neighborhood and that Landmark respects and welcomes this opportunity to work with the Town Council in developing this new neighborhood that will help revitalize Cape Charles. Ms. Morgan concluded by asking the Town Council to approve the conditional use permit application.

Councilman Bennett asked Town Manager Joe Vaccaro his intent in writing a letter to the editor of the Eastern Shore News. Joe Vaccaro responded that he wrote the letter as a citizen of the Eastern Shore and that he was recommending that everyone living in the area needed to participate in their local governments by attending the meetings to keep informed. Joe Vaccaro then pointed out the number of citizens of Cape Charles that were in attendance at this meeting and stated that the attendance at most of the Council meetings has increased. Councilman Bannon stated that nine (9) people were interviewed for one (1) position on the Planning Commission and one (1) position on the Library Board and that the quality of the resumes was staggering. Councilman Evans stated that he felt that it was a very good letter and respected the ideas expressed in the letter but he was concerned that it was signed as "Joe Vaccaro, Cape Charles" vs. Machipongo where Joe Vaccaro lives, making it appear to be coming from a Cape Charles official rather than a citizen. Joe Vaccaro responded that he did not include an address in his letter and that the newspaper put that he was from Cape Charles. Councilman Veber supported Joe Vaccaro by saying that he has a right to speak and asked the Council members to look at where Cape Charles is today vs. one (1) year ago when Joe Vaccaro started as the Town Manager. Councilman Burdiss stated that Joe Vaccaro should have informed the Council members of this letter, as a courtesy, prior to submitting it to the newspaper. Councilman Elliott stated that he did not feel there was anything wrong with Joe Vaccaro writing and submitting the letter and stated that this discussion was a waste of time. Councilman Bannon criticized the Council members for confronting Joe Vaccaro at the meeting stating that if they had concerns regarding his actions and the letter, they should have gone to talk to him about their concerns at the Town Hall.

CONSENT AGENDA:

Mayor Sullivan requested to add as action Item 7D-Financial Disclosure Statement under New Business. Under Old Business, Item 6B-Cape Charles High School was changed to informational only. Councilman Burdiss pointed out that Item 6C-Cape Harbor Project, under Old Business, was marked as an action item but it did not appear that any action was to be taken at this meeting. Mayor Sullivan reminded the Council members that the Cape Harbor Project would always be shown as an action item until a decision has been made.

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to amend the agenda as described above.

The Town Council reviewed the minutes of the following meetings: April 17, 2008 Retreat, November 5, 2008 Executive Session, November 13, 2008 Public Hearing, November 13, 2008 Work Session, November 13, 2008 Regular Session, November 19, 2009 Retreat/Work Session and the December 1, 2008 Executive Session.

Councilman Bennett pointed out that he and Councilman Veber were candidates for the Town Council at the April 17th meeting.

Town Treasurer Paul Skolnick stated that on page 2 of the November 13th Regular Meeting minutes, the Treasurer's Report should show the date of the billing of the real estate and personal property taxes as November 5, 2008.

Councilman Burdiss pointed out that on page 5 of the November 13th Regular Meeting, Item A should reflect "Water and Wastewater System."

Councilman Bannon pointed out that on page 7 of the November 13th Regular Meeting, under Announcements, the AARP Driving Class was \$10 for both days vs. \$10 per day.

Motion made by Councilman Burdiss, seconded by Councilman Bannon and unanimously approved to accept the minutes of the April 17, 2008 Retreat, November 5, 2008 Executive Session, November 13, 2008 Public Hearing, November 13, 2008 Work Session, November 13, 2008 Regular Session, November 19, 2009 Retreat/Work Session as amended The minutes of the December 1, 2008 Executive Session was approved by majority vote with Councilman Bennett abstaining from the vote since he had recused himself from this meeting due to a conflict of interest.

REPORT PRESENTATIONS:

A. Treasurer's Report:

Treasurer Paul Skolnick reviewed the following: i) the Treasurer's Report dated November 30, 2008 showing \$101,436 in the Bank of America checking account and \$1,140,048 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,241,484. Paul Skolnick mentioned that approximately 85% of the taxes have been collected which are reflected in the account balances. Councilman Bennett asked if it would be possible to email the Treasurer's Cash Position report to the Council members prior to the meetings; ii) an overview of the LGIP was presented; iii) the Edmunds accounting software has been upgraded and staff and department heads have been trained on the purchasing module; iv) updates were given regarding the Bank of America credit line and the VML loan process for the Harbor and Wastewater Plant Design; v) recommendations for budget adjustments should be available in January 2009; vi) the water / wastewater rate review should be completed in the next couple of weeks and the recommendations for rate changes should be available for review at the next Town Council meeting; vii) the Bridgewater Annual Report was distributed again to the Council members and Paul Skolnick asked each member to choose several items that they would like to be included in the proposed Cape Charles Annual Report.

Councilman Burdiss asked about the cash flow projection which was discussed at several previous meetings. Paul Skolnick responded that he still does not have all the capital data to complete the cash flow projection. There was much discussion regarding upcoming projects and some projects that are being pushed back due to the economy. Councilman Burdiss requested a cash flow projection for the wastewater system for review at the January 8, 2009 meeting.

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

B. *Planning Commission:*

Town Planner Tom Bonadeo reported that the Planning Commission held two (2) public hearings for the Open Space District definition and adding the use of Public Utility Facility to the Harbor District. The Commissioners finalized both items and have recommended them to be sent to the Town Council for their review and approval. A work session was held on November 17, 2008 to continue work on the Comprehensive Plan. The Commissioners met on December 2, 2008 for their regular meeting and reviewed some requirements for a future addition to the Zoning Ordinance regarding alternative energy.

C. *Historic Review Board:*

Tom Bonadeo reported that the Historic District Review Board did not meet in November.

D. *Public Works Report:*

Joe Vaccaro reported that Public Works Director Dave Fauber and Town Consultant Bob Panek were in Bowie, MD meeting with Stearns and Wheler regarding the wastewater treatment plant. Joe Vaccaro stated that he talked to Bob Panek who mentioned that the meetings were very successful and the cost could be lowered a considerable amount.

E. *Recreation Report:*

Youth Director Tad Tadborn reported the following: i) There was a great turnout for the dance which was held at Wendell's Distributing. Tad Tadborn thanked Mr. Frank Wendell for letting the Town use his facility for the dance and the volunteers for helping with the dance; ii) He completed the written portion of the test for his Commercial Driver's License; iii) Several youths approached him to hold a soccer camp for the younger children in Town; iv) He is helping the Postmaster in organizing a scavenger hunt as part of the Christmas parade which is being held on December 21st. The activities for the day are free photos with Santa beginning at 2:00 PM, the scavenger hunt begins at 3:00 PM and the parade begins at 5:00 PM.

F. *Library Report:*

Librarian Ann Rutledge reported the following: i) the Library's new name is the Cape Charles Memorial Library; ii) 17 children and caregivers attended the Toddler/Preschool Storytime; iii) the Spiritual Teaching of Eckhart Tolle workshop continued during November; iv) the Library presented a workshop themed "Writing from Photographs" on November 3rd; v) 17 people attended each day of the AARP Safety Class; vi) four (4) gentlemen attended Joan Natali's computer class earlier today at the Library.

G. *Harbor Report:*

Harbormaster Smitty Dize distributed reports detailing the transient docking showing breakdowns by month from 2005 – present. Smitty Dize stated that the average length of the vessels is 36' and the total number of transient nights has increased from 249 in FY 2006, to 275 in FY 2007 and 433 in FY 2008. So far there have been 238 transient nights in FY 2009. Smitty Dize stressed the importance of the various upgrades to the Harbor in bringing in the transient boaters which will also increase the traffic at the retail stores and restaurants in Town.

OLD BUSINESS:

A. Fill Vacancies on Boards and Commissions:

Tom Bonadeo reviewed the vacancies on the Planning Commission, Wetlands & Coastal Dunes Board, Board of Zoning Appeals and the Library Board. The Town Council interviewed nine (9) candidates to fill these vacancies.

Motion made by Councilman Evans, seconded by Councilman Elliott and unanimously approved to appoint Malcolm Hayward to fill the vacancy on the Planning Commission.

Motion made by Councilman Bennett, seconded by Councilman Evans and unanimously approved to appoint Wayne Creed to fill the vacancy on the Wetlands & Coastal Dunes Board.

Motion made by Councilman Evans, seconded by Councilman Veber and unanimously approved to appoint Jay Wiegner to fill the vacancy on the Board of Zoning Appeals.

Motion made by Councilman Bannon, seconded by Councilman Elliott and unanimously approved to appoint Jacqueline Chatmon to fill the vacancy on the Library Board.

B. Cape Charles High School Plans:

Tom Bonadeo updated the Town Council regarding the status of the review being done by the A-NPDC stating that he has received a Pro-forma and a meeting with the VHDA will be scheduled for early January. Since the January Town Council meeting is scheduled for January 8th, Tom Bonadeo stated that he was not sure if all the information would be available by that date. A work session may be scheduled in January for the Council members to review the options.

Mayor Sullivan informed the Council members of the progress made by Mr. Frank Wendell stating that a citizen's group had been formed – Old School Cape Charles, a president and secretary have been named, a bank account has been opened and discussions have begun regarding possible fund raising opportunities. A member of the group has grant-writing experience and will be applying for grants to help their cause. The group will be setting up a meeting with the Central Park Committee in the near future. Councilman Burdiss suggested signing an MOA with the group.

Due to time restraints, Mayor Sullivan asked that Item 7A-Randy Custis Park under New Business be moved to come before Item 6C-Cape Harbor Project under Old Business so the representatives from the Randy Custis Park, Scott Webb & Sharon Bjorlo, could leave after this discussion.

Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to move Item 7A ahead of Item 6C on the agenda.

NEW BUSINESS:

A. Randy Custis Park:

Joe Vaccaro stated that as part of the Annexation Agreement of 1992, Northampton County collects a fee from each property sold in Bay Creek and to date has collected

\$65,100 but there is no information showing whether any of these monies were ever applied toward any of Cape Charles' sports programs. Joe Vaccaro informed the Council members that there are approximately 150 children and youth living in Cape Charles, most of whom fall below the poverty level, and there are currently no baseball fields or organized sporting events in the Town. Joe Vaccaro went on to state that the Town owns a school bus, acquired from the Northampton County Public School System for \$1, and Tad Tadborn is in the process of obtaining his commercial driver's license as well as several other employees of the Public Works Department, who will then be able to drive the bus to transport the children to and from the park. Joe Vaccaro requested that the Town Council agree to sponsor a field for \$2K plus \$500 annually for maintenance of the field, with \$1K being paid now from the Recreation Fund with payment of the additional \$1500 being deferred to FY 2010. There was much discussion regarding the need for organized sports for the children and youth of the Town as well as the transportation issue and the need for other volunteers to help with the children at the park. There was a consensus that this was a worthy cause but rather than depleting the Recreation Fund, they agreed that the \$1K would be taken from an account other than the Recreation Fund.

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to pay \$1K now with the remaining \$1500 deferred until FY 2010.

OLD BUSINESS:

C. Cape Harbor Project:

Tom Bonadeo summarized the discussions from the December 4th work session and reviewed the notes from that meeting. There was much discussion regarding the height issue and the Council members agreed to divide the project into three (3) sections: i) the western portion or the hotel; ii) the Harbor side of the project; and iii) the Mason Avenue side of the project.

A work session will be scheduled to discuss the conditions only. Tom Bonadeo asked all the Council members to send him a list of conditions which he will compile for review at the work session.

Motion made by Councilman Bennett, seconded by Councilman Bannon, to accept the conditional use for the building height over 40' but equal to or less than 55' in accordance with Zoning Ordinance Section 3.9.D.2 for the hotel building located at the west end of the property. The motion was approved by a majority vote with Councilman Veber voting against and Councilman Evans abstaining. Roll Call Vote: Bannon – yes, Bennett – yes, Burdiss – yes, Elliott – yes, Evans – abstained, Veber – no.

Motion made by Councilman Burdiss, seconded by Councilman Bannon, to approve the Harbor side for heights of 30', 40' and 50' with an average of 40' and subject to conditions to be determined at a later meeting. The motion was approved by a majority vote with Councilman Evans abstaining from the vote. Roll Call Vote: Bannon – yes, Bennett – yes, Burdiss – yes, Elliott – yes, Evans – abstained, Veber – yes.

Motion made by Councilman Veber, seconded by Councilman Burdiss, to approve the Mason Avenue side for heights of 25' – 40' with an average of 30'. The motion was voted down by a majority vote with Councilman Evans abstaining. Roll Call Vote: Bannon – yes, Bennett – no, Burdiss – no, Elliott – no, Evans – abstained, Veber – yes.

Motion made by Councilman Burdiss, seconded by Councilman Bennett, to approve the Mason Avenue side for heights of 25', 35' and 45' with an average of 35' and subject to conditions to be determined at a later meeting. The motion was approved by a majority vote with Councilman Evans abstaining from the vote. Roll Call Vote: Bannon – no, Bennett – yes, Burdiss – yes, Elliott – yes, Evans – abstained, Veber – no.

NEW BUSINESS:

B. *Open Space – Set a Public Hearing:*

Tom Bonadeo explained that the Planning Commission had completed the work on the Open Space District definition which will be added to the Zoning Ordinance and have forwarded the information to the Town Council for approval after holding a public hearing.

Motion made by Councilman Evans, seconded by Councilman Bennett and unanimously approved to schedule a public hearing prior to the January meeting to hear public comments regarding the Open Space District definition.

C. *Public Utility Facility – Set a Public Hearing:*

Tom Bonadeo explained that the Planning Commission had completed the work on the Zoning Ordinance regarding the addition of Public Utility Facility as a permitted use and the addition of “Utility Installation” to the definition section referring back to Public Utility Facility and have forwarded the information to the Town Council for approval after holding a public hearing.

Motion made by Councilman Evans, seconded by Councilman Bennett and unanimously approved to schedule a public hearing prior to the January meeting to hear public comments regarding the Public Utility Facility use.

D. *Financial Disclosure Statement:*

Councilman Burdiss explained that at the County level, members of several Boards and Commissions are required to complete a Financial Disclosure Statement annually and he feels that, even though Cape Charles is exempt from this State regulation since the population is less than 3500, having the members of the Town Council, Boards and Commissions completing this form would benefit everyone. There was much discussion regarding the content of the form and several of the Council members stated that they would like to review the form prior to making a decision as to whether this form should be mandated. A copy of the form will be distributed to all Council members for their review prior to the next meeting.

Councilman Evans stated that the proposed location of the new wastewater treatment plant had never been on the agenda for discussion and asked that it be an agenda item for Town Council review and to make an official decision.

ANNOUNCEMENTS:

- Christmas Parade, December 21, 2008 @ 5:00 PM
- Town Hall Holiday Closings:
 - December 24, 2008 – Closing at Noon
 - December 25, 2008 – Closed
 - December 26, 2008 – Closed
 - January 1, 2009 – Closed
 - January 2, 2009 - Closed
- Holiday Party, December 18, 2008 @ noon in the Fire Hall.

Motion made by Councilman Veber, seconded by Councilman Bannon and unanimously approved to adjourn the Town Council meeting.

Mayor Sullivan

Town Clerk