



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
May 14, 2009
7:00 PM

At approximately 7:00 p.m. Vice Mayor Chris Bannon called to order the Regular Meeting of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Burdiss, Elliott, Evans and Veber. Also in attendance were Interim Town Manager Heather Arcos, Town Consultant Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume, several additional members of staff and eight (8) members of the public.

PUBLIC COMMENTS:

Mr. Jim Mahaffy, 415 Tazewell Avenue, informed the Council that the Skateboard Park has been completed and the first eight (8) skaters enjoyed the park Wednesday night. A grand opening and ribbon cutting ceremony is being planned for Sunday, May 24th, from 1:00 PM – 3:00 PM.

CONSENT AGENDA:

Vice Mayor Bannon stated that under New Business, Item 7G-Appointment of the Treasurer would be moved before Item 7E-Wastewater Treatment Plan Financing.

Motion made by Councilman Burdiss, seconded by Councilman Evans and unanimously approved to accept the agenda as amended.

The Town Council reviewed the minutes of the following meetings: the April 9, 2009 Public Hearing, April 9, 2009 Regular Meeting, April 14, 2009 Executive Session, April 14, 2009 Work Session, April 16, 2009 Joint Meeting with the Planning Commission, April 20, 2009 Special Meeting, April 20, 2009 Executive Session, April 23, 2009 Work Session, April 28, 2009 Work Session, May 5, 2009 Joint Public Hearing with the Planning Commission and the two May 7, 2009 Work Sessions.

Councilman Bennett stated that he would abstain from the vote for the April 9th and April 16th minutes since he was not in attendance at those meetings.

Motion made by Councilman Evans, seconded by Councilman Elliott and unanimously approved to accept the minutes for the April 14, 2009 Executive Session, April 14, 2009 Work Session, April 20, 2009 Special Meeting, April 20, 2009 Executive Session, April 23, 2009 Work Session, April 28, 2009 Work Session, May 5, 2009 Joint Public Hearing with the Planning Commission and the two May 7, 2009 Work Sessions. The minutes for the April 9, 2009 Public Hearing, April 9, 2009 Regular Meeting and the April 16, 2009 Joint Meeting with the Planning Commission were approved by majority vote with Councilman Bennett abstaining from the vote.

REPORT PRESENTATIONS:

A. *Treasurer's Report:*

Interim Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated April 30, 2009 showed \$102,133 in the Bank of America checking account and \$900,416 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,002,549.

B. *Library Report:*

Librarian Ann Rutledge stated that Deloris Morris was back to work and thanked all the volunteers that helped staff the Library during her illness. With the summer months approaching, the Library will again be hosting movies for the children and teens on Wednesday evenings and the summer reading program will also resume. Vice Mayor Bannon stated that the Friends of the Library will be sponsoring several trips to help raise funds for the Library.

C. *Recreation Report:*

Interim Town Manager Heather Arcos stated that Tad Taborn was not able to attend tonight's meeting but wanted to thank Mr. Jim Mahaffy, all the volunteers and the Public Works Department for their hard work in building the Skateboard Park. It would not have happened without Mr. Mahaffy's commitment to the children and the park.

D. *Public Works Report:*

Public Works Director Dave Fauber stated that a water system flush was scheduled for May 19th and 20th and the advertisements have been placed in the Eastern Shore News. Unfortunately, the float in the tank is not operational and if it cannot be repaired, the flush may have to be postponed until June or sometime in the Fall. Vice Mayor Bannon stated that the handicap ramp has been moved from the old school to the Gazebo at the Park. Mr. Fauber added that the hand rail and walkway still needed to be completed.

E. *Harbor Report:*

Harbormaster Smitty Dize informed the Council that he did not have anything in addition to report from the information on his written report that was included in the Council agenda packet.

F. *Historic Review Board:*

The Historic District Review Board did not hold a meeting in April.

G. *Planning Commission:*

Town Planner Tom Bonadeo reported that he attended a seminar regarding wind turbines and that the Planning Commission reviewed ordinances from several localities and were preparing to draft language regarding the use of solar and wind energy. Mr. Bonadeo also stated that there was Federal funding available to assist localities and individuals in the pursuit of alternate energy sources.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

A. *Adoption of the Comprehensive Plan Update:*

Tom Bonadeo stated that the Planning Commission reviewed comments from the Council at their meeting on May 5th and have completed the update to the Comprehensive Plan for

2009. Councilman Bennett questioned the use of “STIP” as a zoning district when the Sustainable Technology Industrial Park is no longer in existence. Mr. Bonadeo stated that he would take the recommendation to change the name of “STIP” and “PD-STIP” to the Planning Commission, but it would mandate a change to the Zoning Ordinance as well.

Motion made by Councilman Burdiss, seconded by Councilman Elliott and unanimously approved to adopt the updated Comprehensive Plan for 2009.

B. *Conditional Use Permit – 609/611 Mason Avenue:*

Tom Bonadeo reported that an application to operate a deli/seafood carry-out shop at 609/611 Mason Avenue was received and a joint public hearing was held on May 5, 2009. Even though the building is zoned Commercial Residential (CR), businesses that involve food are allowed only with a conditional use permit (CUP). The Planning Commission recommended approval of the CUP with two (2) conditions as follows: i) The applicant shall plant a buffer of plant material, that will grow to 6’ tall or greater at maturity, such as pampas grass, from the northwest corner of the building to Nectarine Street; ii) the hours of business operations shall be no longer than 6:00 AM to 9:00 PM seven days per week.

Motion made by Councilman Veber, seconded by Councilman Burdiss and unanimously approved to approve the CUP for 609/611 Mason Avenue with the two (2) conditions as recommended by the Planning Commission.

C. *Old Cape Charles School:*

Tom Bonadeo stated that an unsolicited proposal had been received to enter into a public-private partnership for the historic restoration of the Cape Charles High School and the Council held a Work Session on May 7th. The Council agreed, as recommended by Mr. Bonadeo, to have staff review the proposal and bring back a list of conditions and recommendations. Councilman Burdiss stated that even though he is not acting as legal counsel to this group, he has been assisting them with paperwork regarding setting up a 501C Corporation and would recuse himself from future discussions regarding this matter.

D. *Harbor Waiting List Procedures:*

Harbor Master Smitty Dize reported that in 2006, the Council passed an amendment to the waiting list procedures changing the first come-first serve process to giving preference to 1) commercial watermen/charter, 2) Town property owners and 3) all others. Since these procedures were never formalized in writing, he has received several complaints over the past year. Mr. Dize presented his proposed Town Harbor Waiting List Procedures which outlined the current procedures.

Motion made by Councilman Evans, seconded by Councilman Burdiss and unanimously approved to adopt the proposed Harbor Waiting List Procedures as presented.

G. *Appointment of the Town Treasurer:*

Heather Arcos stated that the Council held an Executive Session on April 20th to conduct interviews for the Town Treasurer position and unanimously recommended offering a promotion to Deputy Treasurer Jo Anna Leatherwood. Since the Treasurer position is an appointed officer serving at the will and pleasure of the Council, an official appointment was required.

Motion made by Councilman Bennett, seconded by Councilman Elliott and unanimously approved to appoint Jo Anna Leatherwood as Town Treasurer.

E. *Wastewater Treatment Plan Financing:*

Town Consultant Bob Panek reported that the Council approved the interim financing through VML/VACo at the April 9th meeting and the loan closing is scheduled for May 21st. A new resolution is required to ensure that in the absence of the Mayor, both Vice Mayor Bannon and Interim Town Manager Heather Arcos may execute the loan documents. Mr. Panek read Resolution #20090514 – Confirming Authority of Certain Town Officials to Execute Loan Documents.

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to approve Resolution #20090514 as presented. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes; Veber, yes.

F. *Water and Sewer Connection Charges:*

Bob Panek stated that on March 12, 2009, the Council approved increasing the connection charges for water and sewer service from \$10,047 to \$20,000 effective July 1, 2009 and the Town has initiated a program to encourage property owners to pre-pay for a water or sewer connection before the new charges take effect. Property owners have expressed considerable interest in the pre-payment program and have asked if a time-payment option was available. In order to provide additional time for the Council to explore this option, it is reasonable to extend the effective date for the new water and sewer connection charges and Mr. Panek recommended extending the effective date of this increase from July 1, 2009 to October 1, 2009. Mr. Panek read Ordinance #20090514 – Changing Effective Date of New Water and Sewer Connection Charges.

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to change the effective date for the new water and sewer connection charges to October 1, 2009. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes; Veber, yes.

H. *Set Public Hearing for Adoption of 2009/2010 Budget:*

Heather Arcos stated that the Council had held numerous Work Sessions to review the budget for Fiscal Year 2009/2010 and that a public hearing must be held at least seven (7) days prior to adoption of the budget. Ms. Arcos requested the Council to authorize the Town Clerk to schedule and advertise a public hearing for June 4, 2009 beginning at 6:00 PM.

Motion made by Councilman Burdiss, seconded by Councilman Evans, to authorize the Town Clerk to schedule and advertise a public hearing for June 4, 2009. The motion was approved by a majority vote with Councilmen Bennett, Burdiss and Evans voting in favor and Councilmen Veber and Elliott voting against.

I. *Discussion of Cape Charles' Portion of County's Tax Revenue:*

Councilman Veber stated that Cape Charles' property owners pay \$2.8M to Northampton County in real estate taxes and that Cape Charles has approximately 10% of the people in the County and pays approximately 30% of the taxes. Councilman Veber continued by stating that he would like to request a meeting with County officials to discuss where the money is used and what benefits are received by the Town's residents and property

owners. There was much discussion regarding this issue and the tax rate charged by the County and the fact that property owners in any of the incorporated towns are being penalized by having to pay two sets of taxes. Several ideas were discussed and the Council agreed that such a meeting would be beneficial if the County officials were agreeable.

ANNOUNCEMENTS:

- May 23, 2009 – Harbor Party
- May 24, 2009 – Skateboard Park Grand Opening and Ribbon Cutting, 1:30 PM
- May 25, 2009 – Town Hall Closed for Memorial Day
- May 30, 2009 – MS Bike Race
- June 4, 2009 – Public Hearing re: Budget
- June 11, 2009 – Town Council Regular Meeting

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to adjourn the Town Council Regular Meeting.

Vice Mayor Bannon

Town Clerk