



PLANNING COMMISSION

Regular Meeting

Town Hall

June 4, 2013

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were Commissioners Andy Buchholz, Dan Burke, Joan Natali and Sandra Salopek. Commissioners Bill Stramm and Mike Strub were not in attendance. Also present were Town Planner Rob Testerman, Town Manager Heather Arcos, Assistant Town Manager Bob Panek and Town Clerk Libby Hume. There were two 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 written comments submitted prior to the meeting.

Chairman Dennis McCoy introduced the new Town Planner, Rob Testerman.

Rob Testerman informed the Commissioners of his background stating that he had been the Land Use Planner at Accomack County for almost six years and concluded by stating that he looked forward to working for the Town.

In turn, the Commissioners went around the table and introduced themselves.

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the May 7, 2013 Public Hearing & Regular Meeting and the May 20, 2013 Joint Work Session with the Town Council.

Motion made by Joan Natali, seconded by Dan Burke, to approve the minutes from the May 7, 2013 Public Hearing & Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Dennis McCoy asked whether there were any questions regarding the Planner's report.

Joan Natali asked whether the intern from James Madison University was still working with the Town. Heather Arcos stated that Kyle Prendergast was here through the end of the week and was working on updating all the maps for the Town, including the zoning map.

Joan Natali asked whether the Town had received an update regarding the plans for the shops by Aqua and whether the permit process would be required for a change in use from retail shops to banquet facilities. Heather Arcos stated that the Town had preliminary discussions with the new owner after the property was purchased but no plans had been received.

Joan Natali asked for an update regarding the South Port Investors project. Heather Arcos stated that South Port was working on the plans and the E&S plan had been completed. Bob Panek added that South Port had received their permit from the Army Corps of Engineers and had installed the floating docks.

Sandra Salopek asked if the Town had heard about any plans for the old gas station. Joan Natali stated that she had spoken with the owner of the property and her family was advising her to sell the property vs. renting. There was some discussion regarding any remaining gasoline in the tanks and remediation and removal of the tanks.

OLD BUSINESS

There was no Old Business to discuss at this time.

NEW BUSINESS

A. *Introduction of New Planner – Rob Testerman*

Dennis McCoy introduced Rob Testerman earlier in the meeting.

B. *PSA Presentation – Bob Panek*

Assistant Town Manager Bob Panek introduced Sean Ingram, who also served on the PSA as a County appointee and corrected information in the staff report which stated that he had been appointed by the County when he had actually been appointed as a Town representative.

Bob Panek went on to give the Commissioners the history of the PSA when it was formed as a joint venture between Accomack and Northampton Counties many years ago to provide regional wastewater services to both counties. Interest declined in this joint project and Accomack County pulled out of the PSA. Northampton County retained the PSA and about four years ago, interest was renewed for regional wastewater services in northern and southern portions of the County. This was supported by Federal and State agencies and a series of meetings and summits were hosted by Delegate Lynwood Lewis. Two planning grants were awarded to Northampton County for studies regarding the feasibility of regional wastewater systems in the northern and southern portions of the County. The northern node focused on the medical campus in Nassawadox and Exmore and was a priority in the beginning due to the proximity of Shore Memorial Hospital. The southern node focused on Cheriton and surrounding areas to utilize the new Cape Charles wastewater plant. In 2010, the PSA was reformed by ordinances adopted by the County and four of its incorporated towns – Cape Charles, Cheriton, Exmore and Nassawadox. The Town of Eastville declined. The PSA was re-chartered and approved by the State Corporation Commission. Initially there were ten members on the PSA Board – six appointed by the County and one by each of the four towns. This number was reduced to nine with the recent redistricting in the County. County Administrator Katie Nunez served as the Executive Director of the PSA and Bob Panek was the Chair of the Board.

The two grants were used to prepare the preliminary engineering reports for each node and the initial cost estimates for each were about \$11M.

The work regarding the northern node stalled with discussions regarding the future of the medical campus in Nassawadox after the announcement that Riverside Shore Memorial would be relocating to Onley.

The work on the southern node continued and funding was secured from a loan but no grant funding was available. The project depended heavily on grants and needed 75% - 80% in grant funding in order for the rates to be affordable. The USDA Rural Utilities division stated that it could only fund one system in Northampton County. With the lack of grant funding, the initial

service area for the southern node was downsized and Phase 1 of the project only included commercial areas south of Cheriton and around Route 13. The system would be built with County tax dollars.

There was some discussion regarding the Cape Charles Town limits and whether any of the other towns in the County currently had wastewater systems.

Bob Panek continued by explaining that the PSA had no authority to tax or to mandate hookup to the system. The PSA could offer voluntary hookups, but not mandatory. Hookups and taxation could only be mandated by the localities. The County could create a special tax district in the affected areas and tax county property owners to pay the debt service for the project. At any time, the Town of Cape Charles could opt to extend its service area but could not require people outside of the town to hookup.

Dan Burke asked about the agreement between Bay Creek and the Town regarding hookups. Bob Panek stated that Bay Creek was part of Cape Charles and the Town Code required mandatory hookups. There were several properties along Old Cape Charles Road that were in the Town's limits but not hooked up because they were not within 100' of a sewer main.

Bob Panek continued regarding the PSA and pointed out on a map the service area included in Phase 1 and added that the area included about 65 properties assessed at approximately \$17M. The properties had been previously assessed at \$20M prior to the recent reassessments. The estimated cost of the collection system which included piping and low pressure grinder pumps was \$1.5M - \$2M all to be funded by County tax revenue. The low pressure pump system was the same system used for The Shanty, the Harbor bathhouse and office and the Coast Guard Station and was designed for a low number of users. Bob Panek explained that a vacuum system, like that installed in Bay Creek, was not ideal for areas of low density since the sewage stayed in the collection system too long and became septic causing the odor when the pump stations came on. A solution would be to add water to fill up the sewer pods creating a more frequent flow. Bob Panek went on to state that the annual debt service on \$1.5M - \$2M would be approximately \$136K over 20 years. The PSA recommended a 25%/75% split to pay the debt service. 25% would be collected through real property taxes to the County property owners as a whole. This would equate to about .015 of 1¢ per \$100 of assessed value. 75% would be collected by the creation of a special tax district and added that the use of special tax districts was common practice in many localities and was used by the City of Virginia Beach for its Town Center area. The County was currently developing its budget for next year and included a contribution for this coming year but had not decided on the amount of the split as yet.

Andy Buchholz expressed his concern regarding the promotion of commercial development along Route 13 which could deter businesses from coming into Town and could have a negative impact on the Town's existing businesses. Andy Buchholz asked whether the current plant could handle the increased users if the Town continued to grow and Bay Creek was built out, the current plant could handle the increased users. Bob Panek stated that the current plant could easily be upgraded to 500K gallons per day and there was enough geography to expand the plant to 750K GPD. Bob Panek added that the Town was building a reserve for expansion from facility fees that were being paid with each new hookup.

Andy Buchholz asked whether the Town had committed to the project. Bob Panek stated that the Town Council had committed and in the fall of 2012, had reconfirmed its support.

Andy Buchholz asked whether the project had ever been brought before the Planning Commission for approval. Dennis McCoy explained that this project was outside of the Planning

Commission's purview which was mainly land use. There was much discussion regarding the future planning of the Town and it was also stated that development outside of the Town was out of the Town's control. Bob Panek stated that there could be an opportunity for Planning Commission input due to the Town Edge Zoning along Routes 13 and 184. Prior to his retirement, Tom Bonadeo had discussed this issue with the County's Economic Development and Planning Director, Charles McSwain, and he was committed to looking at the Town Edge and working cooperatively with the Town. Joan Natali noted that the County's Comprehensive Plan stated the preference for business growth in the Towns.

Dan Burke asked Rob Testerman for his opinion on the issue. Rob Testerman stated that any development along Route 13 could affect the Town but there was not much that the Town could do and added that Code Official Jeb Brady had driven him around Town and pointed out the two former grocery stores which closed after Food Lion opened on the highway. It was noted that the Food Lion had rented one of the former grocery store locations to stop any other food stores from renting it but that lease had since expired. Dan Burke stated that if a Rite Aid were to build a store on Route 13, the Town could lose Rayfield's Pharmacy. Bob Panek acknowledged that this could be a possibility but went on to ask the Commissioners to look at the type of businesses in Town and added that few businesses of this type would locate along the highway.

Bob Panek stated that the County had already approved a new hotel on the highway using a septic system. There was some discussion regarding the proposed location for the hotel, the homes in Kings Creek Landing and Tower Hill all being on septic systems on top of the Town's drinking aquifer.

Dan Burke asked about any impact on the Cape Charles taxes. Bob Panek stated that the Town's taxes would not be affected, but the property owners in Town would have to pay any County tax increase, along with the other County owners, regarding the regional wastewater system but the amount would be very minimal.

Joan Natali stated that the Town could charge a higher fee for users outside of Town and could possibly require a review of land use by the Planning Commission before allowing hookup to the Town's system. Bob Panek agreed that it could all be negotiated.

Andy Buchholz asked whether the wastewater rates could potentially go down with the addition of outside users. Bob Panek stated that the reason the current rates were so high was due to the lack of users and added that the Town had to maintain the infrastructure regardless of the number of users. Adding users would have a positive effect on rates.

There was more discussion regarding the odor around the pump stations especially in the Bay Creek area and Heather Arcos stated that Public Utilities Director Dave Fauber was looking at options to help alleviate the odor.

Bob Panek stated that this area needed a hotel as there were no rooms available for big events. One of the reasons the triathlon had to cancel was the lack of available rooms for the participants and added that a hotel would not pose a threat to the B&Bs in Town since some people liked the amenities offered by B&Bs.

Dan Burke stated that he was glad that this topic could be discussed in this manner. Andy Buchholz agreed and added that a lot of information had been clarified. Heather Arcos stated that the Town would like to hold a public information session regarding this issue to help get the correct information to the citizens. Andy Buchholz felt that public information sessions were a great idea and would be beneficial to the citizens.

Joan Natali asked about a proposed timeline for the regional wastewater system project. Bob Panek stated that if the Board of Supervisors did as they planned; the engineering could be completed by the end of summer/early fall and could possibly go to bid by the end of 2013. It would take approximately six months to build.

Joan Natali asked about the route of the piping. Bob Panek stated that the route would be in the VDOT right-of-way and go from Route 13, down Route 184 to Parsons Circle. From Parsons Circle, it would go down Old Cape Charles Road around the bend by the Rosenwald School building and connect to the current piping.

Dan Burke asked about Bay Creek and the annexation. Joan Natali stated that the land was annexed in 1991 when it was owned by Brown & Root, a subsidiary of Halliburton. It was originally purchased for a staging area for off-shore drilling. Brown & Root approached the Town to annex the land. After the off-shore drilling project fell through, Brown & Root developed plans for the Accawmacke Plantation which was now Bay Creek.

Bob Panek stated that if any of the Commissioners had any questions or wanted additional information; they could call him or one of the other PSA members at any time. There were three other PSA members in the area – Sean Ingram, Garrett Dunham, and Greg Hardesty who was also on the Cheriton Town Council.

ANNOUNCEMENTS

- A. Second session for the Certified Planners Training Class was scheduled for June 11, 2013. Several of the Commissioners would be attending this class to obtain their certification.
- B. The next Planning Commission meeting was scheduled for July 9, 2013. Libby Hume stated that the Commissioners attending the Certified Planning Commissioner Class could attend the July 2, 2013 Northampton County Planning Commission meeting as part of the class requirement and would double check that the meeting date had not changed due to the holiday.

Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Chairman Dennis McCoy

Town Clerk