

TOWN CRIER

This is the 18th issue of a periodic communication to the citizens of Cape Charles.

John Burdiss is solely responsible for the content & any opinions in the *Town Crier*.

In this issue (December 14, 2008) are items from the 12/11/08 agenda

Cape Harbor: One bite at a time ... continued.

Regarding Agenda item 6.C., the consideration of the maximum height(s) allowed followed the workshop held on December 4th and the previous agreement on the uses of hotel and mixed use. The conditional use for height above 40' remained the third element of the request by the developer.

After substantial discussion, and all subject to the conditions that will be added, which included consideration of the 12 conditions already recommended by the Planning Commission, along with likely more Council imposed conditions, votes were had as follows:

Hotel – maximum height – 55' and located on the Western end of the property; Bannon, Bennett, Burdiss, Elliott – “yes”; Veber – “no”; Evans abstained from voting.

Mixed use, residential over commercial (although there are provisions for up to 50% ground floor residential in this district), segregating the remaining property (after the hotel parcel was considered – and in general in keeping with the draft site plans that had been provided the developer)

Essentially ½ of the property (that part bounded on the North by Mason Ave.) – heights of 25' – 35' – 45', provided, no building over 45', one-third essentially at each height as the “average” height cannot exceed 35'; Bannon, Bennett, Burdiss, Elliott, Veber – “yes”; Evans abstained from voting.

Essentially ½ of property (that part bounded on the North by portion of the property cited above and on the South by the Town Harbor) – heights of 30' – 40' – 50', provided, no building over 50', one-third essentially at each height as the “average” height cannot exceed 40'; Bennett, Burdiss, Elliott – “yes”; Bannon and Veber – “no”; Evans abstained from voting.

Note: All heights are measured from Mason Ave. and the property being developed will require that the 1st floor be 3+ – 6' above Mason Ave. to comply with flood zone regulations. So, with an average of nearly 5' absorbed by the foundation or the built up ground level, the 45' height, for example, would net about 40' of actual building height, and so 25' nets 20', etc.

There was discussion about living space in the roof line, but this was not discussed in the December 4th workshop. I do not favor anything that would allow residential uses to be more than 4-stories high on the section of the Cape Harbor property adjoining and visible from Mason Ave. The “roof” lines on the existing Mason Ave. buildings, which are meant to be complementary to this project, are nearly all parapet walls with nearly flat roofs. The 25’ -35’ -45’ limits – if that becomes the final approved heights, in my mind connote building of 2, 3 and 4-stories, much like existing Mason Ave. – ignoring the numerous 1-story buildings that exist there now and precluding any living space above a 4th floor.

I see the hotel at 55’ feet as a monumental building and as previously noted in past issues, a potential economic development generator. The project is still very heavily weighted toward residential uses which in the foreseeable future is very difficult to envision with the overall market for real estate (including vacant units in Town already) and the expected difficulty of obtaining project financing.

A future workshop will be held to consider all of the conditions that Council shall impose, before the actual and final approval is to be granted which must be during a regular council meeting. In addition to the conditions recommended by the Planning Commission, conditions that I and others have shown interest in that need to be considered are: number of units, amount of green space, maintaining the current Pine St. and Harbor Ave. layout (the grid), bonding to assure that development of each stage is completed.

Given the holiday season and the very early date for the regular council meeting next month (January 8th), the final approval may not be accomplished. Stay tuned for what meetings may occur and the possibility that the conditions will be dealt with during that meeting on the 8th.

SOME OTHER ISSUES ON THE AGENDA OR IN STAFF REPORTS - 12/11/08:

1) The Treasurer provided several handouts at the meeting showing the information available at <http://www.trsvirginia.gov/Cash/lqip.asp> regarding the Local Government Investment Pool (“LGIP”) where the Town has historically invested its funds and continues to do so. The LGIP manages to limit its risk as to market volatility and credit issues by investing only for very short term periods and by investing overwhelmingly in U.S. Government direct or indirect securities, along with some AAA grade non-government products. To date, the market value of the LGIP has stayed very close to “par” (the amount “invested” by the various government entities, like Cape Charles. The grand total of the pool exceeds \$4 billion and our amount ranges generally between \$1 -2 million.

The Treasurer has still not been able to finalize our cash flow needs for the balance of this fiscal year. He expects to provide that information in January, outlining the need for/means to achieve a line of credit or other financing mechanism to fund any needs – such as those for the wastewater plant and/or the harbor plans.

2) While there was no in depth presentation on the plans for the new wastewater plan – both final “size” (capacity) and cost are being studied one more time by our engineers in what is referred to as “value engineering”. This complex issue (refer to the November 14, 2008 *Town Crier* for some important details) will be a main agenda item at our January meeting.

3) Unanimous approval was given to the following agenda items (see actual agenda and council package for details):

- a) Filling various vacancies on boards and commissions from what all on Council agreed were 9 exceptionally strong candidates:
 - i) Malcolm Hayward – Planning Commission;
 - ii) Wayne Creed – Wetlands & Coastal Dunes Board;
 - iii) Jay Wiegner – Board of Zoning Appeals; and
 - iv) Jacqueline Chatmon – Library Board.
- b) Allowing the newly formed group interested in “saving” the old Cape Charles High School to work and offer alternative plans to those being considered by council; and,
- c) Donated \$1,000 now and promised to address more in future budget periods for the Randy Curtis Park – for youth recreational activities supported by private funds and some promised of funds from other towns, but to date no funds have been provided or promised by Northampton County.

4) Before the actual consent agenda was addressed, there were questions put to the Town Manager by some members of Council regarding a letter to the Editor of the Eastern Shore News which had just been published on December 6, 2008, regarding which some of us did not become aware until December 8th.

As for me, I have no desire or intent to impede or discourage anyone’s rights to exercise his/her right of free speech – that is one the reasons I have personally published the *Town Crier* for the last 18 months. I must also say that the general comments in the letter to the editor and the encouragement of the public to participate are well made and warrant your full consideration. Nonetheless, the letter was rather untimely as no elections related to local officials have occurred since May 2008 and the next such elections are in 2010.

Further, I must say that I do take exception when the CEO of the Town, who works for the Council, communicates to the public at large without the courtesy of at least copying the members of Council at the time he sent the email to the Editor on December 4, 2008. I also find fault in the fact that he did not make clear in the body of the letter that he is speaking for himself, a citizen of Northampton County, and not as the Town Manager.

Moreover, some the verbiage in the letter could certainly be taken to imply not only criticisms of this Council’s performance, but inferences about our conduct in the areas of ethics and finance, which if unintended were at best the product of a poorly crafted communication. [Refer to a copy of the published letter below.]

NOTE: Town Hall closes at noon Christmas Eve and all day on December 25th & 26th, plus all day on January 1st and 2nd.

CHRISTMAS & NEW YEAR

This is not just a "holiday season" for Christians it is the time when we celebrate "Christmas" - the date of the birth of our Lord and Savior, Jesus Christ; the date when mankind received the greatest gift of all. The story of Good News to all is one that never gets old and it offers grace and salvation to all who seek it. May you and your family know the real meaning of Christmas and may your New Year be especially blessed.

The Constituent's meeting will be held on
Thursday, December 18th at 5:15 - 6:15 PM.

The meetings are held at my office, at 117 Mason Ave., Suite E (next to Kelly's Pub). It is your opportunity to come, voice opinions, ask questions and learn more about what your Town government and your Council are doing to honor our duty to you by always striving to serve the best interests of the Town with each action we take. **Please come; we will all benefit.** Responses and/or inquiries to anything in the Town Crier or about "Town" business are welcome: johnburdiss@baycrk.net

Get involved in local-level change [E.S. News editorial staff's title - apparently]

December 6, 2008

To the editor:

Our country is on the brink of change and we as a nation have many challenges ahead of us with the economy, the war and the environment.

The election is over and it's time for all of us to come together as one nation and the best way to do this is at the local level. I urge all citizens to embrace this spirit of change and start attending their local council and county meetings. The Eastern Shore has talented and experienced elected and appointed officials and a rich tapestry of citizens. The citizens are artists, teachers, authors, civil servants, doctors, actors, retired and active duty military, firefighters, law-enforcement officers, business people, chefs, nurses and home makers.

While this is certainly an interesting mix, it's not an effective mix because most of these folks are not engaged in local government. For example, the last election Cape Charles held in May 2008 for the Town Council only saw 37 percent of the over 750 registered population vote. That's not what I would call a good representation of the community.

As citizens of the Eastern Shore we have the absolute right to know and should know how our elected officials are addressing fiscal issues, business growth, future planning, and environmental issues. This is especially true for the ethical and financial conduct of our elected and appointed officials and for water issues (water is a key issue on the Shore). Citizens should start attending their town and county public meetings and ask the hard questions regarding their communities. These questions eliminate the mysteries of politics and clarify issues for the public.

Here's a simple suggestion-- contact your elected and appointed officials and ask them what they have accomplished over the last month, the last six months or the last year to better your life on the Eastern Shore. This is a simple question that requires an answer. Citizens need to educate themselves on the shore's current issues; otherwise the very few will speak for the quiet many.

Let this nation's new beginning become the Shore's new beginning. Participate in your local government, volunteer your time with community projects, join local commissions and boards, support your local businesses and hold your elected officials to the highest ethical standards their positions require. A good government is one that is open, transparent and willing to listen to the people it serves. Government service is a privilege, not a gift.

Joe Vaccaro

Cape Charles