



## TOWN COUNCIL Special Meeting & Executive Session

Cape Charles Civic Center

March 7, 2019

6:30 p.m.

At 6:30 p.m., Mayor William "Smitty" Dize, having established a quorum, called to order the Special Meeting and Executive Session of Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman and Councilwomen Burge and Holloway. Also, present were Town Manager Larry DiRe, Capital Projects Manager Bob Panek, and Town Clerk Libby Hume. There was one member of the public and Canonie Railroad Board members Dave Fauber and John Coker in attendance.

### **PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):**

There were no comments to be heard nor any comments submitted in writing prior to the meeting.

### **ORDER OF BUSINESS:**

#### **A. *Offshore Breakwater Contract Award:***

Capital Projects Manager Bob Panek stated that Council included \$875K in the FY 2019 budget to build the fourth off-shore breakwater. The amount included \$227.5K of Aid to Local Ports grant carry-over. After allowing for the costs of design, engineering, permitting and advertising, \$815K was available for construction. The construction contract was advertised on January 27, 2019 with bids due on February 26. The advertisement was for a base bid of 435 feet, including mobilization, demobilization and aids to navigation, plus up to three extensions of 100 feet each. The project had been permitted by the U.S. Army Corps of Engineers and the Virginia Marine Resources Commission and allowed for a maximum of 735 feet. Three bids were received with Coastal Design & Construction, Inc. being the low bidder with a base bid of \$608,846 and \$127,900 for each 100-foot extension. The base and one 100-foot extension could be built with the \$815K available.

There was some discussion regarding contracting for the full 735 feet which was the length recommended in the wave study. By contracting to complete the entire project now, it would save about \$60K of mobilization costs for the future. The construction costs would also increase in the future. The cost estimate for the full 735 feet was \$992,546 and the Town could use the money received from the sale of lots 12 and 17.

### **Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to authorize the town manager to execute the contract for the full length of 735 feet.**

Councilman Grossman stated that he appreciated the wave study to support the analysis but concluded that the additional 300 feet would reduce the waves about 1 inch which was insignificant. The number of days the added 300 feet would impact was also insignificant. He added that he would rather see this contract at \$600K for 435 feet and use the additional funding toward building the in-shore breakwater.

After much debate, Mayor Dize called for a vote.

### **The motion was approved by majority vote with Councilman Grossman opposed.**

#### **B. *Virginia Destination Marketing Organization Resolution:***

Larry DiRe stated that over the last number of years, the Town had increasingly become a tourist destination. The Virginia Tourism Corporation's (VTC) policy and strategy was to work in

partnership with local and regional Destination Marketing Organizations (DMO) throughout Virginia and recognized DMOs solely to coordinate tourism marketing activities between the state and its localities. It was the VTC's intent to identify one primary DMO for each locality. Larry DiRe recommended that the Town took on this responsibility and in order to do so, Council needed to adopt a resolution petitioning the VTC requesting the designation.

Councilwoman Holloway explained that Cape Charles Main Street, Inc. (CCMS) had applied for VTC grants in the past and had to apply through a DMO, which was currently the Northampton County Chamber of Commerce, even though it was a Cape Charles project. It created an extra level of administration to go through. It would alleviate the third party and be an easier process if the Town was the DMO. There would be no financial responsibility for the Town and the grants would be handled like another pass-through grant similar to the Fire Program grant.

**Motion made by Councilman Bannon, seconded by Councilwoman Holloway, to adopt Resolution 20190307 - Designation of Virginia Destination Marketing Organization petitioning the Virginia Tourism Corporation to recognize the Town of Cape Charles as a Destination Marketing Organization. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.**

C. *Mason Avenue Pavement Markings Application to VDOT:*

Larry DiRe stated that this report was a follow-up from discussion from the ad hoc parking committee, Planning Commission and Town Council meetings regarding the recommendation and approval to change the Mason Avenue parking from back-in angle parking to pull-in angle parking and adding handicap spaces and parallel parking on the south side. Before any parking pattern could change, a Virginia Department of Transportation (VDOT) land use permit must be issued. Staff confirmed the permit application process with Resident Engineer Dale Pusey on February 26. The process included the development of a general area site plan, as well as specific drawings of handicap parking stall and signage. Project cost estimates prepared by a professional engineer were also required. In the adopted FY 2019 budget, \$35K was dedicated for architectural and engineering services. \$12K was allocated for the first phase of the preservation plan update leaving an excess of \$20K for other professional services. Surveying and cost estimating services cost for the 2015 parking and pavement marking application totaled approximately \$4.5K. Staff requested Council directing staff to begin the process of securing professional surveyor services to develop a general area site plan and specific drawings of proposed handicap parking stalls, signage and loading zones and contacting a professional engineer to provide cost estimate information for the new pavement parking pattern. The actual work to re-stripe the parking would occur after the start of FY 2020 and after the summer season. Last week staff spoke to Mr. Mike Starling, who was the surveyor used in 2015, and he still had the elevations from the last survey so the preliminary work was already done. Land Studio provided the cost estimate in 2015 so could do the same again. With Council consensus, since the funds were already budgeted, the project could be done administratively.

Council was in agreement to move forward with the application process and thanked Larry DiRe for providing the update.

D. *Rail Car - Future Use & Location:*

Larry DiRe stated that there was one former Bay Coast railroad passenger car remaining in the former railroad yard on remaining track immediately south of the Strawberry Street Plaza open space. In its current location, the rail car obstructed the open viewshed from a vantage point north of Strawberry Street Plaza. The comprehensive plan addressed the maintenance of these important viewsheds. Options included accepting the rail car and any improvements to the car as part of the viewshed in its current location, moving the rail car out of the viewshed, or relocating the rail car in a north-south orientation to allow for a more unobstructed view south of the Plaza.

Councilwoman Holloway explained that CCMS accepted the rail car to preserve the railroad heritage and use the car for a possible welcome center and restroom. It was currently still located on railroad property. She went on to state that she asked that this be brought to Council to determine whether Council was in support of the project.

Canonie Board members Dave Fauber and John Coker added that since the rail car was given to CCMS, it was found that the car possibly contained friable asbestos in the insulation in the ceiling and throughout the car. Canonie would take the necessary steps to abate the asbestos if CCMS and the Town were interested in saving the car. If not, it would be salvaged for scrap.

There was much discussion regarding this issue and costs involved in relocating the rail car since the tracks had already been removed, restoring the rail car for a welcome center and restroom, which would include the need for water and sewer.

There was mixed opinion from Council. Mayor Dize asked that cost estimates be obtained to determine whether it was feasible to keep the rail car for CCMS's plans for a welcome center/restroom, to use as a static display, or to let it go for scrap.

**Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, calling for a short recess before going into executive session. The motion was approved by unanimous vote.**

The meeting recessed at 7:41 p.m. The members of the public and staff, with the exception of Larry DiRe, left the meeting.

At 7:52 p.m. Mayor Dize called the meeting back to order.

**Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:**

**Paragraph 3:** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Specifically:** Potential Sale of Town-Owned Property

**Motion made by Councilman Grossman, seconded by Councilman Bannon, to return to open session. The motion was approved by unanimous vote.**

Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

**Motion made by Councilman Buchholz, seconded by Councilman Bannon, to adjourn the Town Council Special Meeting and Executive Session. The motion was approved by unanimous vote.**

The meeting adjourned at 9:26 p.m.

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Mayor Dize

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Town Clerk