



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
June 12, 2008
7:00 p.m.

At approximately 7:00 p.m. Mayor Dora Sullivan called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Brown, Dudley and Elliott and Councilmen-Elect Bennett and Veber. Councilmen Burdiss and Evans were not in attendance. Also in attendance were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos and Town Clerk Joy Pelletier. There were several members of staff and approximately 16 members of the public in attendance.

Traci Johnson, Northampton County Clerk of the Circuit Court, delivered the oaths of office and installed Steve Bennett and Larry Veber as members of the Cape Charles Town Council.

PUBLIC COMMENTS:

Mr. Eddie Spencer inquired about the status of the baseball park that currently is being rented from Mr. Foster.

Ms. Roberta Newman, 8 Randolph Avenue, addressed the Council as Chair of the Cape Charles Committee for Children and Youth with thoughts to share concerning the budget.

CONSENT AGENDA:

Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to accept the agenda as presented.

The Town Council reviewed the minutes of the following meetings: May 8, 2008 Regular Session, May 14, 2008 Executive Session, May 14, 2008 Work Session and the May 28, 2008 Work Session.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to accept the minutes as presented.

REPORT PRESENTATIONS:

A. Treasurer's Report:

Treasurer Paul Skolnick reviewed the Treasurer's Report dated May 31, 2008 which showed \$76,379 in the Bank of America checking account and \$1,557,617 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,633,996. Mr. Skolnick added that Northampton County had been auctioning properties throughout the County and the he is anticipating some income from those sales.

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

B. *Planning Commission:*

Town Planner Tom Bonadeo reported the following: i) The Planning Commission reviewed a draft of the 184/642 Corridor Overlay; ii) the Keck property proposal was reviewed and the Planning Commission recommends the rezoning and possible subdivision be submitted to the Zoning Administrator for processing; iii) a public hearing was held to hear comments on a change to the ordinance to allow accessory apartments; iv) Landmark Holdings US, LLC made a presentation and the Planning Commission heard public comments on the project; v) a draft of the Official Zoning Map was reviewed and a public hearing has been scheduled. The Planning Commission recommends a joint public hearing with the Town Council; and vi) work on the Comprehensive Plan update continues.

C. *Historic District Review Board:*

Tom Bonadeo reported that the Historic District Review Board met and approved the following: i) an application regarding a modification to the roof top guard rail to the property at 10 Peach Street; and ii) an application to replace the rear stairs at 545 Monroe Avenue.

D. *Public Works/Public Utilities Report:*

Public Works Director Dave Fauber reported the following: i) 500' of damaged sidewalks have been repaired; ii) The Town has contracted with a company to cut the grass and spray three (3) times per season; iii) Consent has been received from David Branch, director of Heritage Acres' management company, to install crape myrtles in front of that facility along Stone Road and Jeff Klingel should plant them next week; iv) The beach has been cleaned up and the dunes have been roped off; v) 1000 plants from Bob Town Nursery are being stored at the wastewater treatment plant. Jeff Klingel has inspected them and is awaiting a response from VDOT; vi) The Municipal Building remodel should begin in the next couple of weeks; vii) The work has been completed on East Well III, which is a replacement for East Well I, and he is awaiting a response from the Virginia Department of Health (VDH). The well should be online by July 4th; viii) Stearns and Wheler has completed a draft FER for the wastewater plant and will submit it to the Department of Environmental Quality (DEQ) next week; ix) The Ground Water Withdrawal Permit has been submitted to the DEQ; and x) The Annual Drinking Water Quality Report has been submitted to the VDH and copies will be distributed to all residents.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) the Schooner Fest will be held this Saturday, June 14th, from 11:00 AM – 6:00 PM. The Godspeed arrives on June 13th; ii) Three seasonal staff members are performing routine beach patrol; iii) Please stay off the sand dunes and spread the word to your friends and neighbors; and iv) The Harbor staff has been working on the specific criteria regarding the Virginia Clean Marina designation.

OLD BUSINESS:

A. *Ordinance Revisions to Town Code Section 42:*

Police Chief David Eder reviewed the proposed revisions to Chapter 42 of the Town Code which deals with motor vehicles and traffic. The proposed revisions were presented to the Town Council in April as part of the Council Retreat and a work session was held on May 28th. Mayor Sullivan read Ordinance #20080612A – An Ordinance to Amend Chapter 42 Motor Vehicles and Traffic.

Motion was made by Councilman Dudley, seconded by Councilman Bannon, to approve the Ordinance as presented. The motion was unanimously approved. Roll Call Vote: Bannon – yes; Brown – yes; Dudley – yes; Elliott – yes.

B. Keck Property Proposal:

Tom Bonadeo stated that the Town Council received an unsolicited offer earlier in the year. The Planning Commission cannot make a recommendation since there is no application but the Commissioners performed a technical review and requested that an application be submitted by Mr. Keck.

C. Boundary Adjustment Report:

Tom Bonadeo stated that Northampton County has issued a draft document outlining a policy governing the requirements for boundary adjustments that would be forthcoming from any Town. The policy is divided into three parts: i) guidelines; ii) criteria; and required information. Tom Bonadeo proceeded to review the various items within the three parts and recommended a work session be scheduled for the Council to review this information in more detail and to discuss a cost benefit analysis of the proposed boundary adjustment.

NEW BUSINESS:

A. Adopt the 2008-2009 Budget:

Treasurer Paul Skolnick reviewed various documents summarizing the funds for the Fiscal Year 2009 Budget and detailing the significant changes that have been made. Paul Skolnick stated that these documents incorporate the collective input of staff and the Council in projecting activities anticipated in FY2009 and the priorities set by the Council.

Motion made by Councilman Brown, seconded by Councilman Elliott and unanimously approved to accept the budget for FY2009 as presented.

B. Ordinance – 42.3 Adoption of State Law:

Town Manager stated that periodically, the State Code is amended to either delete or add new safety tactics to protect those traveling the highways, streets and roads. Changes to penalties and violations are also made. In order to have the authority to enforce these new laws, an amendment to the Town Code must be made that adopts any changes. Mayor Sullivan read Ordinance #20080612 – An Ordinance to Amend Chapter 42 Motor Vehicles and Traffic Section 42-3 Adoption of State Law.

Motion made by Councilman Brown, seconded by Councilman Bannon, to adopt Ordinance #20080612 as presented. The motion was unanimously approved. Roll Call Vote: Bannon – yes; Brown – yes; Dudley – yes; Elliott – yes.

C. Flood Plain Ordinance:

Code Official Doug Smith presented the amendments to the Cape Charles Floodplain Ordinance (Article VI of the Zoning Ordinance) stating that a Floodplain Ordinance is required in order for the Town to be included in the National Flood Insurance Program (NFIP) and in order to comply with the program requirements, amendments must be made from time to time to correspond with the Flood Insurance Rate Map amendments. Doug Smith stated that he had taken steps to get the Town included in the FEMA Community

Rating System (CRS) and if successful, it will be a major step in helping reduce the risk of life and property loss in the event of a flood. Doug Smith recommended scheduling a joint public hearing with the Planning Commission regarding the proposed ordinance on July 10, 2008.

Motion made by Councilman Elliott, seconded by Councilman Brown and unanimously approved to set a joint public hearing with the Planning Commission to hear comments regarding the proposed changes to the Cape Charles Floodplain Ordinance.

D. *Proclamation of Commendation for Bob Town Nursery Owners:*

Bob Panek explained that Bob Town Nursery had ceased operations and offered the Town a donation of trees and shrubs. On May 29th, the Public Works Department transferred approximately 1000 trees and shrubs from the nursery to the grounds of the wastewater treatment plant for storage and eventual use for streetscape enhancement. The value of this stock is conservatively estimated at \$20K. Mayor Sullivan read proclamation #20080612 – Commending the Owners of Bob Town Nursery.

Motion made by Councilman Brown, seconded by Councilman Elliott, to approve the proclamation commending the owners of Bob Town Nursery for their donation. The motion was unanimously approved. Roll Call Vote: Bannon – yes; Brown – yes; Dudley – yes; Elliott – yes.

E. *Zoning Map Amendment:*

Tom Bonadeo stated that the Town is required to have an official zoning map available to the public. The Planning Commission had compiled a draft zoning map and suggested a joint public hearing with the Town Council so the map can be made official as soon as possible.

Motion made by Councilman Elliott, seconded by Councilman Bannon and unanimously approved to hold a joint public hearing with the Planning Commission to hear comments on the Draft Zoning Map.

F. *Planning Commission Reappointment:*

Tom Bonadeo stated that under Virginia Code §15.2-2212, one member of the Planning Commission may be a member of the Town Council and the term of this member shall be coextensive with the term of office to which he has been elected. Councilman Evans serves on the Planning Commission and his term of office expired June 30, 2008; however, he was reelected by the citizens by popular vote. Tom Bonadeo recommended that Councilman Evans be reappointed to the Planning Commission for another term beginning July 1, 2008 through June 30, 2012.

Motion made by Councilman Brown, seconded by Councilman Dudley and unanimously approved not to reappoint Councilman Evans to the Planning Commission.

G. *Historic Harbor Development Review Board:*

Tom Bonadeo summarized that as described in Zoning Ordinance Article IX, Section 9.7, the Harbor Area Review Board would consist of seven citizens, one of which shall be a member of Town Council, two members shall be members of the Planning Commission and one member shall be a member of the Historic District Review Board. On December 20, 2007, the Town Council appointed Ralph Orzo, Steve Bennett and Laurie Klingel to

serve on the Board. The Planning Commission recommended Ken Kuttler and Karen Davis as their representatives, with Joan Natali as an alternate, and the Historic District Review Board recommended Russ Dunton as their representative. Following Steve Bennett's appointment to the Harbor Area Review Board, he was elected to the Town Council and can now be appointed to serve as the Council's representative to the Board leaving one vacant seat to be filled by a Town resident. Tom Bonadeo suggested appointing Councilman Bennett to serve as Council representative to the Board, Ken Kuttler and Karen Davis as Planning Commission representatives with Joan Natali as alternate, Russ Dunton as the Historic District Review Board representative and appoint one member of the public as a member of the Board to fill the requirements of seven members to serve on the Board.

Motion made by Councilman Bannon, seconded by Councilman Brown and unanimously approved to appoint Councilman Bennett as Council representative, Ken Kuttler and Karen Davis as Planning Commission representatives, with Joan Natali as alternate, Russ Dunton as Historic District Review Board representative and Jay Wiegner to fill the vacant seat for a Town resident.

Mayor Sullivan thanked the outgoing Council members for their service, time and energy. Mayor Sullivan especially thanked Councilman Dudley for stepping in to fill a vacancy when he was needed and stated that when Councilman Dudley was asked to run again for office, he declined.

Councilman Brown addressed the citizens of Cape Charles as out-going Councilman. (See attached)

ANNOUNCEMENTS:

- Message from the Mayor
- June 14, 2008 – Schooner 2008 Harbor Party

Motion made by Councilman Brown, seconded by Councilman Dudley and unanimously approved to adjourn the Town Council regular session.

Mayor Sullivan

Town Clerk