



PLANNING COMMISSION

Regular Meeting

Town Hall

July 8, 2014

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Dan Burke, Sandra Salopek and Mike Strub. Commissioner Joan Natali arrived at 6:02 p.m. Commissioners Andy Buchholz and Bill Stramm were not in attendance. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC COMMENTS

There were no comments from the public nor any comments submitted in writing prior to the meeting.

CONSENT AGENDA

Motion made by Joan Natali, seconded by Mike Strub, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the June 9, 2014 Regular Meeting and the June 30, 2014 Comprehensive Plan Work Session.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the June 9, 2014 Regular Meeting, and the June 30, 2014 Comprehensive Plan Work Session as presented. The motion was unanimously approved.

REPORTS

Town Planner Rob Testerman reported the following: i) The Historic District Review Board met on June 17th and approved an application for a siding replacement for 209 Jefferson Avenue; ii) A land reclamation and beach nourishment project at Bay Vistas was completed. The project's intention was to reclaim land that was lost to erosion as well as provide beach nourishment in the vicinity. He visited the property on July 7th to determine how the work weathered the storm. Some sand was displaced but it was fine overall. A new house was being planned in the development and Code Official Jeb Brady was reviewing the plans for a building permit; iii) He was still awaiting a response from the legal review of the chicken ordinance; and iv) Site plans were resubmitted for the Cape Charles Lofts project addressing comments from VDOT as well as erosion and sediment control issues. He should be completed with his review by the end of the week. He would contact Dale Pusey of VDOT to find out their status.

Dennis McCoy stated that staff had done a great job regarding the chicken ordinance but costs still needed to be determined for the chicken permits. If a conditional use permit was required, the initial cost to the applicant was \$300 and the Commissioners needed to discuss whether this fee could and/or should be reduced for the purposes of a chicken permit. Joan Natali added that more research was needed regarding whether the Town Council had the ability to change fees because costs needed to be part of the Planning Commission's recommendation.

Town Clerk Libby Hume stated that at the June 30th Planning Commission Comprehensive Plan meeting, a question arose regarding the level of medical training received by the Town's police officers. Libby Hume spoke to Chief Pruitt who told her that the officers were not trained as paramedics but were certified in CPR, basic first aid and in using a defibrillator. This information had been provided to Elaine Meil of the A-NPDC and she would adjust the language for review by the Commissioners at the July Comprehensive Plan work session.

OLD BUSINESS

A. *Floodplain Ordinance – Discuss model floodplain ordinance*

Rob Testerman stated that a sample ordinance, received from the Department of Conservation and Recreation (DCR) was included in the June 9th regular meeting packet. As a community participating in the Community Rating System (CRS) program, the Town was encouraged to go beyond the minimum requirements as outlined in the sample ordinance. The Commissioners reviewed the sample ordinance and noted that Section 2.1.A of the sample ordinance should show the "Town Manager or designee" vs. chief executive officer. The Commissioners continued to review the suggested Higher Standards and requested language be added from the following sections: i) Higher Standards and Manufactured Homes; ii) Higher Standards and Freeboard; iii) Higher Standards and Building Foundations; and iv) Higher Standards Critical Facilities.

Rob Testerman stated that he would incorporate the language and provide the updated ordinance for review at the August meeting. The draft ordinance needed to be sent to the DCR in September for their review. Once the letter of determination was issued, the Town had six months to finalize the ordinance.

B. *Tourism Zone – Resume discussion on the draft ordinance*

Rob Testerman stated that he called the Town of Pocahontas regarding questions about their tourism zone, but had not yet received a response. Several other ordinances were included in the packet which were more general in regards to the business types listed, such as listing "recreation businesses" vs. kayaking, etc.

The Commissioners reviewed the various ordinances and pointed out language to include in the Cape Charles tourism zone ordinance. The Commissioners especially liked language from Carroll County which stated that "If a Qualified Tourism Business leaves the County to conduct business in another location within three years of completing any three-year incentive period, it will be required to repay the County the total amount of Tourism Zone incentives received." The definitions of a Tourism Business and Tourism Products, Processes or Related Services from James City County would be used in the Town's ordinance. Several business categories noted were provisioning services, concierge services, conference center/services, galleries, recreational facilities/services, and special events/services. Rob Testerman added that the Town's Technology Zone ordinance contained language such as "as included in any other Technology Zone in the State of Virginia."

There was some discussion regarding including incentives for existing businesses similar to language included in the Technology Zone.

There was much discussion regarding possible criteria and incentives. It was suggested to use the same criteria as the Technology Zone but it was pointed out that the numbers in the Technology Zone were fairly high and would be difficult for a tourism-related business to meet.

Dennis McCoy suggested meeting with representatives from the Cape Charles Business Association, Eastern Shore of Virginia Tourism Commission, Virginia Tourism Corporation and

the Cape Charles B&B Association to discuss the possible criteria. Representatives could be invited to a future Planning Commission meeting to discuss the issue.

Joan Natali stated that the ordinance needed to focus on full-time jobs. Libby Hume noted that most of the retail shops in Town closed for the winter or had very reduced hours and would have difficulty maintaining full-time employees but the incentives could be reduced for seasonal businesses. Dennis McCoy added that year-round businesses could qualify for an incentive of 50% of a tax or other item rebated and a seasonal business could qualify for 25%. Joan Natali stated that the Town needed to target year-round tourism businesses but would consider the different incentive amounts for a seasonal business.

Rob Testerman stated that he would contact the various associations discussed earlier, draft some criteria separating the full-time and seasonal businesses using incentives similar to how the Technology Zone differentiates manufacturing and non-manufacturing businesses.

Dan Burke suggested including incentives for machinery & equipment, as done in the Technology Zone, since many tourism businesses have machinery and equipment, i.e., jet skis, kitchen equipment, etc.

NEW BUSINESS

There was no new business to review.

OTHER

Dan Burke stated that Elaine Meil's presentation given at the June 30 meeting was very informative. Joan Natali agreed and suggested that it be presented to the Town Council as well, if Ms. Meil was agreeable.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk