



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
April 8, 2010
Immediately Following the Public Hearing

At 7:08 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 Elliott. Councilman Evans arrived at 7:09 p.m. Councilman Veber was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The Department Heads were also in attendance along with eight (8) members of the public.

PUBLIC COMMENTS:

Ms. Marion Naar, Cape Charles Historical Society, thanked the Council for the Town's past support of the Cape Charles Museum. Ms. Naar informed the Council that the museum has over 4200 items in its archives including photographs and documents and was open daily from April through November. Ms. Naar went on to give an overview of the museum, how funds are raised and the Cape Charles Historical Society's plans for 2010. (see attached)

There were no further comments from the public in attendance nor any written comments submitted prior to the meeting.

CONSENT AGENDA:

Mayor Sullivan stated that the Recreation Report will be moved to the beginning of the Report Presentations to allow Jennifer Lewis to attend another meeting. Councilman Bannon requested that the Friends of the Library Proposal / Request (Item 7A of New Business) be moved before Old Business.

Motion made by Councilman Burdiss, seconded by Councilman Bennett to approve the agenda as amended. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the March 11, 2010 Executive Session, March 11, 2010 Regular Meeting, March 22, 2010 Executive Session and March 31, 2010 Executive Session.

Motion made by Councilman Bannon, seconded by Councilman Evans to approve the minutes for the March 11, 2010 Executive Session, the March 11, 2010 Regular Meeting, the March 22, 2010 Executive Session and the March 31, 2010 Executive Session. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

C. Recreation Report:

Community Events / Recreational Coordinator Jen Lewis reported the following: i) A Teen Dance was held to celebrate St. Patrick's Day; ii) Over 100 people attended the Skateboard Demonstration and helmets were raffled off to promote helmet safety while riding skateboards or bicycles; iii) On March 27th, the Easter Bunny visited Cape Charles and an Easter Egg Hunt was held and over 50 kids attended; iv) The Youth Group will be helping to park cars for the Blessing of the Fleet on Friday night; v) On Saturday, also as part of the Blessing of the Fleet activities,

there will be a 5K Walk/Run, a carnival for the children from 10 AM – 3 PM, the Cape Charles Christian School will be selling food as a fundraiser and several vendors will be set up selling a variety of items; vi) The residents of Heritage Acres are enjoying themselves with arts and crafts on Friday mornings and she calls their Bingo games on the last Thursdays of each month; vii) The Cape Charles Christian School will hold a Community Yard Sale on April 17th; viii) Between 30 – 40 essays were submitted for *Encourage a Young Writer Day*. Ms. Joan Natali is assisting with the judging of the essays and the winners will be announced on Saturday during the Blessing of the Fleet activities; and ix) She is looking into the possibility of providing adult tennis lessons.

A. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) An Invitation for Bid for Beach Sand Replenishment will be published in the Eastern Shore News on Saturday, April 10th, to obtain bids to repair the damage caused by the nor'easters in November 2009; and ii) She and Chief Brown have been reviewing §42-120 regarding enforcement of the Town's ordinance regarding abandoned vehicles. Chief Brown stated that this process originally began in 2008. A Law Enforcement Notice has been developed and will be mailed to the property owners. There are approximately 20 inoperable vehicles in Town presently and Chief Brown passed around a notebook showing photographs of the various vehicles. Chief Brown went on to inform the Council that another Ident-A-Kid event is being planned for May 5th from 9 AM – 1 PM where parents can have their children photographed and fingerprinted. Officer Nick Braatz will also be giving a presentation regarding child safety.

B. *Treasurer's Report:*

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated March 31, 2010 showed \$420,761 in the Bank of America checking account and \$3,126,888 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$3,547,648. JoAnna Leatherwood went on to report the following: i) She has drafted a letter to mail to James Elliott and other attorneys regarding real estate tax sales and lien work; ii) She has drafted a letter with a spreadsheet estimating the amounts of late Business/Professional/Occupational License (BPOL) for several businesses in Town. One business owes over \$18K including penalties and interest; iii) the BPOL paperwork is coming in and good progress is being made; and iv) She is trying to obtain updated information on delinquent utility accounts.

The Treasurer's Report was approved as presented by unanimous consent.

D. *Library Report:*

Librarian Ann Rutledge reported the following: i) On March 15th, County Supervisors Willie Randall and Sam Long visited the Library to meet with Library Board members and the Friends of the Library to talk about the future of the Library; ii) On Monday, March 22nd, the Library presented a Diabetes Workshop; iii) On Saturday, March 27th, the Library welcomed local author Judi McCoy who gave a seminar entitled "*So You Want to Write a Book*" with a follow-up seminar on Monday, March 29th, entitled "*So You Want to Publish Your Book*;" iv) She recently attended a reception at the Eastville Inn with Friends of the Library President Alice Morehouse and was presented with a generous donation for the Library; and v) Book circulation is picking up and more visitors, both residents and tourists, are coming into the Library.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) The Blessing of the Fleet is this weekend and he thanked everyone for their help for all work "behind the scenes." He is expecting a good turnout. The Executive Director for the Virginia Port Authority, Jeffrey Keever, has agreed to serve as the Master of Ceremonies; ii) Construction for the Offshore Breakwaters is scheduled to

begin next Monday. The work was delayed due to the weather; and iii) The Harbor crew is busy with maintenance.

F. *Code Enforcement / Central Park Trail Update*

Combination Inspector Jeb Brady reported the following regarding the Central Park Trail Project: i) The weather has gotten better and the memorial trees were able to be relocated earlier this week; ii) He talked to the foreman regarding the concrete pour for the retaining wall and steps to the gazebo; and iii) Tom Bonadeo added that if you walk around the park, you will see a lot of changes. The park is starting to shape up. Mayor Sullivan asked if the completion date was still estimated for mid-August to which Jeb Brady replied that he is expecting the work to be completed the end of July to mid-August.

G. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber was out of town attending a conference.

H. *Planning Commission / Historic Review Board / Harbor Area Review Board Report:*

Town Planner Tom Bonadeo reported that recently, he and several members of the Wetlands Board met with Mr. Scott Hardaway from the Virginia Institute of Marine Science (VIMS) and Mr. Hank Badger from the Virginia Marine Resources Commission (VMRC) to discuss the sand replenishment options for the Beach. A new dune has formed between Monroe and Madison Avenues since the nor'easters. This dune will be moved and some of the sand will be spread along the beach and snow fence will be installed. FEMA had suggested moving sand from the south end of the beach, which has grown to approximately 60', to the north end, but VIMS and VMRC do not recommend this option stating that the sand is too fine and will blow like before. Coarser sand needs to be purchased for the north end and the Town is currently looking for a supplier. Tom Bonadeo went on to update the Council regarding some procedural changes with VDOT. A call center will be opened the end of April to handle all requests. New regions are being created and Cape Charles will be in the Coastal region with Accomack and Northampton Counties, Virginia Beach and Chesapeake. All requests from the Town must pass through Northampton County. Tom Bonadeo stated that he was concerned regarding grant administration, especially the TEA-21 grant for the Park. More information regarding these changes should be in the newspaper.

NEW BUSINESS:

A. *Friends of the Library Proposal / Request*

Ms. Alice Morehouse, President of the Friends of the Cape Charles Memorial Library, addressed the Council offering the assistance of the Friends of the Library, in conjunction with the Library Board, in the planning and development of a new library facility. Ms. Morehouse stated that the previous studies and plans need to be obtained from the Town and reviewed, followed by a survey of the patrons and stakeholders of the Library to define the needs for the future. Councilman Bannon stated that in previous years, the Town was pursuing a new library facility, but with the present economy, the plans were set aside and Cape Charles is lucky that it has not had to cut any staff. Ms. Morehouse stated that there are organizations out there with money to help in this type of project and grants had to be applied for.

The Friends of the Library request for a joint partnership between the Council, the Library Board and the Friends of the Library to facilitate the process to expand the Cape Charles Memorial Library was approved by unanimous consent.

OLD BUSINESS:

A. Name Change for STIP and PD-STIP Districts

Tom Bonadeo explained that the STIP and PD-STIP zones were named for the area of the Sustainable Technology Industrial Park which no longer exists. The covenants were removed prior to the sale of the property to Southport and the names have no relevance to current uses in the zones. The Planning Commission held a public hearing and recommends approval changing the name of the STIP zone to Industrial-M2 and PD-STIP to General Business/Light Industrial-H1. The Council held a public hearing earlier this evening and no comments were heard.

Motion made by Councilman Bannon, seconded by Councilman Bennett to approve the name changes for the STIP and PD-STIP Districts as presented. The motion was approved by unanimous consent.

B. Rezoning of Parcel 90-A-4C from PD-STIP to Open Space

Tom Bonadeo explained that this parcel is currently owned by Northampton County but will soon be transferred to the Virginia Department of Conservation and Recreation and has a wildlife easement into perpetuity. The Planning Commission held a public hearing and recommends approval to rezone this parcel as Open Space which is more compatible with the intention of the property. The Council held a public hearing earlier this evening and no comments were heard.

Motion made by Councilman Bennett, seconded by Councilman Elliott to approve the rezoning of Parcel 90-A-4C from PD-STIP to Open Space. The motion was approved by unanimous consent.

C. Town Code Corrections / Modifications

i. Returned Check Fee (§2-3) and Financial, Real Estate and Professional Services (§38-37)

Heather Arcos explained that over the years, procedural changes were made and the Town Code was not updated appropriately. As a discrepancy is discovered, the issue will be brought to the Council to make the necessary corrections to the Town Code to agree with current practices.

Prior to 2004, the Town increased the returned check fee from \$20 to \$30 and the Business, Professional and Occupational License (BPOL) Tax from \$.50 per \$100 to \$.58 per \$100, but the Town Code was never updated to reflect these changes. Staff has researched the old files and was unable to locate the original ordinances that were approved at the time of these changes. In an effort to correct these discrepancies, a new ordinance must be adopted in order for the corrections to be made to the Town Code. A public hearing was held earlier this evening and no comments were heard. Ordinance #20100408 was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100408 – An Ordinance to Correct Chapter 2 – Administration, Section 2-3 – Fee for Passing Bad Check to Town and Chapter 38 – Licenses, Article II – License Tax Schedule, Section 38-37 – Financial, Real Estate and Professional Services. Ordinance #20100408 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes.

ii. Transient Occupancy Tax (§66-57)

Heather Arcos explained that in February 2003, the Council approved a 2% increase in the Transient Occupancy Tax from 2% to 4%. An ordinance was adopted and the Town Code was updated accordingly but the Town did not increase the tax rate in practice. In August 2007, the Council approved another 1% increase in the Transient Occupancy Tax with revenues to be passed on to the Eastern Shore of Virginia Tourism Commission. This increase is reflected in the minutes from the August 14, 2007 Regular Meeting but an

Ordinance was not adopted and the Town Code was not updated. In researching this change, staff checked the Code of Virginia, §58.1-3819, which states that a transient occupancy tax not to exceed 5% may be levied but any excess over 2% shall be designated and spent solely for tourism and travel. The Town currently charges 3% and forwards 1% to the Eastern Shore of Virginia Tourism Commission. In order to alleviate this discrepancy between the Town Code and the actual rate being charged by the Town, an ordinance must be adopted approving the Town Code change showing the Transient Occupancy Tax rate of 3% with 1% being forwarded to the Eastern Shore of Virginia Tourism Commission. A public hearing was held earlier this evening and no comments were heard. Ordinance #20100408A was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100408A – To Correct Chapter 66 – Taxation, Article IV – Transient Occupancy Tax, Section 66-57 – Levied; Amount. Ordinance #20100408A was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes.

iii. Local Vehicle License (§§42-19 through 42-31)

Heather Arcos explained that on June 11, 2009, the Council approved the Fiscal Year 2009/2010 Budget which included the elimination of the local vehicle license or decal and a Vehicle License Tax of \$31.00 was included as part of the Personal Property Tax bills which were payable in December 2009. Decals are only required for golf carts and trailers. In order to update the Town Code with this procedural change, an Ordinance must be adopted. A public hearing was held earlier this evening and no comments were heard. Ordinance #20100408B was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100408B – An Ordinance to Modify Chapter 42 – Motor Vehicles and Traffic, Article II – Local Vehicle License, Sections 42-19 Through 42-31. Ordinance #20100408B was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes.

NEW BUSINESS:

B. 2010/2011 Virginia Commission for the Arts Local Government Challenge Grant

Heather Arcos informed the Council that the Town has participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997 and the Commission matches local government funds up to \$5K. The grant application was drafted by the Arts Enter and signed by Town staff and submitted on March 16, 2010 for FY 2010/2011 funding. The Town must confirm in writing to the Commission the Council's decision to appropriate the matching funds by July 1, 2010. The local match in the amount of \$2500 will be included in the draft FY 2010/2011 budget.

C. Town Code Correction - §70-38 – Shallow Wells

Tom Bonadeo explained that on November 8, 2005, the Council approved a change to §70-38 to allow shallow wells up to a maximum depth of 50'. A public hearing was held prior to the regular meeting to hear public comment regarding this change and no one from the public chose to speak. Even though this change was approved by the Council, an ordinance was not adopted and the Town Code was never updated. This is another instance where the Town Code needs to be updated for consistency with current practice. The adoption of a new ordinance is required for this update to be made to the Town Code. Ordinance #20100408C was reviewed by the Council.

Councilman Bannon asked how many properties in Town were still using deep wells vs. Town water. Councilman Elliott responded that the Laundromat and two homes in Town were not

connected to the Town's water but were connected to the sewer system. Tom Bonadeo added that Bayshore Concrete and the Klingel's property on Old Cape Charles Road were also using deep wells.

Mayor Sullivan moved for adoption of Ordinance #20100408C – To Correct Chapter 70 – Water, Sewer and Sewage Disposal, Article II – Water Supply Generally, Section 70-38 – Shallow Wells. Ordinance #20100408C was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes.

ANNOUNCEMENTS:


- April 9-10, 2010 – Third Annual Blessing of the Fleet
- April 13, 2010 – Town Council Budget Work Session, 6:00 PM
- The Town Manager and Mayor will be hosting an appreciation luncheon for the employees. All Council members are also invited to attend.
- April 22, 2010 – Town Council Budget Work Session, 6:00 PM
- April 28, 2010 – Candidate Debate sponsored by the Cape Charles Business Association, 6:00 PM
- April 29, 2010 – Town Council Budget Work Session, 6:00 PM
- May 1, 2010 – Central Park Committee's "Cinco de Mayo" Renovator's Ball
- May 1, 2010 – John Schultz of Voice of America giving presentation at the Library
- May 6, 2010 – Town Council Budget Work Session, 6:00 PM
- May 6, 2010 – State of the County Breakfast at Aqua
- May 13, 2010 – Town Council Regular Meeting, 7:00 PM

Motion made by Councilman Bannon, seconded by Councilman Bennett to adjourn the Town Council Regular Meeting. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk



**The Cape Charles
Historical Society**

P.O. Box 11
Cape Charles, Virginia 23310

February 1, 2010

To: Heather Arcos, Town Manager
From: Marion Naar, President CCHS

Re: Funding Request for FY 2011

For the past several years the Town has provided \$2,500 annually to the Historical Society. With this memo, we are requesting that the allocation continue this year. Our 2010 operating budget is \$33,000, so it will continue to be significant contribution to our museum and welcome center functions. Presently, however, CCHS pays \$931.80 a year for town utilities, although the Museum is open only from mid April through November and the water is actually turned off during the winter months. Given this expense, if the allocation could be increased to \$3,000 we would be most appreciative. In any case, you can be sure that the funds will be appreciated and carefully used.

2009 was a good season for the Museum. We continued to serve as the town's Welcome Center, compiling and distributing a list of town restaurants to visitors, as well as a county-wide list created by the Chamber of Commerce (including only chamber members). Our museum workers provided much advice and direction to visitors, and listened to visitors' tales. Despite the poor economy, the number of visitors increased modestly over 2008 (a record year). Financially, we ended the year with a budget surplus; which is generally applied to our Archive and Capital Funds. Thus we were able to purchase for \$5,000 a 4 ft long working locomotive model with other cars, which proved very popular with visitors, especially kids. The large B-T model, on loan to us from the B-T Authority, was also of interest to visitors. For 2010 we have committed to purchase additional ship models and a demo "walking beam" engine from Martin Stringfellow, who built the large ship models already in the Museum.

As you know, our plans have called for building an annex to the Museum to house and display as a country store, the "Country Store" collection donated to us in 2005. The Town contributed \$25,000 of the \$75,000 paid to Margaret Carlson for it. Despite our efforts last year, which included over 20 grant applications, only the Tourism Commission came through, providing \$7,500 to the \$67,000 estimated cost of the projected building. Unfortunately, the local support needed for this project does not appear to exist at the present time. The Board has decided, therefore, to put the project on hold for now. We will continue with mini displays at the Museum, rotating contents of the Jefferson Store exhibit and keeping the 50 objects on loan to Eastern Shore Historical Society for their Hopkins Store exhibit. We are open to requests from other organizations for similar exhibits. The entire collection has been professionally cleaned, photographed, catalogued and carefully stored so it is very safe and well documented. Hopefully, it will be visible to the public in its full flower at some time in the future.

Please let me know if you'd like any further information – financial or otherwise. I'd be happy to address the Council if this would be of value. Thanks so much for the Town's continuing support.