



## TOWN COUNCIL

### Special Meeting

Town Hall

January 24, 2013

6:00 PM

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Special Meeting of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett and Sullivan and Councilwoman Natali. Councilman Wendell arrived at 6:02 p.m. Councilman Godwin was not in attendance. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Harbor Master Smitty Dize, Code Official Jeb Brady, Public Works/Public Utilities Director Dave Fauber and Town Clerk Libby Hume. There were 7 members of the public, including Mr. Eyre Baldwin of South Port Investors, in attendance.

#### PUBLIC COMMENTS

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

#### ORDER OF BUSINESS

##### A. *South Port Investors Utility Account:*

Heather Arcos stated that as of November 30, 2007, the building that was located on parcel 83A3-A-12 was demolished and the utilities were inactivated by South Port Investors. Per § 72-9.c. of the Cape Charles Town Code, "If a connection existed as of June 30, 2007, and the house or building has since been demolished, the owner shall continue to be liable for the minimum charges. Connection charges shall not apply when the vacant lot is rebuilt." South Port had requested that Council consider waiving the minimum utility charges from December 2007 through February 1, 2013 when the account was scheduled to be reactivated. The outstanding amount was \$5,366.64 including \$431.88 in interest charges.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to waive the minimum charges to date in the amount of \$5,366.64.**

Mayor Sullivan expressed her concern regarding setting a precedent in waiving outstanding charges on inactive accounts.

Councilman Bennett agreed and stated that the ordinance needed to be reviewed. There was much discussion regarding this issue.

**Councilman Bennett amended his motion to allow the utilities to be turned on effective February 1, 2013 with Council revisiting the ordinance prior to voting on a waiver of the outstanding utility balance. Councilwoman Natali seconded the motion. The motion was approved by unanimous vote.**

##### B. *Harbor Redevelopment Protection Options:*

Assistant Town Manager Bob Panek explained that the Harbor Redevelopment Plan included five offshore breakwaters for protection of the harbor from westerly swells and waves. The first two breakwaters had been built with a combination of Virginia Port Authority (VPA) grant and Town matching funds using bond proceeds at a cost of approximately \$1M. Breakwaters did an excellent job but there was still the issue of swells. Wave attenuators were an alternative to breakwaters. Dock A was a wave attenuator designed for surface waves. The

Town had planned the next section of breakwater to be to the south but South Port Investors requested a breakwater to the north to protect the harbor from northerly waves and swells. Last year, the VPA approved a \$500K grant that the Town requested for the third offshore breakwater. The estimated project cost was approximately \$800K. The grant required a 25% match of about \$167K and an additional \$133K was required to execute the \$800K project. Staff had met with private stakeholders in the harbor but no commitment of private funds had been made. The Harbor Fund could not carry added debt service for \$200K. At the January 10, 2013 meeting, Council authorized the Mayor to send a letter to the VPA requesting a carry-over of the \$500K while alternatives were further examined. A floating wave attenuator was an option. Bob Panek showed photos of various wave attenuators for Council review as well as pointing out the affected area of the harbor. The wave attenuators being considered for this area would be approximately 12' deep and 12'-14' wide vs. the wave attenuator at Dock A which was 3' deep and 12' wide. The Town could request another grant for more floating docks to increase the transient dockage. Bob Panek reviewed a variety of information on wave attenuators as well as an article which detailed how wave attenuators worked, etc. Bob Panek pointed out a portion of the article which stated that the wave attenuators sustained 135 mph winds and storm surge from a hurricane protecting Sunset Marina in Key West, FL from serious damages.

There was much discussion regarding the VPA grant funding and whether it could be re-designated for wave attenuators. Harbor Master Smitty Dize stated that he had spoken to representatives from the VPA and explained the situation and the VPA did not have any problems with the possible change. The Town was scheduled to meet with the VPA on February 19<sup>th</sup> to submit the carry-over request and would discuss the issue further.

Councilman Wendell asked how wave attenuators would affect any future dredging of the harbor. Mr. Eyre Baldwin stated that the wave attenuators could be moved to accommodate dredging.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to proceed with wave attenuators to protect the Harbor. The motion was approved by majority vote. Vice Mayor Bannon had temporarily left the room so did not vote.**

*C. FY 2014 Transportation Alternative Program Grant Application for the Cape Charles Community Trail – Phase 2:*

Bob Panek pointed out the community trail design for Phase 2 from Peach Street to Washington Avenue to the west to the beach and to the east to Fig Street. The Town had approximately \$1.1M remaining in the current grant funding. Another \$312K of funding was needed to complete Phase 2. This round of grants was limited to those projects already started under the Transportation Enhancement Act for the 21<sup>st</sup> Century (TEA-21) so the Town's chances of success were good. The application deadline was February 1, 2013.

There was some discussion regarding the future plans for the community trail regarding connection to the boardwalk, leading out of town to connect to the campground and the State Park, etc.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to authorize the Town Manager to apply for additional Federal Transportation Alternatives Program grant funds to complete Phase 2 of the Community Trail for North Peach Street and Washington Avenue based on the 30% design estimate. The motion was approved by unanimous vote.**

*D. Cape Charles Fishing Pier Repairs:*

Heather Arcos began by showing photographs of the damaged areas of the fishing pier. The old section of the fishing pier was constructed in 1993 and the newer section/extension was

constructed in 2006. A structural engineer reviewed the pier and deemed it unsafe for use so it had been closed since Hurricane Sandy the end of October. Staff met with the engineers who developed a plan to temporarily fix the pier in order to reopen it for the season.

Public Works/Public Utilities Director Dave Fauber stated that initially, FEMA stated that the pier needed to be rebuilt and could be rebuilt in another, better suited location. Since that time, FEMA had come back stating that it must be rebuilt in the current location. The Town would most likely get reimbursed by FEMA, but the Town would not know for sure until Fall 2013. The Town currently had several options to consider: i) Do the temporary repairs to reopen the pier as soon as possible and rebuild the pier in the fall. The temporary repairs were estimated to cost about \$10K. This option could jeopardize the funding from FEMA; ii) Rebuild the pier in its current location as recommended by FEMA and get reimbursed by FEMA in the fall. This would cost approximately \$226K. There was a high probability of getting reimbursed by FEMA; and iii) Rebuild the pier in a different location. FEMA would not reimburse any portion under this option.

There was some discussion regarding the options and what would be best for the Town. Mayor Sullivan went around the table and asked for Council's opinions adding that in her opinion, the Town should make the temporary repairs now and rebuild in the fall and take its chances of getting reimbursed by FEMA.

Councilman Bennett stated that he agreed that the Town should make temporary repairs to reopen the pier as soon as possible and take the chance of getting reimbursement by FEMA.

Councilwoman Natali stated that she would go with the majority.

Councilman Wendell stated that he would hate to lose more time and suggested reaching out to the State for assistance.

Heather Arcos added that if the Town Council opted to make the temporary repairs, the project could be put on the Capital Projects list and the Town could request funding assistance from the Virginia Marine Resources Commission (VMRC) and rebuild the pier in a better location.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to make the temporary repairs to the fishing pier ourselves in order to reopen it as soon as possible. The motion was unanimously approved.**

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

---

Mayor Sullivan

---

Town Clerk