



**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**August 13, 2009**  
**7:00 PM**

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, Bennett, Burdiss and Evans. Councilmen Elliott and Veber were not in attendance. Also in attendance were Interim Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume, several additional members of staff and 9 members of the public.

**PUBLIC COMMENTS:**

Ms. Dianne Davis, 601 Jefferson Avenue & 407 Fig Street, addressed the Council regarding the Fig Street parking issue and stated that she has heard that parking may be allowed on one side of Fig Street but she requested that the Council consider putting it back to the way it was and add more 25 MPH signage along the street. Ms. Davis added that since parking along Fig Street has been banned, the number of speeders along the street has increased.

Ms. Carol Evans, 645 Tazewell Avenue, addressed the Council on behalf of the Eastern Shore Tourism Commission and announced that the Welcome Center at the Chesapeake Bay Bridge Tunnel was now open and invited everyone to visit the Welcome Center to experience the excitement. Ms. Evans thanked Cape Charles for its support in getting the Welcome Center completed and informed the Council that the center is averaging 270 visitors per day.

Dr. Mark Clarke, 118 Fig Street, addressed the Council regarding the Fig Street parking as was also concerned with allowing parking on one side of the street only and stated that he could not see how having cars parked along the street was a safety issue but in fact it helped slow the cars down. With the street cleared of parked cars, it encouraged people to speed. Dr. Clarke stated that he understood that the Town was awaiting information from VDOT, but suggested that the Council rescind the parking ban and have staff remove the "No Parking" signage and put it back to the way it was and allow parking on both sides of the street. Dr. Clarke pointed out several other streets in Town which were narrower than Fig Street but allowed parking on both sides without a problem.

Mr. Granville Hogg, of Cheriton, addressed the Council regarding the proposed outdoor café at the end of the dock of the Bay Creek Marina stating that his house was across Kings Creek from Bay Creek Marina. Mr. Hogg expressed his concerns regarding the need to have a café at the end of the dock when there were other restaurants nearby, the hours of operation, music being played throughout the day and the serving of alcohol and stated that he did not have a problem with occasional music, but not constant music from 11A to 10P every day. Mr. Hogg went on to state that although he is a resident of the County, he would be more impacted than the Town's residents due to the location of his house. Mr. Hogg concluded by stating that he was addressing the Council this evening to make them aware of this proposal and that he thought this could be a nice commercial venture as long as the applicant was willing to work together with the residents that would be affected.

**CONSENT AGENDA:**

Mayor Sullivan stated that under Report Presentations, a new Item 5G would be added for a report from the Interim Town Manager.

**Motion made by Councilman Bannon, seconded by Councilman Bennett and unanimously approved to approve the agenda as amended.**

The Town Council reviewed the minutes of the July 9, 2009 Regular Meeting, the July 13, 2009 Executive Session, the July 20, 2009 Executive Session and the July 23, 2009 Work Session.

Councilman Bennett stated that he was not in attendance at the July 13, 2009 Executive Session so he would abstain from the vote regarding that meeting's minutes.

**Motion made by Councilman Evans, seconded by Councilman Bennett and unanimously approved to accept the minutes for the July 9, 2009 Regular Meeting, the July 13, 2009 Executive Session, the July 20, 2009 Executive Session and the July 23, 2009 Work Session as presented.**

**REPORT PRESENTATIONS:**

*A. Treasurer's Report:*

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated July 31, 2009 showed \$123,005 in the Bank of America checking account and \$1,359,602 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,482,607. JoAnna Leatherwood added that the \$1,482,607 included a \$121,585.70 draw on Virginia DEQ Water Quality Infrastructure Grant #440-S-09-15.

JoAnna Leatherwood informed the Council that follow up letters had been sent to property owners with unpaid real estate taxes and that the Town has been receiving back real estate taxes as a result of Trustee sales.

**Hearing no objections, Mayor Sullivan stated that the Treasurer's Report was approved by unanimous consent.**

*B. Library Report:*

Librarian Ann Rutledge was not able to attend the meeting.

*C. Recreation Report:*

Interim Town Manager Heather Arcos introduced the new Community Events / Recreational Coordinator, Jennifer Lewis, who started in this position on August 3, 2009.

Jennifer Lewis reported the following: i) A new sand soccer league started this week and was scheduled to run for six (6) weeks. Nineteen youth participated; ii) The kiosks at the beach and the school have been updated with the upcoming activities in Town and along the Eastern Shore; iii) Repairs are being made to the Skateboard Park to reseal the ramps with material guaranteed to last five (5) years; iv) She has contacted Heritage Acres regarding having activities there for the residents; v) Her goal is to organize activities for people of all age groups and any suggestions are appreciated; vi) She also helped out at the Library and has started an arts and crafts time at the Library for the children and will be starting a scrapbooking class for the mothers that bring their children into the Library.

Heather Arcos stated that Ms. Ceri Danes will be attending an upcoming arts and craft class for a story in the Eastern Shore News.

D. *Public Works Report:*

Public Works Director Dave Fauber reported the following: i) Advertisements have gone out requesting bids for the Wastewater Treatment Plant; ii) The discharge permit was approved and we are in the 30-day period waiting for comments; iii) The Skateboard Park will be repaired with new materials. Even though the materials were expensive, they are guaranteed to last five (5) year; iv) The Task Order Summaries and Updates was distributed to the Council earlier this evening. Dave Fauber stated that Task Order W-6 was put on hold for several months awaiting further discussions with Bay Creek.

E. *Harbor Report:*

Harbormaster Smitty Dize reported the following: i) The Harbor has been very busy over the past couple of months so no routine maintenance has been scheduled until September; ii) Staff has been working with Mr. Tom Langley, Langley & McDonald, regarding the bid package for the offshore breakwater project; iii) He has been working with Heather Arcos regarding the Boating Infrastructure grants; iv) He has been dealing with Bagwell Oil trying to get non-ethanol fuel at the Harbor and the main issue is the cost involved in transporting the fuel from Richmond.

F. *Planning Commission / Historic Review Board / Wetlands Board:*

Town Planner Tom Bonadeo informed the Council that the Planning Commission drafted an ordinance for wind turbines and the version would be reviewed by the Historic District Review Board at their next meeting and also sent to the Wind Energy Consortium at James Madison University. The Commission has scheduled a public hearing to hear comments regarding wind turbines prior to its next regular meeting on September 1, 2009. The Planning Commission also reviewed possible modifications to the setbacks in the R-1 zone and will be holding a work session to visit the lots in question prior to their September 1<sup>st</sup> meeting.

Tom Bonadeo stated that the Historic District Review Board approved one application, with some conditions, for a new house to be built at 606 Jefferson Avenue.

Tom Bonadeo informed the Council that the Wetlands and Coastal Dune Board held a public hearing on the Harbor Development Joint Permit Application #09-167 and held a regular meeting following the public hearing to deliberate the application. The Board approved a permit, with seven (7) conditions, to excavate and fill wetlands on the property to facilitate the construction of a bulkhead from the Town property on the east to Bayshore Concrete on the west.

Tom Bonadeo also informed the Council that the permit request mentioned earlier by Mr. Granville Hogg was not something that would be brought to the Town Council for approval. A restaurant is permitted by right in the Special Commercial Zone. The Virginia Marine Resources Commission (VMRC) is handling this application which should be reviewed at their next meeting.

Tom Bonadeo went on to inform the Council that Planning Commissioner Ken Kuttler had tendered his resignation from the Commission and he was also one of the Planning Commission representatives on the Harbor Area Review Board. The Planning

Commission is having difficulty in locating individuals willing to serve on the Commission. Please send the names of anyone that may be interested in serving to Libby Hume.

G. *Interim Town Manager Report:*

Heather Arcos informed the Council that a mandatory pre-bid meeting was held on August 4, 2009 regarding the Cape Charles Trail project and twelve (12) contractors attended. Bids are due by August 19<sup>th</sup> at 2:00 PM. Once the contractor has been chosen, the information must be sent to VDOT for their review, and the contract could be reviewed by the Council in September or October.

The Gateway Sign should be installed by Northampton County in the next several weeks at Routes 13 and 184. After the installation of the sign, the area will need to be landscaped and will be maintained by the Town.

The new Eastern Shore Welcome Center, at the Chesapeake Bay Bridge Tunnel, has opened and the Cape Charles light box display is great. Please stop in to take a look.

**OLD BUSINESS:**

A. *Appointment of Local Legal Counsel:*

Mayor Sullivan stated that one proposal was received from Paul G. Watson IV in response to the Town's Request For Proposal for Local Legal Counsel. Paul Watson has been representing the Town for the last three (3) years and is familiar with the proposed tasks and the town Code and he is also a member of the Local Government Attorneys of Virginia.

**Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to re-appoint Paul G. Watson IV as the local legal counsel for a period of two (2) years.**

**NEW BUSINESS:**

A. *Computer and Email Usage Policy:*

Heather Arcos stated that with the increase in computer viruses, spam emails, etc, there was a need to add a section to the Town's Personnel Policies, Rules and Regulations regarding computer usage.

**Motion made by Councilman Bennett, seconded by Councilman Burdiss and unanimously approved to adopt the computer usage policy to be included in the Town's Personnel Policies, Rules and Regulations.**

B. *Planning Commission and Harbor Area Review Board Vacancies:*

Mayor Sullivan stated that this item was previously addressed during the Planning Commission Report presentation given by Tom Bonadeo. Tom Bonadeo added that two (2) individuals were needed to fill vacancies on the Planning Commission and the Harbor Area Review Board. Councilman Evans stated that additional individuals were needed as alternates to fill future vacancies.

C. *Water and Sewage Availability Charge:*

Heather Arcos stated that the Town has been planning for significant improvements in the water and wastewater infrastructure which includes replacing the existing wastewater

treatment plant to meet the new nutrient waste load limits for nitrogen and phosphorous and expansion of both water and wastewater capacity to meet projected demand. Connection charges were increased to \$20K effective October 1, 2009 to fund the capital cost of these projects. However, due to the slow down in construction precipitated by the recession, Staff does not anticipate that the connection charges will initially accumulate in sufficient amounts to fund the debt service associated with these projects and any debt service not covered by connection charges must be included in the water and sewer rates. During a recent Work Session, Council expressed an interest in implementing a water and sewer availability charge for buildable lots to more equitably spread the capital cost. This concept is currently being reviewed by legal counsel regarding any legal implications. Councilman Bennett asked if the Town is researching to see if any other municipalities in Virginia were charging similar fees. Heather Arcos responded that this information would be included in the legal opinion.

**ANNOUNCEMENTS:**

- August 26, 2009, Casino Trip sponsored by the Friends of the Library. Councilman Bannon added that the cost was \$45 per person which included \$15 in chips to be used at the casino and a lunch voucher.
- August 27, 2009, Town Council Work Session, 6 PM at Town Hall
- August 29, 2009, Friends of the Library is sponsoring a Book Sale at the Library
- September 5, 2009, Chamber of Commerce Harbor Party
- September 7, 2009, Town Offices Closed in observance of Labor Day
- September 10, 2009, Town Council Regular Session, 7 PM at St Charles Parish Hall

**Hearing no objections, Mayor Sullivan adjourned the meeting by unanimous consent.**

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Mayor Sullivan

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Town Clerk