

Town Council
Regular Session
May 8, 2008
7:00 p.m.
St. Charles Parish Hall

At approximately 7:00 p.m. in the St. Charles Parish Hall Mayor Dora Sullivan called to order the Regular Session of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Dudley, Burdiss, Evans and Brown. Gerald Elliott was absent. Also present were Councilmen elect Steve Bennett and Larry Veber, Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos, Town Clerk Joy Pelletier, several members of staff and approximately 12 members of the Public.

John Burdiss led the invocation and Sambo Brown led the Pledge of Allegiance.

PUBLIC COMMENTS

Russ Dunton – 5 Monroe Ave.

Mr. Dunton expressed concern over the beach grass being trampled and the effect wind erosion had on the sand dunes. He quoted portions of the Dune Ordinance and remarked the Town had a responsibility to protect the vegetation.

Additional remarks suggested the Wetlands/Coastal Dune Board be utilized to assist the Town in protecting the beach assets.

Public Works/Utilities Director Dave Fauber responded by indicating post and rope had been ordered and would be installed within the following week.

Motion made by Chris Bannon, seconded by John Burdiss and unanimously approved to amend the agenda changing 7E New Business from an action item to an informational item.

Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to accept the minutes as presented.

REPORT PRESENTATIONS

E. Recreation Report

Mayor Sullivan announced that Jimmy Marvel would be leaving his position. She thanked him for all the work he had accomplished in the short time he had been in the position and wished him well on behalf of the Town Council, Management and Staff.

Mr. Marvel gave a short synopsis of the activities that had occurred over the past month which included: removing the “puppet house” from the children’s playground (it had been donated to Arts Enter); the little league had been using

the park grounds for practice games; the successful street basketball tournament (thanks went out to Larry Burkhardt and Debbie Kozak as well as Rick Finley).

A. Treasurer's Report

See attached. Mr. Skolnick also mentioned the Town had negotiated with a new firm to handle the bankcard and utilities charge accounts. The processing fees would now be absorbed by the customer rather than the municipality.

Motion made by John Burdiss, seconded by Chris Bannon and unanimously approved to accept the Treasurer's report as presented.

B. Planning Commission

Town Planner Tom Bonadeo reported on the activities. See the Planning Commission minutes for April 19, 2008 and May 3, 2008.

C. Historic District Review Board

See minutes of April 20, 2008. Mr. Bonadeo also addressed a question concerning the old Cape Charles Elementary School that was built through the Rosenwald Foundation and how it could be protected as a historic site if the owner of the property was not interested in declaring the property historic. Registering the structure would enhance its position as available for renovation with historic tax credits.

Mr. Bonadeo also reviewed the recent Wetlands Board Meeting held on April 23, 2008 (see minutes).

D. Public Works Report

David Fauber, Director Public Works/Utilities addressed sidewalk repair, plantings on the "hump", heating and air installed in the Municipal Building, work on the park gazebo, and a recent engineering report for the well and wastewater plant that showed a significant decrease in "lost" water.

E. Harbor Report

Harbormaster Dize reported the permitting process had begun to obtain permits for the new floating docks and bulkhead project. The dock project would be completed within the week and the South Dock gazebo was being moved. Mr. Dize reported he had noticed an increase in foot traffic and people enjoying their lunch at the Harbor. The last announcements concerned a Chamber of Commerce sponsored event on June 14. Several schooners would be docking in the Harbor and allowing Public visitation.

OLD BUSINESS

A. Annexation update

Town Consultant Bob Panek updated the Council on the progress in coming to agreement with Baymark Construction on their portion of responsibility for expansion of the Town's water and wastewater systems. He reported a series of

discussions had been held over the past few years and a proposal had been submitted to Baymark. After clarification of certain aspects of the proposal, Baymark had indicated they could not agree to the proposed settlement. They did, however, indicate they would pay their "fair share" of the expansion costs. Mr. Panek stated the Town's offer was effective until June 30, 2008. If a settlement payment was not received by that time, the Town would begin billing Baymark in July for their share of expansion costs as the costs were incurred.

Council remarked a discussion should be held at the budget workshop on what impact this payment of costs would have on the budget.

B. Council Appointed Advisory Committees

Mayor Sullivan explained the concept of the committees and that advisory committees must follow certain regulations as stated by VA code section 2.2-3700. She further explained that from time to time committees are needed for their expertise in certain areas as a supplement to inexperienced staff. She indicated the need for many of the committees had been eliminated due to the level of knowledge and training of the current professionals on staff.

Discussion among the group noted that workshops rather than committees would be advisable for this period of time. The Town Manager was directed to have the committees disband.

NEW BUSINESS

A. Public-Private Partnership for Regional Water and Wastewater System.

Bob Panek presented this topic explaining that growth projections of the next few decades indicated the Town could need to quadruple their current water and wastewater capacities. In considering this, Council had authorized entering in a non-binding Memorandum of Understanding with the Town of Cheriton and Webster Investors, LLC to study the feasibility of a Public-Private Partnership to build and operate a regional water and wastewater system. Northampton County had declined to enter in the MOU, but had agreed to be included in the study.

Mr. Panek further explained there was a structure procurement process designed to encourage private capital investment to deliver public infrastructure and services in a timely and economical manner (Code of Virginia, Sec. 45-575.1 et al.). As part of the procurement process, the attached resolution would need to be passed by the Council to adopt guidelines for considering the project proposals.

Mayor Sullivan read the resolution into record.

Motion made by Councilman Dudley, seconded by Councilman Brown and unanimously approved to adopt the resolution as read. Roll call vote: Bannon, yes; Dudley, yes; Brown, yes; Evans, yes; Burdiss, yes.

Discussion included the fact that even if Cheriton and portions of the County participated in the project, Cape Charles at build out would be the major contributor to the system.

B. *Beach Renourishment Maintenance*

Public Works/Utilities Director Dave Fauber presented the topic to Council. He mentioned due to wind and tide erosion during the winter, the beach continued to lose sand. Much of the displaced sand had been naturally shifted to create the dunes; healthy stands of grass (essential for dune growth) had been migrating towards the shoreline.

Mr. Fauber indicated to protect these grasses from being trampled by beach goers, additional barriers would be erected. He also indicated it had been estimated that 2100 cubic yards of sand should be placed on the beach to bring it back to the width that was created during restoration. Mr. Fauber stated funds were available for the current year replenishment, but should be planned for future years also.

Councilman Bannon mentioned much of the sand had been moving into the harbor channel and asked if raising the jetty would help prevent additional migration of sand into the channel. He also mentioned other areas charge non residents to use the beach and suggested the Town look into how that could be done.

C. *Boundary Adjustment*

Tom Bonadeo explained the County had issued a draft document outlining a policy covering the requirements for boundary adjustments. He then detailed the six criteria and asked Council if they would like a draft document to be prepared for discussion at a future work session.

Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to have staff create a document and plan a workshop to discuss a proposed draft document.

Discussion followed concerning looking how the Town would benefit by a boundary adjustment and whether approaching the County as part of a group of Towns would be any more advantageous than simply proposing a draft document on behalf of the Town of Cape Charles only.

D. *Set Public Hearing for Budget*

Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to set a public hearing to hear comment on the proposed budget for fiscal year 2008-2009 for June 4, 2008 at 7p.m.

E. *Revisions to Town Code Section 42*

Chief Eder explained that he, Town Attorney Paul Watson and the Town Manager Joe Vaccaro had completed a detailed review of the Town Code Section 42 and had presented proposed revisions at the Town Council retreat. He asked that the Council deliberate over the changes, direct any questions or changes to him, and be prepared to vote on the changes at the June, 2008 meeting.

Motion made by Councilman Bannon, seconded by Councilman Burdiss and approved with Councilman Burdiss voting no to schedule a workshop with date to be decided to deliberate the changes to Town Code Section 42.

ANNOUNCEMENTS

- May 31, 2008 – MS Bike Race
- June 4, 2008 at 7 p.m. Budget Public Hearing
- June 14, 2008 the Schooner/Tall Ship Event
- Virginia Symphony will be playing in the St Charles Parrish Hall on May 10, 2008 at 10:00 a.m. sponsored by the Library.
- Welcome by the Mayor to the two newly elected Councilmen, Steve Bennett and Larry Veber who will be taking office in July, 2008.

Kevin Davies asked to address the Council. Mayor asked that he be respectful. Mr. Davies directed his comments to a situation that had begun in March of 2007 regarding tap fees. He mentioned he had spoken with the current Treasurer, but was not happy with the outcome.

Mayor Sullivan indicated she would like to know more about the situation and asked that Mr. Davies stay after the adjournment to discuss the matter further.

Motion made by Councilman Brown, seconded by Councilman Burdiss and unanimously approved to adjourn the Town Council meeting.


Town Clerk


Mayor Sullivan

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 JULY 1 THRU APRIL 30, 2008

FUND	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED/ EXPENDED
GENERAL			
REVENUES	1,975,885	1,669,071	84.47%
EXPENDED	1,975,885	1,488,006	75.31%
PUBLIC UTILITIES			
REVENUES (Note 1)	1,330,539	871,665	65.51%
EXPENDED	1,330,539	991,035	74.48%
HARBOR			
REVENUES	870,493	499,174	57.34%
EXPENDED	870,493	716,498	82.31%
SANITATION			
REVENUES (Note1)	173,310	144,676	83.48%
EXPENDED	173,310	138,319	79.81%

Points of Information

1. Utility revenues are recorded as collected. Therefore April utility charges are not included above.

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
APRIL 30, 2008

Cash on Hand	3/31/2008	4/30/2008
Bank of America Checking	73,643	39,238
Bank of America Credit Card	5,264	5,264
Local Government Investment	<u>1,903,488</u>	<u>1,803,488</u>
 Total Cash On Hand	 <u>1,982,395</u>	 <u>1,847,990</u>