



**TOWN COUNCIL
REGULAR MEETING
St. Charles Parish Hall
August 14, 2008
7:00 p.m.**

At approximately 7:00 p.m. Mayor Dora Sullivan called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Burdiss, Elliott, Evans and Veber. Also in attendance were Town Manager Joe Vaccaro, Assistant Town Manager Heather Arcos and several members of staff.

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA:

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to amend the agenda by moving item 7D-Cape Harbor Project to the beginning of Old Business.

Motion made by Councilman Burdiss, seconded by Councilman Bannon and unanimously approved to accept the minutes with the following corrections: i) Councilman Burdiss was not in attendance at the June 19, 2008 meeting; ii) At the July 10, 2008 Executive Session, Councilman Burdiss made the motion to go into Closed Session vs. Councilman Brown as stated on the minutes.

REPORT PRESENTATIONS:

A. Treasurer's Report:

Treasurer Paul Skolnick informed the Town Council that the results of the first month of this fiscal year show that General Fund revenues will be slim until the Town taxes are billed the end of October payable by early December. All departments have been thrifty in spending and keeping to a very tight budget. Some General Fund capital expenditures are \$10K for the Community Trail and \$20K for the gazebo in Central Park. Cash on Hand as of July 31, 2008 was approximately \$59K in the Bank of America checking account with total Cash on Hand, including investments, at \$1.17M.

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

B. Planning Commission:

Town Planner Tom Bonadeo reported the following: i) A Public Hearing was held on August 5, 2008 to hear comments on the Keck conditional rezoning; ii) Modifications have been made to the Zoning Ordinance regarding Accessory Dwellings and the Commission voted to forward their recommendations to the Town Council; iii) The Commission is working on an update to the Comprehensive Plan and meetings have been scheduled for August 18, 2008 and August 26, 2008 to continue their discussion; iv) Deliberations have begun regarding the conditional rezoning of the Keck property. The Commission scheduled a site visit for August 28, 2008 with further discussion afterwards; v) the EPA Grant information was reviewed and a letter of compliance was

issued for the record; vi) The Commission voted to commend Commissioner Karen Davis for her work on the Planning Commission and other committees.

C. *Historic Review Board:*

Town Planner Tom Bonadeo reported that the Historic District Review Board did not meet in July.

D. *Public Works Report:*

Public Works Director Dave Fauber reported the following: i) It's been a slow month for Public Works with two (2) men out after the accident involving the blue dump truck. One (1) employee has returned to light duty, but one (1) employee still has not returned; ii) Peter Leontieff has been promoted to Public Works Foreman and Matt Pruitt has been reassigned; iii) The Municipal Building renovations are almost completed and he hopes to have everyone moved into their new offices by the end of this month; iv) Fourteen (14) manhole covers have been raised to comply with the inflow and infiltration project with the Dept. of Environmental Quality; v) Fred Meditz, a worker at the Wastewater Plant has passed his Class 3 Certification exam; vi) We received the report from Stearns and Wheler on rerouting the Fig Street Pump Station.

E. *Recreation Report:*

Youth Director Tad Tadborn stated that there has been an increase in group games at the park, i.e., basketball, soccer, tennis, etc. A permanent soccer field has been installed and pads have been placed on the basketball hoops for safety. Two (2) of the three (3) Basketball Slam tournaments have been completed and the third is scheduled for August 23, 2008. There is a bulletin board on the shed to display the schedule of events and the public may display items of interest as well. He is still gathering information for a database on youth and children in the area. He's working on plans for late summer activities to include field trips and continuing with Teen Movies at the Library to possibly coincide with Teen Read Week. He's been encouraging the children to pick up after themselves and they've taken ownership of the area and equipment to keep the area clean and free of graffiti.

F. *Harbor Report:*

Harbormaster Smitty Dize reported the following: i) A handout has been created to distribute to transient boaters containing a variety of information including the harbor hours, rules & regulations, history of the Town and harbor, etc; ii) He has completed the rough draft of the Spill Prevention Control and Countermeasures Plan which is one of the required steps in becoming a Virginia Clean Harbor; iii) He is still awaiting permits from the VMRC for the offshore breakwater and the Army Corps of Engineers for the boat slips; iv) The Fourth Annual Harbor Crab and Clam Feast for employees, Town Council and Commissioners is scheduled for September 12th.

G. *Library Report:*

Librarian Ann Rutledge reported the following: i) A total of 253 children, parents and caretakers attended 15 programs at the Library in July which could not have been accomplished without the assistance from volunteers like Joan Natali, Michael Flanagan and Tad Tadborn, the Friends of the Library and the Library Board; ii) This was the first summer where there were two (2) paid performers which were funded by donations from the Friends of the Library and other organizations; iii) The movie nights were well attended with 33 children at the Summer Kids Movie Night and 45 teenagers at the

Summer Teen Movie Night; iv) Book circulation is down but attendance increased by 209 people since last year; v) This has been the most successful summer in the six (6) years that she's been here.

OLD BUSINESS:

D. Cape Harbor Project:

Tom Bonadeo reviewed the three (3) Conditional Uses for the Cape Harbor Project and recommended that the Town Council discuss each use individually. He stated that even though this issue is listed as an action item, action is not required at this meeting. Mayor Sullivan posed two (2) questions: i) Do the Council members want to hold an additional Public Hearing on a Saturday? All, with the exception of Councilman Veber, responded that they do not want to schedule another Public Hearing on a Saturday; ii) Do the Council members want to hire a professional consultant to assist with the decisions regarding this project? There was much discussion with varying opinions regarding the type of consultant that was needed and what this consultant would be tasked with doing. Councilman Evans suggested that the Town Council hold several preliminary meetings to narrow down the issues before a consultant can be hired. He went on to state that the Town has competent people on staff and on the Planning Commission who can compile the main issues to ascertain whether they are defensible or not. After further discussion, the Town Council decided to schedule a workshop to go over issues regarding this project. Prior to the workshop, the Council members will read the following: i) Harbor District Ordinance, Section 3.9; ii) Historic Harbor Overlay District; iii) Comprehensive Plan; iv) Historic District Ordinance, and prepare a list of issues/questions to be discussed.

A. Cape Charles School Work Force:

Tom Bonadeo gave some background on the Cape Charles School renovation as a mixed use development which would incorporate the Library and workforce housing aimed at teachers/educators on the Eastern Shore. He stated that the Accomack-Northampton Planning District Commission ("ANPDC") has the documents and will meet with the Virginia Housing Development Authority ("VHDA") within the next thirty (30) days to determine the feasibility of this project from a financial viewpoint. A previous study was completed regarding renovating the building for a Municipal Center and construction estimates were approximately \$3M - \$4M. The costs for this project will possibly be in the same range and one way to bring the costs down is to form a public/private partnership with the contractor that eventually is awarded the bid who can get tax credits which could reduce the costs up to 45% and the mortgage would be taken out on the final figure. Tom Bonadeo went on to inform the Council that a separate grant through the Dept. of Housing and Community Development ("DHCD") was awarded for approximately \$500K for the broadband connection for Cape Charles. Included in this grant is money allotted for twenty (20) computer workstations for the Library for training and Internet use.

Mayor Sullivan stated that she understood that this process for the reuse of the Cape Charles School had to be completed, but that if other options/offers come to light, the Town Council has the right to review those as well. She recently met with a representative from the Eastern Shore Community College, along with Town Manager Joe Vaccaro, who expressed an interest in utilizing the school for a campus. After some discussion regarding other possibilities, it was agreed that the Council would be open to any other offers regarding the use of the old school. Mayor Sullivan asked Town

Manager Joe Vaccaro to contact the Eastern Shore Community College about them making a presentation to the Council at a future date.

B. *11 Park Row:*

Code Enforcement Officer Doug Smith gave a brief background of the encroachment issue with 11 Park Row and Creative Property Development, Inc. (“CPD, Inc.”) dating back to 2004. The Town has attempted to reach an agreement with Jim Alberts, President of CPD, Inc. to no avail. A draft of an Easement and Agreement was presented to Jim Alberts in January 2008 and to date he has refused to sign it. Since then, CPD, Inc. has ceased operations and Jim Alberts has filed bankruptcy. After much discussion, the Council agreed to present the same offer as that offered to Jim Alberts to the condo association requesting \$8400 to help with the costs of the Community Trail in exchange for a permanent easement for the two (2) air conditioning units that are encroaching on Town property. There was further discussion as to the recourse if the condo association did not pay the \$8400. Councilman Burdiss pointed out several options as follows: i) The Town could place liens on the properties; ii) If any of the current owners try to sell their property, the easement issue would be discovered at time of title search and could be rectified at that time.

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to present an offer to the condo association billing them for \$8400 in exchange for a permanent easement for the two (2) air conditioning units.

C. *Board and Commission Appointments:*

Tom Bonadeo presented a list of the Boards and Commissions showing the number of vacancies on each Board/Commission as follows:

1. Planning Commission – One (1) Vacancy
2. Wetlands and Coastal Dunes Board – Two (2) Vacancies
3. Board of Zoning Appeals – One (1) Vacancy
4. Building Code Board of Appeals – Complete
5. Library – Complete
6. Historic District Review Board – Complete
7. Harbor Review Board – One (1) Vacancy

Councilman Bannon made a correction stating that there is one (1) vacancy on the Library Board. Tom Bonadeo informed the Council that he had received the names of five (5) individuals earlier today but it was too late to make this month’s agenda. He will be interviewing the interested individuals and will present the information to the Council at their next meeting.

NEW BUSINESS:

A. *EPA Grant for Wastewater System Improvements:*

Paul Skolnick presented a summary of the wastewater system improvements and corrections already made by the Town as follows: i) illegal downspouts; ii) sump pump connections to the system; iii) broken cleanout caps; iv) manhole inserts. A contract has been awarded for raising the manhole covers. Three (3) significant projects remain as follows: i) Repairs and upgrades to the Mason Avenue, Pine Street, Plum Street and Washington Avenue pump stations at @ \$520K; ii) Re-routing the Fig Street pump station force main directly to the wastewater treatment plant at @ \$450K. This is necessary to accommodate future wastewater flows from the Marina Village

development; iii) rehabilitation of lateral connections from buildings on Mason Avenue to the gravity line. No cost estimate is currently available but it is believed the cost will be @ \$200K. Paul Skolnick informed the Council that Northampton County received approximately \$663K in grant money but that the County is no longer considering development of a wastewater system and has offered to support the transfer of this grant to the Town. Assistant Town Manager Heather Arcos stated that she has been working with Bob Panek and they have met with representatives from the Department of Environmental Quality (“DEQ”) and the Environmental Protection Agency (“EPA”) who have verbally approved this transfer. The Town has to go through the application process to officially have the funds transferred. Paul Skolnick stated that the EPA requires the Council to designate by formal resolution an authorized representative to sign all documents related to this grant. He recommended the Council to appoint Heather Arcos as the authorized representative. Mayor Sullivan read Resolution 20080814 Authorizing the Town of Cape Charles Representative for a Federal Grant Administered by the U.S. Environmental Protection Agency.

Motion made by Councilman Evans, seconded by Councilman Elliott and unanimously approved to appoint Heather Arcos as the authorized representative to transact and sign all documents related to the EPA Federal grant awarded to the Town of Cape Charles.

B. Zoning Amendment – Accessory Dwellings:

Tom Bonadeo presented the background regarding the Accessory Dwelling issue. The Planning Commission wrote text changes for the Zoning Ordinance and held a public hearing. Tom Bonadeo described the three (3) sections to the text changes as follows: i) The addition of definitions for Accessory Dwelling and a modification to the definition of single family dwelling; ii) The technical requirement for an accessory dwelling either inside a main building or in an accessory building; iii) The table of parking standards modification for accessory dwellings. He stressed that these dwellings will require a conditional use permit, are required to have separate water meters, must meet the table of parking standards, pass the historic review process and are required to have a minimum rental period of 60 days. He went on to recommend that the Council hold a public hearing to hear comments on the proposed text changes.

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to send the zoning text amendments on Accessory Dwellings to a Public Hearing.

C. BIG Program Grant Application – Harbor:

Harbormaster Smitty Dize presented the background regarding the Harbor Redevelopment Plan which was adopted by the Town Council in February 2008 and consists of three (3) phases. He informed the Council of the BIG Program which is a grant funded by the Department of Interior and managed by the Virginia Department of Health. The monies from this grant could offset the cost of the floating docks with utilities, piers, sewage pump-out, engineering and bathhouses. He went on to state that the total project cost for Phase 1 is \$1,804,640. The total allowable grant is \$735,224. The Town match would be 25% or \$183,806 and the BIG match would be 75% or \$551,418. Smitty Dize recommended the Council approve submission of the grant application for the BIG Program.

Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to submit the grant application for the BIG Program.

ANNOUNCEMENTS:

- Council Work Session – One Day – November 19, 2008 (tentative date), Location to be determined. Mayor Sullivan asked the Council members to send her a topic for discussion at the retreat.
- VML Annual Conference – October 19-21, 2008. Registration deadline is September 5, 2008.
- Mayor Sullivan asked the Council members to send her items for consideration for the September agenda.

Mayor Sullivan stated that Councilmen Bennett, Burdiss and Evans requested an Executive Session to discuss the Town Manager and other personnel matters. There was much discussion regarding the holding of this meeting.

Motion made by Councilman Evans, seconded by Councilman Burdiss to go into Executive Session. The Council approved the motion with three (3) Council members voting for and two (2) Council members voting against going into Executive Session.

Mayor Sullivan

Town Clerk