



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
July 9, 2009
7:00 PM

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 and Veber. Councilman Evans arrived at 7:02 p.m. Also in attendance were Interim Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume, several additional members of staff and 8 members of the public.

PUBLIC COMMENTS:

Ms. Dianne Davis, 407 Fig Street, addressed the Council regarding the Fig Street Parking. (See attached)

Mr. Melvin Dudley, 303 Madison Avenue, addressed the Council regarding tonight's agenda and asked the Council to approve condition #7 for the Cape Harbor Project, go with the majority regarding the Fig Street parking and consider parking on the east side of Fig Street as per the diagram included in the agenda packet, and authorize Heather Arcos to sign off on the Langley and McDonald Change Order #3 for the Off Shore Breakwater. Mr. Dudley went on to state that he has seen numerous people using the Skateboard Park without helmets. Tonight he saw two youths, which was a majority of the users at the time.

Mr. Wayne Creed, 548 Monroe Avenue, suggested that the Council create a task force, comprised of three (3) citizens and Tom Bonadeo, to work with James Madison University and the Virginia Wind Collaborative to research the use of wind turbines on the southern Eastern Shore.

CONSENT AGENDA:

Hearing no objections, Mayor Sullivan stated that the agenda was approved by unanimous consent.

The Town Council reviewed the minutes of the June 11, 2009 Regular Meeting. Councilman Veber stated that he would abstain from the vote since he was not able to attend the June 11th meeting.

Hearing no objections, Mayor Sullivan stated that the minutes for the June 11, 2009 Regular Meeting was approved by unanimous consent.

REPORT PRESENTATIONS:

A. Treasurer's Report:

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated June 30, 2009 showed \$127,327 in the Bank of America checking account and \$1,486,399 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,613,725.

Hearing no objections, Mayor Sullivan stated that the Treasurer's Report was approved by unanimous consent.

B. *Library Report:*

Librarian Ann Rutledge stated that the summer is in full swing at the Library and 22 children and caretakers attended the Storytime this week and the Library has been steadily issuing Library Cards. Ms. Rutledge also stated that she has been purchasing more books for the youth and more teens have been using the Library.

C. *Recreation Report:*

Interim Town Manager Heather Arcos stated that the Town had received three (3) applications for the Community Events/Recreational Coordinator position and interviews have been scheduled for next week. Several repairs to the masonite have been scheduled for the Skateboard Park and the police officers have been trying to enforce the use of helmets at the Skateboard Park.

D. *Public Works Report:*

Public Works Director Dave Fauber informed the Council that the engineering is almost completed in regards to the Wastewater Treatment Plant and an advertisement will be placed later this month for construction bids. Construction should begin approximately in November 2009.

Councilman Bannon congratulated Dave Fauber for his appointment to the Northampton County Planning Commission.

E. *Harbor Report:*

Harbormaster Smitty Dize informed the Council that the Harbor has been very busy over the last two (2) months averaging seven (7) transient slip rentals per night. Mr. Dize showed the Council the contents of the information bags that are given to all transient boaters which include various brochures, a magazine and a Guide to Cape Charles including a map of the Town, the Harbor Rules and Regulations and discount coupons for various establishments in Town. Mr. Dize thanked Ms. Joan Natali for her assistance in producing the Guide to Cape Charles.

F. *Planning Commission/ Historic Review Board:*

Town Planner Tom Bonadeo informed the Council that the Planning Commission reviewed wind energy facility ordinances from Currituck County, NC and Rockbridge County, VA to draft an ordinance for Cape Charles. Mr. Bonadeo explained that the location for the Wastewater Treatment Plant was one of the sites that was slated for a wind turbine several years ago and Stearns & Wheler's partner has experience with wind energy. A conference call is scheduled for next week with representatives from James Madison University and the Virginia Department of Mines, Mineral and Energy.

Tom Bonadeo stated that the Historic District Review Board approved one application for the installation of an additional window in a contributing structure.

OLD BUSINESS:

A. *Cape Harbor Project:*

Tom Bonadeo stated that the Council had completed the Conditional Use Permits for the Cape Harbor Project with the exception of general condition #7 which related to bonding for the building construction by phase to protect the Town from an unfinished building in

the heart of Town. Mr. Bonadeo read the proposed language which was suggested by attorneys from both sides.

Motion made by Councilman Bannon, seconded by Councilman Elliott and unanimously approved to approve general condition #7 as presented.

Mr. Bonadeo stated that Town Attorney Mike Sterling recommended the organization of all previous votes regarding the Cape Harbor Project in the form of a resolution and proceeded to read Resolution #20090709 – Cape Harbor Project Conditional use Permit Decision Summary.

Motion made by Councilman Bannon, seconded by Councilman Bennett, to adopt Resolution #20090709 as presented. The motion was approved by a majority vote with Councilman Burdiss opposed. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, no; Elliott, yes; Evans, yes; Veber, yes.

B. Fig Street Parking:

Tom Bonadeo stated that as a result of the public outcry at the June Town Council meeting, he talked to Mr. Chris Isdell of the Virginia Department of Transportation (VDOT) regarding this issue. Mr. Isdell informed Mr. Bonadeo that the Towns of Onancock and Chincoteague have several streets where parking is permitted on one (1) side of the street only. Mr. Bonadeo stated that two (2) diagrams were included in the agenda packet depicting the width of Fig Street with no parking permitted or parking permitted on one (1) side of the street. Councilman Burdiss mentioned that the Town could go back to allowing parking on both sides which would cause traffic to slow down as suggested by the citizens that spoke at the June meeting. Mr. Bonadeo went on to state that regardless of the option chosen, the final decision would be made by VDOT. There was some discussion regarding the cost of repainting the lines on the street and if parking is permitted on one (1) side of the street only, lines should be painted on the street designating the parking spaces. In the past, VDOT has paid for these changes, but with the budget crunch, it may be necessary for the Town to pay for these changes. There was also some discussion regarding placement of more 25 MPH signs along Fig Street since currently there are only two (2) signs, one (1) for each way, along Fig Street. Mr. Bonadeo stated that he would contact VDOT with the three (3) options and ask them for their opinion on the best possible option.

C. Finance Committee:

Heather Arcos gave the Council the background on previous committees stating that in April 2008, at the Council Retreat, the Council agreed to dissolve all committees, including the Finance Committee, since the Town's department heads, with their various professional backgrounds, had proved they were capable of advising Council eliminating the need for many of the committees. Mayor Sullivan stated that this item was listed on the agenda as an informational item, but that it should be an Action item to which the Council agreed. Councilman Bannon stated that in the past, the committees had acted on their own without following the regulations of the Freedom of Information Act (FOIA), Code of VA § 2.2-3700, regarding the posting of agendas and the taking of minutes, which made them difficult to monitor. Councilman Bennett stated that he felt that a Finance Committee would be beneficial to the Town and one (1) committee, which would follow the stated regulations, would be much easier to manage. Councilman Bennett went on to state that the Town of Cape Charles has citizens with great experience which would

be an asset to this committee. Heather Arcos stated that the previous Finance Committee consisted of one (1) Council member, two (2) citizens, the treasurer and town manager. Councilman Evans stated that he recalled that the former Finance Committee was one of the more successful committees and that he was in favor of re-establishing a Finance Committee. Councilman Veber stated that he was in favor of the mayor asking citizens to serve on a temporary committee to assist the Town on various issues, but was not in favor of a Finance Committee. Councilman Burdiss agreed with Councilman Bennett that the Town has qualified citizens to participate in this committee and referred to the Bridgewater Report, which is hailed by the Virginia Municipal League, is signed by the Chairman of Bridgewater's Finance Committee, not the mayor or town manager.

Motion made by Councilman Burdiss, seconded by Councilman Bennett, to re-establish a Finance Committee. The vote was a tie with Councilmen Burdiss, Evans and Bennett voting in favor and Councilmen Elliott, Bannon and Veber voting against the motion. Mayor Sullivan broke the tie by voting against the motion.

NEW BUSINESS:

A. Request for Proposals Town Attorney:

Heather Arcos informed the Council that in July 2006, the Town advertised for a local Town Attorney to provide a variety of services. The contract was awarded to Paul Watson and expires September 1, 2009. A new Request for Proposal (RFP), a copy of which was included in the agenda packet, needs to be advertised following the Town's procurement policies and procedures.

Councilman Burdiss suggested that membership in the Local Government Attorneys of Virginia be added to the RFP as a requirement. There was some discussion regarding the use of this attorney. Heather Arcos responded that the local attorney is used mostly by the staff such as the building department for code enforcement issues, tax purposes, review of documents, etc., and all calls to the attorney must be authorized by the Town Manager.

Motion made by Councilman Burdiss, seconded by Councilman Bennett and unanimously approved to authorize the Interim Town Manager to advertise the RFP for a Town Attorney.

B. Harbor Breakwater Scope of Work:

Heather Arcos stated that the estimated cost of the first segment of the breakwater project is \$645K and \$500K was awarded to the Town from the Virginia Port Authority. Change Order No. 3 begins the process to prepare the plans and specifications for the bidding process for construction. Councilman Bannon asked when construction was expected to begin. Smitty Dize responded that the bid would go out in August and construction was estimated to begin in the Fall of this year. There was some discussion regarding the plans provided by Langley & McDonald.

Motion made by Councilman Bannon, seconded by Councilman Elliott, and unanimously approved to authorize the Interim Town Manager to sign off on the Langley & McDonald Change Order No. 3.

C. Ordinance – 42.3 Adoption of State Law:

Police Chief David Eder stated that from time to time, the State Code is amended and in order to have the authority to enforce these new laws, each year a new ordinance must be

passed by the Town accepting any and all amendments to the provisions and requirements set by State Code in matters of regulation of motor vehicles and traffic and any penalties for traffic violations. Mayor Sullivan read Ordinance #20090709 – An Ordinance to Amend Chapter 42 Motor Vehicles and Traffic Section 42-3 Adoption of State Law.

Motion made by Councilman Bannon, seconded by Councilman Burdiss, and unanimously approved to adopt Ordinance #20090709 as presented. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Elliott, yes; Evans, yes; Veber, yes.

Councilman Veber stated that he was impressed with the police officers over the 4th of July holiday weekend. They did an excellent job with over 8K visitors over the weekend. Mayor Sullivan stated that it was a good crowd and the Town was lucky. If there were a problem, the Town's five (5) police officers would not have been able to control the crowd. Chief Eder stated that this was his tenth year and every year draws larger crowds. The 4th of July was on a Saturday this year and the weather was great which added to the number of visitors to Town. Chief Eder went on to state that the mayor's concerns are valid, but if there were to be a problem, the Town could possibly get assistance from the County, other towns and the Chesapeake Bay Bridge Tunnel police. Even with the issues relating to the crowds, etc., everyone benefits from this event. Councilman Veber added that the Town has one (1) year to discuss this issue further so we can be prepared for next year.

ANNOUNCEMENTS:

- July 15, 2009 – The Friends of the Library are sponsoring a trip to the Harrington Raceway for a day of gambling. Tickets are \$45 per person.
- July 16, 2009 – Red Cross Blood Drive from 2 – 7 PM. Call Chris Bannon to make an appointment.
- July 23, 2009 – Town Council Work Session, 6 PM at Town Hall
- August 13, 2009 – Town Council Regular Session, 7 PM at St. Charles Parish Hall

Hearing no objections, Mayor Sullivan adjourned the meeting by unanimous consent.

Mayor Sullivan

Town Clerk