



**TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Teleconference
March 30, 2020
6:30 PM**

This Special Meeting of the Cape Charles Town Council was held by teleconference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to address the emergency and adopt Ordinance 20200330 declaring a local emergency and disaster created by the COVID-19 pandemic. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live and emails to the clerk.

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Special Meeting of the Town Council. Physically present at the Civic Center were Mayor Dize, Town Clerk Libby Hume, Community Relations Manager Jennifer Lewis and Project Manager Bob Panek. In attendance via telephone were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge joined the teleconference at 6:33 p.m. There were no members of the public physically in attendance. There were 107 viewers on Facebook during the live stream.

PUBLIC COMMENTS (AGENDA ITEMS ONLY):

Town Clerk Libby Hume read ten comments submitted in writing prior to the meeting. (Please see attached.)

SPECIAL MEETING ORDER OF BUSINESS:

- A. *Ordinance 2020030 – An Emergency Ordinance of the Town Council of the Town of Cape Charles, Virginia, Declaring a Local Emergency and Disaster Created by the COVID-19 Pandemic; Appointing the Town Manager as the Town's Director of Emergency Management; and Adopting Temporary Changes in Practices and Procedures, Public Meetings and Deadlines as Necessary to Address Continuity of Government Associated with the Pandemic Disaster:*

Mayor Dize asked Town Manager John Hozey to provide background regarding the proposed ordinance.

John Hozey stated that things began with the March 12, 2020 Executive Order #51 issued by Governor Northam declaring a state of emergency. On March 13, Phase 1 of the Cape Charles Incident Operations Plan (IOP) was put in place. On March 20, Cape Charles went into Phase 2 of the IOP which significantly restricted public access to the town's facilities. On March 23, Governor Northam issued Executive Order #53. On March 24, Northampton County declared a state of emergency and this morning, issued a press release asking people not to visit the Eastern Shore. Earlier today, Governor Northam issued Executive Order #55 which contained a stay-at-home order. Tonight, Cape Charles' declaration of a state of emergency was before Council for action. Ordinance 20200330 would designate the town manager as the director of emergency management to coordinate with Northampton County to develop a plan. The Ordinance also enabled electronic meetings for the Town Council, Boards and Commission, provided appropriate notice was given, allowed public participation, and only pertained to action items of an immediate nature. Legal counsel needed to be consulted to see if an item or topic qualified.

Adoption of this Ordinance permitted the town manager to make decisions that did not require adoption of any ordinances by Council and provided more flexibility to allow the Town to conduct business. If adopted, the Ordinance would be in effect for six months or when the Town Council deemed it was no longer needed.

Motion made by Councilman Buchholz, seconded by Councilwoman Burge, to adopt Ordinance 20200330 An Emergency Ordinance of the Town Council of the Town of Cape Charles, Virginia, Declaring a Local Emergency and Disaster Created by the COVID-19 Pandemic; Appointing the Town Manager as the Town's Director of Emergency Management; and Adopting Temporary Changes in Practices and Procedures, Public Meetings and Deadlines as Necessary to Address Continuity of Government Associated with the Pandemic Disaster.

Mayor Dize asked for comments from Council.

Councilwoman Burge stated that the most important part of the ordinance was that it allowed for continuity of government to meet in electronic meetings without a quorum being physically present in one location. The COVID-19 virus situation constituted a disaster. She felt the ordinance provided the Town with the ability, as outlined in Governor Northam's Executive Orders 53 and 55, to do a lot of the things the citizens mentioned in public comments.

Councilman Grossman was in favor of adopting the ordinance adding that all the bells and whistles were included.

Councilman Bannon agreed that the ordinance would help the Town accomplish what the citizens wanted.

Vice Mayor Bennett had no comments to add at this time.

Councilwoman Holloway thought the ordinance was wonderful in providing Council with the direction needed to get through this situation, particularly the lodging issue to contain the spread of the virus as much as possible.

Councilman Buchholz expressed his agreement with the others' comments.

The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

Mayor Dize proceeded to read Ordinance 20200330 in its entirety.

Mayor Dize stated that the Northampton County Board of Supervisors would be meeting on April 2 and suggested Council providing support for the County's measures regarding COVID-19 and asked for Council comments. Being a town, Cape Charles fell under Northampton County and whatever was adopted by the County affected the Town as well. The County was asking for support from its incorporated towns.

Councilman Buchholz stated that being in a Dillon-rule state, the Town was restricted on what we could or couldn't do.

Councilwoman Holloway stated that decisions needed to be made regarding lodging businesses that could not wait until after the Northampton County Board of Supervisors meeting. Each passing day put the Town at further risk. Something needed to be done and she asked whether the adoption of Ordinance 20200330 provided the Town with any authority to act on this issue.

John Hozey stated that he spoke with legal counsel and there were some options regarding short-term/vacation rentals. A specifically worded ordinance would have to be drafted by legal counsel for adoption by Council.

Councilwoman Holloway reiterated the urgency of the issue with the nice weather already bringing people here. The Governor's closing of the beach could help. The Town could ask the owners of short-term/vacation rentals to close or not accept reservations for the duration of the pandemic. She closed her bed and breakfast (B&B) for three weeks as it wasn't worth the risk of potentially spreading the virus in Town. Each day the Town delayed in making a decision, increased the risk.

Mayor Dize stated that he would contact County Administrator Charlie Kolakowski regarding Council's concerns.

Vice Mayor Bennett stated his agreement with Councilwoman Holloway's concerns. He was in support of Northampton County, but Cape Charles was more of a tourism destination than other parts in the county. The Town could not afford to wait and needed to do something within our legal authority as soon as possible. When patrolling, the police force needed to be looking for gatherings of more than ten or people in close contact with each other. He was in full agreement with the citizens' concerns. Council needed to look out for Cape Charles and its citizens.

Councilman Bannon agreed with Vice Mayor Bennett and Councilwoman Holloway and added that his house was surrounded by seven Airbnbs and one couple just came into town. He was 83 years old and at risk. Council needed to move as quickly as possibly and shut the short-term/vacation rentals down.

Councilman Grossman stated that he didn't think the Town had the authority to shut down the short term/vacation rentals, but Council did have the ability to ask people to take action along those lines. If the Northampton County Board of Supervisors moved in that direction, he was in support of them.

Councilwoman Burge stated that the Town could certainly ask and encourage property owners and rental management companies from renting their properties during this time. She didn't think the Town had the authority to stop people from coming, but the Town could ask them to reschedule their visits.

Councilman Buchholz expressed his agreement with all comments.

Mayor Dize asked Councilwoman Burge if Cape Charles would fall under the County if the Board of Supervisors voted to close the short term/vacation rentals in the county. Councilwoman Burge responded that it could cover the Airbnb, VRBO, and online vacation rentals, but not the B&Bs since they were by the Town under conditional use permit.

Vice Mayor Bennett stated that the first item in the Governor's Executive Order 55 mandated people to remain in their place of residence. Second homes were not the property owners' place of residence. Their place of residence would be where they voted and lived regularly. If the Town followed the Governor's order, the definition of a second home was not the property owner's residence.

There was much more discussion regarding the issue with short term/vacation rentals, but the general consensus was to ask all vacationers to stay away and ask short term/vacation rentals to not take reservations or have vacationers stay in their properties for the duration of the pandemic. Another meeting would be scheduled to discuss enforcement of the issues after John Hozey spoke to legal counsel.

Mayor Dize stated that Governor Northam's Executive Order 55 closed beaches, except for exercise and fishing, but the Town also had the fishing pier and Central Park and asked for Council comments regarding these two areas.

Councilwoman Burge stated that there were no issues with Central Park since it was open space. No groups of ten or more should be permitted and social distancing should be observed. The fishing pier was another issue since space was limited.

Councilman Grossman asked whether the fishing pier needed to be viewed as an extension of the beach.

Councilman Bannon stated that the park should be left open and treated the same as the beach. He felt the pier should be closed.

Vice Mayor Bennett stated his preference was to close the pier and limit access to the park similar to the beach.

Councilwoman Holloway stated that from her house she could see the park and people were using the park appropriately, especially since the playground was closed. The tennis courts also needed to be closed. She was in agreement with closing the pier.

Councilman Buchholz agreed that the pier needed to be closed. The park would be handled like the beach. Signage needed to be placed at each location and everyone needed to be reminded to keep the social distance.

John Hozey stated that some good guidance was received to move forward.

Mayor Dize commented that the Town needed to i) stress to our full-time residents who might have returned from traveling abroad or from other areas to self-quarantine themselves for fourteen days; ii) remind everyone to wash their hands regularly; iii) remind everyone to practice social distancing; and iv) remind all of no groups of more than ten.

Councilwoman Holloway added that she felt that the residents were not the issue, they knew what to do. The Town needed to focus on people from outside of Town.

Vice Mayor Bennett disagreed adding that full-time residents were not all living by the Governor's order. He knew of some residents who had traveled abroad and were going all over town. People needed to pay attention and stay apart.

Councilman Buchholz recommended hand delivering the notice to real estate agents and management companies. Mayor Dize added that notices should also be hand-delivered to the residents of the Myrtle Landing Apartments.

Councilman Bannon commended the police department for contacting the elderly residents in town each morning to make sure they were okay.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adjourn the Town Council Special Meeting. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

The meeting adjourned at 7:42 p.m.

Mayor Dize

Town Clerk

Comments Provided in Writing
March 30, 2020 Town Council Special Meeting

Kim Dunton, 5 Monroe Avenue

Dear Mayor and Town Council members,

I am concerned not only about the visitors/renters who are presently in our town but also the ones who will be arriving as the weather becomes warmer. Actually, due to school closings for the remainder of the school year, families may be booking/arriving earlier than normal. Tangier, Chincoteague, Dare and Currituck Counties, as well as the state of Florida have already put measures in place to help curtail the spread of the COVID 19 virus into their areas. I am interested in knowing if our elected officials are working on a plan to protect its full time residents; a large majority falling into the "above 60" age bracket who are the most vulnerable (according to the CDC). Presently, there are 2 diagnosed cases of COVID 19 in Accomack County and 1 in Northampton County. Cape Charles is a renters' paradise. Where will our renters be coming from? Areas with a high incidence of COVID 19? It is a fact that people have already left areas like New York for warmer climates, transporting the virus with them. With take-out only restrictions on restaurants and bars, the closing of theaters, etc., groups greater than 10 prohibited to meet and 6-foot social distancing, what are they going to do once they get here? Where will they shop for food? Our local Food Lion chain has had very limited food items to offer to its own local clientele the past 2 weeks. My husband and I are following the Federal Government's recommended guidelines by limiting our activities outside the home in order to protect not only ourselves, but our family members, neighbors, and friends. Isn't it fair to expect our town officials to also do what is necessary to keep its residents as safe as possible?

Kim Dunton

Kathy Glaser, Alyssa House B&B

Subject: Coronavirus concern for meeting on 3/30

While I understand the need to keep the computer lab open at the library, I would like to know if they are limiting visitors and what they are doing to disinfect equipment between users?
Kathy Glaser

David Kabler, Supervising Broker, Blue Heron Realty Co, 113 Mason Avenue

Subject: COVID-19 citizen response - please read into the public record

To the Mayor and Town Council of Cape Charles,

I appreciate your leadership during this time of crisis in combatting the dreaded COVID-19 virus. It is becoming more apparent each day that we must take bold initiative to enlist each and every citizen of our community to step in line as a soldier in the war to fight the virus. There cannot be any shirking of duty here, and you as our leaders must establish the health protocols for all of us to follow. Extreme measures will be the order of the day if we are to minimize and contain the spread of the virus among our population.

If you cannot legislate, you can resolve the following:

That a State of Emergency exists in the Town of Cape Charles.

That the Virginia Governor's orders be followed.

That all non-residents and tourists stay away from the Town except for essential needs.

That all non-essential businesses including vacation rental lodgings close their doors.

That citizens practice the CDC health guidelines and social distancing.

That residents stay home.

Our citizens want to cooperate. Please bark out your orders and we shall follow!

Sincerely,
David L. Kabler

Stephen K. Fox, 1 Monroe Avenue

Subject: Report a Concern

Brief Description of Problem

The Council should consider emergency regulations to address the potential of mass congregation on the public beach in light of the virus and the emerging warm weather. It is not unlikely that folks with second homes may elect to "shelter in" @ Cape Charles, resulting in overpopulation on the beach under these emergency circumstances.

Joann Bawiec, Strawberry Street

Subject: Report a Concern

Brief Description of Problem

Why are non essential businesses still open? retail shops still open this weekend on mason ave. Visitors? lot of visitors this weekend. - our of state plates, etc. Over 40 vehicles parked along the beach. Stay at home orders??? Porch happy hour -- great idea -- except for the group gatherings around town. It seems like the restrictions set by our governor are not been complied with and no enforcement in cc. The safety of all residents is at stake. But it seems like spring break around town.

Jodi Outland

Subject: My 2 cents input for 3/30/20 TC Emergency Meeting

There seems to be a significant uptick in out of state license plates. We have seen New York, New Jersey and Pennsylvania on our street alone. The states that are most affected and have been asked to shelter in place are NJ, NY and CT.

- Prohibit visitation to the Town from any of the states that are highly affected such as the above. (NJ, NY, CT and perhaps more?) Look at what Rhode Island is doing.
- Do not allow any vacation renters at this point.
- Close the fishing pier as that is an area that it is hard to keep social distancing.
- Allow the beach to remain open, however, prohibiting access from out of state. I am not sure how this would be enforced other than asking people for ID's? Or just to do a beach sweep on the weekends and make sure people are social distancing and if they are not they have to leave the beach? Maybe ask Chincoteague how they are doing this and if it is working? I would really like the beach to remain open as it is the one refuge that local residents have to get some peace. It is about the only true escape some of us have right now.
- Explore the use of the road sign board to use at the entrance to the Town to convey the message about social distancing.

Ami Butta

Subject: Vacation rentals

Greetings,

We are aware that a number of vacation rental owners are allowing guests to come to town. Other towns have stopped this and I am wondering if Cape Charles will consider doing the same. We all remain at greater risk with this not controlled, at least for a while.

Thank you,
Ami Butta

Michael Rabdau

Subject: Isolating Cape Charles

Cape Charles could isolate itself from the outside by establishing two checkpoints to screen people coming into town. If we had self-testing kits we could ensure the towns safety and perhaps keep the town from harms way and better support our local businesses.

Michael

Anna Vita Lee

Subject: Comment for tonight's Emergency Town Council Meeting

Dear Town Council, Mayor Dize & Town Manager Hozey:

Governor Northam's Stay at Home Order for Virginians will do a great deal to keep us safer but it will not prevent visitors from visiting Cape Charles. People in outbreak areas are fleeing to small towns like ours and that's how COVID-19 is spreading to rural America. Here's a link to a USA Today article titled 'Not Just a Big City Issue - Coronavirus Cases Soar in Rural America Popular with Tourists'. You can find this same article from many other media outlets as well.

<https://www.usatoday.com/story/news/nation/2020/03/28/coronavirus-cases-soar-outside-new-york-rural-countrieshit-hard/2926572001/>

Many of our bed & breakfast and Airbnb owners have voluntarily taken their rentals off market to protect our community but a number of rentals remain on market and very actively renting through property management companies over recent weeks.

The Town of Chincoteague issued Executive Order #1, closing all accommodations to visitors, after confirming with the States Attorney that they had the legal power to do so. I'm requesting that Cape Charles do the same starting this week, given the incredibly limited regional medical facilities at our disposal. We also have many residents who are older and/or with underlying conditions who would have a difficult time surviving COVID-19. Cape Charles has 1 case and our neighbors in Accomack County already have 6 cases, and we know that cases in all counties in Virginia will continue to grow until mid May.

Thanks to each of you for the work you're doing to keep our community, county and region safe during this time!

Sincerely,
Anna Vita Lee

Ryan & Ahren Foster, 125 Strawberry Street

Subject: Today's Special Meeting Comment

We arrived in town on March 4th for our children's spring break and have stayed since once schools closed. We have canceled numerous rentals, and have had a few others even cancel proactively. We are not taking ANY bookings currently and of course will re-evaluate this as the situation evolves and changes. We hold this town and it's residents first in priority and that is why we canceled our bookings. Losing the revenue is gut-wrenching, but losing our neighbors would not be bearable. We hope the town can help persuade others do the same. Hopefully this summer things will be thriving again, but we are willing to shut down our business until this has passed and would appreciate the town backing our choice and helping others make the same. We have already seen numerous visitors and even some daily rentals from other properties and it is beyond frustrating and heart breaking.