



**TOWN COUNCIL
Special Meeting
Town Hall
October 3, 2013
6:00 P.M.**

At 6:00 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Godwin, and Sullivan, and Councilwoman Natali. Mayor Sullivan and Councilman Wendell were not in attendance. Also in attendance were Town Manager Heather Arcos, Harbor Master Smitty Dize and Town Clerk Libby Hume as well as five members of the public.

PUBLIC COMMENTS:

Deborah Bender, 300 Fulcher Street

Ms. Bender commented on the necessity of building another bathroom facility at the Harbor stating that the Town spent approximately \$300K on the last one. Ms. Bender stated that she heard the Health Department had something to do with it, but she found that hard to believe and reiterated that more bathrooms were ridiculous.

There were no additional public comments to be heard nor any written comments submitted prior to the meeting.

ORDER OF BUSINESS:

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to take action on items 3A-Re-appointment of Planning Commission, 3B-Re-appointment of Board of Zoning Appeals Member, and 3C-Re-appointment of Wetlands & Coastal Dune Board Member as one item. The motion was approved by unanimous consent.

- A. *Re-Appointment of Planning Commission;*
- B. *Re-Appointment of Board of Zoning Appeals Member;*
- C. *Re-Appointment of Wetlands & Coastal Dune Board Member:*

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to re-appoint Sandra Salopek to the Planning Commission and Ray Salopek to the Board of Zoning Appeals and the Wetlands & Coastal Dune Board for another term. The motion was approved by unanimous consent.

- D. *Request to Accomack-Northampton Planning District Commission:*

Town Manager Heather Arcos stated that she and Town Planner Rob Testerman had met with Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission (ANPDC) regarding their assistance to review and update the Comprehensive Plan. The cost savings were expected to be significant with a potential decrease of up to 50% vs. using the services of a consulting firm. The ANPDC helped the Town with a previous Comprehensive Plan update in 1999. The ANPDC would work with the Planning Commission on the review and update process. If selected, the ANPDC would be able to begin their work with the Town staff and Planning Commission in January 2014. The Planning Commission was currently reviewing sections of the Comprehensive Plan to provide their recommendation on areas needing to be

reviewed further and/or updated. The ANPDC needed a letter from the Town requesting its services. Upon receipt of the letter, Ms. Meil would present the request to their board for approval. Upon approval, Ms. Meil would provide the Town with a scope of work and cost estimate for the work. Councilman Bennett clarified that Council would review the scope of work and cost estimate then vote on whether to move forward with the ANPDC.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to authorize the Town Manager to request the assistance of the Accomack-Northampton Planning District Commission for the review and update of the Comprehensive Plan. The motion was approved by unanimous consent.

E. *Harbor Development Master Plan:*

Heather Arcos stated that the current Cape Charles Harbor Master Plan was approved in 2007. Part of the plan had been accomplished and some changes in the waterfront utilization had occurred or were under consideration. On August 1, 2013, Council approved a change order to the Langley & McDonald contract to update the Harbor Master Plan. Heather Arcos pointed out several areas on the draft plan and stated that once the new Harbor Master building was completed, another bathroom facility would be needed for the inner harbor due to requirements in the Virginia Administrative Code which stated that “adequate sanitary facilities shall be conveniently located within 500’ of walking distance from the shore end of any dock they are intended to serve...” There was also a table outlining the requirement in the number of commodes, urinals, lavatories and showers needed based on the number of seasonal and transient slips. Copies of the Virginia Administrative Code “Required Facilities for Marinas and Other Places Where Boats are Moored and Their Operation” were distributed. There was much discussion regarding the bathroom facility. Heather Arcos stated that the bathroom facilities did not need to be addressed until the Town built the new Harbor Master building. Councilman Bennett stated that this was a conceptual master plan and showed a lot of new buildings on it for the future but the Town was not funding the projects now.

Councilman Bennett added that the two versions of the plan being reviewed needed to be consistent in how they were drawn and labeled and went on to point out several areas that needed to be addressed as follows: i) Several areas were not labeled; ii) The proposed location of the new Fun Pier was not shown. Heather Arcos stated that the Town did not know if FEMA would approve the relocation of the pier, but since this was a conceptual plan, she would have it added; iii) It showed a “Peach Street Framework View Corridor” that had not been discussed. Smitty Dize explained that during the public meetings when the conceptual plan was being developed in 2006, the citizens had wanted a connection from Peach Street to the Harbor. Councilwoman Natali added that as long as the railroad owned the property she didn’t think the Town could do anything about this. This item would be removed; iv) The staff report, item 6, described a wave attenuator which was not reflected in the plan. Heather Arcos stated that it would not be a new wave attenuator but relocation of the existing one and was shown on the plan as “relocated dock;” v) The plan showed two turnouts in the inner harbor area which were unnecessary; and vi) The Maritime Academy Training Davit needed to be shown vs. just two arrows. Councilwoman Natali added that the plan had the davits labeled as “proposed” and there was one already there.

Vice Mayor Bannon stated that the Waterman’s Memorial was not shown on the plan. Heather Arcos responded that the circle was shown on the plan but it was not labeled for the Waterman’s Memorial.

Heather Arcos went on the state that the Town had received a grant award of \$75K from the Virginia Port Authority (VPA), with a \$25K Town match, for a new project harbor protection. At one time, the Town was considering two wave attenuators to help South Port’s property, but the plans had changed when it was determined that breakwaters would provide the best protection for the Harbor. The plan showed a dock reconfiguration by The Shanty which staff

would like to leave in place as a future option. The Town could submit a request to the VPA to use the \$75K grant funding toward breakwaters.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to send the comments back to Langley & McDonald to revise the draft Harbor Conceptual Master Plan as discussed. The motion was approved by unanimous consent.

F. *Harbor Protection Capital Projects:*

Heather Arcos stated that the VPA granted the Town's \$500K grant carryover request. Recently, staff met with Bayshore Concrete to review a wave study that was completed as part of their pier project. The study showed the effects of the waves assuming the three remaining breakwaters were constructed. The breakwaters would protect the Harbor by significantly reducing the wave driven swells. The updated cost estimate to complete the three remaining breakwaters was \$2.4M. The estimate for the southernmost breakwater was \$900K. The breakwaters were permitted through April 2015 and the Town had been aggressively seeking additional funding opportunities. A letter was sent to Delegate Lynwood Lewis and other legislators requesting their assistance as well. The Town was hoping that the Harbor Access Road would bring added interest to the Town to assist with additional funding for the completion of the remaining breakwaters. Several meetings had been held with the Harbor stakeholders and Heather Arcos was optimistic that prospective funding sources would come through. The Town would also be refinancing the USDA Rural Development loans and there was a possibility to finance one of the breakwater sections.

Heather Arcos went on to state that she and Smitty Dize had met with the U.S. Army Corps of Engineers regarding the O&M dredging and the representative would check into the option of building a sandbar with the dredges to help reduce costs for the breakwater project. This had been done in other areas and the breakwater was built on the sandbar.

Councilwoman Natali asked about the former launching slip and asked whether it was going to be closed off. Smitty Dize responded that it would be docked over when the new Harbor Master building was constructed.

Heather Arcos stated that the primary capital focus at the Harbor was the breakwaters. Smitty Dize agreed and added that the wave action was a concern of the boaters as well as South Port Investors.

Heather Arcos stated that once the master plan had been updated, the revised plan would be provided to Council for further review.

Motion made by Councilman Godwin, seconded by Councilwoman Natali, to adjourn the Town Council Special Meeting. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk