



**TOWN COUNCIL**  
**Public Hearing / Regular Meeting**  
**Cape Charles Volunteer Fire Company**  
**September 11, 2008**  
**7:30 p.m.**

At approximately 7:30 p.m. Mayor Dora Sullivan called to order the Public Hearing and 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, Town Clerk Libby Hume and several members of staff and approximately 20 members of the public.

Mayor Sullivan announced the evening's public hearing was to hear public comment on the proposed modifications to Section 4 of the Zoning Ordinance, Accessory Dwellings, Section 2.9 Definitions and 3.1, 3.2, 3.3, 3.4 and 3.5 Conditional Uses.

**PUBLIC COMMENTS:**

Mr. Russ Dunton, 5 Monroe Avenue, spoke against adopting the proposed changes to allow accessory dwellings citing parking issues, the affect accessory dwellings would have in the historic district and the fact that, once approved, the number of people living in a household could not be controlled. He encouraged the Town Council to ignore the proposed changes to the Zoning Ordinance.

With no other Public Comments regarding the proposed modifications to the Zoning Ordinance, the Town Council moved on to the Regular Session.

**PUBLIC COMMENTS:**

The Town Clerk read an email from Dave Hainsworth, 2 Tazewell, stating his support for the Cape Harbor Project as proposed by Landmark Holdings.

Mr. Russ Dunton, 5 Monroe Avenue, spoke in favor of the Cape Harbor Project and gave background information regarding the Brown & Root project 15 years ago that evolved into Bay Creek as well as information regarding the traffic numbers with the railroad. He stated that he does not feel that 425 units would overwhelm the Town and that proposed walkway and underground parking would be a plus.

Mr. Bill Smyth, 601 Pine Street, spoke regarding Crisfield, MD and was concerned that Cape Charles may end up with surplus space like Crisfield. He stated that he believes that much of the surplus space in Crisfield was being used for migrant worker housing.

Mr. Melvin Dudley, 303 Madison Avenue, addressed the Town Council regarding several items: i) He thanked Town Manager Joe Vaccaro regarding the Cape Charles Gazette; ii) He presented several photographs of dead trees that need to be taken down; iii) He remembered September 11, 2001 and stated his concern that there were only 26 flags, other than governmental, being flown in the community.

Mr. Scott Walker, 528 Washington Avenue, congratulated Town Manager Joe Vaccaro on his one-year anniversary with the Town of Cape Charles.

Ms. Judy Morgan, Landmark Holdings, addressed the Town Council praising the Planning Commission for doing an outstanding job in reviewing the proposal/request. She stated that the hotel was proposed with a sufficient number of rooms to attract a high- quality franchise. The proposal also included 39% open space vs. the 25% required. She also thanked the Town Council for their consideration of the proposal.

**Motion made by Councilman Bannon, seconded by Councilman Burdiss and unanimously approved to amend the agenda, under Report Presentations, by moving item 6F-Harbor Report to the beginning and adding item 6H-Emergency Operations Plan (“EOP”) Brief.**

**Motion made by Councilman Evans, seconded by Councilman Bennett and unanimously approved to accept the minutes as presented.**

**REPORT PRESENTATIONS:**

F. *Harbor Report:*

Harbormaster Dize reported the following: i) A generator has been purchased for the harbor; ii) Scheduled maintenance for September include cleaning, painting, weeding and planting as well as other routine maintenance; iii) He is still awaiting permits for the first phase of the offshore breakwater and the inshore wave break and slips.

A. *Treasurer’s Report:*

See attached. Treasurer Paul Skolnick also mentioned that he is awaiting a hard copy of the land book from Northampton County showing the updated tax assessments for properties in Cape Charles. Councilman Bennett asked if it would be possible to add Current Month and Year-To-Date columns on future reports. Mr. Skolnick responded that he would add those two columns beginning with the September report. Councilman Bannon asked about taxes being collected on rental properties. Mr. Skolnick responded that he researches rental properties on the Internet and that most rental properties are handled by property management companies. Some properties are not but he continues to do monthly research.

**Motion made by Councilman Bennett, seconded by Councilman Elliott and unanimously approved to accept the Treasurer’s report as presented.**

B. *Planning Commission:*

Town Planner Tom Bonadeo reported that the Planning Commission made a site visit to the Keck property. The future roadway, Bay Creek Parkway to Rte 184, was also discussed.

C. *Historic Review Board:*

Town Planner Tom Bonadeo reported that the Historic District Review Board reviewed and approved one application, 106 Randolph Avenue, to rebuild an old porch at the rear of a property using the same materials and details as the existing porch and enclose an existing second story porch.

D. *Public Works Report:*

Foreman Pete Leontieff reported the following: i) A new truck has been put into service to replace the truck that was damaged in an accident last month; ii) An inventory of surplus items throughout the Town is being completed; iii) Due to electrical problems,

New East Well 3 was offline for a week prior to Labor Day, but was back online for the Labor Day Weekend and the water restrictions have been lifted; iv) The Preliminary Engineering Report (“PER”) for East Well II and Tower Well II hook up is being reviewed by the health department and the site survey will begin while awaiting their response.

E. *Recreation Report:*

Mayor Sullivan stated that Tad Tadborn was unable to attend the meeting this evening, so there would be no Recreation Report.

G. *Library Report:*

Librarian Ann Rutledge reported the following: i) A total of 48 children and caregivers attended the Summer Toddler/Preschool Storytime in August; ii) A total of 35 children attended the Kids Movie Nights and 20 teens attended the Teen Movie Nights; iii) 109 books were ordered from the Book Depot at a cost of \$390, also 49 children’s books were purchased from Show Me Books, Inc.; iv) September in Library Card Sign-Up Month; v) A new copier/fax machine was purchased for the Library, the cost of which was taken from the yearly book budget.

H. *Emergency Operations Plan Brief:*

Code Official Doug Smith gave a summary of the Emergency Operation Plan preparations for Hurricane Hanna. He reported that the following were areas for improvement: i) Need to make better use of the essential personnel policy and phone tree; ii) Ordering four (4) more VHF radios as a communications back-up; iii) Need quicker contact with both A&N Electric and VDOT. Their respective phone numbers have been distributed to essential personnel; iv) The Town Manager needs direct phone numbers and email addresses for media outlets; v) The Town needs to acquire our own high water signs vs. relying on VDOT to supply them; vi) The Town needs a secure Emergency Operations Center and are looking at a way to board up and secure windows. We also need a generator for the Municipal Building; vii) We need to express a need to the County to designate emergency shelters.

**OLD BUSINESS:**

A. *Annexation Update:*

Town Manager Joe Vaccaro read Bob Panek’s report which stated that Bay Creek did not accept the settlement proposal concerning the water and wastewater system expansion, but the Town informed Bay Creek that the billing for their share of expansion costs would commence in July. An invoice dated July 31, 2008 to Bay Creek for approximately \$42,000 for their share of the design costs has yet to be paid. The Town has commenced the comprehensive design and engineering phase that will produce the bid documentation leading to aware of a construction contract which will cost approximately \$1.8M and conclude in June 2009. Bay Creek will continue to be invoiced their share of costs as they are incurred. If Bay Creek does not pay their share of the costs, the Town will need to consider alternative revenue sources.

B. *Zoning Amendment – Accessory Dwellings:*

Town Planner Tom Bonadeo summarized the proposed changes to the Zoning Ordinance to allow Accessory Dwellings. There was much discussion regarding parking issues and concerns regarding the Historic District.

**Motion made by Councilman Evans, seconded by Councilman Burdiss to table further discussion regarding the Zoning Ordinance changes for Accessory Dwellings. The Council approved the motion with Councilmen Veber and Elliott opposed to allowing accessory dwellings. A Town Council Work Session will be scheduled for a later date.**

*C. Cape Harbor Project:*

The Town Council discussed each of the three (3) conditional uses separately.

1. Hotel: The Council was unanimously in agreement with allowing a hotel to be built on the property.
2. Multi-family Residential: There was much discussion regarding the multi-family residential issues. The majority of the Council were in agreement that they would like to see a balance on both sides of Mason Avenue. They were not as concerned about the number of units proposed in this project, but were more concerned about the height issue.
3. Maximum Height Allowed in the Harbor District (55' with 45' average height/block): There was much discussion regarding the height issue.

Mayor Sullivan suggested scheduling a work session focusing on the Cape Harbor Project to prepare for a vote at the October meeting. Another work session may be scheduled later so the Council can meet with the developer for further discussion.

**NEW BUSINESS:**

*A. Audit Report for June 30, 2007:*

Treasurer Paul Skolnick reviewed the 2007 Audit Report from Robinson, Farmer, Cox Associates.

*B. Job Descriptions / Personnel Policy Manual Update:*

Town Manager Joe Vaccaro stated that the current job descriptions were completed in 2005 and lacked the detail and reality of the day to day activities for many positions. He requested permission to reevaluate and rewrite job descriptions for Town employees in the following areas: Code Enforcement, Public Works, Harbor, Planning, Library, Police, Town Clerk's Office, Treasurer, Assistant Town Manager, Special Consultants and the Town Manager to more accurately detail the duties being performed. Councilman Evans asked whether this review would include salary ranges. Mr. Vaccaro stated that Bob Panek had done a salary review in 2007, but they would review it again and possibly consider raising the salary range in some positions to get more qualified candidates.

**Motion made by Councilman Bannon, seconded by Councilman Veber and unanimously approved to allow Town Manager Vaccaro to proceed with this reevaluation.**

**ANNOUNCEMENTS:**

- Council Work Session – One Day – November 19, 2008

**Motion made by Councilman Veber, seconded by Councilman Elliott and unanimously approved to adjourn the Town Council meeting.**

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Mayor Sullivan

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Town Clerk