



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
January 16, 2014

At approximately 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Godwin and Wendell, and Councilwoman Natali. Councilman Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Rob Testerman, Assistant Town Manager Bob Panek, Code Official Jeb Brady, Director of Public Works/Utilities Dave Fauber, Harbor Master Smitty Dize and Assistant Town Clerk Amanda Hurley. Approximately 14 members of the public were in attendance.

Councilman Godwin gave the invocation which was followed by the recitation of the Pledge of Allegiance.

Mayor Sullivan announced that Chief Charles Brown had retired at the end of 2013 and presented him with a hand carved bird. Jim Pruitt was introduced as the Town's new Chief of Police.

Heather Arcos stated that it had been a pleasure to work with Sambo Brown over the last 12 years.

RECOGNITION OF VISITORS / PRESENTATIONS

George Proto – Cape Charles Business Association

Mr. Proto began by thanking the Town of Cape Charles, specifically Heather Arcos, Bob Panek, Jen Lewis and Smitty Dize, who had been involved in various activities. Mr. Proto also thanked the merchants for their cooperation in running specials and discounts to promote events in the Town, Aqua for the frequent use of their facility for Cape Charles Business Association (CCBA) meetings, the volunteers and contributors who helped make the Fall Festival a success and the Board members for their hard work.

Mr. Proto gave a brief overview of the past year including major activities supported, Fall Festival, economic development and major challenges to include building membership and finding volunteers.

Future goals included sponsoring a joint workshop with the Town and County on economic development, expanding membership, becoming self-sustaining financially, develop cadre of hands on volunteers, permanent installation of LOVE sign and expand and improve Fall Festival.

PUBLIC COMMENTS:

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Mayor Sullivan stated that item 8A would be removed. Mr. Spencer Murray was unable to attend this evening's meeting but would be on the agenda for the March meeting.

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

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the December 16, 2013 Executive Session, the December 19, 2013 Public Hearing and Regular Meeting and the January 9, 2014 Work Session.

Councilwoman Natali noted two grammatical errors on page 3 of the December 19, 2013 Public Hearing minutes.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the December 16, 2013 Executive Session and the January 9, 2014 Work Session as presented and the December 19, 2013 Public Hearing as amended. The motion was approved by unanimous consent.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Heather Arcos reviewed the Treasurer's report dated December 31, 2013 which showed \$1,099,159 in the Shore Bank checking account, \$95,216 in the Shore Bank checking account for reserved facility fees, \$68,504 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,614 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,703,493. The total cash held in reserve was \$356,114. Heather Arcos went on to review the Tax Collection Comparison for Fiscal Years (FY) 2013 and 2014, the revenues vs. expenditures, the capital improvement projects, the 2013 real estate tax collections, and the 2014 personal property tax and 2014 license tax collections.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to accept the Treasurer's Report as submitted. The motion was approved by unanimous consent.

B. *Planning Commission and Boards:*

Town Planner Rob Testerman reported the following: i) He received an email today from Elaine Meil of the ANPDC regarding scheduling a meeting for the Comprehensive Plan update; and ii) The HDRB would be reviewing applications next week for 500 Tazewell Avenue, the former library building and 207 Mason Avenue, the future yogurt bar.

C. *Other Departmental Reports:*

Heather Arcos reported the following: i) She apologized to the citizens for the short notice on street sweeping. The Town was not notified by VDOT until late Friday. Public Works was able to hand out door hangers on Monday with the street sweeping schedule; ii) the Town had a new website and it was currently being updated. The cost of the website was under the \$5K that was budgeted; iii) The auditors who were scheduled this week had to reschedule with a date to be determined. Mayor Sullivan added that the Town was audited annually; iv) Department Heads were working on FY14/15 budgets and the first budget meeting was scheduled for February 27, 2014; v) VML Day was February 6, 2014 and a few Councilmembers would be attending; and vi) Heather Arcos would not be attending the February 20, 2014 Town Council Meeting because she would be attending the Virginia Local Government Management Association from February 19-21.

OLD BUSINESS

A. *Public Service Authority/Regional Wastewater Update:*

Bob Panek stated that at the Board of Supervisor's (BOS) meeting on December 17, 2013, there were twelve potential properties to be removed and four added. The property evaluation for the proposed special tax district would be about the same as it was in the beginning. The BOS had not taken any action yet. The PSA board was reviewing the operational cost estimates that were provided by the Town of Cape Charles. Hurt & Proffitt had finished with the surveying

phase and confirmed that the previous cost estimate of \$1.8M was still reasonable and hoped to possibly reduce that cost as the engineering phase continued.

Councilman Wendell stated that in the CCBA presentation, concerns had been raised at one of the meetings and it was asked that the project be put on hold until the issues were appropriately addressed. Councilman Wendell asked if these issues had been addressed.

Heather Arcos stated that the letter was provided to Town Council in September and they would continue the discussion at the next work session and the Town was not moving forward with this project other than performing the necessary staff work.

B. *Arts Walk Update:*

Bob Panek stated that during the first year the focus was on development of the marketing campaign, tourism website and special events such as Harbor for the Arts festival to try to leverage the arts to create business opportunities. The Arts Walk planning was created to link community events venues with the Master Trail Plan. A steering committee was formed and they agreed on the following priorities: i) A way finding system with a signature arts piece and Town map at several locations, particularly downtown and the harbor; ii) Improvements at the Town gateway, particularly at the Museum/Welcome Center. A possible roundabout instead of the current intersection which would have a signature arts piece; iii) Improvements in the business district, particularly a convertible Strawberry Street event plaza. It would be a pedestrian plaza where vehicular traffic would be invited in. There would be a farmers market space on the south side of Mason Avenue; iv) Art displays around the trail in Central Park; trail along Peach Street to remain the primary connection between the Park and business district; and v) Development of a beach front performance venue near the entrance of the pier. Bob Panek stated that if Town Council approved continuation of the project, another public input session would be scheduled to focus on the priorities and then brought back to Town Council to adopt as an amendment to the Master Trail Plan. If it was done as part of the Community Trail, grants were available for up to 80% of the cost would be taken care of. There were also grants available for downtown beautification.

Councilman Bennett asked how many people were on the steering committee and who they were. He also asked how their meetings were advertised and suggested getting the word out more. Recommendation was made to utilize the Palace Theatre for the next public input meeting.

Councilman Wendell stated that he wanted to keep in mind the VDOT money for a County wide bicycle trail that would connect the State Park and campground to Town. Bob Panek stated that the gateway would be linked with the bike trail.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to approve the scheduling of a public input session. The motion was unanimously approved.

C. *Former Library Building Renovations Update:*

Dave Fauber stated that he had received drawings from Architect Leon Parham and a report from the structural engineer. Capacity would be restricted. The ad proposal for a contractor would be in the paper tomorrow with bids due on January 29.

Councilwoman Natali pointed out that according to the plans, the building could accommodate 143 people. Jeb Brady stated that he was still working on that with Mr. Parham but, the maximum capacity would most likely be between 99 and 110.

D. *Cape Charles Harbor Conceptual Master Plan Update:*

Smitty Dize stated that at the October 3, 2013 Special Meeting, Town Council requested changes to be made to the Harbor Conceptual Master Plan. The following changes were made: i) The

“Peach Street Framework View Corridor” was removed; ii) The proposed inner basin bath house was downsized, but still in compliance with the Virginia Department of Health regulations; iii) The restaurant was labeled; iv) The proposed Virginia Waterman’s Memorial was labeled; v) The proposed bait and tackle shop was added; and vi) The Maritime Academy Training Davits were shown with one existing and one proposed.

Councilman Wendell asked what the size of the proposed bath house was in comparison with the existing. Smitty Dize stated that they wouldn’t know until the transient and seasonal slips were completed, but it was projected to be about half the size of the current bath house.

Vice Mayor Bannon stated that there had been much discussion about the \$343K bath house and asked how much money the Town actually had to pay. Smitty Dize stated that the Town paid \$30K-\$40K and the remainder was split between the Virginia Port Authority and the Boating Infrastructure Grants.

Motion made by Councilman Bennett, seconded by Councilman Godwin, to approve the Cape Charles Harbor Conceptual Master Plan as presented. The motion was unanimously approved.

E. *Harbor Area Review Board – Virginia Waterman’s Memorial Recommendation:*

Rob Testerman explained that the Harbor Area Review Board recommended approval of the memorial with the following conditions: i) There was concern that walls over three feet could go against the standards in the guidelines. However, after looking for this standard, it was found that walls over three and one half feet in height were allowed, but must be reviewed by the Board. Therefore, there was no conflict with the guidelines on this issue; ii) Pedestrian safety was another concern raised by the board, as the memorial would be located in the center of a circle drive adjacent to a restaurant. The Design Standards stated that mixed use areas should be connected by sidewalks and pedestrian use should be integrated with parking and businesses. An ingress/egress point was also suggested connecting the memorial to the front entrance of The Shanty, and that both crossings should be marked with pedestrian crossing signs. As for safety measures, a 6” VDOT curb would be in place, and a series of steel posts or bollards with a decorative chain around the memorial were discussed; iii) The benches were proposed to be black and grey granite, as depicted in the 3D model, which would be bought by donors to be placed in the memorial. The Board discussed these benches and determined that they would be satisfactory, and that if the need should arise, as a temporary measure, the concrete Bayshore Concrete benches would be allowed; iv) The lighting of the memorial was also of concern to the Board. The lighthouse replica would use a low voltage continuous burning light. It was discussed that there may be additional downward facing lighting attached to the lighthouse to illuminate the memorial area, lighting incorporating bollards were also discussed; and v) When specific plans for the above mentioned conditions were complete, they would be submitted to the Zoning Administrator for administrative review and approval prior to any installation.

Councilman Bennett asked what the timeframe was for construction of the memorial. Ed Lewis of the Friends of the Virginia Waterman’s Memorial on the Eastern Shore stated that they would begin as soon as they received approval and when Bayshore Concrete could pour the foundation.

Rob Testerman added that The Shanty would not lose parking spaces since the memorial was to be constructed in the existing circular area.

Councilman Bennett commented that a lot of effort had gone into the memorial and added that it was a fantastic addition to the Harbor, but recommended that they wait on the black and grey granite benches and not use the Bayshore Concrete benches because they might detract from the memorial.

Motion made by Councilman Bennett, seconded by Councilman Godwin, to approve the Harbor Development Certificate with the HARB's conditions as discussed with the exception that concrete benches would not be used. The motion was unanimously approved.

F. *Harbor Area Review Board – Shanty Recommendation:*

Rob Testerman stated that the Harbor Area Review Board reviewed proposals for modifications to The Shanty restaurant and recommended approval of the Harbor Development Certificate.

Jon Dempster of The Shanty stated that the goal was to complete all modifications during the off season before their target opening date of March 19.

The Harbor Development Certificate was valid for one year. If construction could not be completed in the current off season, building permits could be pulled before the end of the year to extend the time for construction.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to approve the Harbor Development Certificate as presented. The motion was unanimously approved.

G. *Police Car Replacement:*

Heather Arcos stated that the Town Council had a work session on January 9 to discuss payment options for a new police vehicle. There was \$10K in savings in the police department budget from salaries and benefits, \$5,387 in insurance money from the 2008 Crown Victoria that was deemed a total loss, as well as \$20K from the Comprehensive Plan savings. The recommendation was to pay cash for the replacement vehicle instead of financing through USDA Rural Development at a 4.625% interest rate for four years. Staff recommended purchasing the Dodge for a state contract price of \$23,236.

Mayor Sullivan suggested sharing a vehicle between police officers. Chief Pruitt stated that there were no advantages in sharing a vehicle because fuel consumption was the same, mileage would be higher and there was more wear and tear and maintenance on a shared vehicle. Chief Pruitt had sent Council statistics after the work session.

Councilman Wendell voiced his concerns and suggested two of the newest officers share a vehicle. Chief Pruitt stated that FEMA had new requirements for encrypted radios and each radio had its own number associated with each Officer. Each radio also had an Officer Down button. There were safety issues when Officers shared a vehicle.

Chief Pruitt invited the Council to look inside the vehicles to understand what each was equipped with. Chief Pruitt pointed out that some cities could share vehicles because they were just patrol units.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to authorize the Town to purchase the police vehicle outright. The motion was approved by majority vote with Councilman Wendell opposed.

NEW BUSINESS:

B. *Utility Easement – 200 Block of Mason Ave*

Heather Arcos stated that the Town was working with property owners to obtain a utility easement connecting Randolph Avenue to the rear of four properties in the 200 block of Mason Avenue. Easements would be granted to the Town for utility purposes from the Cape Charles Hotel, Hotel Blue, The Cape Charles Coffeehouse and the Wendell property. All of the property owners had given verbal agreement.

Dave Fauber stated that storm water and sanitary sewer connections had been an ongoing issue for those properties. If a building had not been renovated, the front of the building and sidewalk would have to be torn up. An easement had been drafted to include a temporary 8' construction easement and a 4' permanent easement for the utility line. The Town would install a 6" sewer line at a cost of about \$1,200-\$1,500.

Councilwoman Natali questioned if the easement could accommodate fire and rescue vehicles or garbage trucks. Dave Fauber stated that it would not at this time, but it was a plan that merited discussion in the future.

Heather Arcos stated that she and Dave Fauber would be meeting with Chris Isdell of VDOT to discuss the needs of the Town such as storm water and manholes.

C. *Virginia Port Authority Aid to Local Ports Grant Request:*

Smitty Dize stated that every year the Harbor requested funding from the Virginia Port Authority (VPA). Last year the Town asked for a carryover and would be asking for a carryover again this year. Smitty Dize stated that the Town was unable to find additional funding to assist with the breakwater, but would continue to search. The Town would submit a letter from the Mayor by March 1 requesting the carryover.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to authorize the Mayor to send a letter to the VPA requesting a carry-over of the \$500K and \$75K grants for protection of the Harbor. The motion was unanimously approved.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan directed her comment to Dave Fauber, recognizing Pete Leontieff and his crew for being hard workers.

The Council members thanked Charles Brown for his service to the Town and congratulated Chief Jim Pruitt.

Councilman Bennett stated that he would like to see a five or ten year Capital Improvements Plan for the items the Town would like to do. There were a number of vacancies filled in the last six months and wage was an issue. Councilman Bennett stated that as a priority he would like to see a wage compensation study to update the wages for all positions and also produce position descriptions. Heather Arcos stated that it would be discussed at the February 8 Work Session.

Vice Mayor Bannon stated that the Town was supposed to have a rainy day fund at approximately \$125 per citizen. Vice Mayor Bannon also stated that the VPA had been really good to the Town and pointed out that VPA Senior Vice President Russell Held wanted to meet with Town Council.

Councilman Wendell commented by asking why the Town could not complete the wage compensation study in-house vs. paying \$10K to have it completed by a third party.

Councilwoman Natali stated that she would like to discuss at a future work session raising transient occupancy tax and reserving it for the Town use, specifically tourism related programs and projects within the Town and supporting Town businesses and non-profits.

Councilwoman Natali and Vice Mayor Bannon reported that the Epiphany Party collected a total of \$4,666, of which \$850 of those proceeds were dedicated to the Fire Department. After expenses, Arts Enter would receive \$3,332.27. The Fire Department also collected \$500-\$600 in their donation boot.

ANNOUNCEMENTS

- January 17, 2014 – Town Offices Closed in Observance of Lee-Jackson Day
- January 20, 2014 – Town Offices Closed in Observance of Martin Luther King Jr. Day
- January 22, 2014 – Town Council Special Meeting, 6:00 PM, Town Hall
- February 6, 2014 – VML Local Government Day in Richmond
- February 8, 2014 – Town Council Retreat/Work Session
- February 13, 2014 – Town Council Work Session, 6PM, Town Hall, tentative
- February 17, 2014 – Town Offices Closed in Observance of Presidents’ Day
- February 20, 2014 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous consent.

Mayor Sullivan

Asst. Town Clerk