



## TOWN COUNCIL

### Work Session

Town Hall

August 26, 2010

6:00 PM

At 6:00 p.m. at the Town Hall, Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:03 p.m. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Treasurer JoAnna Leatherwood, Town Clerk Libby Hume and one member of the public, Mr. Severn Carpenter who was newly appointed to the Northampton County Planning Commission.

Mayor Sullivan announced the business for the evening would be to review the Town ordinance regarding Peddler's Licenses (§38-26) and to hear an update regarding the boundary adjustment issue.

#### *Peddler's License Review (§38-36 of the Cape Charles Town Code)*

Town Manager Heather Arcos stated that she hoped everyone had a chance to review the documents included in the agenda packet and the purpose of this review was to define several types of businesses falling under Section 38-36 (Retailers) of the Cape Charles Town Code. Heather Arcos explained that she, Town Planner Tom Bonadeo and Treasurer JoAnna Leatherwood reviewed the ordinances from various municipalities and felt that the ordinances from the City of Hampton and the Town of Kilmarnock best suited Cape Charles.

Tom Bonadeo explained that other types of business licenses are detailed in the Code but the Retail Section did not define the types of businesses falling under this section. Historically, the Town charged \$500 for a Peddler's or Itinerant License which was the maximum amount allowed by the Code of Virginia in an effort to deter certain types of businesses in Town. The Town of Ocean City, MD does not allow any type of peddler and the City of Virginia Beach has two pages of business types that are permitted. Tom Bonadeo went on to explain the two main types of retail businesses: i) those that operate from a permanent building or location; and ii) those that do not have a permanent building or location. Of those businesses that do not have a permanent building or location, some operate on public property and some operate on private property. Tom Bonadeo also referred to Section 62-11 of the Town Code which limits sales on streets and from vehicles.

The Council reviewed the suggested modifications to Section 38-36 and the cost of the various business licenses under this section.

There was much debate regarding an existing business owner having the ability to sell their products at the beach and whether an additional license would be required.

Mayor Sullivan asked about a business in Town renting kayaks at the beach. Tom Bonadeo explained that this would be considered a service vs. a retail business and would fall under another section of the Code.

There was much discussion regarding the amount of the license fee. Councilman Bennett stated that in the City of Virginia Beach with 400K+ people, a fee of \$500 per year was acceptable, but in a town with only 900+ people, \$500 was excessive.

Tom Bonadeo stated that the Town could decide what types of products it would permit to be sold and that the Town could also decide not to allow any types of peddlers. Councilman Bennett suggested that the Town could possibly limit the types of peddlers to food vendors only or the Town could charge food vendors a \$50 fee and \$500 could be charged to all other types of retail businesses. The majority of the Council was agreeable to possibly limiting this type of license to food vendors only.

There was some discussion regarding the health department permit for food vendors. Councilman Bennett stated that a business owner in a permanent building would have a health department permit for that location but if this business owner wanted to sell food items at the beach, wouldn't an additional health permit be required. Heather Arcos stated that she would check with the health department regarding this issue.

Councilman Bennett went on to state that if an existing business owner wanted to sell anything outside of their business location, a separate license needed to be purchased to which Councilwoman Natali agreed.

Councilman Veber stated that he still felt that existing business owners should be able to sell their products outside of their business at no additional cost since they already have a license to do business in Town. It was suggested that the Town could possibly charge existing businesses \$50 to sell food and/or other items outside of the business location.

Heather Arcos asked the Council whether they would consider limiting the number of vendors. Councilman Evans stated that he felt it would be a good idea to limit the number of vendors selling the same thing. Councilman Sullivan stated that he felt that the competition would take care of the issue. The vendors would eventually stop coming if they didn't sell enough items.

#### *Boundary Adjustment Update*

Heather Arcos stated that on July 26<sup>th</sup>, a meeting of the Cape Charles representatives, Councilmen Sullivan and Veber, was held to provide Councilman Sullivan with background of previous discussion of the committee. Another meeting was held with Supervisor Sam Long to obtain his input regarding this issue. Supervisor Long expressed his desire to attend the next Boundary Adjustment Committee meeting and the Town is waiting on dates from Mr. Long in order to schedule this meeting. Heather Arcos added that the Cape Charles Planning Commission met with the County Planning Commission to discuss the Town Edge Zone on August 3<sup>rd</sup> and great progress was made at this meeting. Heather Arcos went on to state that with the new Council, staff would like to obtain input from Council regarding their thoughts on continuing to pursue a possible boundary adjustment.

Councilman Veber stated that he understood that the Town of Eastville was in the process of a boundary adjustment and were further along in the process than Cape Charles and Cheriton. Councilman Veber added that Tom Bonadeo had some interesting thoughts regarding options to a boundary adjustment and asked Tom Bonadeo to relay his thoughts to the Council.

Tom Bonadeo stated that in regards to a boundary adjustment request, the Town needed justification as to why it needed / wanted additional land. Councilman Veber had previously stated that he wanted to protect the Town of Cape Charles and its businesses regarding development along Route 13 and the corridors into Town. The Town could pursue this “protection” without requesting a boundary adjustment. The natural boundary adjustment area would take in mostly agricultural land along Routes 642 and 184 and the Tower Hill and Kings Creek Landing subdivisions much of which is included in Cape Charles’ Town Edge Zone.

There was much discussion regarding the fact that Cape Charles did not have any control or a “voice” regarding development along Route 13 and the corridors into Town. Councilman Bannon stated that as part of the Annexation Agreement, the Town gave up 2% of the occupancy tax to the County and was supposed to have input regarding development in this area. Several letters were written to the County regarding this issue but no responses were ever received. Councilman Evans agreed that the County has ignored the Town’s concerns in the past.

There was much discussion regarding the agricultural land along Routes 642 and 184 that is currently in the Agricultural Forestry District (AFD) which designates the land as agricultural for a ten-year period. Councilman Sullivan stated that the property owner can remove the land from the AFD at any time by paying the back taxes and request a rezoning of the land to sell for development.

Councilman Bennett stated that he would like to think the Town could work with the County without a boundary adjustment but agreed that there were no guarantees regarding the AFDs and future development in this area.

Tom Bonadeo stated that a boundary adjustment was a “friendly” agreement between the Town and County. If the County was not agreeable, the next step would be annexation, but the State of Virginia currently has a moratorium on annexations.

Heather Arcos stated that the Town would continue to work with Cheriton but felt that Cheriton is in a hurry to submit a boundary adjustment request.

Mayor Sullivan polled the Council for their preference regarding i) continue working with Cheriton to pursue a boundary adjustment; or ii) pursue a dual planning / Town Edge Zone for Route 184 and Route 13 corridors. The Council unanimously preferred the Town continue its meetings with Cheriton in pursuit of a boundary adjustment.

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

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Mayor Sullivan

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Town Clerk