



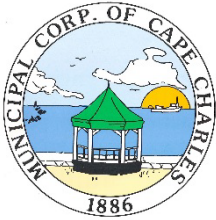
TOWN COUNCIL
Special Meeting
June 18, 2020
Cape Charles Civic Center
6:30 PM

1. Introduction by Mayor Dize
2. Call to Order
 - A. Roll Call
 - B. Establish quorum
3. Recognition of Visitors / Presentations
 - A. Traci Johnson, Clerk of the Court – Oaths of Office for Newly-Elected Council Members
4. Public Comments re: Agenda Items Only (accepted via email to clerk@capecharles.org during the meeting)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of April 30, 2020 Financial Report
6. Special Meeting Order of Business:
 - *A. Code 42-3 – Adoption of State Law
 - B. Vacation of Plat of Survey for Lots 336, 337 and 338B – Public Hearing Scheduled
 - C. Town Manager Updates
 - i. 2020 July 4 Options
 - ii. Debt Refinance Options
7. Announcements
 - July 2, 2020 – Town Council Special Meeting, 6:30 PM, Civic Center
 - July 3, 2020 – Town Offices Closed in Observance of Independence Day
 - July 4, 2020 – Independence Day Celebration – *tentative*
 - July 16, 2020 – Town Council Special Meeting, 6:30 PM, Civic Center
8. Adjournment

June 18, 2020 Town Council Special Meeting

Item 1 – Introduction to Meeting by Mayor Dize

- This special meeting of the Town Council is being held with some members physically present at the Civic Center and some participating electronically as provided under Code of Virginia Section 2.2-3708.2 Subsection A.3 which permits public bodies to meet by electronic communications without a quorum physically assembled at one location since, on March 12, 2020, Governor Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic.
- The purpose of this meeting is for i) approval of the minutes from the April, May and June meetings; ii) approval of the April 30, 2020 financial report; iii) the annual adoption of Code 42-3 for traffic enforcement; iv) an update regarding the scheduling of a public hearing regarding the vacation of plat of survey for Lots 336, 337, and 338B; and v) updates from the town manager regarding the July 4 options and debt refinance options.
- An audio recording is being made of this meeting. This meeting is also being live-streamed on Facebook, as well as being video-taped for viewing from the Town's website after processing.
- Public comments will be accepted this evening via Facebook Live and emails to clerk@capecharles.org. Comments were also solicited to be emailed to the Clerk prior to the meeting.
- All votes taken this evening will be by roll call vote and recorded in the minutes.
- Any Council members who leave the meeting or arrive after start of the meeting must verbally note their attendance.
- Only essential business of the Town of Cape Charles can be done in this manner.
- These procedures will remain in effect until the COVID-19 crisis has been alleviated.
- Do any of the Council members have any questions about this process?



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Electronic Communications
April 9, 2020
6:30 PM

Item #5B
June 18, 2020 TC Mtg

This Special Meeting of the Cape Charles Town Council was held by video conference 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 review the possible deferral of business, professional and occupational license (BPOL) taxes and certain fees without penalty and interest. 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 Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwomen Burge and Holloway, and Town Manager John Hozey. There were no members of the public physically in attendance.

PUBLIC COMMENTS (AGENDA ITEMS ONLY):

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

SPECIAL MEETING ORDER OF BUSINESS:

A. Business, Professional and Occupations License (BPOL):

Town Manager John Hozey stated that staff had been searching for means to assist local businesses with short-term cash flow requirements. The BPOL tax was currently due on April 15. The ordinance under consideration would extend this deadline for payment, not repeal the tax. The extended date was flexible and could be any time before December 5, 2020. Staff's recommendation was to extend the due date to September 30.

Mayor Dize read Ordinance 20200408A.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20200408A-An Ordinance Deferring the Payment of Business, Professional and Occupational License Tax, Without Penalty and Interest, to Mitigate Adverse Economic Impacts Suffered by Businesses as a Result of the COVID-19 Pandemic Disaster and extending the due date to September 30, 2020.

There was discussion as follows: i) Extending the due date for BPOL would have an impact on the Town's revenue for this fiscal year; and ii) Some business owners had already submitted their BPOL tax payments estimating their revenue prior to the pandemic. These business owners would be provided the opportunity to adjust their revenue estimates.

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

B. Fee Payments:

John Hozey stated that staff had been searching for ways to assist residents during this uncertain time. The ordinance under consideration would authorize the town manager to extend due dates for i) water and sewer fees; ii) trash collection charges; iii) license fees for golf carts; and iv) any other fee or charge due before June 10, 2020, which, in the town manager's opinion would work a financial hardship on the residents and businesses in the Town, provided that such due date was not mandated by state or federal law. No penalties, interest or other late charges would be assessed. John Hozey continued to state that Item 4 of the ordinance gave the town manager broad authority to make decisions regarding a number of fees or charges and he wanted it on the record that he intended to waive credit card fees during this period since the Town was requiring citizens and businesses to deal electronically with the Town.

Mayor Dize read Ordinance 20200408B.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20200408B-An Ordinance Deferring the Payment of Certain Fees, Without Penalty and Interest, to Mitigate Adverse Economic Impacts Suffered by the Inhabitants and Businesses of the Town of Cape Charles as a Result of the COVID-19 Pandemic Disaster.

There was discussion as follows: i) There would also be no cutoffs for non-payment during this period; and ii) Council members expressed their support of waiving the credit card fees; and iii) Residents and businesses would be notified accordingly.

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

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, 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 6:51 p.m.

Mayor Dize

Town Clerk

**Comments Provided in Writing
April 9, 2020 Town Council Special Meeting**

Lisa Guzzardo, 156 Sunset Blvd

I appreciate the possibility of the lifting of penalties on late utility payments...I hope that those who are able to pay their bills still pay them. I assume there is benefit to the town in receiving utility bill payments on time. If this is so this should be mentioned during the council meeting. We will pay ours on time.

Also, I'm curious about timing for reactivating the Historic Review Board. Why are they not working remotely to continue approvals? Are they doing other emergency related activities or just doing nothing? My sister is planning to have a house built in town this year. Keeping approvals moving will benefit the overall economy of the town. Builders are still building homes but will soon run out of work if approvals don't start soon.

Thanks very much!
Lisa Guzzardo

Kate Rooney

Hello Town Council,

I am in favor of the two new ordinances that you will be considering tomorrow evening. I am in favor of electronic participation by council members.

Thank you,
Kate Rooney

Margaret Ballard, 115 Mason Avenue, #302

Dear Mayor Dize and Honorable Members of the Cape Charles Town Council,

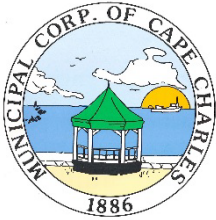
I sincerely applaud your proposal to eliminate the onerous BPOL/gross receipts tax for Cape Charles businesses. Your initiative is courageous, smart and will allow the businesses in Cape Charles to have another survival tool in their toolkits as we move through these horrendous times.

I retired two years ago as Vice President, Advocacy, for the Hampton Roads Retail Alliance and the statewide Virginia Retail Federation. During the last 20 years of my career, I worked for these retail trade associations primarily representing small, independent retailers and service businesses at the Virginia General Assembly, local governments and the federal government.

For 15 years, my co-advocates and I fought to eliminate the BPOL tax at the state and local levels. In our research, we found that the tax was implemented to help Virginia finance the War of 1812 and had not been changed. The issue was originally brought to our attention by Mr. Ben Willis, Willis Wayside furniture in Virginia Beach, who hated the tax. He brought to our attention that BPOL is an unfair way to collect taxes on gross receipts before businesses attained their net income. We had many, many businesses, like Miller Oil Company in Norfolk, Taylor's Do-It Center in Virginia Beach and others who came to the General Assembly to testify. The legislature would not budge even though we proposed legislation that would roll back the tax and gradually replace it with other revenues. Finally, in 2011 Senator Frank Ruff carried a bill for us that passed, allowing localities to forgive gross receipts for businesses with \$1million and under. Only three cities chose to go this route; Norfolk, Virginia Beach and Herndon in Northern Virginia. And now, Cape Charles!

Your elimination of the tax will not only support the survival of existing businesses but will also help attract new businesses once we are back to a healthy economy. Thank you.

Best regards,
Margaret Ballard



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Electronic Communications
April 16, 2020
6:30 PM

This Special Meeting of the Cape Charles Town Council was held by video conference 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 discuss the issue of short-term / vacation rentals and review recommended adjustments for the fiscal year 2020 budget. 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 Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwomen Burge and Holloway, Town Manager John Hozey and Treasurer Deborah Pocock. There were no members of the public physically in attendance.

PUBLIC COMMENTS (AGENDA ITEMS ONLY):

Town Clerk Libby Hume read 18 comments submitted in writing prior to the meeting. (Please see attached.)

SPECIAL MEETING ORDER OF BUSINESS:

A. *Short-Term / Vacation Rentals and Enforcement:*

Town Manager John Hozey stated that following Council's adoption of a declaration of local emergency on March 30, Mayor Dize issued a formal request for all short-term rental operations to cease until state guidance eased restrictions on travel, currently set for June 10. Most of these businesses had voluntarily complied. It was unfair that businesses who were doing the civically responsible thing were taking a financial hit while those irresponsible businesses continued to rent their units and profit at the expense of public safety. Council requested the preparation of an ordinance to address this issue. The proposed ordinance was developed and cleared by legal counsel and declared defensible. It included hotels and bed and breakfasts (B&Bs), but not those with a property interest such as second homes and timeshares with an ownership interest. Those in violation of the ordinance would be charged with a Class 3 misdemeanor which was punishable of a fine up to \$500 per day. Enforcement would not be easy, and the Town would rely on tips as we didn't have the manpower to go to each business to check their status. Residents were requested to call the police department to report violators.

Mayor Dize read Ordinance 20200416.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20200416-An Ordinance Temporarily Closing Short-Term Rental Operations in the Town of Cape Charles, Virginia, in Order to Protect the Public Health and Safety by Preventing the Further Spread of the Coronavirus (COVID-19).

There was much discussion as follows: i) Mayor Dize stated that the Town needed to do whatever it took to ensure all violators were identified and that all were treated equally; ii) Staff didn't know the current number of property owners in violation, but were hearing about violators from the citizens; iii) The ordinance's intent was to mandate no occupancy during the stay-at-home period, not to stop property owners from advertising or accepting reservations for a future date after the stay-at-home orders were lifted by the Governor. Councilwoman Holloway added that she had been accepting reservations at her B&B but informing the customers that things may change based on the status of the stay-at-home order; iii) Councilwoman Burge expressed her pleasure with the number of comments submitted adding that she thought about Mr. Stephen Fox's comments about the possibility of property owners taking longer term rentals without penalties for early cancellation. There wouldn't be anything the town could do regarding this issue; iv) Councilwoman Burge stated that she was in favor of protecting everyone but wondered if the Governor's executive order included a violation that could be used by the Town. John Hozey responded that there was a violation but the enforcement authority was for the State Police, not the Town. Mayor Dize added that it was considered a Class 1 misdemeanor; v) Councilwoman Burge stated that to enforce, a summons had to be written and the case would have to get on the court docket. Currently the general district court was only hearing emergency cases such as protective orders, etc. It would be a while before the case would go to court which meant that the penalty wouldn't make people leave. She was concerned about the lag in time from summons issuance to the court date; vi) Vice Mayor Bennett didn't share Councilwoman Burge's concern adding that this was a unique situation and Council needed to take action to protect the citizenry of Cape Charles. People wouldn't stay in Town until a judge was able to hear their case in court. Once a citation was issued, the Town would ask the renters to leave. John Hozey clarified that the penalty would be assessed to the property owners, not the renters; vii) Councilman Buchholz commented that there were so many variables in how COVID-19 could be transmitted, and this ordinance wouldn't solve the issue. There were 107 units in his neighborhood and two-thirds were probably rentals. There were a lot of second homeowners here and they could let their friends use their house without paying rent. How could the Town prove the people coming here were paying rent?; viii) Several Council commented that the Town couldn't solve every issue but something needed to be done to protect the citizens; ix) The bigger issues were with visitors from other states violating their stay-at-home order to come here. Driving around the Town, you see mostly out-of-state license plates; x) All short-term rental properties were required to obtain annual inspections and any short-term rental properties without a current inspection should be shut down immediately and if renting, needed to be reported to the State Police for enforcement under the Governor's order; xi) Under the criminal code, the penalty was the discretion of the judge, not to exceed \$500 per offense or per day based on the ordinance; xii) Councilman Buchholz expressed his concern about the federal mandate of no evictions and if this would fall under that mandate. It was agreed that the federal mandate was for long-term rentals with a lease agreement not transient rentals; xiii) In addition to the regular channels of communication (website, e-Notifications, Nixle, Facebook) notices would be mailed to utility bill customers; xiv) A warning would be issued for each first time violation, followed by citations for each subsequent offense; xv) From the comments received from the residents, for this meeting and previously, requesting the Town to do something, this was a step that had to be taken. Council's first priority was the safety of its residents; and xvi) Mayor Dize clarified that this ordinance covered properties within the town limits, not all of the 23310 zip code.

The motion was approved by majority vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, no; Grossman, yes; Holloway, yes.

B. *FY 2020 Recommended Budget Adjustments:*

John Hozey stated that the Town was feeling the effects of COVID-19 as well as businesses and residents with lost revenue. The budget that was adopted for this fiscal year (FY) would not be realized since a significant portion of the Town's revenue was from business-related taxes. Treasurer Deborah Pocock went through the FY 2020 budget and identified expected revenue shortfalls and proposed expenditure adjustments to maintain a balanced budget through June 30. Normally the town manager would make minor budget adjustments and report back to the

Council, but the magnitude of these adjustments made it appropriate to obtain formal Council concurrence. Council reviewed the proposed adjustments amounting to \$201,898.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, concurring with the proposed budget adjustments.

There was discussion as follows: i) A bill was being introduced to provide aide to towns with populations of less than 5K; ii) Vice Mayor Bennett commented that this was a significant budget shortfall for a town that historically had not had any extra money. The cuts represented a big sacrifice for a lot of people, and he appreciated that this could be done. The entire situation was a big loss for the town; and iii) Councilwoman Holloway noted that staff contacted Cape Charles Main Street (CCMS) regarding the amount to cut from their funding. She appreciated being contacted to get their input. There was a good working relationship between the Town and CCMS. With the \$14K reduction in funding, some projects won't come to fruition this year. Councilman Buchholz added that CCMS lost a \$10K grant from the Virginia Tourism Corporation this year as well.

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

Mayor Dize announced that this would be Councilwoman Burge's last meeting adding that he first met her 15 years ago when he was hired as the harbor master and she was leaving her position as town manager. Councilwoman Burge was one of the smartest, well thought people he had met in his life and thanked her for all her years of service to the Town. He knew she would continue her excellent public service as a judge.

Councilwoman Burge stated that it had been an honor to be appointed to the Town Council a couple of years ago to fill a vacancy. She appreciated the opportunity. This was a bittersweet moment. She was happy to move on to another tremendous opportunity. She was hoping for the chance to get together to celebrate more officially in the future. There were a lot of good people in the Town and good staff to keep things going. She was happy that this Council had been able to set strategic priorities which needed to be reviewed as part of the budget process. She was glad that John Hozey was hired and thankful to have Debbie Pocock and Libby Hume as well as the rest of the Town's staff. She appreciated all they did and was honored to have served our Town.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, 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 7:50 p.m.

Mayor Dize

Town Clerk

**Comments Provided in Writing
April 16, 2020 Town Council Special Meeting**

Janice Korleski

Subject: Weekly rentals, VRBO, HOMEAWAY and ABNB

In my morning walks, I have noticed several vacation rentals occupied by out of state renters. My understanding was that vacation rentals would not be allowed during the "stay at home" mandate. And also in a letter from our mayor.

It is obvious this is not being monitored by our town officials.

My concern is these out of towners are putting a strain on our community. Food Lion cannot keep shelves stocked with the necessities for full time residents. In addition, do we know if these visitors are free of the virus? If they should become ill and require hospitalization this would put undue strain on OUR healthcare system. Riverside only has 2 ventilators.

It is my hope that the town council and mayor will halt all vacation rentals until the stay at home mandate is lifted.

Thank you for your consideration on this matter.

Janice Korleski

Margaret Van Clief, 215B Tazewell Avenue

Sent: Wednesday, April 8, 2020 4:07 PM

Subject: In support of limited visitor travel to Cape Charles

I appreciate the difficult choice and moves the Town Council and Mayor have made to discourage tourist travel to Cape Charles at this time. I agree that it is in the best interest of our vulnerable community, by which I mean Cape Charles and ESVA in general, to restrict travel from other areas as much as possible. I'm concerned when I see people on social media stating that they have second homes here, and that they should be allowed to visit because they pay taxes here. My worry here is not so much that they may come, bringing their own groceries and supplies, and keep to themselves in their own home, as we are all doing. It's the idea that paying taxes is what makes that okay. The virus doesn't care about taxes. It cares about social distancing and person-to-person transmission. So, I am not suggesting that these people should not be able to visit their properties, but I would like to see the town issue an official statement regarding the appropriate way to do so. I would also like to see stronger wording regarding whether vacation properties should be available for rent at this time. There are vacationers in a cottage just down the block from me right now.

Thank you for your time and for all y'all are doing during all of this. You are much appreciated!

Best,
Margaret Van Clief

Sent: Wednesday, April 15, 2020 12:42 PM

Subject: Re: In support of limited visitor travel to Cape Charles

I'd also like to submit that I am in favor of making it a Class 3 misdemeanor to operate vacation rentals for as long as the Governor's orders are in effect.

Thank you!
Margaret Van Clief

David Gay

Subject: Temporary Suspension of Rental Units in Cape Charles

Dear Council Members:

I applaud the effort of the Council to keep the citizens of Cape Charles safe during the current Pandemic. It is a good idea to suspend all seasonal rentals until the Governor lifts the current restrictions. If we all follow the rules now, we will be able to get back to business as soon as possible. Thank you.

Jo Ann Bawiec, Strawberry Street

Subject: Support

I fully support the town taking further action to eliminate short term rentals and making it a Class 3 misdemeanor for those in violation. Enforcement is key.

This is a difficult time for everyone, and I believe those that are continuing to rent their properties are doing so selfishly and putting our small community at greater risk. Community spread is the number one factor in propelling Covid-19. It's frustrating to see out of town license plates from states that are known hot spots for the virus. Even in state visitors are putting residents at an unnecessary risk.

I appreciate that so many property owners of rental properties ceased operations before the request was made by town officials. It's not fair that some have chosen to ignore the initial request to cease rentals and risk the well-being of our community.

Thank you.

Jo Bawiec

Cathy Buyn, Cheriton

Subject: Out of Town Visitors Comments

As a resident of Cheriton I am greatly concerned about the number of out of state license plates in the Cape Charles Food Lion parking lot. While I understand that tourism is a critical part of the Cape Charles and Northampton County economies, allowing 2nd homeowners and renters to needlessly expose full time county residents is irresponsible.

Given the limited supply of essential items on local store shelves local residents should not have to compete with visitors for groceries.

Stay at home means stay at your full time residence. I'm not even traveling across the county line at this point.

The majority of 2nd homes and vacation rentals may fall within the town limits, but the potential danger extends beyond the town. I urge the town to address this issue aggressively to protect all of the residents of Northampton County.

Respectfully,

Cathy Buyn

Lori Smith

Subject: 4-16 meeting

I completely support the ordinance that would make it a Class 3 misdemeanor to operate [vacation] rentals...for as long as the Governor's executive orders remain in effect.

Katherine Hardy Reid, 120 Creekside Lane

Subject: Rentals in Cape Charles during stay at home executive order

Town Council is holding a special meeting on Thurs, 4/16, [6:30 pm] to consider an ordinance that would make it a Class 3 misdemeanor to operate [vacation] rentals...for as long as the Governor's executive orders remain in effect.

As a resident of Cape Charles, I would like to express my support for this ordinance prohibiting rentals and fining those who break the ordinance. I am very upset at the complete economic devastation we are seeing as a result of the Covid19 virus and returning to normal has to be a priority. Research shows that preventing the spread of the virus by staying at home order is currently our best defense and our best way to get out of this situation quickly. I very much want there to be a summer season in Cape Charles. In order to get there, we must follow the Governor's executive order.

I am very unhappy to see anyone benefiting at the expense of the folks who are following the current guidelines. This inequality cannot be allowed to stand. Either we let everyone rent, or we let no one rent, but an in between state is not fair.

Additionally, I am sick to think that a visitor could bring the virus to our small, resource constrained area. Our rural health system is amazing, and so far they are not overwhelmed and are doing a great job taking care of us here on the Shore. We need to keep it that way.

Working together we can be ready to reopen as soon as it is allowed. Having anyone bend the rules to their favor, no matter what their intentions, in one of the worst pandemics in memory cannot be accepted.

Thank you to everyone in the town government and on the town counsel for your leadership in this difficult time.

Katherine Hardy

Anna Lee

Subject: Public comment for 4/16 meeting - Anna Lee

Dear Mayor, Town Council and Town Manager:

I absolutely support an ordinance that would make it a Class 3 misdemeanor to operate a short term rental unit in Cape Charles while the Governor's Executive Order remains in effect. I also hope that our Police Department will have a list of all TOT Tax property addresses so that they can monitor activity, and that a Tip Line will be made available so that citizens can report rental properties in use.

It's disappointing (to put it politely) that some members of our community have prioritized a short term financial gain over their own health and the health of their friends and neighbors.

Thanks to all of you for your continued hard work to keep our Town safe!

Sincerely,
Anna Lee

Stephen K Fox

Subject: Proposed Ordinance to Regulate Short Term Vacation Rentals and Enforcement

I am writing to express concern about the haste of adopting the proposed ordinance to prohibit short term vacation rentals in the Town and to enforce the prohibition by creating a Class Three Misdemeanor (maximum fine of \$500).

While it is understandable that there is heightened concern surrounding the pandemic created by the Corona Virus, I do not believe that such action is justified or may even be considered invalid for several reasons. Further research may be required to clarify some of the issues surrounding this proposal. The questions raised include the following:

1. Does a vacation rental introduce more persons into a housing unit which is already zoned residential and could be occupied by a family of several persons; a vacation rental does no more than fill the space, albeit perhaps on a rotational basis introducing different persons.
2. Does the Town Council have legal authority to take the action against persons who, finding themselves vacationing in Cape Charles and renting, must observe the identical regulatory restraints already in place. For example, the Council has authority to close the beach and public park to recreational use; the shops are virtually all closed. These situations may in fact deter vacation rentals without the necessity of Council action.
3. Related to the concerns raised in question 2 above, is the question of why the Town would undertake creating a different class of persons known as vacation renters, when, in fact, there is no regulation of permanent rentals. One could evade the reach of the proposed ordinance by renting for a long term (however defined) and then have the parties invalidate the remaining term of the agreement to rent. Also, are B & B rentals and hotel rentals excluded from the proposed ordinance?
4. Although I have not researched this topic in any great detail, it occurs to me that the proposed ordinance may violate provisions of the U.S. Constitution which prohibits enacting legislation which affects the sanctity of contracts, known as the "Contracts Clause" of the U.S. Constitution.
5. Lastly, is the Town prepared to underwrite the possible expenditure of public funds that may be necessary to pay for the taking of private property without just compensation. In effect, the Council action may be deemed to be a "taking of property" (a so-called "condemnation of property") for public purposes.

Thank you for your consideration of the issues set forth herein. I think caution and restraint should be observed. I am not a renter of vacation properties and have no stake in the financial results of such a prohibition but I believe the proposed action should be viewed in the context of the rights of the property owners who engage in what has become part of the economic engine of Cape Charles.

Respectfully submitted,
Stephen K. Fox
Attorney at Law

Mike Shepherd

Subject: Short term rentals

If the town enforces the short term rental ban, will we be refunded our business license fees?

Susan Eidam

Subject: 4/16 special mtg

Thank you, staff, for the swift response in addressing this issue.

One additional aspect of the short term rental is that of the vacation property owner who is complying by not renting but instead visiting here with their families because their investment property is now vacant. In the past 2 weeks, I have spoken with 3 families that have said they are going back and forth from NOVA to keep their kids busy and because they usually don't get to come here because they have it rented.

If there are to be consequences for vacation owners who allow others to use their houses, the same consequence should apply to owners themselves who don't stay home in their primary residence but visit their property here.

Thank you.

Sincerely,
Susan Eidam

Brent Carpenter

Subject: Upcoming vote on rental ordinance.

Good day.

I believe the town council is making a wise and prudent move to put a hold on the short term rentals of homes and rooms in CCVA, and I support the proposed ordinance.

Though I understand this will affect the owners and businesses bottom lines, I believe it is something that, as unfortunate as it is, must be done.

Thank you
Brent Carpenter

Libby Gray

Subject: Ordinance regarding rental properties

I vigorously support the proposed ordinance requiring ALL rental property owners (and managers and realtors) to fully and without exception follow the stay-at-home [and all other] directives of the Governor of Virginia until the current health crisis has passed.

I commend our town management for recognizing those who flaunt public health guidelines for profit should not be permitted to selfishly endanger others.

Libby Gray

Patsy Harris, 527 Walbridge Bend

Subject: COVID update

I would like to comment that the idea of making it a misdemeanor for rental property owners to rent their properties is a huge overreach. The state has closed all recreation and there are no gathering opportunities due to state rules so what's the harm in having folks rent homes here. How can you make it a crime for people to use their property for the purpose it was intended. If this is allowed, where does all of this end?

Patsy Harris

Jim Wood

Subject: STR proposed ordinance

Honorable Mayor and Members of Council:

I would urge caution as you deliberate the proposed ordinance shuttering short-term rentals (STRs) through June 10.

Through several entities, we have purchased derelict properties in town and have renovated them, dramatically increasing property values. We have hired local vendors and paid substantial transient occupancy taxes. Also, let me be clear that in February we voluntarily suspended renting through mid-June.

The proposed ordinance is not equitable in that it allows hotels and time shares to operate. I'm unaware of any evidence indicating that hotels present a lesser risk of the transmission of disease than a single-family home, especially given that hotels encourage the congregation of unrelated people unknown to each other, further increasing the potential of exposure.

Also, while the town is collecting \$100.00 inspection fees for STR properties, it is not inspecting them which is a de facto ban. Section 18-5 of the town code requires such inspections under the penalty of up to \$3000.00 in fines, so a refusal of the town to inspect means that many STRs cannot legally operate while hotels can.

As you can see from your projected reductions in revenues from meals, business and transient occupancy taxes, STRs are an extremely important part of the local economy. And realistically, no one is travelling in any great numbers and most responsible STR operators, like us, have suspended rentals for the foreseeable future. It appears that hotels in town have voluntarily closed their doors, but could re-open without any notice or permission. I would suggest that rather than criminalizing the rental of property, you encourage and incentivize private property owners to voluntarily comply.

However, if you feel that it is still a threat, then treat all transient occupancy in town the same way and close hotels and time shares with the same penalties. To do otherwise is not fair or equitable and puts local government in the position of favoring one business over another.

We're all in this together!

Jim Wood

John Wengler

Subject: Re: STR proposed ordinance (In response to email submitted by Jim Wood – Please see above.)

I agree with you.

Good job!

Chuck Little, Cape Charles Vacation Rentals

Subject: April 16 Council Meeting

My name is Chuck Little and I am one of the owners of Cape Charles Vacation Rentals at 307 Mason Avenue. My company has been complying with the Council's request to cease short term rentals within the Town until June 10 and has been issuing 100% refunds to the many renters that had already booked reservations prior to the current restrictions. At the present time we are not taking any new reservations for check-in dates prior to June 11 and will adjust as restriction dates are modified.

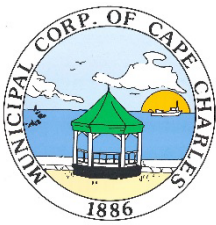
I am, however, discussing 3 month rentals with individuals that are seeking places while they are on the shore for employment, including a healthcare worker that will be working at Riverside Shore Memorial. I have not done the research, but I believe the Town considers only occupancies of less than 30 days to be short term rentals. I assume the purpose of tonight's discussion is to approve an ordinance to codify the restriction of short term rentals during the period of the governors declared state of emergency and travel restrictions. As such, I trust the restrictions will be placed on short term rentals and not on particular types of business entities. I would also like to hear from Council how the Town plans to police compliance and enforce such an ordinance if one is passed.

Respectfully submitted,
Chuck Little

Christine Wengler

Subject: Short term rental meeting on Facebook this evening

My concern is about the hotels and bed-and-breakfast. I want to make sure that the hotels and the bed and breakfast also fall under these guidelines that you are setting for the short term rentals, that there are to be no rentals until June 10, 2020. It seems that the hotels have voluntarily closed their doors but it does not appear that they are included in this proposal to shut down all rentals until June 10, 2020. So if that's the case they can open their doors at any time. So I want to make sure that they are also included in this please clear this up. Thank you very much.



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Electronic Communications
April 30, 2020
5:30 PM

This Special Meeting of the Cape Charles Town Council was held by video conference 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 review the proposed fiscal year 2021 budget as recommended by Town Manager John Hozey. 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 5:39 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 Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwoman Holloway, Town Manager John Hozey and Treasurer Deborah Pocock. There was one vacancy on Council. There were no members of the public physically in attendance, but there were 25 viewers on Facebook Live.

PUBLIC COMMENTS (AGENDA ITEMS ONLY):

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

SPECIAL MEETING ORDER OF BUSINESS:

A. FY 2021 Town Budget Review and Discussion:

Town Manager John Hozey summarized the proposed FY 2021 as follows:

General Fund: i) Preparation of this budget was very challenging in the midst of a pretty extraordinary event with the COVID-19 pandemic. The pandemic had a significant impact on revenue for fiscal year (FY) 2020 and FY 2021. Council recently made major adjustments to keep FY 2020 funded and FY 2021; ii) FY 2021 projected General Fund operating revenue was \$355K less than was budgeted in FY 2020; iii) FY 2021 requested General Fund operations budget was \$140K more than budgeted in FY 2020; iv) The proposed budget recommended cuts of \$267,769 from the FY 2021 requested General Fund operations budget. Any more could have significant impacts on core functions. This still left a deficit of over \$227K for General Fund operations; v) FY 2021 requested General Fund capital budget (non-grants/loans) was \$186K. The proposed budget recommended deferral of \$150,200 from the FY 2021 requested General Fund capital budget but still left about \$32K of necessary, but unfunded projects in the General Fund capital budget; and vi) The combined operations deficit and unfunded capital expense for the General Fund was \$259,159.

Utility Fund: i) The projected FY 2021 Utility Fund revenue was about \$31K less than the budgeted amount in FY 2020; ii) FY 2021 requested Utility Fund operations budget was \$9,498 less than FY 2020 leaving a deficit of \$21,686 in the Utility Fund operations budget; and iii) FY 2021 requested Utility Fund capital budget was \$685,493. The proposed budget recommended deferral of \$670K but left \$15K of unfunded projects in the Utility Fund capital budget.

Harbor Fund: i) The Harbor Fund operational budget had a minor deficit of \$6,834.

Sanitation Fund: i) The Sanitation Fund budget had minor deficits of \$8,831 in operations and about \$12K in capital for new trash cans.

John Hozey continued as follows: i) As presented the proposed budget was very lean and deferred many expenditures that had traditionally been supported or considered desirable. While the Town's most important resource was the staff, staff also represented the Town's greatest expense. Salary increases and COLA was not included in the proposed budget, but this practice could not be sustained as market pressures would continue to erode the Town's ability to recruit and retain quality staff; ii) Other traditional funding, such as community support, was eliminated or reduced; iii) The overdue Comprehensive Plan update was deferred; iv) Proactive maintenance such as the continued storm drain mapping was deferred; v) Ongoing and new capital projects and equipment requiring funding in the General Fund were also cut with the exception of items that qualified for the USDA 35/65 grant/loan program. The debt service for these items would not be due until FY 2022 and did not increase the budget deficit for FY 2021; vi) Traditionally, there were three ways to deal with a deficit – reduce expenditures, increase revenues or draw from reserves. Staff had done their due diligence regarding expenditure reduction and any further reduction would significantly erode the Town's ability to provide required services. Raising revenue by tax increases would be the next reasonable means to tackle the remaining deficit, however these weren't normal times and the effects of the pandemic on the economy were devastating. Taxing a struggling economy would only prolong the economic recovery. The Town had a fairly healthy reserve in undesignated fund balances, so his recommendation was to balance this budget by appropriating funds from the Town's fund balance fulfilling the statutory requirement to put an operating budget in place by July 1, however this budget did not address the long-term needs of the Town; and vii) He recommended re-evaluating the fiscal outlook in September and potentially amending this budget based on revised revenue projections after the summer season.

John Hozey went on to state that he and Treasurer Deborah Pocock had a conference call with the Town's auditor. The audit report was very well written and well laid out but contained some accounting issues that needed to be addressed in the future. The fund balances were very misleading as they contained balances which included unspent bond proceeds and prepaid items. John Hozey explained the fund balances to Council in detail adding that the fund balances needed to be addressed in September with guidelines developed regarding managing the Town's reserves.

John Hozey continued the review of the proposed budget as follows:

Capital Projects: i) The community trail project was originally included at \$255K but had now been deferred; ii) \$6,868 was included to install heat in the Public Works shops. This was a necessity; iii) \$15K was included for Mason Avenue re-striping, but could be deferred; iv) \$10K was included for improvements to the Mason Avenue and Harbor parking lots; v) \$15K was included in the Utility Fund for a SCADA software system for the water plant, similar to the system at the wastewater plant. This could possibly be deferred if Council preferred; and vi) \$11,796 was included in the Sanitation Fund to replace trash cans.

Community Support: i) The Cape Charles Historic Society initially requested \$5K which could not be funded. Their letter read earlier in the evening reduced the amount to \$500 which could be accommodated; ii) \$4,500 was included for GEAR Fine & Performing Arts, formerly Arts Enter, as a match to the Virginia Commission for the Arts Local Government Challenge Grant; iii) \$75K was included for Cape Charles Main Street (CCMS). The Main Street program required Town support in order for CCMS to achieve certification; and iv) The community support requests would be revisited in September and depending on the Town's financial position, support amounts could be increased.

There were no questions from Council to this point.

John Hozey continued the review of the General and Enterprise Funds departmental operating budgets:

General Fund Revenue: i) The real estate tax rate would be reduced to .2731 to equalize after the recent re-assessment of properties; ii) The projected revenue would be reviewed again in September and adjusted accordingly if needed; iii) Councilwoman Holloway clarified for the record that the Short Term Rental Tax shown as line item 100-3050-1700 did not include vacation rentals. Vacation rentals were included in the Transient Occupancy Tax.

General Fund Expenses by Department:

Legislative: There were no questions from Council.

Town Clerk: There were no questions from Council.

Town Manager: i) The capital projects manager's part-time salary (100-4121-1200) was included in the budget since capital projects funding would be re-visited in September; and ii) The \$40K in the Contingency Fund (100-4121-6900) included \$10K for Code Enforcement, \$2K for the police academy, and \$7.5K for fireworks in case a new vendor was needed. \$20.5K was undesignated.

Finance: Vice Mayor Bennett stated that most department budgets were level or showed decreases and asked why the Finance department showed an 8/1% increase. John Hozey stated that Jodi Outland was promoted earlier this year to Human Resources Manager and there had been a recent reorganization of staff duties which included a salary increase for the utility clerk for taking on additional duties. Deborah Pocock added that \$1K was included to replace two older timeclocks, as well as increases in credit card service fees and health insurance premiums.

Police: The 21% increase in the Police department budget was a result of adding a new officer and associated expenses for benefits, equipment, etc.

Code Enforcement: There were no questions from Council.

Public Works: i) Staff would be doing more grounds maintenance in order to reduce the contracted amount to Browder Hite. Overtime was included in the budget to compensate the Public Works staff for performing the additional duties; and ii) Councilwoman Holloway stated that the Town needed to maintain and clean the bathrooms, pick up trash, clean the beach, etc. We needed to ensure adequate coverage to perform these duties.

Parks & Recreation: There were no questions from Council.

Library: There were no questions from Council.

Planning: The position was currently vacant, but several applications had been received.

Public Utilities Fund Revenue: There were no questions from Council.

Utility Admin: There were no questions from Council.

Water: There were no questions from Council.

Sewer: There were no questions from Council.

Utility Billing: There were no questions from Council.

Harbor Fund Revenue: There were no questions from Council.

Harbor Expenses: i) The overall deficit was \$6.8K; and ii) After some discussion regarding the need for a new vehicle, the budget request was cut. There were other departments with trucks and other vehicles which could be used when needed.

Sanitation Fund Revenue and Expense: John Hozey stated that he just learned of a rate increase to \$16.43 per trash receptacle but recommended maintaining the current rate and appropriating the difference from the fund balance.

Mayor Dize asked where the savings from the elimination of the Public Works/Utilities Director position were shown. Deborah Pocock stated the Public Works/Utilities Direction salary came from several departments in the budget. The Public Utility Admin budget showed a decrease of almost \$45K and the staff members who were promoted all received raises this fiscal year. The repair and maintenance line items were also increased. Mayor Dize wasn't satisfied with the explanation. Deborah Pocock offered to provide him an itemized list showing the exact breakdown.

John Hozey went on to state the following: i) If Council approved of his strategy, he would work on refining the revenue projections for review in September; ii) Formal proposals would be presented regarding minimum fund balances, establishment of a rainy day fund, and implementation of a long-term capital improvement plan (CIP); iii) In January, Council approved guidance for a CIP, which was a great start, but no one moved it forward. The difficult part was putting an actual plan in place; iv) The Harbor Fund deficit would have to be cleaned up; v) He was reviewing options to refinance existing debt to reduce cash flow needs without extending long-term debt; vi) A previous presentation to Council showed that the Town had the ability to take on additional debt, but added that in this uncertain world, he would be very cautious of taking on any additional obligations; vii) There were longer term things to work on for next year. Budget restructuring was recommended with classification and organization of departments. As the new guy looking at things with fresh eyes, some things didn't seem to be efficient.

There was further discussion as follows: i) Councilman Bannon stated that the concerts in Central Park were fantastic and part of small-town America. He asked whether the funding for CCMS could be reduced until after the September review so some funding could be allocated for the concerts; ii) Councilwoman Holloway spoke on behalf of CCMS stating that the majority of the Town's funding was for marketing the Town and getting people to come back here. CCMS took a \$14K cut this fiscal year so next year's funding was more important than ever to market the Town. It would not be good for the Town's health to cut funding to CCMS. CCMS was trying to co-sponsor one of the concerts with the Citizens for Central Park (CCP). CCMS also did fundraisers and raised \$22K last year, from grants and others. She suggested that CCP reach out to the people who enjoyed the concerts as well as GoFundMe to raise money. CCMS used money they raised for salaries and reserved the Town's contribution for marketing. They had a very lean budget; iii) Mayor Dize expressed his distress of one non-profit organization attacking another non-profit organization. Local bands could be hired for a fraction of the cost; iv) Councilmen Buchholz and Bannon offered to forego their \$50 monthly salaries to help provide some funding for CCP; v) Councilwoman Holloway stated that the Walking Tour maps were more important than ever especially with social distancing. The tours were very popular so it was good that the Cape Charles Historical Society was reproducing the maps. Unfortunately, the Bed & Breakfasts didn't have any money to help with this project this year; and vi) Mayor Dize recommended that if the revenue projections looked more favorable in September, the zip-line in the playground needed to be replaced. There was some discussion regarding the quote of \$12K for a new zip-line. The repeated maintenance issues were with adults using the zip-line which could not sustain the added weight. The playground was still usable without the zip-line.

John Hozey would have the proposed budget updated with the changes made by Council this evening and the public hearing notice would be published advertising the public hearing for May 21, 2020 and possible budget adoption on May 28.

Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to schedule the public hearing for May 21, 2020. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

Mayor Dize asked if Council had any other comments.

Vice Mayor Bennett commented as follows: i) He thanked John Hozey and Deborah Pocock for their work on the budget; ii) It was never easy to take money from anyone especially since the Town never had much discretionary spending; iii) Other than the Mason Avenue re-striping, which he felt could be deferred, he agreed with all the recommendations including the community support. He added that the Mason Avenue restroom could be deferred to next year to save an additional \$15K; iv) He thanked John Hozey for the explanation of the fund balance adding that he had asked about the fund balance every year and had never received an adequate explanation; v) He looked forward to continuing discussion regarding the fund balance, especially information regarding the deficit at the Harbor; and vi) He was fully supportive of refinancing existing debt at lower rates.

Councilman Bannon thanked John Hozey for doing a spectacular job with the budget.

Councilmen Buchholz and Grossman, and Councilwoman Holloway did not have any further comments.

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; Grossman, yes; Holloway, yes.

The meeting adjourned at 7:09 p.m.

Mayor Dize

Town Clerk

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

Hank Mayer, Citizens for Central Park Treasurer

Good evening,

I would like to express, on behalf of the Board and members of Citizens for Central Park, our frustration and disappointment in the Mayor and Town Council with its disregard of its obligations to maintain the Cape Charles Central Park Playground.

The Town's Public Works Department removed two playground units last Spring (2019), including a very popular Zip-Line. It was our understanding that the Zip-Line would be replaced in the summer, but were later advised that the \$12,000 cost had not been included in the FY 2020 Budget. This compares with the \$100,000 that was budgeted for Main Street staff salaries, office, conferences, and projects.

The proposed FY 2021 again provides no funds to replace the Zip-Line, in spite of our 2008 Memorandum of Agreement that the Town would be responsible for maintaining the Park and Playground. Paragraph 3 (copy attached for the record) states: "Capital Improvements become Town property (both real and personal) when installed. As such, maintenance is the responsibility of the Town."

The proposed Budget again includes a large commitment (\$75,000 vs \$80,000 requested) to Main Street's staff salaries, office, conferences and projects, and another \$15,000 to reline the Mason Avenue parking area, but nothing for the children of Cape Charles.

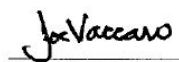
We know these are difficult times, but really?

We are sorry to see that the Harbor for the Arts Summer Concert program will come to an end this summer. It has been very successful and enjoyed by many residents and visitors, and we've been happy to have sponsored and managed this community program. Perhaps the Town can look into reviving it sometime in the future.

Thank you.

Memorandum of Agreement Between
Town of Cape Charles
and
Citizens for Central Park, LLC

1. The purpose of this Memorandum of Agreement (MOA) is to define the responsibilities of the Town of Cape Charles (the Town) and Citizens for Central Park (CCP) relative to the improvement and maintenance of Central Park and related facilities. CCP was established to raise funds for the purpose of improving Central Park and related facilities in the Town. Significant progress has been made in this regard. For example, significant tree planting, construction of a pergola, construction of the base for a performance gazebo, construction of a performance hill, crepe myrtle beds, the infrastructure of a sprinkler system, construction of a children's playground by the Women's Club, construction of a basketball court and rehabilitation of the swing sets has been accomplished. CCP also conducts periodic "work days" in the park to help maintain the facility.
2. Capital improvements desired by CCP will be proposed to the Town for inclusion in the Town budget process. CCP will commit to funding a minimum of 10% of the cost of the item not covered by grants or other funding sources external to the Town. The Town may elect to propose and fund any item without a contribution from CCP. Improvements, whether proposed by CCP or the Town, should be compatible with the master plan for the park previously approved by the Town Council. The Town and CCP will coordinate with one another on planning the improvement program. Proposals for improvements by either party will be provided to the other for comment and recommendation.
3. Capital improvements become Town property (both real and personal) when installed. As such, maintenance is the responsibility of the Town. The Town may choose to source both normal and specialty (horticultural, etc.) maintenance via Town staff or by contract, depending on available capability, capacity, cost, etc. CCP may elect to contribute funds and/or effort for maintenance. The Town and CCP will coordinate with one another on planning the maintenance program.
4. All efforts by CCP volunteers, whether for improvements or maintenance, will be cleared in advance by the Town Manager to ensure coverage by the Town's liability insurance.
5. Points of contact for coordination between the parties will be the Town Manager, Assistant Town Manager, Director of Public Works and Utilities, or other person designated by the Town Manager, and the President, Vice President, Secretary, or other person designated by the President of CCP.
6. This MOA may be modified at any time by mutual agreement of the Town and CCP.



Town of Cape Charles

11-14-2008

Date

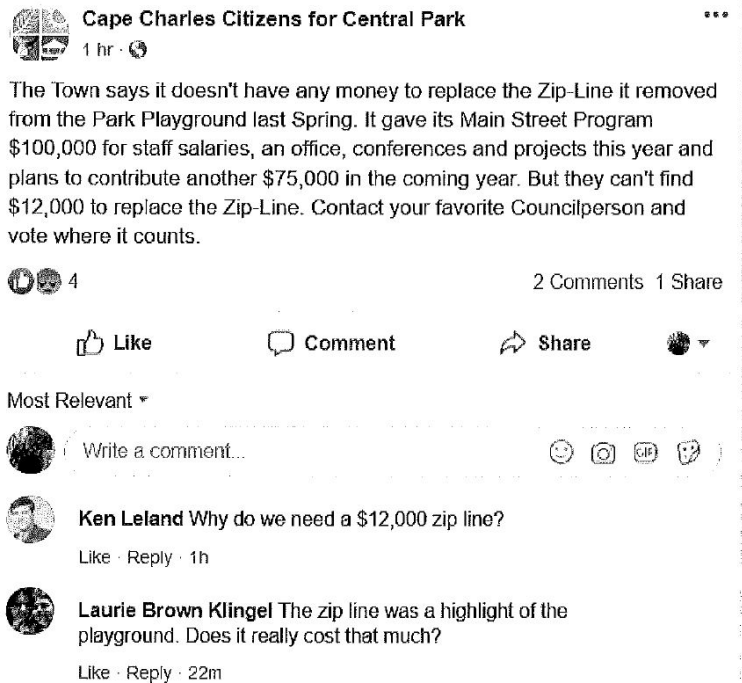


Citizens for Central Park, LLC

10/25/08

Date

Facebook postings:



John Griffith, President-Cape Charles Historical Society
Marion Naar, Treasurer

Cape Charles Historical Society request for funds 4/29/2020

It appears from the budget document that CCHS is to receive no funding. I would ask that the town allocate \$500 to cover part of the \$800 printing cost of the Cape Charles Walking Tour. It is unlikely the B&Bs will contribute much if anything due to having to be closed for so long. The printing of this brochure is imperative this year more than ever (we have not had to reprint since 2015). The walking tour will fit perfectly with social distancing. It is something that visitors can do on their own, learn the history and architecture of our historic town. It is a popular brochure and will be more important than ever this year. We have asked CCMS for some support and feel they may be able to support a portion. The brochure really does not directly benefit CCHS, even though we (and Hank Mayer) are contributing volunteer labor to it.

I certainly realize the difficult situation facing the town, but in our case small amounts of assistance would make a big difference. As a suggestion, I note that Arts Enter will receive a total of \$9000 using the Local Govt Challenge grant match together with a \$4500 town grant, even though most performances and classes likely cannot happen. If the town were to allocate just \$4000 to Arts Enter they would still receive \$8000, and the town's \$500 could go towards publishing the WT brochure. Otherwise CCHS will have to fund the entire \$800. Our revenues are of course also down.

We would appreciate your consideration of a \$500-\$800 grant from whatever source.

Thanks very much.

Dora Sullivan (in response to the Cape Charles Historical Society comment)

I hope the town gives something.

Robert Panek (in response to the Citizens for Central Park comment)

Bravo!

Clelia Sheppard and Mary Ann Roehm, The Gear Fine and Performing Arts Team

Re: Financial Support 2020-21

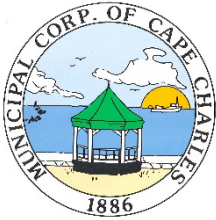
The closures mandated by the Covid 19 pandemic have had a devastating effect on our small nonprofit. Classes and workshops have been cancelled, our Spring musical, Shrek, experienced a light turnout and a cancelled performance and we were forced to cancel five other theatre performances including the Virginia Opera, National Virginia Ballet, an in house production of *Don't Dress for Dinner*, among others.

There is question when audiences will want to be in a theatre or whether children and families will search out dance, art and theatre classes. The arts help drive the economy and the culture in a community and it is important to keep them alive. We are confident that the Town of Cape Charles can help us do that.

Gear Fine and Performing Arts (formerly Arts Enter) has been promoting education in the arts and a full theatre season in Cape Charles for over 20 years. The Town of Cape Charles has been very supportive and has traditionally applied for the Virginia Commission for the Arts Local Government Challenge Grant on our behalf.

We depend on the support from the Town, the Virginia Commission for the Arts, other grantors and private donors. The rest of our revenue is generated through programming and ticket sales. We encourage the Town to help us, especially now as we attempt to recover.

Thank you for your consideration.



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Electronic Communications
May 14, 2020
6:00 PM

This Special Meeting of the Cape Charles Town Council was held by video conference 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 discuss the possibility of re-opening the Town for business and rescission of Ordinance 20200416. The meeting was 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 6:09 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 Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwoman Holloway, and Town Manager John Hozey. There were no members of the public physically in attendance, but there were 117 viewers on Facebook Live.

PUBLIC COMMENTS (AGENDA ITEMS ONLY):

Town Clerk Libby Hume read 12 comments submitted in writing prior to the meeting or via Facebook during the public comments portion of the meeting. (Please see attached.)

SPECIAL MEETING ORDER OF BUSINESS:

A. Discussion re: Re-Opening the Town:

Town Manager John Hozey stated that these issues were difficult to address and went on as follows: i) His staff report contained an overview of events to this point; ii) Governor Northam issued Executive Order (EO) 61 on May 8. If the state was having discussions to re-open, Cape Charles needed to do the same; and iii) Was Cape Charles ready to welcome back visitors or did Cape Charles still want to keep visitors away? This was a policy call for the Town Council.

Mayor Dize stated the following: i) Two towns on the Eastern Shore, Chincoteague and Cape Charles, made the closure of vacation rentals mandatory. The Counties did not officially close nor mandate no vacationers. He didn't think Virginia Beach closed the vacation rentals either. The Governor did not mandate closure; and ii) Governor Northam's EO 61 would gradually re-open businesses. He didn't think the Town could continue to keep the vacationers from coming here. Council needed to re-open the Town.

Councilwoman Holloway commented as follows: i) Council had to look at the reality that the visitors were coming here anyway. There had been many day-trippers over the last two weekends. Now the campgrounds would be opening and the Town would get more visitors; ii) Cape Charles Main Street (CCMS) was working with businesses to help them get prepared. The town needed to do the best we could to get ready. It wasn't a decision of whether we want visitors or not. Unless we blocked the road and required identification, we couldn't keep everyone out; and iii) We needed to focus on how we could protect the residents.

John Hozey agreed that the Town had no control of visitors coming and greater numbers of visitors would be coming. The Governor closed the beach, Council closed the bathrooms, park and pier. Did Council want to continue with the closures of the beach, bathrooms and park?

Mayor Dize stated that Chincoteague was not opening their public bathrooms on May 15 and planned to allow the hotels and motels to re-open at 50% capacity. He felt the Town needed to follow suit to stay on course. If people came to Cape Charles, there still wasn't a lot for them to do. The beach was the draw to the Town and the Governor was keeping that closed.

Vice Mayor Bennett commented as follows: i) There was a lot to be considered; ii) He agreed with Councilwoman Holloway based on observation. If the park was re-opened, people could walk or sit; ii) The big issues were the grocery store and medical center with cases increasing in both counties; iii) We had a lot of senior citizens. He was in the age group most susceptible and also had a respiratory condition making him more susceptible; iv) The cases in Cape Charles were those who had traveled out of the area. Now the majority of cases in the area were those who lived here and worked in hot spots such as the nursing home and chicken plants; v) EO 61 provided guidelines on the types of businesses that could re-open and the Town needed to follow that; and vi) It was a difficult decision and at this point, he wasn't sure which way he was leaning. He wanted to listen to everyone's comments before making his decision.

Councilman Grossman stated the following: i) The way he read EO 61, he wasn't sure if it was enforceable. He didn't know we could limit numbers. The bottom line was that the Governor opened up more travel and allowances which would impact the citizens and businesses. The businesses needed to be protected and supported, including the short term rentals. He was not opposed to following the Governor's EO 61 to open up the Town; ii) As the Town opened up certain things, Council needed to determine how to maintain facilities and keep the toilet paper and hand sanitizer from disappearing; iii) We couldn't clean the bathrooms every two hours. Council needed to keep the safety of the staff in mind; iv) The Town offices and library needed to remain closed to the public; v) Allowing the short term rentals to re-open would ease the burden of enforcement from the law enforcement staff and allow them more time to enforce activities at the beach; vi) Appropriate signage needed to be placed; vii) Currently, rental inspections were on hold and a waiting list was being maintained. Once the short term rentals were being permitted, it would take time for one person to do all the inspections before a rental property could re-open; vii) We needed to have minimal interactions at the Harbor to ensure a safe environment for the staff; and viii) Enforcement was a factor and we needed to focus on what we could control. Council needed to loosen up on the rentals and businesses and they could conduct their own best practices. We needed to protect the Town's staff.

Councilman Bannon commented as follows: i) He was the lone octogenarian on Council and Cape Charles was a Town with many elderly citizens; ii) He felt sorry for the business owners and anyone who had invested in the Town. He owned a bed & breakfast for 30 years; and iii) In his conscience he wanted to re-open the Town but he would vote to keep things closed for now.

Councilman Buchholz stated the following: i) He agreed with Councilman Grossman; ii) The two campgrounds were opening this weekend; ii) Food Lion would be a constant issue throughout the summer. It happened every year. Don't go there on Fridays or Saturdays; iii) Short term rentals should be treated like any other business; and iv) The visitors were coming. It was out of our control, even if someone who was infected came to Town. We could slow things down by keeping the bathrooms closed along with the beach and park.

Councilwoman Holloway added the following: i) She appreciated this discussion; ii) Council needed to see the bigger picture. Business owners were still misunderstanding the Governor's EO 61 and the meaning of 50% capacity. Whatever direction was decided, Council needed to be clear in its expectations. If we re-opened short term rentals and lodging, a rack needed to be developed explaining the requirements. CCMS would work with the Town; and iii) She was in favor of closing down lodging, but now it had more to do with treating all businesses equally.

John Hozey stated that he appreciated hearing everyone's comments and continued as follows: i) The reason he requested this item be on the agenda was that a big picture discussion was needed before a decision could be made regarding short term rentals; ii) If Council decided to open the public bathrooms, his concern was that he didn't have the capability of keeping them sanitized. He intended to keep them clean but couldn't guarantee that it could meet the standards. Signs could be posted notifying people to use them at their own risk. Under normal circumstances, people knew the risks of using public bathrooms, but he wanted to reinforce the message; iii) His intention was to continue the status quo regarding Town operations for the next week or two. There had not been any problems and all business was getting done; iv) He added that if Council voted to allow short term rentals to re-open, the transient moorage at the Harbor would be re-opened as well; v) Staff was looking to install hand sanitizing stations around the Town. Some units were on order but not due to arrive until June. Supplies were difficult to obtain; vi) The Governor controlled the beach closure. The fishing pier needed to remain closed for another one to two weeks since it was still under construction; vii) Once businesses re-opened and more people came into Town, he had concerns with being able to maintain social distancing requirements. He contacted VDOT regarding the possible closure of a portion of Mason Avenue but they weren't agreeable. VDOT stated that the Town could submit a request to temporarily close the diagonal parking on the north end in order to extend the sidewalk to provide more space for people to walk; and viii) With the restaurants being permitted to re-open with outside dining, he had concerns regarding adequate space for their patrons. There weren't many options on Mason Avenue. Tables could be set up for people to enjoy their meals but who would assume the responsibility of keeping the area clean? Businesses would have to maintain the area.

Councilwoman Holloway stated that the business community needed to be updated. Precautions needed to be taken to keep the spaces clean and standards needed to be communicated regarding masks, physical distancing, etc. Businesses also needed their own policies. She went on to announce that CCMS received a \$25K grant from Northampton County for the portable restroom unit which was planned for Mason Avenue by the municipal parking lot exit. The Town ordered the unit. John Hozey added that unfortunately, there was not water and sewer connection at the location so the sewage would have to be pumped regularly and potable water would have to be brought in. One pump out was about \$150 so the cost would have to be budgeted. There was electrical nearby to run the air conditioning.

There was much discussion regarding enforcement at the beach with the current staffing in the police department.

John Hozey asked for clarification regarding opening the bathrooms.

Mayor Dize asked for Council's comments.

Vice Mayor Bennett felt that with the number of cases in the County, he was hesitant to do more than what was required in the Governor's EO 61. He wanted to make things as safe as possible, therefore, opted to keep the bathrooms closed. He went on to express his disagreement with Councilman Buchholz regarding Food Lion. He had never been to Food Lion in the summer when he couldn't find what he needed. There had not been any toilet paper for two months so how could businesses stock their bathrooms? There had not been any disinfectant for two months so how can the various areas be cleaned thoroughly? The status quo needed to be maintained until June 1.

Councilman Grossman stated his agreement with Vice Mayor Bennett's comments.

Councilwoman Holloway expressed her concern that it was a public health issue if the Town didn't have at least one bathroom available. She agreed that the beach bathroom remain closed until the Governor re-opened beaches, but one porta-potty was needed behind the library as soon as possible.

Vice Mayor Bennett interjected that he didn't see a porta-potty as a bathroom addition that it was not sanitary.

Councilman Grossman expressed his concern with keeping the porta-potty clean and keeping staff safe from exposure if a visitor came in who was affected with the virus. There was much discussion regarding this issue. Councilman Grossman stated his agreement to obtaining a porta-potty as long as staff was provided with the necessary equipment to protect them.

Councilman Buchholz was in agreement with obtaining a porta-potty.

B. *Rescission of Ordinance 20200416:*

John Hozey stated that this item was straight forward and an opportunity for Council to relax the restrictions on short term rentals and other lodging as a result of the Governor's EO 61.

Mayor Dize read Ordinance 20200514.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20200514 repealing Ordinance 20200416 which temporarily closed short term rental operations in the Town.

There was discussion as follows: i) Vice Mayor Bennett stated that the public comments this evening were about 50/50 in regard to re-opening the rentals. He still felt that the Town needed to wait another two weeks to see if anything changed. He was not in favor; ii) Councilwoman Holloway asked about properties that could accommodate 14 or more people. John Hozey replied that the Governor's EO stated immediately family members only; iii) Councilman Grossman stated that he was in favor of adoption of the Ordinance to treat short term rental businesses the same as other businesses; iv) Councilman Buchholz stated that he was in favor; v) Mayor Dize stated that the campgrounds were being permitted to re-open at 50% capacity and the short term rentals in the County never had to close and their visitors were coming into the Town. It was unfair to the businesses in the Town to keep them closed; vi) Vice Mayor Bennett noted that the density in Cape Charles was much higher than other areas in the County; vii) Councilman Grossman reiterated that there was a backlog of rental inspections that would have to be done and it would take time to complete them all; and viii) Councilman Bannon stated that he was not in favor of adopting the ordinance.

The motion was approved by majority vote. Roll call vote: Bannon, no; Bennett, no; Buchholz, yes; Grossman, yes; Holloway, yes.

John Hozey informed Council that he would draft a public notice with a general update to go out tomorrow. It would be mailed to all the businesses who were sent the first mailing and posted on all venues currently used by the Town.

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; Grossman, yes; Holloway, yes.

The meeting adjourned at 7:30 p.m.

Mayor Dize

Town Clerk

**Comments Provided in Writing
May 14, 2020 Town Council Special Meeting**

Diana Gonzalez, 325 Madison Avenue

Subject: short term rentals

My name is Diana Gonzalez. I and my husband reside at 325 Madison Avenue. We are among those who rent their homes during the summer via Airbnb.

First, I want to express my appreciation of your work to protect we who live here with cautionary measures, balanced with goodwill efforts like the Porch Happy Hour, which we greatly enjoyed. I am an almost daily user of the Central Park walkway for exercise now that the YMCA is closed and who knows when our own YMCA will get built? It has been a source of comfort to have at least the beach and park open for exercise. I notice someone asked about opening the tennis courts, and I agree that limiting the number of player to 4 at a time would address social distancing and lack of contact and add another source of exercise.

Second, I want to urge you in the strongest possible terms to resolve when short-term rentals can resume at this meeting. I cancelled all our April, May, and early June reservations but have reservations beginning June 13. Because our house has 5 bedrooms, we fill it with extended families. They are all asking whether they can come, and I have no firm answer for them. I am prepared to issue full refunds, but courtesy demands that I answer in a timely manner. That includes when the governor expects to open the beach. Is that part of phase II? Phase III? What is that schedule?

For that reason - although I realize there are "many moving parts" when it comes to dealing with the virus - a firm, uniform, clear decision is really, really needed now, not later. Even if you must kick the can down the road and make decisions in 3 or 4-week increments, it would help those of us who are juggling families who want to be here so they do not feel jerked around and we are all on the same page as a town.

Thanks and bless you as you wrestle through this.

Cordially,

Diana Gonzalez

Daniel Goffigan, 10 Kings Bay Drive

Subject: May 14th Special Meeting

My name is Dan Goffigan and we are property owners at 10 Kings Bay Drive. I cannot imagine how difficult governing must be during these challenging times. One of those difficult decisions must have been to create an ordinance making vacation rentals a misdemeanor, "Short-term rentals may not operate within Cape Charles until the stay-at-home order is lifted" (Public Message #11). According to Governor Northam, the stay-at-home order is going to be lifted on Friday and his new order will be a "safer-at-home" order. We hope the Town Council honors their original decision to allow short-term rental to operate once the stay-home-order is lifted.

I look forward to watch the meeting and thank you for your time.

Very Respectfully,

Dan Goffigan

Ryan and Amanda Marable, Peach Retreat

Subject: Vacation Rentals

First, thank you all for your hard work during this uncertain time.

I don't have a date that I think we should open rentals, but I have a couple things I wanted to share for when they are open.

The vacation home owners are a part of this community that love cape Charles. We all bought homes here because we love the town so much and wanted to invest ourselves here, raise children that know it as a second home, and bring value to the town. Many of us plan to call this our permanent residence one day. When we do open we want to do so responsibly. We are already planning extra time for deep cleaning, filter changes, as well as recommendations on masks, sanitizing and hand washing reminders. Things we can do to protect our guests and our neighbors.

We want to provide clear information on the current regulations in town so they know what to expect and also what is expected of them as guests.

We are our Main Street and small business cheerleaders. We plan to continue to share as much information as we can through all channels we have about the businesses in town and why each of them are so special. We also continue to support them to the best of our ability during this time.

Please use us as an avenue that can help open the town safely. We want nothing more than the health, safety and continued success of the greatest small town we know. I believe we can all come through this stronger if we work together.

Stay safe and well,
Ryan and Amanda Marable
Peach Retreat

Anonymous Resident

May 10, 2020

RECEIVED MAY 13 2020

Cape Charles, Virginia 23310

To: Town Council of Cape Charles
Mayor Diaz
Town Manager

I am senior citizen who lives in the Town of Cape Charles,
I am writing to you regarding my concerns about the virus
known as Covid 19.

As you know this virus is impacting many different people
and businesses. I am sure that there are people who are
advocating for you to open our town. I am not one of them.
My home is in between two weekly rental properties...one that
accommodates up to 15 people and another that accommodates
up to 10 people. If and when, the town allows them to
open, 25 new people will surround me each week. I find
this frightening. Already going to the Food Lion is
challenging. The shelves are often empty and many needed
items are in short supply. If visitors are allowed to
come, this will be even worse.

Visitors have homes where they can stay. They do not need
to come to Cape Charles. Those of us who live here do not
have the option of going to another place.

Thank you for reading my letter.

Etta Kaye Pruitt

Subject: Short term rentals

I hope you will not rescind your short term rental policy. What will attract them? We have grocery shortages,
no beach, park and other activities. Stay home and stay safe! Keep us safe.

Capt. JP Minderlein

Subject: Thursday Council Meeting

It is time to reopen Cape Charles and allow Airbnb owners the ability to start accepting rentals. As a frequent
visitor for guided fishing trips, it simply does not make sense to prohibit privately owned accommodations
from accepting guests.

If I'm forced to stay outside of Cape Charles in order to make my early June trip I can assure you my money will not make it into Cape Charles.

End this nonsense now!

Deprivation of Rights Under Color of Law

- Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Capt JP Minderlein

Scott Peacher, Bel Air, MD

Subject: Meeting 5/14/20

My name is Scott Peacher, I have been coming to Cape Charles twice a year to fish for 6 years. A group of us either rent a house or stay in the hotel. We have a trip set up for May 29-30 to fish with a friend and guide. We also have the following weekend booked with him. We cannot make accommodations or be sure we can even fish with him because of these virus rules.

Please open the town up for business again. Some of the fishing guides operate out of Florida in the winter. They have lost all of their income for two months in Florida and are begging for rules to change or go bankrupt. That will not be good for any business in Cape Charles.

People are conditioned to use masks and social distance when in public. Please let people make a living and save their livelihoods.

My wife and I bought 5 building lots at Deep Creek Lake, Maryland in 1999. We built a house and had many great years there. Deep Creek Lake is a 4 season resort area and it has not recovered and this is why:

1- vacations are the first thing that people cut out in bad times.

2- vacation homes are not essential and so payments stop and foreclosures happen.

3- resort revenues dry up.

4- seasonal business income dries up, bankruptcies happen.

Resort areas take two to three times longer to recover from something like this. Please save Cape Charles and open it up.

The shut down was designed to get hospitals up and running with the proper equipment. We now know that has happened and it is not as bad as predicted.

Property values at Deep Creek Lake are back to 1999 levels. End the shutdown.

Respectfully,
Scott Peacher

Jo Ann Bawiec

Subject: Short term rentals

I support continuing the restriction on short term rentals until the beaches are reopened by the Governor.

Cape Charles has limited resources when it comes to enforcing the current restrictions with limited visitors in our town. Under Phase I, restaurants and retail are also limited in the amount of patrons they are able to serve. Opening up short term rentals would create a greater strain on the limited resources within the town and its ability to comply with Phase I restrictions.

Lori Smith

Subject: 5-14 Special Meeting

Good morning, I am not in favor of reopening the town for short term rentals at this time. As Cape Charles is just reopening tomorrow, I believe that a period of time is needed to ensure the protocols are being successfully followed and enforced. Monitoring the compliance of the current Executive Order has already been challenging at restaurants and on the beach with little to no visitors here, let alone having the numerous short term rentals reopened. It seems to make more sense from a safety and resource standpoint, to keep them closed until the beaches reopen.

Thank you.

Phillip & Jordan Dail, 117 Randolph Avenue & 202 Madison Avenue

I am writing to you to encourage you to support all the small businesses and property owners of Cape Charles. We are owners of Cape Charles Candy Company and also two homes in town that are rented for vacations. Early on in our adventure here we recognized the great business opportunities that are present in this great town. We chose to invest our time and hard earned resources in business that supported the continued revival of Cape Charles. Our candy store has ventured into online sales and opened for several hours on Saturday, with a great response from our great customers. However, this is only a stopgap measure and is not sustainable, we need 100% support from our elected officials to actively act on our behalf of our right to earn a living. Our family, like so many other small businesses, completely relies on these businesses to provide income for food, shelter, medical care, education and other necessary expenses. We implore the Mayor and the town council to help us (small businesses) open as soon as possible.

Regarding our vacation rentals, this situation is similarly as dire. Both homes are investment property that require the income from seasonal rentals to remain solvent. Like many homes in Cape Charles these homes are 100 years old and require significant maintenance, we have spent countless hours restoring these homes to their former glory and are proud of them and their contribution to Cape Charles' historic district. In order to finance these undertakings, many of the seasonal owners rent their homes to defray that cost. Our homes are still booked with people looking forward to their annual vacation in Cape Charles, please help us be able to allow these guests to come to town and support our local businesses and our town.

We have formed a Facebook group to connect with other homeowners in town that seasonally rent their homes, with the purpose of sharing best practices, contacts and other information. Our current discussion is (1) we need to get to a point where Cape Charles allows guests to stay in town, (2) the policies regarding reopening this need to be clearly and consistently communicated from the town (updated at least once a week, even if there are no changes) in every channel available, so that everyone is on the same page, (3) what can we as homeowners contribute to make residents of town and guests to town feel comfortable in this transitional time frame?

As homeowners of 202 Madison and 117 Randolph we commit to the following:

- We will not allow guests to stay while the town prevents vacation rentals.

- Thorough cleaning between guests to include:
 - Disinfectant cleaning of all surfaces (counters, tables, dressers)
 - All linens will be washed with bleach, bedspreads & quilts will be removed and replaced
- with washable blankets
- Wipe down of all “high touch” surfaces
- Convey any CDC guidelines that are in affect during a particular time frame
- Relay any Town or County requirements that may be specific to our locality.
- Provide a list of suggestions for guests to be mindful of the residents of Cape Charles during this transition.

There have been several occasions of anonymous tip/complaints of “supposed renters” in actuality owners, general shaming of people/children for not wearing masks correctly, confrontations of children riding bikes in or near the park, all happening to people who belong to our community. This behavior is not conducive to a healthy town and needs strong leadership to correct and promote thriving community. Local support from our town council and the mayor during this time will be crucial to our ability to continue operating our small businesses in this great town.

Thank you for your support,
Phillip & Jordan Dail
Cape Charles Candy Company

Ellen O'Brien, 631 Monroe Avenue

Subject: Short term rentals and phase one opening

I am writing to the Town Council as a resident of Cape Charles.

Like many of our citizens, I want our town to return to normal, open and be prosperous.

Typically, my family travels to, and spends most of their summer in Cape Charles. Sharing memory making moments with them is something I cherish and look forward to.

I have seen first hand how the virus has brought on stress and hardship for our citizens and the businesses in our town. We are trying to navigate through uncharted waters and people are not fond of uncertainty.

But we can be certain of many things:

We can be certain that social distance and wearing face masks helps to reduce the chance of becoming infected with the COVID virus.

We can also be certain that far too many Americans have died from this horrible virus.

We can be certain that with more testing, we will find more people who are COVID positive.

In fact, today marks the greatest increase in COVID positive cases in Accomack County.

		total cases	hospitalized	death
Eastern Shore	Accomack	593	26	8
	Northampton	184	12	6

The state of Virginia is averaging about a 14% increase daily, which has been argued to be skewed by areas with high positive rates (Northern Va) regardless...it is still higher than the 10% rate that was recommended by health officials for 'safe opening.'

State wide the increase in deaths today (28) is higher than the states seven day average (26.6), in fact, we have had 3 straight days with deaths that are above the average. We have not plateaued, nor has the virus reached it's peak in our area.

This is not a virus that effects **other** people, it will and has come to our community, it will take the lives of our seniors and those who are vulnerable. It will cause more havoc and destruction to our small community than the mere inconvenience of missing the summer rental season.

Our health care infrastructure is not prepared to deal with an influx of COVID + patients requiring hospitalization, nor is our Emergency Mgmt System equipped to transport patients across the bay for medical care. We cannot be short sighted and rush to open, particularly when we have not seen a decrease in hospitalizations or death.

Please maintain the restrictions on short term rentals, and support our sister county of Accomack in the delay phase 1 opening.

Our lives, our community and our futures depend on it.

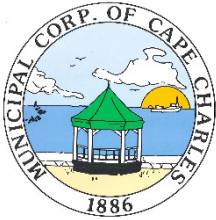
Respectfully,
Ellen O'Brien RN

Lisa Guzzardo (via Facebook Live)

Will Food Lion be prepared to handle rental volume when they are having issues now? Current residents are having trouble buying what we need now.

Who will ensure renters and rental owners follow these rules?

DRAFT



DRAFT
TOWN COUNCIL
Public Hearing & Special Meeting
Cape Charles Civic Center
via Electronic Communications
May 21, 2020
6:00 PM

This Public Hearing and Special Meeting of the Cape Charles Town Council was held by video conference 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 hear public comment regarding i) the proposed Fiscal Year 2021 budget, and ii) a conditional use permit (CUP) application for residential over commercial use in the C-1 district at 325 Mason Avenue; and for Council to discuss and vote on the CUP application. The meeting was 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 6:00 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing and Special Meeting of the Town Council. Physically present at the Civic Center were Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwoman Holloway, and Town Manager John Hozey. There was one vacancy on Council. There were no members of the public physically in attendance, but there were 60 viewers on Facebook Live.

PUBLIC HEARING COMMENTS:

- A. *Conditional Use Permit Application – 325 Mason Avenue*
There were no comments received regarding this item.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to close the public hearing regarding the conditional use permit application for 325 Mason Avenue. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway.

- B. *Proposed FY 2020-2021 Budget*
Town Clerk Libby Hume read three comments submitted in writing prior to the meeting. (Please see attached.)

SPECIAL MEETING ORDER OF BUSINESS:

Councilwoman Holloway asked that discussion regarding re-opening of the beach be added to the agenda as item #4B. Mayor Dize requested that discussion regarding future Council meetings be included as part of this new agenda item.

Motion made by Councilwoman Holloway, seconded by Councilman Bannon, to add agenda item #4B for discussion of re-opening the Cape Charles beach and future Council meetings. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

- A. *Conditional Use Permit Application – 325 Mason Avenue:*
Town Manager John Hozey stated that a conditional use permit application was received for residential dwelling unit above a commercial use at 325 Mason Avenue. The Planning

Commission held their public hearing and recommended approval of the conditional use permit as submitted. The Town Council public hearing was held earlier this evening with no comments received.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve a conditional use permit to allow a residential dwelling unit above commercial use in the C-1 district at 325 Mason Avenue as recommended by the Planning Commission. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

B. *Beach Re-opening and Future Council Meetings:*

Councilwoman Holloway stated that she thought it would be good to talk about the recent opening of Virginia Beach to clarify some confusion regarding the process that the City of Virginia Beach went through in order to reopen their beaches. This would be a good forum for the residents and community to hear this information.

John Hozey stated the following: i) Governor Northam approved opening Virginia Beach on Monday as a result of an extensive effort from the city. The City of Virginia Beach put together a complex plan to enforce protocols including the hiring of ambassadors to walk around the beaches, additional law enforcement officers to enforce the protocols, aerial drones, etc. Their first plan was rejected but their second plan received approval. When asked about other beaches in the state, the Governor pointed to the Virginia Beach plan as a template for communities to bring forward for consideration. Virginia Beach spent a lot of time and effort putting this plan together and was spending a lot of money to implement the plan; ii) There were a lot of questions regarding the Cape Charles beach which was still open only for exercising and fishing. There was a lot of abuse last weekend. Council discussed the enforcement issues during last week's meeting and staffing was increased. Over 50 individuals were asked to leave the beach. When they saw an officer approaching, they got up and claimed they were exercising or picked up a fishing pole; iii) New signs were developed with very explicit language prohibiting coolers, chairs, umbrellas, etc. which were inconsistent with exercising. If people were fishing, they needed to have a fishing license. A sign was also ordered for Route 13 stating that the beach was closed in preparation for the holiday weekend; iv) He and Mayor Dize had a conference call this afternoon with the Governor's office. He thought there would be a phased approach to reopening. The indication from the conference call was that phase 2 would allow for recreational uses of the beach with some restrictions limiting the size of groups and spacing. There was no timeframe given but it could possibly be sometime in June. The Governor was waiting on trends regarding new cases and availability of personal protective equipment; and v) At the last meeting, he specifically asked Council about the other Town facilities. The guidance received at that time was to keep them closed as long as the Governor kept the beach closed. Based on the discussion with the Governor's office, he would put together a plan for a phased opening of the facilities with some restrictions.

Mayor Dize noted that if we developed a plan and submitted it to the Governor's office, there was a review process that would take some time since the plan needed to be reviewed by the Virginia Department of Health (VDH) first. His opinion was that the process would take at least two weeks.

John Hozey continued as follows: i) It would take him about a week to develop the plan in order to submit it to the VDH, then to the Governor's office. He didn't think the town could get approval by June 10; ii) A lot of input had been received regarding the economic need to open soon. The input was absolutely valid, but there was also a public health concern. The Town didn't have access to the public health data that the Governor had so we had to follow the state's lead.

Councilman Buchholz added that being a Dillon-Rule state, the Town didn't have a choice but to follow the state's lead. The Governor opened up a Pandora's box by allowing one locality to open up beaches. Cape Charles didn't have any drones, parking garages and as many police officers as

Virginia Beach. We can't be compared to Virginia Beach. The Governor's decisions weren't good for the overall State of Virginia and basically tied our hands regarding what we could do.

Councilwoman Holloway commented that she didn't want to be compared to Virginia Beach. She believed that the Governor had the public health safety in mind. We needed to look at each piece of Virginia Beach's plan to see what we could implement. Her biggest concern was that if we didn't start the process, we would really be behind in the game. Cape Charles was different and could control the beach differently. We needed to look at the economic perspective to determine what it would take to open Cape Charles safely. Conversations with the state were a good start.

Vice Mayor Bennett's stance was unchanged from last week. The primary complaints were regarding short-term rentals that wanted to rent their properties. They could do so now. Now they wanted something for the visitors to do. He felt that the Town was doing that was best for the majority of the full-time residents. He appreciated the call with the Governor's office but government moved very slowly. Even if we launched a campaign to re-open, he didn't think it was worth the time and money. Cape Charles couldn't hire 100 ambassadors to tell people they were too close to each other. He was content with his decisions made and things could be reconsidered after a phase 2 announcement was made.

Councilman Bannon stated that he received a number of emails after last week's vote saying that he and Vice Mayor Bennett did a good job in keeping the town closed. Since some things were reopened, we needed to open things up completely. On the other hand, the virus was still here and the numbers on the Shore were really high per capita.

Mayor Dize agreed that the numbers of the Shore were high, but the cases in zip code 23310 were low with 18 cases.

Councilwoman Holloway clarified that she wasn't suggesting that the Town move forward to open the beach but she thought that the community needed to know the options. Cape Charles wouldn't need 100 ambassadors and could possibly have a volunteer ambassador program. She expressed her concern with waiting until June 10 to begin the process. She wasn't trying to rush things but felt that the Town should be prepared to reopen.

Councilman Grossman agreed with Councilwoman Holloway adding that we needed to have a plan and start working on a phased approach to reopening. He appreciated John Hozey and the enforcement efforts. People were still coming here whether the beach was open or not.

Much discussion regarding this issue continued.

John Hozey stated his appreciation of clarification of Council's discussion and continued as follows: i) He would develop a plan; ii) The Town would prepare for phase 2 opening of the beach with certain limitations and recreational activity with spacing requirements. He expressed his concern of having adequate space to accommodate the beachgoers during high tide. Would the Town have to control entry points to only allow a certain number of people onto the beach?

Mayor Dize asked for a consensus on whether staff should develop a plan for Council review. Councilmen Grossman and Buchholz, and Councilwoman Holloway were in favor and Vice Mayor Bennett was opposed. Councilman Bannon had technical difficulty and his Zoom connection was temporarily lost.

Mayor Dize wanted to discuss the possibility of having regular meetings again. The current ordinance only allowed for an individual to participate by electronic means for two meetings per year. He asked John Hozey to draft another ordinance changing that requirement to allow for as many electronic meetings as needed.

There was discussion regarding this issue as follows: i) Libby Hume explained that the language in the Town's ordinance was verbatim from the Code of Virginia and could not be changed without the State changing the Code. Only meetings under the emergency declaration could be

held with electronic participation; ii) John Hozey stated that as long as we were operating under the emergency declaration, we could work around the limitation; iii) Councilman Grossman stated that only essential business could be done in this manner and added his concern regarding attendance by members of the public and social distancing requirements; iv) Councilwoman Holloway asked that streaming on Facebook be continued; and v) The quality of the Wi Fi at the Civic Center was also noted.

Mayor Dize asked for thoughts from Council.

Councilman Buchholz agreed that essential business for Town operations needed to be conducted. He added that he was okay with attending meetings in person and opening them up for the public, but there were members of Council with underlying conditions who would have to participate electronically.

Vice Mayor Bennett felt that meetings should continue as they were currently held under the emergency ordinance. He agreed that we needed to abide by the Code of Virginia under normal conditions, but these were not normal conditions. He added that Councilman Grossman brought up a good issue of essential business to be conducted.

Mayor Dize asked John Hozey or Libby Hume to check to see if we could change the ordinance to get back to doing regular business. Mayor Dize proceeded to ask each member of Council regarding their opinion regarding going back to meeting in person. It was unanimous that we move toward meeting in person. John Hozey stated that staff would move forward to schedule next week's meeting for in-person attendance.

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

The meeting adjourned at 6:57 p.m.

Mayor Dize

Town Clerk

Comments Provided in Writing
May 21, 2020 Town Council Public Hearing & Special Meeting

Bob Panek, Tazewell Avenue

Subject: FY 2021 Budget

The Mayor, Council and staff have done a commendable job in developing the budget for next fiscal year in light of the depressed revenue projections caused by the COVID 19 pandemic. I ask that the Council make one adjustment to the budgeted capital projects. Please replace the \$15,000 project to restripe the parking spaces on Mason Avenue, with the \$14,000 project to replace the zip line in the children's playground. Council adopted a Capital Improvement Program policy document in January of this year. The need for proper maintenance of existing Town assets is stressed on page 7: "Ultimately, deferring essential maintenance or asset replacement could reduce the organizations ability to provide services and could threaten public health, safety and overall quality of life. In addition, as the physical condition of the asset declines, deferring maintenance and /or replacement could increase long-term costs and liabilities." The zip line had reached the end of its service life and was removed about a year ago because of high maintenance costs and safety concerns. It is time to replace this asset and restore the playground to its former functionality. While some people dislike backing in to the parking spaces on Mason Avenue, they are perfectly functional in their current state. New paint can wait until revenue improves. Take this opportunity to do something positive for the children of our Town and those of our guests.

Bob Panek

Sue Panek, Tazewell Avenue

Subject: Budget

My concern relates to SAFETY.

I would like council members, the mayor and the town manager to please discuss and reconsider spending money to change the current back-in parking lines on Mason Ave. I know a few people find back-in parking uncomfortable and inconvenient, but there are alternatives.

I walk or ride my bike on Mason Ave almost daily.

For the past year I have been doing an informal survey of the number of people ignoring the parking regulation. At the height of summer, with almost all back-in spaces full, there have never been more than 7 cars illegally parked. At other times I have observed no more than 2-4 illegally parked vehicles. The majority of drivers do not seem to have a problem backing in.

I believe you are all familiar with VDOT reasons as to why this parking method is safer, but here are two examples for you to consider. Last Sunday, I observed a family of four who illegally parked face-in. When I saw them they were loading their bicycles back onto the car. Two adults, two children, and 4 bikes, were behind the car and almost to the middle of the street. Very dangerous. It would have been much safer for them to load their bikes from the sidewalk. A second example represents the safety aspect of back-in parking. My wheelchair bound friend was with me. I backed into a spot, went to the sidewalk, got her chair from the trunk. She hobbled out without having to go around the open car door, unavoidable if you park face-in, and her chair was ready on the sidewalk.

As we have been safer because we are using an abundance of caution during this pandemic, I would urge you to do the same with our parking situation on Mason Ave.

Thank you.

Sue Panek,

Full time resident, Tazewell Ave

Hank Mayer, Citizens for Central Park

Subject: Proposed Cape Charles FY 2021 Budget

I would like to submit two comments with regard to the current draft FY 2021 Budget.

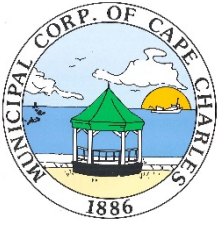
1. The FY 2021 Budget was developed during a period when the Town Council had shutdown all seasonal rentals, which are a HUGE tax revenue source to the Town. That was lifted 2 weeks ago, along with a

loosening of other COVID 19 related VA State limits on what had been referred to as non-essential businesses. Additional business and individual loosening measures are expected to be issued by the Governor next Thursday, May 28th and another set 2 weeks after that. It is entirely possible that the Cape Charles Park and beaches will be open, maybe with some conditions, but still open, before the July 4th weekend that begins the new FY on July 1st.

2. I ask that the Town replace the \$15,000 capital project to re-stripe the parking spaces on Mason Avenue, with the \$14,000 project to replace the zip line in the children's playground. Mayor Dize made an important point in his response to my earlier Budget comment - the Town does owe a responsibility to the public, and especially the children who live and visit Cape Charles. The Playground Zip Line that was removed by Public Works in the Spring of 2019 should be replaced this summer as the town begins to open up from the COVID 19 impacts and constraints. We need to begin feeling normal again.

Hank Mayer

DRAFT



DRAFT TOWN COUNCIL

Executive Session
Cape Charles Civic Center
Via Electronic Communication
May 21, 2020

Immediately Following Public Hearing & Special Meeting

This Executive Session of the Cape Charles Town Council was held by video conference 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 appoint an individual to complete Councilwoman Burge's unexpired term on the Town Council. An audio recording was made of the open portion of this meeting.

At approximately 7:00 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, Councilwoman Holloway, Town Manager John Hozey and Town Clerk Libby Hume.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, 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 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Appointment to Fill Town Council Vacancy

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to return to Open Session. The motion was unanimously approved.

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; Grossman, yes; Holloway, yes.

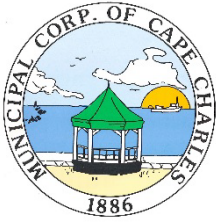
Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to appoint Councilman-Elect Andrew Follmer to fulfill the unexpired term of former Councilwoman Burge, which would expire on June 30, 2020. The motion was approved by majority vote. Roll call vote: Bannon, no; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.

The meeting adjourned at 7:13 p.m.

Mayor Dize

Town Clerk



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
via Electronic Communications
May 28, 2020
6:00 PM

This Special Meeting of the Cape Charles Town Council was held by video conference 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 hear public comment regarding i) the adoption of the Fiscal Year 2020-2021 budget, ii) hear an appeal of the Historic District Review Board decision for 209 Mason Avenue; and iii) updates from the town manager regarding the COVID-19 pandemic emergency. The meeting was 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 Town Clerk Libby Hume and Community Relations Manager Jennifer Lewis. In attendance via Zoom were Mayor Dize, Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, Councilwoman Holloway, and Town Manager John Hozey. Also, in attendance via Zoom were Code Official Jeb Brady, Historic District Review Board Chairman Kerry Shackelford and appellant Danny Meyer. There were no members of the public physically in attendance, but there were 93 viewers on Facebook Live.

PUBLIC COMMENTS (on agenda items only):

Town Clerk Libby Hume read 35 comments submitted in writing

SPECIAL MEETING ORDER OF BUSINESS:

A. Adoption of FY 2020-2021 Budget:

Town Manager John Hozey stated that staff worked to draft a balanced budget for FY 2021. This year was especially difficult with the deficit resulting from the impact of COVID-19. John Hozey suggested a budget review in September after the summer season when the budget and appropriation could possibly be adjusted. Pursuant to Code of Virginia § 15.2-2506 a public hearing was held on May 21, 2020.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Resolution 20200528 Approving the Budget for Fiscal Year 2020/2021 and Making Appropriate for the Fiscal Year.

Mayor Dize read Resolution 20200528.

Councilman Bannon proposed an amendment to the motion to adopt adding \$14K to the budget for a zip line. Councilman Grossman seconded the motion adding that the funds for the zip line could be taken from the fund balance versus using the funding allocated for the Mason Avenue re-striping.

There was discussion as follows: i) Vice Mayor Bennett stated that he had been on Council for 12 years and didn't think there had been a year with as many public comments received as tonight.

There were interesting comments regarding the zip line and re-striping of Mason Avenue. He was in favor of not making any changes to the striping, but he was overruled. As one of the commenters stated, the re-striping could wait until revenue improved. His opinion was that the zip line could also wait until revenue improved. The budget would be reviewed in September and the zip line could be readdressed at that time if revenues had improved. The re-striping was already included in the budget. He added that he was totally opposed to this frivolous expenditure; ii) Mayor Dize expressed his agreement with Vice Mayor Bennett. Staff worked hard to bring forth a balanced budget. The re-striping of Mason Avenue was being discussed before he was elected mayor. He was not in favor of making changes to the proposed budget; iii) Councilman Buchholz stated that we had waited three years to reverse the reverse-angle parking and he was in 100% agreement with Vice Mayor Bennett. The proposed budget was tight, and the zip line was a very frivolous expenditure. He added his agreement with a comment to continue researching less expensive zip lines; iv) Councilwoman Holloway clarified the re-striping of Mason Avenue. It seemed the general public thought the Town was just repainting the lines, but the striping would reverse the direction of parking. She thought it would be great to replace the zip line and she appreciated everyone's comments. It was great to have feedback. Just as everyone was having to make tough decisions at home, the Town had to cut extras as well. Staff did a phenomenal job in bringing a balanced budget. She wanted to support the zip line but it would be irresponsible to support somewhat frivolous expenses at this time; and v) Councilman Follmer stated his agreement with comments from the other Council members.

Mayor Dize asked for a vote on the amended motion.

The motion failed by majority vote. Roll call vote: Bannon, yes; Bennett; no, Buchholz, no; Follmer, no; Grossman, yes; Holloway, no.

Mayor Dize asked for a vote on the original motion.

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

B. *Appeal of Historic District Review Board Decision – 209 Mason Avenue:*

Councilman Grossman provided background information as follows: i) A conditional use permit was approved on April 11, 2019 to allow residential units above commercial at 209 Mason Avenue; ii) This building was listed as a contributing structure in the 1990 National Register of Historic Places. Given its historic designation and scope of the project, this proposed project would be considered a rehabilitation project as defined in the historic district design guidelines; iii) The application for a certificate of appropriateness (COA) was reviewed by the HDRB at a number of meetings dating back to June 2019. At their June 18, 2019 meeting, the HDRB approved the COA with several conditions – 1) shop drawings of the windows and doors would be provided; 2) a sample of stone to be used would be provided; and 3) any additions such as awnings needed to be seen by the HDRB; iv) On March 5, 2020, a letter of concern was received from HDRB Chairman Kerry Shackelford regarding replacement of the windows in the building without providing shop drawings for HDRB approval; v) On March 10, a meeting was held with the town manager, code official and property owner explaining that the changes made had altered from the approved COA and that a modification of the COA needed to be submitted for HDRB approval. The property owner had replaced the existing double hung wood windows with double hung fiberglass windows stating that the wood windows were not salvageable; vi) The HDRB reviewed the application for modifications to the approved COA at their March 17, 2020 meeting and denied the request by majority vote; vii) A letter dated March 23, 2020 was received appealing the March 17 Historic District Review Board's (HDRB) decision; viii) In the absence of a town planner to provide specific recommendation based on all the material presented, Town Council needed to decide whether to uphold or deny the appeal; ix) There were two items for Council consideration this evening – 1) a decision regarding the windows; and 2) determination of enforcement actions; and x) Regarding enforcement action, staff recommended the applicant be subject to a fine of \$5,000 for failure to stay within the scope and conditions of the COA.

Danny Meyer, the appellant, was given an opportunity to speak and stated the following: i) He agreed that the windows were to be wooden and the original design was to remove the windows completely. It seemed to him at the time that there would be a loss of horizontal appearance in the approved windows if some of the residents opened their windows and others kept them closed. He felt that the windows that he had installed provided a better appearance. He did not intend to disrespect the HDRB and felt that his only mistake was that he installed fiberglass windows; ii) Throughout the application process, everything he asked for was denied by the HDRB. He had worked with the HDRB and submitted modifications. Every time he came to the board with ideas, the Secretary of Interior's guidelines were read to him. He wished that he had been told at the beginning of the process that there would be no way to make any changes to the building; and iii) If you looked at historic photos of the building and looked at the current building, you would not see any difference. He wanted to produce a product that the Town and its residents would like. It seemed that people, other than the HDRB, liked what had been done. The project was a huge investment and went over his budget. He reiterated that he was doing what he felt was the right thing by installing sash windows. He apologized to the Town for his error.

HDRB Chairman Kerry Shackelford stated that he wasn't offended and that this was a process. He went on to summarize the HDRB's rationale regarding their decisions. (Please see attached.)

There was much debate regarding the wood and fiberglass windows.

Mayor Dize provided an opportunity for each Council member to ask questions or to comment.

Vice Mayor Bennett commented as follows: i) His position regarding the interpretation of the historic district guidelines was well known and he seriously felt that the Town needed to look quickly at revising the guidelines; ii) He appreciated what Mr. Meyer had done for Cape Charles and Mason Avenue. Mr. Meyer purchased a derelict building that would have been demolished like the "yogurt shop." For someone to take on this project was tremendous for the Town, providing jobs to contractors, homes to residents and business to the shops; iii) Mr. Meyer did disregard the conditions of the COA and it was fully appropriate for him to be penalized for that, whether it was intentional or not; iv) He appreciated the complete depth of Councilman Grossman's report which was long, but very detailed and concise. One of the HDRB members stated that they felt the windows looked fine. He also thought the windows were fine and the building looked fantastic. Fiberglass windows required less maintenance and that was fantastic; v) He appreciated Kerry Shackelford and the difficult job that he had to do. We needed to be a little more relaxed in the interpretation of the guidelines; vi) It was incorrect to state that all the windows were lost, when he recalled there being plywood in several of the openings; and vii) Based on what he read and the public comments received, he leaned toward Mr. Meyer and thought the appeal should be approved.

Councilwoman Holloway agreed with Vice Mayor Bennett. She added that she attended the first six meetings of the HDRB and attested that what Mr. Meyer stated was true. Mr. Meyer was told a number of times to come back with new ideas.

Councilman Bannon had no comments.

Councilman Follmer commented as follows: i) He expressed his agreement with Vice Mayor Bennett; ii) He was not a historic preservation expert but had spent time and money on properties that he owned; iii) It was very troubling that the HDRB was using the Secretary of Interiors historic guidelines which were an extremely high hurdle. Cape Charles was not a museum but a town and it was our obligation to find a method of retaining the historical integrity but also allowing for progress to preserve these buildings which were an integral part of our character; and iv) He thought it was a mistake for Mr. Meyer to proceed with the window

replacements, whether it was intentional or not, and agreed that he should be penalized, but it would be ridiculous to require him to remove the windows.

Councilman Buchholz stated his agreement with Vice Mayor Bennett and the other Council members. Everyone knew how he felt about the historic guidelines, so he wasn't going to beat a dead horse. The guidelines were not etched in stone.

Councilman Grossman stated that everybody was saying that we needed to be flexible with the guidelines, but the guidelines were written so the HDRB could use them as criteria to make their decisions. People were saying that they didn't like what the HDRB was doing, but they were simply saying that they didn't like the guidelines.

Vice Mayor Bennett responded that the guidelines were just that. They needed to be looked at and revised accordingly. The HDRB needed to work with applicants to best of their ability to allow them to do what they wanted to do within the framework of the guidelines.

Mayor Dize commented as follows: i) He concurred with Vice Mayor Bennett; ii) He went through the building before Mr. Meyer purchased it. It was a derelict building and wasn't too far from having to be demolished like the building next door; iii) He appreciated the time and money Mr. Meyer had invested in the property; iv) He thanked Councilman Grossman, Code Official Jeb Brady and Town Manager John Hozey for the work they had done to put this package together; v) He thanked Kerry Shackelford for the tough position he was in; and v) He reiterated his agreement with Vice Mayor Bennett's comments and agreed that a possible fine needed to be assessed for Mr. Meyer doing something without approval.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to uphold the appeal and assess a \$5K penalty for violation of the certificate of appropriateness. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

Mayor Dize thanked Danny Meyer and Kerry Shackelford for their time.

C. *Town Manager Updates:*

John Hozey informed Council as follows: i) He had planned to provide an update regarding last week's Council request to put a plan together to reopen the beach. He had spent a fair amount of time working on the plan, but found out this afternoon that, without notice, Governor Northam approved the reopening of all beaches, effective tomorrow; ii) When the Governor made announcements of this type, he typically provided information and guidance on the state's website. Last week, executive order (EO) 61 was issued. He was waiting for another EO to be issued this afternoon with details of the Governor's announcement. About an hour ago, Councilman Grossman found that EO 61 had been amended versus issuance of a new EO; iii) He did not have a well-formulated plan based on the Governor's announcement. The amended EO included a page of restrictions and with today's decision, the burden was shifted to localities; iv) Some of the restrictions would be difficult to implement, such as 1) Taking everyone's temperatures before they could be permitted to report to work; 2) Hiring full-time staff to monitor the beach; 3) All public areas needed to be cleaned every two hours, etc.; v) The requirements would be difficult to implement and impossible to implement by tomorrow; vi) He felt that the beaches needed to remain closed since the Town was unable to meet all the requirements. He wanted to discuss the issues with Council to make sure everyone was on the same page as we moved forward into the weekend; vii) Some of the requirements were appropriate for a city like Virginia Beach, but not appropriate for a town as small as Cape Charles. It put us in a difficult position, and he welcomed any input. His inclination was to keep the beach closed this weekend. It would be challenging to put something together for next weekend, but it couldn't be done for this coming weekend.

Mayor Dize stated that amended EO 61 required training and deployment of a team to monitor the beach. The Town could not designate a team and establish training in 12 hours and asked for Council's thoughts.

Councilman Bannon preferred to keep the beach closed until staff could get organized to meet all the requirements.

Councilwoman Holloway agreed that a plan needed to be in place adding that she felt the Town missed the ball game by not communicating last week when everyone was watching the Council meeting. A date for reopening the beach needed to be set and we needed to work to do whatever it took to get it done by that date. There were a lot of vacation rentals waiting to hear when the beach would reopen. She suggested a phone call to the Governor's office regarding amended EO 61 to find out what it meant for Cape Charles. She felt Cape Charles was different than other localities and a lot of the requirements didn't pertain to us. Councilwoman Holloway added that she had not yet seen the document.

Councilman Grossman stated that amended EO 61 was explicit regarding compliance to the requirements that were applicable to us.

Vice Mayor Bennett stated his preference to read the document before making a statement regarding what the Town should do. He felt that the beach should remain closed for now but could not offer his opinion until he read the document. He requested that John Hozey forward the amended EO to Council for review.

Mayor Dize asked John Hozey to contact Secretary Strickler tomorrow morning to see if the Governor's office would be willing to work with the Town regarding the requirements. He agreed that the Town was not prepared to open the beach this weekend. The last thing the Town needed was to reopen the beach this weekend and having the State come in and shut things down due to the requirements not being met.

Councilman Follmer expressed his agreement with Councilwoman Holloway regarding tonight's decisions needing to be communicated promptly. People were already posting on social media that the beach was opening tomorrow. He was worried about our small police force being able to control beachgoers this weekend. We needed to be prepared for the challenges and ugliness. It would not be an easy weekend.

Mayor Dize expressed his agreement with Councilman Follmer. People will see where the Governor opened all beaches and come to Cape Charles to see that our beach was closed. Some would be on the beach regardless. Private beaches around the State were open. Our quarter mile of beach was unsafe, but private beaches all around us were safe. The logic didn't make sense. It was also unfortunate that we found out today of the beaches' reopening tomorrow. It would have been good for the Governor's office to notify localities prior to the announcement.

Councilman Follmer added that it was important for the Town to communicate that the Governor reopened the beaches with a list of requirements and that the Town didn't have a choice but had to implement the requirements prior to opening the beach.

John Hozey agreed that the citizens needed some sense of certainty. He agreed with Councilman Follmer that the Town needed to explain why things were being done such as i) The beach was initially closed for a public health reason; and ii) The Governor imposed conditions to reopening. He asked Council to give him a week to get things lined up. Staff would do the best they could. He would contact Secretary Strickler to see if the Town had any leeway. He would try to meet as many of the requirements as possible and have the beach open next Friday. As plans were developed, he would forward them to Council. The cost to the Town would be in the tens of thousands of dollars.

Mayor Dize stated that he would like to reopen the park and tennis courts as well as the fishing pier once repairs had been completed. The playground and gazebos would remain closed per the Governor's EO.

John Hozey asked how Council wanted to conduct future meetings. Discussion last week was to move toward meeting in person with the ability for those with underlying conditions to continue to participate via Zoom. There wasn't enough time to set things up for tonight's meeting, but it could be done for next week. He could have a final plan for Council approval along with some other business.

John Hozey went on to state the following: i) He received notice from Northampton County that the Town's portion of funding from the CARE Act would be \$86,432 which was based strictly on population. The use of the funding was restricted to only bona fide COVID-19 expenses. The beach plan would qualify; ii) The Governor's EO 63 required that masks be worn everywhere. Clarification was received that only patrons in state and local government offices needed to wear masks, not employees. The Governor did not authorize the police to enforce this mandate. This was another well-intended mandate that would wind up making us look bad because the average citizen heard that all people needed to wear masks. If they saw someone walking down the street without a mask, they would be calling the Town to report it; and iii) The Governor's EO 63 also extended the emergency declaration until further notice which extended it indefinitely. The Town's emergency declaration was based on the Governor's declaration so would also be extended indefinitely which gave us the ability to continue to meet electronically. The General Assembly would be back in session in August to address the current legislation regarding meetings during emergencies. No one intended for an emergency to last this long. The current state code allows for an individual Council or Board member to participate electronically in no more than two meetings per calendar year. This would be in effect once the emergency declaration had been lifted.

Councilman Follmer clarified that the requirement for masks was for indoors only. Councilwoman Holloway agreed that masks were required when indoors in public locations. Councilman Follmer added that this would make it simpler for those businesses choosing to require masks be worn in their establishments.

Councilwoman Holloway added that although staff wasn't required to wear masks inside the Town offices, as a level of respect for members of the public coming into the offices, she hoped staff would wear masks when dealing with the public in person. It would be a bad example if staff didn't do so.

John Hozey stated that it was his intention to keep Town Hall closed to the public for now. When staff began interfacing with the public, they would be wearing masks or have plexiglass installed in their work area. Another public message will be sent out tomorrow morning explaining the Governor's mandates, tonight's decisions and plans for reopening the beach next week. Signage would also have to be installed. There were a lot of things that needed to be done in order to meet the Governor's requirements.

Councilman Buchholz asked John Hozey to contact County Administrator Charlie Kolakowski to see if the Town could obtain more funding. We had a unique asset in the County and implementing the requirements, hiring beach ambassadors, etc. would take most of the allocated funding. The Town had to maintain the beach and pay for staffing to patrol, including overtime to the police officers to cover the extended shifts. He hoped the County realized that the Town's population tripled during the summer. John Hozey would contact Mr. Kolakowski.

Mayor Dize thanked John Hozey and staff for their efforts.

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

The meeting adjourned at 8:35 p.m.

Mayor Dize

Town Clerk

DRAFT

**Comments and Information Provided in Writing
May 28, 2020 Town Council Public Hearing & Special Meeting**

Bob Panek, Tazewell Avenue

Subject: FY 2021 Budget

The Mayor, Council and staff have done a commendable job in developing the budget for next fiscal year in light of the depressed revenue projections caused by the COVID 19 pandemic. I ask that the Council make one adjustment to the budgeted capital projects. Please replace the \$15,000 project to restripe the parking spaces on Mason Avenue, with the \$14,000 project to replace the zip line in the children's playground. Council adopted a Capital Improvement Program policy document in January of this year. The need for proper maintenance of existing Town assets is stressed on page 7: The zip line had reached the end of its service life and was removed about a year ago because of high maintenance costs and safety concerns. It is time to replace this asset and restore the playground to its former functionality. While some people dislike backing in to the parking spaces on Mason Avenue, they are perfectly functional in their current state. New paint can wait until revenue improves. Take this opportunity to do something positive for the children of our Town and those of our guests.

Tim Russell, 522A Washington Avenue

Subject: Replacing the playground zipline, add to 2020-2021 budget

The quality of playground in Central Park contributes to the quality of our community experience and the quality of our visitors' experience, especially children. As a citizen of Cape Charles and someone interested in making changes to substantially improve our community, our visitors' experience of it I am requesting that Council add replacement of the zip line, \$14K, to the 2020-2021 budget. One potential area to find the funds is to delay the repainting of the parking spaces on Mason Avenue, \$15K. The zip line was removed a year ago due to high maintenance costs and safety concerns. Repainting perfectly functional parking spaces because some people dislike backing in can wait until revenue projections improve.

James Regimbal, Bay Creek Fairways

Subject: Central Park

As an owner in Bay Creek Fairways neighborhood, I particularly see the value to the community of summer concerts in Central Park. Please let the Council know that this is a valuable amenity to many in enjoying the Cape Charles experience. I would request that funding to keep the concerts going and also any improvements to Central Park be high on the list of public expenditures.

Joan Natali, 110 Blue Heaven Road

Subject: For Town Council Special Meeting on 5/28

I encourage the Cape Charles Town Council to add the replacement of the Cape Kids Playground zip line (at \$14K) to the budget and to defer the repainting of the parking spaces on Mason Avenue (at \$15K) to a later budget to keep the proposed budget balanced.

The zip line was removed over a year ago due to high maintenance costs and safety concerns and has yet to be replaced. The zip line is an integral part of the Playground and our children, both residents and visitors, deserve to have it replaced.

Repainting perfectly functional parking spaces on Mason Avenue can wait until revenue projections improve.

Rob Smithwick, 11 Kings Bay Drive

Subject: Mason Street parking stripes - please read aloud at council meeting

Hello.

It has come to my attention that funds to repaint parking striping to reverse the reverse on Mason are being considered for another project. I urge you to NOT let that happen. We need to be thinking of our visitors with regard to this change / correction. This has been "in the waiting" a long time and we should complete this already approved project as soon as possible.

Gordon Campbell, At Altitude Gallery

Subject: Letter for the May 28 Cape Charles Town Council Special Meeting.

I encourage the Cape Charles Town Council to add the repainting of the parking spaces on Mason Avenue (at \$15K) to the town budget. I am strongly against suggestions by others to defer the repainting in favor of a zipline (at \$14K) at the Central Park playground.

Ziplines are not a common element at children's playgrounds, and would be used by a small subset of the children utilizing the playground. Most young children do not have the upper body strength to properly utilize a zipline. In addition, at \$14k, I feel the price is excessive for a single piece of playground equipment.

On the other hand, changing parking to a front in angle would yield immediate economic benefits to the town. As you all know the reverse angle parking was implemented by the town with no input from stakeholders along Mason Ave. The town has promised to restripe, the project has been delayed several times now, so please add it to the budget and get it done.

Michael and Jeanne Hollister, 7 Park Row

Subject: Playground Zip Line

We would like the Cape Charles Town Council to replace the Zip Line to the Cape Charles Playground which would cost \$14K instead of repainting the parking spaces on Mason Avenue which would cost \$15K. The Zip Line was a special part of the playground that made it unique, and it was enjoyed by many. This would be a better use of funds. The Zip Line brings happiness to everyone, whereas the paint on the parking spaces don't even look like they need painting.

Thank you!

Michael and Terry Strub, 522B Washington Avenue

Subject: Zip Line at Cape Kids Playground

Terry and I would like to endorse the initiative to restore the zip line to the Cape Kids playground. The playground is usually the first stop when our grandchildren visit Cape Charles and the zip line was the highlight. In fact, three of our grandchildren even made a video in the playground sporting their locally purchased Cape capes. With it's relatively low height and soft earth below, we've never had any safety concerns about their using it. It's absence wouldn't keep them away from the playground, but it would definitely lessen their total enjoyment. Appreciate you taking this request under consideration.

Best wishes and stay healthy,

Suzanne Golibart, Periwinkles Boutique, 215 Mason Avenue

Subject: Money allocated for reversing the reverse angle parking

Dear Mayor, Vice Mayor and Town Council Members,

Thank you for the opportunity to share my comments. I have reviewed the agenda packet and understand that the 2020-2021 Budget is up for approval. I see a line item under Capital Projects Public Works for Mason Avenue Re-stripping at a cost of \$15,000. I strongly encourage the approval of this line item in the budget. As a business owner in Cape Charles I have witnessed first hand the problems that the reverse angle parking has caused. To be more specific here are some examples that my customers have experienced:

- *confusion about how to back into the reverse angle parking space
- *inability to successfully execute parking - car is either too far to one side or another, car is severely angled incorrectly - both of these scenarios have made the adjacent parking spot unusable
- *inability to judge space while backing in - resulting many times in hitting the car in adjacent spot
- *frustration in not wanting to reverse angle park resulting in anger toward town and businesses
- *inability to see oncoming cars while pulling out of spot due to large SUV or truck parked to the left

I am so pleased to see this line item in the budget and wholeheartedly support it's approval. The business community understood that the reverse angle parking would be reversed a long time ago and have patiently waited for this action. While waiting we had also understood that the process takes a long time due to VDOT.

It appears as if the wait is over. Please approve this line item so that the funds allocated for reversing the reverse angle parking (re-stripping the parking spots) can be used for that exact purpose.

Thank you again for allowing me to share my comments. I look forward to seeing the reverse angle parking reversed soon.

Jordan Dail

Subject: I support the re-painting of the parking

Hello, I am in support for the repainting of the parking situation down Mason, rather than spend \$ on a zip line at the park. Please keep our town's economy and tourism at the top of the priority list.

Ellen Moore, 300 Mason Avenue

Subject: zip line

I am writing this letter to advise you that I am opposed to using funds for a zip line in Central Park and eliminating the funds currently in the budget to restripe parking lines on Mason Avenue.

Since 1995 I have owned property at 203,205, and 300 Mason. During that period I have been active in two businesses; currently owning the Ellen Moore Gallery at 223 Mason. The back in parking has been a problem since its inception. Many customers complain about it and find it difficult to back in properly. I do not remember these negative comments before the parking pattern was changed.

I believe restriping is critical and the funds for this project should not be eliminated from the budget.

Graeme Bisdee

Subject: Proposed Cape Charles FY 2021 Budget

The parks is one of Cape Charles's three greatest assets, (the beach, the park and the harbor), both to residents and our many visitors. One is constantly hearing so many positive comments from both.

I would encourage the Council to add the replacement of the "Zip Line" to the budget. The capital project to re-stripe the parking spaces on Mason Avenue is not a necessity at this time.

I would also like to comment on the lack of funding towards the very popular Central Park "Annual Summer Concert Program". Obviously at present with Covid19 the concerts are not possible. However it would be nice to get some support from the council for Central Park towards possibly holding some concerts, with social distancing if necessary, at the end of the season when everyone will be ready to feel somewhat normal again.

Deborah Markwith, 300 Fulcher Street

Dear Council,

I participated in the public discussion on "reverse the reverse" to eliminate the rear-angle parking on Mason Avenue. All of town has been eager to see the Council's decision of last year implemented. Please make this a priority expenditure in the budget and do not reallocate it to other purposes. Please read this message at tonight's meeting.

Jenny Orr, 121 Strawberry Street

Subject: Comments for tonight's meeting

I encourage the Cape Charles Town Council to add the replacement of the Cape Kids Playground zip line (at \$14K) to the budget and to defer the repainting of the parking spaces on Mason Avenue (at \$15K) to keep the proposed budget balanced.

As a mother of three, I spent lots of time watching my kids enjoy the zip line before it was removed. I heard many families at the playground (before it was closed) mention how much their kids enjoyed it and how it was a very beloved part of the playground. Both residents and visitors loved the zip line, and we would love to see it back in the playground soon.

Mary Paar and Paul Schutz, Focus Optical Boutique, 232 Mason Avenue

Subject: Back in parking

We are Focus Optical Boutique, located at 232 Mason Avenue here in Cape Charles. We would like to state emphatically that we (the town) NEED the parking situation corrected as soon as possible. Tourist season has just begun and already we have personally seen multiple incidents caused by people attempting to back into parking spaces. This issue was voted on and budgeted for and has been delayed for far too long. To divert the funds set aside for this project to replace a zip line on a playground that is not used by the majority of the citizens would be ridiculous. As a business owner and tax payer, we would like to see the dangerous parking issue resolved immediately.

Julie Jones, 538 Monroe Avenue

Subject: Zip line

First of all, I want to thank Mayor Dize, the town council, and the town manager and his staff for their service to this special town, especially during this extraordinarily difficult time. You are having to balance the needs of the business community and the needs of the residents, which requires the wisdom of Solomon.

One of the wonderful attributes of Cape Charles is how child-friendly it is. With the prevalence of childhood obesity, in part brought about a lack of physical activity, Cape Charles offers many opportunities for children to be out of doors.

With this in mind, I would request that you consider restoring the zip line in the playground, especially if this can be done by postponing the restriping of Mason Avenue, thereby incurring no additional impact to the budget.

Thank you all so very much. Cape Charles is truly blessed to have you representing it!

Mark Usry

RE: Central Park

This is a follow-up to a memo written and read at the January meeting of Town Council.

I again would like to request an update on the two items I asked the Town to do in that letter:

1. Replace the weeping willow tree and the bench with a dedication plaque on the bench to Ken A. Kuttler.
2. Locate or have remade the story boards that were placed around town with the proceeds of a Chesapeake Bay Gateways Grant, specifically those storyboards on the following:
 - a. The railroad
 - b. The passenger ferry
 - c. Architecture
 - d. Meteor

And perhaps adding storyboards on: watermen, sustainability and perhaps others.

This memo includes some new questions and requests:

1. I would like to see a copy of the bid and responsibilities for the entity that is to take care of the park. What are they responsible to do? I have asked for this from the former Town Manager at least twice and have yet to receive it. Hoping I don't need to file a FOIA request.
2. The reason I ask is because:
 - a. The jasmine must be trimmed by someone who knows what they are doing. It is taking over and will kill the crape myrtles. It also just needs a good professionally done haircut.
 - b. The flowerbed between the fountain and the roses on the west end needs some plants in it.
 - c. The beds at the north and south entrances to the park need to be reworked.
 - d. The bed at the east end of the park needs to be reworked, where the architecture storyboard is located.
 - e. The beds and the trees need new mulch.
3. What is the budget for replanting and taking care of the park annually?
4. When will the fountain be working again?

Our town has 4 public jewels – the park, the beach, Mason Avenue and the harbor. Those jewels are looking a bit 'casually maintained' at this point.

I appreciate all the hours that those working on Mason Avenue efforts to replant, the new banners, etc. And I have put in my share of hours over the years on a number of projects.

With that in mind – I would like to ask the Town and Citizens for Central Park to each provide up to \$1,000 and I will raise or donate another \$1,000. The \$3,000 will be used to buy new plants for the beds I have mentioned. **I respectfully ask that this request be approved tonight.**

The week of June 8 and 15, unless someone tells me no, I will weed those beds I have mentioned. Anyone who wants to join me weeding is welcome to do so. I hope that the beds and trees may then be mulched asap.

With the money commitment from town and the Park Board and my personal pledge I will buy the plants, plant them and keep them watered until June 27. Anyone else who wants to join in on planting is welcome. I will coordinate keeping the plants watered into the fall to ensure they get a good start.

One final request: I understand that tonight the Town Council has the option to either reinstall the zipline in the children's playground or repaint stripes on Mason Ave. (--is the state not responsible for doing that since it is a state highway? Road?) given that the price of each is about the same. Please reinstall the zipline, the lines while important can wait.

My sincere thank you to each of you who serve on Council, our town employees who do such a wonderful job and so many others in this community that make this town what it is – a great place to visit, live and to be.

Thank you for your time and your response.

Have trowel, will weed!

Ryan and Ahren Foster, Baydream Believer, 125 Strawberry Street

Subject: Budget Discussion 20200528

Dear Council Members

Regarding Central Park, we believe this a major benefit provided by the town to both full time residents and tourists. Unfortunately the zip line has been broken for a while now. I know we are not alone (having discussed with several neighbors) in thinking it should be repaired. I would question the bids as they seem absolutely ridiculous. You could build a 5-story high 200' zip line for about \$10k. We might want to revisit our negotiation strategies.

Thomas McKnight

Subject: FY 2021 Budget Draft Comments

1. Governor Northam just announced the re-opening of all Virginia beaches beginning, tomorrow, Friday, May 29. Recently short-term renters began returning to Cape Charles. Ideally this will mean increased revenues for the town and businesses. But this will most assuredly mean that more families will be in town, and more kids will be going to the playground. Time to reinstall the zip line. I have grandchildren who were born in Nassawadox, but whose family has moved away. Whenever they visit, they head for the park. The last three times in town they have been disappointed to see that the zip line is still missing. Time to put it back up.

2. Central Park and its concerts are central to the identity of Cape Charles. Treasure and support this institution beyond cutting the grass.

3. While we all want to return to "normal," rates of cases and deaths are high in Northampton even if the raw numbers are small. Continue your efforts to keep the town healthy.

Sharon Moreland, 131 Churchill Downs

Subject: Zip line

I own a home in Cape Charles. As I tax payer, I strongly object to reinstalling the zip line at the children's playground.

I am a retired 39 year veteran elementary public school teacher. I am Very familiar with children's playground habits. It is the town's best interest NOT to reinstall the zip line. That piece of equipment is extremely dangerous as many accidents have occurred in many regions while children as well as adults are using it. Camps, in our area of the Shenandoah Valley, have zip line participants sign legal waivers before getting on the zip line. Zip lines are closely supervised by a paid employee. Accidents still occur with the line itself, or with improper use, even with supervision. Insurance for Cape Charles should increase with the

amount of liability for a zip line. Are you willing to let a child or adult be injured on a zip line? Are you willing to have the zip line supervised and waivers signed? A child can get injured on any piece of playground equipment, but a zip line is one where more serious injury can occur.

Roxanne Ward

Subject: Restriping and Parsons Building

Honorable Mayor and Council of Cape Charles,

I am a business owner in Cape Charles and I have a question and a comment to be read to council but would like to start by saying that your hard work during the Covid-19 pandemic has not gone unnoticed or unappreciated.

First, my question is in regards to the restriping on Mason Avenue to eliminate back in parking. We reopened our shop a couple of weeks ago and even though the town has not fully opened up, we have already witnessed several close calls. I thought eliminating back in parking had already been decided by council after all the public comments regarding safety but I recently heard that the funds for the restriping may be removed from the budget. I hope this is not the case as this is a valid safety issue in need of attention on Mason Avenue daily. I am asking that you, please, do not sacrifice the safety on Mason Avenue by removing these funds.

Second, I have a comment regarding the Parsons Building/Loggias Condos. Being born and raised in Cape Charles, I have a deep connection and love for the historic buildings in town, mainly on Mason Ave. I'm so glad to see life given back to the Parsons Building instead of sitting in ruin and being seen as an eye sore. I have been watching the activity and trying to imagine what the renovations might look like compared to the memories I have as a child in that building and the cold, industrial styles of others I have seen. Just recently, I was given the opportunity to take a tour. I was pleasantly surprised by the light, airy, feel combined with a touch of elegance in these condos, it is such a compliment to this building and far beyond what I expected to see. I have always loved the details on this building and was made aware that the current windows may have to be removed and replaced with the wooden windows. I am not a historian by any sense of the word and I have tried to understand why this might be necessary. If these windows changed the look and personality of the building I would totally agree, however, I can't see the difference. Not only does the clean crisp white line of these windows bring life to the façade, they are maintenance free and are more economical for the resident. Painted wooden windows would be attractive for only a short time since they face the salt air and winds from the water, not to mention the lack of insulation protection from freezing winter winds. As I look at the changes made to the other historic buildings in town, I feel like I must be missing something. Could you please explain and help me understand why these windows are an issue?

Thank you for your time and consideration,

Diane D'Amico, 602 Jefferson Avenue

Subject: Town Council Meeting May 28 2020

I would like to address two issues

1- 209 Mason Ave

Not only should this builder pay a penalty for intentionally installing the incorrect windows he should also be held responsible for removing them and installing the approved windows. He had the opportunity to appeal the required windows within 30 days of the decision being made. He took a gamble that once they were installed he would not be required to replace them. If they are permitted to remain then not only has he knowingly flouted the decision of both the Historic District Review Board and the Town Council he has also installed windows for which no review or approval has been given. Either a \$5,000 penalty and the windows be replaced OR a \$50,000 penalty and the Town will use the money to replace the windows when the town schedule permits.

2- 2020 Budget.

I am against replacing the zip line in Central Park in lieu of re-painting Mason Ave to permit front end parking. In a town where the population is overwhelmingly over 55 and who overwhelmingly approved the front end parking I do not see that a zip line for children is in the "best" interests of Cape Charles citizens. As a member of the Parking Committee who worked long hours on this topic I would be unhappy that my efforts and those of my fellow committee members was so easily disregarded.

Thank you for your attention,

Terry Carney and Nansey Cardone, 1 American Court

This letter is in support of the renovation and revitalization of the Parsons Building, 209 Mason Avenue as is. We have seen this project develop from the first day and I am amazed at the transformation in keeping with the original appearance of the building. Would hope that you and members of the city council have availed yourself to see this beautiful work for living spaces. The project is certainly unique from the interior perspective and still retains the look from when the building was originally built. This is another corner stone project that we should be proud to have in Cape Charles.

Steve Smith, CC Ryder Rentals, Tim's Place Restaurant and Peach Street Convenience

Subject: Support of Parsons Building project

Good day,

I'm writing this in support of Mr. Meyer and his rehab of the Parsons Building (of which my great uncle had built in the early 1900's). Pertaining to the use of fiberglass windows that have the same look as wooden sash windows with the added longevity in our coastal salt environment. Especially when these windows start at eighteen feet above ground (sidewalk) level. Common sense needs to prevail within the Review board's criteria.

Rebecca Bowers

Subject: Fwd: Window type at 209 Mason Ave. Cape Charles

To: Council of the Town of Cape Charles

As buyers of a unit in the Parson Building, we do not feel that the requirement for wooden windows is necessary to preserve the historical appearance of the building. While viewing from outside of the building, it is virtually impossible to tell what type of replacement windows were used.

The additional benefit of energy efficiency and ease of care are positive attributes for condo living. As individuals who value restored architecture, we feel that this feature does not detract from the intent to showcase this wonderful property.

Cristina Carollo, 407 Randolph Avenue

Subject: in support of Parsons Building/Danny Meyer appeal

To whom it may concern -

This is in support of the appeal in front of the Historic Review Board of Mr. Danny Meyer who is renovating the Loggias Condos in the Parsons Building. After walking down Mason Ave and stepping on the opposite side of the street to take a look at the fiberglass windows, I do believe they do not detract from the overall appearance of the building.

Michael Bowers

Subject: Parson's building at 209 Mason Ave (window material)

While vacationing here in Sept 19-23, staying at the Cape Charles hotel, while walking east on Mason Ave, we noticed a poster of condo's being built in the Parson's building, we returned home to Ashland Va, & after short consideration, decided to inquire into the purchase of same, so we put our house on the market, reserved a condo, & moved here on January 21st. We have been waiting since then to move in. This window matter, delays our whole purpose of coming here, to be a part of a nice friendly, & safe town. I don't feel the material used in the windows, should delay the folks, wanting to live here permanently, from doing so. I appreciate your concern on this matter, & hope it will be decided soon.

Thank you for your time.

In addition to my previous email, we sold our home to move here. My wife's family is from here (ES/Onancock). The existing windows are maintenance free/energy saving, unnoticeable from the sidewalk/across the street, wood windows require maintenance, aren't easy to clean, nor do they save energy. Please allow existing windows to remain.

Thanks again.

Stuart Smith, 27 Kings Court
Subject: Mason 209

I read the record above of the project at 209 Mason. To say I am concerned is an understatement.

You don't have to have a degree in planning or architecture to see that the clear requirements of the Historic Review Board in requiring the developer to provide drawings and other requirements attached to the CoA.

The mea culpa of the developer claiming that he didn't understand or thought he was "doing the right thing" in installing non compliant windows is an insult to the citizens of this town.

Like many who proceed and then beg for forgiveness his pleas are without merit in my view.

His claim that to do what was required in the first place has an exorbitant price to do the change. Too bad. Due diligence on the part of developers is their responsibility. His further claim that he would not have proceeded with the project if he knew HRDB requirements is a threat that has no standing regardless of the level of investment.

We have a wonderful town and we want to encourage investment. And there has been a lot of discussion of the processes of the HRDB and positive changes have moved us forward. I support flexibility when it is in scope and doesn't violate the clear intent of our Historic District requirements.

Whether the council agrees to sustain the HRDB and require the developer to install the required historic materials or overrule the clear requirements of the HRDB in this matter

I do not offer an opinion. But the reason we have a Historic District is a clear mandate from the residents that we find this an important element of our culture and history.

Regardless of council's decision, I believe that the developer should be fined appropriately according to the code for the violations that in my opinion were willful and disrespectful of our governance.

Maryann Ballou, Unit 201 Loggias

I, Maryann Ballou as an elderly woman purchasing Unit 201 in the Loggias, I do not want wooden windows in my condo. This will be my primary residence and I do not want to have to deal with ongoing maintenance in the future, particularly at my age, especially being two stories up in height, will make maintenance unnecessarily costly, burdensome and dangerous to maintain.

Thank you for your time and consideration on this matter.

Sincerely,


Maryann Ballou

LD Davis, 112 Peach Street
Subject: 209 Mason Avenue

Dear Mayor and Council members,

I am writing to you regarding 209 Mason Avenue and the appeal that you will be considering this evening.

The applicant, Mr. Meyer, has been diligently trying to rehabilitate the Parsons Building for more than a year. During that period of time there have been changes to the membership of the HSRB, both the Town Planner and Town Manager left to pursue other opportunities and pre-application meetings came into being. With a changing cast of characters and revised format the road has been difficult and fraught with twists and turns for the applicant. It's time to level the playing field.

Mr. Meyer has taken an iconic building on Mason Avenue that was an eyesore and returned it to its former beauty. As a part of that process there will be condominiums, including an ADA accessible unit, retail space that will add to the quality of life in our town and significant financial benefit the town as well.

While there is a process for approval and many words written to explain the rules and regulations, the missing element seems to be the environmental impact and energy efficiency. We live within an area with an extremely sensitive ecosystem and we should think carefully about the materials that are used in restoring properties around town. Historic features can be retained with the use of modern day products.

The windows in question are 18" or higher off the ground. By their own admission the HDRB has stated that the vast majority of people would be unable determine if the windows were wood or manmade. I would encourage our Mayor and Town Council to vote in the applicants favor.

Robert Suppa, 112 Peach Street

Subject: Appeal to HDRB re:209 Mason Avenue

I would first like to say that America's habit of using wood for exterior trim is coming to an end. Inexpensive lumber is great for framing and interior projects as it is protected from the weather. Using wood for decorating the exterior of a home these days is like having wood tires on a car. They will last a little while but the expense of maintaining, protecting, and eventually replacing a porous natural fiber product is huge. Those synthetic rubber tires are looking pretty good right now, at least to me.

Manufacturers of exterior building products have gone to great expense to gear up and produce a multitude of composite exterior trim, so detailed and intricate that not only does it replicate the look and feel of "historic" types of exterior trim, it far exceeds the performance and durability of wood. I repair exterior trim for folks, and they always ask me to use PVC as replacement material.

I know Mr. Meyer, who purchased the property at 209 Mason Avenue. I have worked for him, He has a lot invested in Cape Charles and he doesn't skimp on quality. I heard that the HDRB wants him to remove the new windows that were installed on his building not because they appear to be historically inaccurate, but because the exterior trim portion is a composite material.

I thought the HDRB made decisions regarding the appearance of historical buildings and homes. Am I wrong? I have looked at the property in question. There's nothing historically odd about it. Unfortunately I did not have my binoculars available to peer up at the windows so I could determine what material was used for the trim. This sounds ludicrous I know, but forcing folks to use wood for exterior trim applications is like ignoring the fact that tires are made of rubber now.

I so cling to the hope that reason and logic will prevail over the dogmatic principles and practices that are now in place.

Lindsay Cassada

Subject: Leadership Re: Beach Opening

Mr. Hozey, Mr. Dize, and Cape Charles Town Council (via clerk'),

First, I'd like to express my appreciation to each of you for your service to Cape Charles. I am writing to inquire of plans, if any, by our Town representatives to submit a proposal to our State leaders to open the Cape Charles public beach. I'll admit, at times I've been confused by some of Governor Northam's announcements and directives, having been under the impression all beaches would be opening on or about 6/10/20. However, seeing Virginia Beach successfully submit a plan to open their beaches prior to Memorial Day weekend, has left me wondering the intentions of our Town representatives regarding the opening of the beach. Is the Town's leadership developing a plan to submit to Governor Northam? What pro-active measures are being taken?

Seeing quotes such as this in the Eastern Shore Post are dis-heartening to say the least: "The town has not been able to stop visitors to date. What we've done so far is slowed it down as best we could. We tried to make the town as uninviting as possible to guests" by closing public facilities such as restrooms, parks, and the fishing pier, he said. (John Hozey). As a member of the Cape Charles community, it embarrasses me to see such blatant lack of hospitality. This attitude also causes me great concern for our businesses, restaurants, and lodging facilities who need responsible tourism to stay afloat. On the same thread, seeing a large BEACH CLOSED sign on 13 is infuriating (and misleading). The Beach is restricted, not closed.

To be clear, I am 100% in support of necessary means to stop the spread of sickness, such as masks and social distancing. I do recognize the fears and concerns of town residents. However, I am extremely worried for the future of the Town's economy, if one of the "Friendliest Beach Towns in America" continues with the current "unfriendly" attitude towards guests. Our family owns a second home/vacation rental property at 606 Washington Avenue. Without question, we cancelled all Spring rentals prior to the Town's voluntary request.

We watched the Town create an ordinance prohibiting rentals, later rescinded. We have not yet voiced concerns over our Town representative's actions, as we have concurred with the necessity. As we ventured into town little by little, we have worn our masks. We've kept distance from others. We've made purchases in Town we rarely make at home, simply to support local businesses and restaurants. We now come forward to ask for leadership in opening the beach, as well as other Town facilities (pier, once repaired; tennis courts, park).

In summary, I believe individuals should be given the opportunity to socially distance themselves at the beach, on the fishing pier, on the tennis courts, at the park - all outdoor locations. My family and I have watched all Town Council Facebook Live meetings and we will continue to do so, with hopes this issue will actively be addressed by our leadership.

We very much appreciate the time and attention you give to the Town we have grown to love just as much (if not more) than our primary home town.

Richard Barrett and Carrie Setliff-Barrett, 209 Mason Avenue #2C

**Richard J. Barrett / Carrie Setliff-Barrett
209 Mason Avenue
Unit 3C
Cape Charles, VA
757-679-7777**

May 28, 2020

To Whom It May Concern:

My husband and I have purchased a unit on Mason Avenue in Cape Charles, Unit 3C, Loggias. It has been brought to our attention that there is a possibility that all windows may be required to be replaced with wood windows.

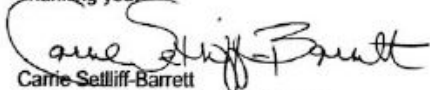
These units are being purchased costly high end Pella windows which meet the high expectations of the purchasers. Wood windows will very quickly become a costly maintenance issue for this wonderfully appointed building. A quality vinyl window will last for more than 20 years. The budget for the condo association is designed to accommodate vinyl windows, not wood windows.

Additionally, vinyl windows will save money on energy bills as the insulation in the frame of the window itself is energy efficient. Vinyl windows require no maintenance as they never need painting or scraping. This will enhance the visual of the town vs windows with ongoing maintenance requirements, scaffolding and painting not to mention the potential risk of injury to foot traffic, etc.

The building also has handicapped units and wood windows would be burdensome and potentially dangerous to folks who may be unable to reach the windows for maintenance needs.

This is a poor overall decision which will diminish the value of the units rather than enhance them.

Thanking you,


Carrie Setliff-Barrett
Co-Founder Image Business Interiors
Virginia Beach, VA


Richard J. Barrett
Senior Partner
Vandeventer Black, LLP
Norfolk, VA

L. Barrett Cree
114 Pine Street
Cape Charles, VA 23310

Town Council of Cape Charles
clerk@capecharles.org
Cape Charles VA 23310

209 Mason Ave, Appeal

Dear Members of the Board,

First let me say thank you for finding unorthodox methods of continuing to make yourself and these meetings available to your constituents, through social media plat forms. I wish you all well and safe in these difficult time for our town.

I appreciate you allowing me to share my concerns on how the Historical Review Board (HRB) has approached their duties and implementing National Historical Guideline on to certain projects and dismissing the long standing Town's Historical guidelines which so many of this citizens have been able to utilize and implement previously.

The HRB over the last year and half has held this project to the (National Historical Guideline Standard) which serves as a strict guideline only when a tax credit is involved, which is not the case here! This is not a historical renovation! This is adapt and re-use, of what had been an eye sore of a building to the town for years.

Remember, the Yugurt store coming soon, that is no long a standing structure? That much how this building sat for years. Finally, someone had the nerve to step up and invest in this building. Creating living in place and ADA housing. As well setting restriction on vacation rental to create a full-time residence community for the town.

I believe this project has been more in keeping to the building, leaving the buildings exterior appearance unchanged to the eye. I believe this project and Mr. Meyer's investment will serve this town well for many, many years.

I cannot point to any other Mason Ave Building renovation project, that has been more in keeping to its original appearance than what has occurred here at the Parsons Building. Current purchasers who were drawn to this project for it's historical charm are all opposed to removing the current maintenance free, fiberglass windows and replacing with the same exact same looking window, now with high maintenance.

If it is appearance that is of concern, hands down a fiberglass window wins. Verses wooden windows requiring scraping, sanding, and painting. Somehow practicality does not seem to be considered in the HRB approach and decision related to these windows, which are 2 and 3 stories high. A person could not even distinguish the difference between fiberglass or wood at that height.

It seems hard to believe we are even here, discussing whether high-quality windows should be replaced with inferior high maintenance windows. Which setup costly and needlessly dangerous scenarios of scaffolding, ladders and worker going up 2 and 3 stories high, above foot-traffic our sidewalk. In my opinion accepting the HRB ruling goes completely against the Towns Historical Guidelines in this instance.

Lastly, I'd like to say Mr. Meyer has made every effort to fulfill his promise to this Town. And has delivered a product, this town and residence can be proud of. Please, listen to the residence purchasing these condos. Please vote yes and approve Mr. Meyer's appeal and support this project.

Sincerely,



Barrett Cree

Susan Gay

Subject: For City Council Re: Beach Opening

My husband and I have lived in Cape Charles for over 5 years. We love our town, businesses, people and natural beauty. I am asking that, ***at a minimum, our public beach remain closed for another month.*** This will enable everyone to assess the facts after 5 weeks of re-opening.

As I write this email, **VIRGINIA CASE NUMBERS ARE ON THE UPSWING ONCE AGAIN**. I believe it would be irresponsible to open up such a public facility of which all the out of towners will visit stores, restaurants, parks....they WILL spread cases to our Town of Cape Charles. I would guess there is a large portion that come from surrounding states which is even more detrimental in waiting it out to assess cases after a few more weeks.

This is not a time to worry about freedoms, what's fair or not, or just complain about rules. We should all be focused on this critical health emergency, if only for a few more weeks.

Thank you for listening.

David Kabler, Blue Heron Realty

Subject: Historic review Parsons Building

Please accept my advice to reverse Historic Review Board demand for wooden windows in the Parsons Building renovation project. It's all about the look so if the modern windows presently installed look like historic windows and are better maintained, please bear with the leniency. It makes total sense!

Kerry Shackelford, Chairman of the Historic District Review Board

Cape Charles Town Council
Appeal of HDRB Decision for 209 Mason Ave

5/21/2020

The applicant has presented plans to the board on numerous occasions, at each of these submissions the board held to several principles stated in the guidelines as listed below.

Pg 19:

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Pg 39:

Retain original windows and doors, including glass hardware to the extent possible. For new construction, use window and door styles that relate to those found in the district. These styles are described below. Windows styles vary by sash design primarily, but elements such as sills, lintels, decorative caps, and shutters should also be respected. Doors vary by amount of glass, number of panels, and decorative features.

Pg 41:

Retain all elements, materials, and features that are original to the building or are sensitive remodeling and repair them as necessary.

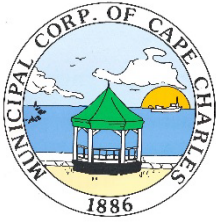
Pg 42:

Restore as many original elements as possible, particularly the materials, windows, decorative details, and cornices

The board's intent was to keep the front of the building as original as possible; this included the store fronts, windows and doors along with other features of the structure. We did not want the widows changed especially the trim and frames that defined the window openings. The discussions centered around the use of the window openings as a seasonal opening by adding sash that would be able to swing out or in. This would not require the removal of the frames or trim and the original sashes could even be retained and stored for future use. A design was never finalized it was only a concept and we wanted the applicant to provide shop drawings to prevent him from wasting time and money doing something that would not be accepted. The conditional approval was given to help keep the project moving and not hold up the whole building just

because of the design of the windows not being complete. The problem with the current windows is that the original windows are now gone, frames, exterior and interior trim are gone and lost from the record. The board never at any time entertained an idea of replacing the existing windows. Our conditional approval was clear and left no room for doubt before any alteration to the windows could take place shop drawings would be required so that they could be approved.

DRAFT



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center &
Electronic Communications
June 4, 2020
6:30 PM

This Special Meeting of the Cape Charles Town Council was held with a quorum physically present at the Cape Charles Civic Center and with several participants via video conference 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 all participants physically in one location due to the highly contagious nature of COVID-19.

The purpose of this meeting was to review i) approval of the minutes from the February and March Council meetings; ii) approval of the January, February and March financial reports; iii) hear an appeal of the Historic District Review Board decision for 301 Madison Avenue; iv) recognition of employees celebrating significant anniversaries; and v) updates from the town manager regarding the beach reopening plan and July 4 activities. The meeting was 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, Councilmen Bannon, Buchholz, Follmer and Grossman, Town Manager John Hozey, Town Clerk Libby Hume, Code Official Jeb Brady, Community Relations Manager Jennifer Lewis, and Police Chief Jim Pruitt. In attendance via Zoom was Vice Mayor Bennett. Councilwoman Holloway arrived at the Civic Center at 6:36 p.m. Also, in attendance via Zoom were Historic District Review Board Chairman Kerry Shackelford and appellant Frank Giardina. There were no members of the public physically in attendance, but there were 31 viewers on Facebook Live.

PUBLIC COMMENTS (on agenda items only):

Town Clerk Libby Hume read a comment submitted in writing from Ms. Jane McKinley. (Please see attached.)

CONSENT AGENDA:

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. February 6, 2020 Special Meeting & Executive Session
 - ii. February 20, 2020 Public Hearing, Regular Meeting & Executive Session
 - iii. February 29, 2020 Public Input Session
 - iv. March 5, 2020 Special Meeting & Executive Session
 - v. March 30, 2020 Special Meeting
- C. Approval of Financial Reports:
 - i. January 31, 2020
 - ii. February 29, 2020
 - iii. March 31, 2020

Motion made by Councilman Bannon, seconded by Councilman Grossman, to approve the Consent Agenda as presented. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

SPECIAL MEETING ORDER OF BUSINESS:

A. *Appeal of Historic District Review Board Decision – 301 Madison Avenue:*

Councilman Grossman provided a summary in chronological order as follows: i) The property was situated on a corner lot with a front exposure on Madison Avenue and side/rear on Strawberry Street; ii) The property was listed as a contributing structure in the 1990 National Register of Historic Places as a 1930s brick and concrete block church. However, the applicants had provided evidence that this was not an accurate classification. In the 1930s, a small 540 SF wooden structure was built on the property and used for the original church. In 1947, the building was relocated to the lot next door (lot 149). The current structure was built in 1949 and operated as a church until 1984 when it was disbanded. The building sat unused until 1998 when it was purchased and repurposed into a home. In 1998, an adjoining building was added at the rear of the church for living space; iii) A pre-application meeting was held on March 4, 2020 and the applicants were advised at that time that removal of the chimney would most likely be rejected and an alternative design was discussed. Relative to the rear deck, initially the applicants were looking to expand the existing deck and add a roof, but during subsequent discussions, based on zoning restrictions, the deck height was lowered, and no roof was included. A sketch of the deck was eventually provided and included in the applicants' package; iv) The HDRB meeting was held on April 30, 2020 via electronic communications. The applicants' submittal requested removal of the chimney stating that it was sticking out of the roof of the 1999 addition, was no longer used and was just a hollow structure extending down through the addition into the middle of one of the bathrooms making the bathroom renovation difficult. There were signs of various leakages over the years. The chimney was not visible from Madison Avenue. The chimney was an exterior part of the original church building as shown in historical photographs. The living area addition constructed in later years enveloped the base of the chimney. The HDRB unanimously approved the certificate of appropriateness with conditions that 1) the chimney be retained; and 2) shop drawings be provided for HDRB approval if handrails were added to the deck; v) The letter of appeal was received on May 5, 2020 related to the two conditions imposed by the HDRB; and vi) Zoning Ordinance Article VIII, Section 8.18 was reviewed outlining the authority of the HDRB as well as an excerpt from page 36 of the Historic District Guidelines regarding roofs.

Frank Giardina, the appellant, was given an opportunity to speak and stated the following reasons for his appeal: i) His reasons for appealing the decision regarding chimney removal was 1) 80-85% of the chimney was covered up by the newer addition on the church, including most of the historic part of the chimney. Only about 15% of the original chimney appeared from the roof of the addition; and 2) Because the addition enveloped around the chimney, it was in the middle of a bathroom making it difficult to maneuver in the bathroom. Working around it was a difficult task for the contractors repairing the bathroom; and ii) The deck was on the back of the house attached to the newer addition which was built in 1999. It was visible from Strawberry Street but not from Madison Avenue. He and his wife preferred to build a deck with a more contemporary, nautical-style railing, potentially using a horizontal cable instead of vertical spindles. The HDRB instructed them to use a historic style railing, possible like those on front porches of houses, but that wasn't a style that they wanted.

HDRB Chairman Kerry Shackelford began by stating that the basis for the HDRB's decisions was the fact that the guidelines were extremely clear, with no ambiguity, on these two issues. He went on to explain in detail the board's rationale for the decisions. (Please see attached.)

Mr. Giardina added that the historic value of the building was already jeopardized because the vinyl addition in 1999. The chimney was 85% covered up. He and his wife were trying to live in the house, and it was difficult with the chimney being inside the addition. The HDRB did make it clear that the deck railing had to meet historic guidelines but had approved the COA without a railing and conditioned that if a railing was added, the shop drawings had to be submitted for review and approval. The style of railing was the opposite of what they wanted to install.

Kerry Shackelford responded that he was sympathetic to what the Giardinas wanted to do but the guidelines were there to protect the historic district and it was more reason to make the extra efforts to retain the historic nature of what was there. The HDRB didn't care what happened to the portion of the chimney inside the house.

Council opted to decide on each appeal item separately.

Chimney:

Councilman Follmer stated that he had lived in multiple historic districts and appreciated the needs of the appellant, but chimneys were a pretty standard feature of any historic district. Removal of a chimney changed the profile of the structure. If removal of the chimney was a matter of preference versus a compelling need, he didn't think it met the standard for removal.

Councilman Bannon stated that he looked at the property yesterday and added that the chimney was impressive.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to uphold the Historic District Review Board's decision regarding the chimney. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

Deck Railing:

Regarding the deck, Councilman Buchholz recalled a discussion with representatives from the Virginia Department of Historic Resources who stated that there was some latitude with new additions not having to convey a historic look. As long as the historic portion was unchanged, additions could be made to the structure. Councilwoman Holloway agreed. Councilman Grossman reminded all that the issue at hand wasn't to approve or reject the type of deck railing, but the issue regarding the HDRB having the opportunity to review the style of deck railing.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to uphold the Historic District Review Board's condition requiring the submittal of plans for any deck railing to the HDRB for review. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. Recognition of Employees Celebrating Significant Anniversaries:

Mayor Dize stated that both employees were valuable employees in public utilities and continued as follows:

Dan Dabinett – 10 years on May 5, 2020. Mayor Dize stated that he was working for the Town when Dan Dabinett was hired. Dan Dabinett brought something extra to the Town with his mechanical skills. It was hard to believe that it's been 10 years.

Bill Powell – 30 years on June 12, 2020. Mayor Dize stated that Bill Powell had seen a lot of ups and downs during his 30 years. Bill Powell and Gerald Elliott, who celebrated 35 years last year, had a lot of knowledge between them and were very valuable to the Town.

Mayor Dize thanked both Dan Dabinett and Bill Powell for their service to the Town.

C. Town Manager Updates:

i. Beach Reopening Plan:

John Hozey stated that last week, Council gave him until June 5 to reopen the beach which was now ready to open tomorrow as requested. He submitted a plan that was forwarded as an attachment to the Council packet. It was designed to cover the requirements in the Governor's Executive Order 65. John Hozey continued to review the Cape Charles Beach Re-Opening Plan. (Please see attached.)

There was some discussion as follows: i) Cancellation language would be included in the cleaning contract since the Town would most likely not have much warning of future changes to the Governor's mandates; ii) The beach would remain open after 6:00 p.m., but without attendants. The Town could not control the beach around the clock; iii) Jen Lewis was in charge of the attendance program and was keeping a log of pertinent information; iv) There were two porta-potties behind the library – one ADA accessible and one regular unit. The beach bathrooms were also open. Staff hoped to have the mobile unit on Peach Street soon. The planned location was just off the asphalt and would require a small adjustment to the lease with the railroad. The unit would be connected to the Town's water and sewer. It was impractical cost-wise to bring in potable water and pump out the units. The cost to install would be about \$5K, which was an unbudgeted expense. He was working to make things happen, but it would be a couple more weeks. It was noted that there were restrooms available at Central Park and the Harbor as well; v) The Governor's executive order specifically stated that playgrounds and gazebos would remain closed. The Town could reopen the beach, fishing pier, park, and tennis courts, but the gazebo and playground were not permitted to reopen per the Governor. Staff anticipated their reopening in time so included these areas in the scope of work for the cleaning contract. The pavilion at the beach was the only shaded area, so it was assumed that people would use it, but the benches had been removed. Councilwoman Holloway stated that her interpretation of the language regarding pavilions and gazebos were large ones where people congregated, not small ones like those in Cape Charles; vi) The Town offices and library would remain closed for at least a couple more weeks. With the portable bathroom units behind the library, staff didn't see a need for the library bathrooms to be used. There was much discussion regarding porta-potties and the need to have the library bathrooms open to the public with the influx of people in town. John Hozey stated that under normal situations, staff would maintain the library bathroom, but these weren't normal times and he had to consider the safety of the staff, so the library bathrooms were not opening to the public right now; and vii) The libraries on the Eastern Shore were networked and guidance was being received from the Eastern Shore Public Library (ESPL). Since the Cape Charles Memorial Library belonged to the Town, we could override the decisions of the ESPL such as keeping our computer lab open, when the other libraries closed completely to the public.

ii. 2020 July 4 Activities:

John Hozey stated the following: i) It was difficult for us to deal with July 4. It was especially harder for him since he had not been through a Cape Charles July 4 before. He understood it was the premier event for the Town and expressed his concerns; ii) Currently, the July 4 celebration and activities could not be held due to gatherings being limited to 50 people, but July 4 was still four weeks away and things could change; and iii) Chincoteague's Pony Penning was canceled. All other July 4 activities in the area had been canceled. If we were to move forward with July 4 as planned, the Town would be flooded with people which would be difficult to control. He asked Council for guidance and their expectations, adding that Jen Lewis was here this evening to answer any questions.

There was discussion as follows: i) All other localities had canceled their July 4 activities. The Town consulted our fireworks contractor and because of the unusual nature, they were willing to work with the Town and credit the 50% deposit already paid toward next year's event so the Town wouldn't lose any money; ii) Mayor Dize stated that the Town had canceled everything else. People fought for our freedoms and he felt that all the July 4 celebration should move forward as planned – parade, fireworks, and street fair; iii) If the Town canceled the fireworks, people would still come into town to watch Cherrystone's fireworks, which were private; iv) Councilwoman Holloway agreed that people would come into the town regardless of whether we held our fireworks or not, but added that it would be reckless to move forward with all activities and allow everyone from the Eastern Shore and elsewhere to come in without taking any precautions; v) There was discussion regarding the entire country opening back up. It would be prudent to wait two more weeks

to see what happened before making any decisions; vi) Chief Pruitt expressed his concerns. With the beach open, his officers were working extra hours to enforce the requirements there. With everything else going on around the country and in the surrounding areas, his officers are overworked. He received an update earlier today regarding credible threats on the homes of law enforcement officers. He had to be in Town all night protecting the residents, leaving his wife and kids at home; vii) There was some discussion regarding social distancing and the July 4 vendors along Bay Avenue. Jen Lewis suggested spreading the vendors out along the length of Bay Avenue and possibly not allowing alcohol sales. We could also possibly spread out the people lined up along the parade route, but there would be no way to control the crowds for the fireworks; viii) Councilman Follmer stated that he liked to see fireworks, but didn't see where it was logistically possible. The Town typically had 5K people during the day on July 4 and that number increased at night for the fireworks. People would come to Town to watch the Cherrystone fireworks, but they weren't as much of a draw as the Cape Charles fireworks. Fewer people would come into Town if we didn't have fireworks. The more attractions, the more people would be drawn into town; ix) Councilwoman Holloway suggested reaching out to the County and State police for assistance. Otherwise, we needed to block stone road, check addresses and only allow residents into town. Jen Lewis commented that we asked for assistance from the county in the past and we would have to hire off-duty officers. The state police would help direct traffic out of town. Chief Pruitt added that the state police were extremely short-handed with only eight to ten officers on the Shore; x) Councilman Bannon stated that he was 83 years old and in good health. There were many residents in their 80s and 90s who weren't healthy, and he didn't want to further jeopardize their health. He suggested moving the traditional July activities possibly to Labor Day since the Town could not control crowds; xi) Councilman Grossman asked Jen Lewis about the number of calls received regarding the parade. Jen Lewis explained that the calls were from vendors since she didn't require parade participants to register in advance since most participants just showed up for line-up; and xii) Councilwoman Holloway stated that people would still show up for the parade. She saw where they were talking about it on social media.

Mayor Dize stated that he felt the fireworks could probably continue and as it got closer to July 4, other decisions could be made. He asked Council for their preference regarding July 4.

Vice Mayor Bennett stated that he preferred to delay any decision since in two weeks' time, the Governor could lift all restrictions. He would hate to cancel the event before we had to.

Councilwoman Holloway stated that Council needed to establish how things would be handled. She felt that the state would shift into phase 3 by July 4 and the Town needed to be prepared and Council needed to own their decision. A lot of tough decisions were made over the last three months. Council needed to think strategically.

Councilman Bannon stated that if Council wanted to move forward with something on July 4, then maybe the Town could do the fireworks only.

Councilman Grossman expressed his agreement with Councilman Bannon, canceling the parade and the street fair and only holding the fireworks.

Jen Lewis suggested a shortened day with the parade beginning at 2:00 p.m., with a shortened street fair eliminating some of the vendors, followed by fireworks. There was much discussion regarding the parade, requiring advance registrations, not permitting parade participants to throw candy, spreading out the route to allow more room for the crowd, and possibly using the beach attendants to help with the crowd along the parade route.

John Hozey added that we wouldn't be able to achieve the social distancing requirements. We could spread out the vendors, condense the schedule, and prohibit candy being thrown but we would still be overrun by people no matter what we did.

Vice Mayor Bennett stated that regardless of whether we hold or cancel the July 4 events, we would still have a crowd of people here shoulder to shoulder all day.

Councilman Bannon stated that this topic could be discussed all night with no resolution.

John Hozey stated that he would like the Council meetings to get on schedule twice each month. We could wait until the next meeting in two weeks to see what happened. His understanding was that the Governor needed two weeks of trend data to make his next decision. In two weeks, we might know something regarding Phase 3. He asked Council to think about the plans and talk to their constituents. The final decision would be made at the June 18 meeting.

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

The meeting adjourned at 7:48 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
June 4, 2020 Town Council Special Meeting**

Jane McKinley

Subject: Tonight's Council Meeting

I see that a discussion of July 4th activities is on the agenda for tonight's meeting and am in hopes that the town will give creative thought to how some of the traditional activities can be held. We know that, regardless of whether or not activities will be available, in all likelihood, the town will be inundated by visitors. And it will be incumbent on all of us to see that proper social distancing and other safe practices are observed. This brings me to the thought of the golf cart parade, especially as I recall images of spectators packed along Bay and Mason. I would like to suggest continuing to hold the parade but to change the route so that it is much longer, winding throughout the streets of the historic district. By lengthening the route, it will allow people to spread out. Perhaps the lead cart will have a sign reminding the crowd to maintain their distance. And maybe there shouldn't be an MC this year introducing the carts which would create a central point of congregation. Thank you for considering my suggestion.

Kerry Shackelford, Historic District Review Board Chairman

Appeal of HDRB decision for 301 Mason Ave

The board's decision to offer a conditional approval for proposed work at 301 Mason Ave, was based on the fact that the chimney and rear deck or porch are both highly visible. We have not been concerned about the appearance of porches or decks on the rear of buildings where they are not visible from the public right of way. This building, being on a corner allows for visibility of the rear porch or deck, as such the design and construction should follow the same guidelines as a front porch.

The parameters for design in construction and repair in the Historic District are covered in the statement below:

Pg. 18 "The guidelines in this publication are based on The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (see the bibliography for citation). They express a basic rehabilitation credo of "retain, repair, and replace." In other words, do not remove a historic element unless there is no other option, do not replace an element if it can be repaired, and so on."

In planning a design for porches or decks that are visible the guidelines state the following:

Pg. 21, No. 3 "Choose a design that relates to the design character of the historic buildings in the area."

Pg. 23, "It is essential that new construction in the Historic District reflect the integrity of design details and materials which help form the District's character."

Pg. 23, "Materials used in new construction should be in units similar in scale to those used historically."

The concept here is to utilize traditional and compatible materials and styles for visible elements, this is simply about the handrail, in this case, as it is so visible from the street. The use of "Richmond" style handrail, or other readily available materials along with compatible pickets is all we are asking. The standard modern approach to deck railings is incompatible with historic examples in the district. In fact a handrail is not necessary in this situation so an easy solution would be to just not put one up.

Further the guidelines are specific about removing historic elements such as chimneys:

Pg. 19, No. 2 "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."

Chimneys are an integral aspect often referred to in the guidelines along with other exterior design elements that define the historic character of the district. Removal of them allows for a slow degradation of the overall character of the district and while it is an inconvenience in the interior configuration of the structure it does not restrict the use of the building or pose any risk to health and safety.

These are published and well-known aspects of the guidelines and the board takes its responsibility seriously to utilize them as they are written. The applicant was informed of the position on these areas during the pre-application meeting, and the Board meeting.

**Cape Charles Beach
Re-Opening Plan
(June 5, 2020)**

The Cape Charles Beach is approximately one-half mile long and varies in width with the tide but averages approximately 200 feet. There are seven entrances (no railings) and no dedicated parking areas. Facilities include one public restroom, a "LOVE" sculpture, a gazebo, and one wooden platform overlook.

This plan is designed to fulfill the requirements of Governor Northam's Executive Order 65

Distancing

Beachgoers will be limited to groups of no more than 50 individuals. All groups must be separated by a minimum of six feet. No entertainment or group sporting events will be permitted on the beach.

Three seasonal employees have been hired to be beach attendants. There will be two attendants on duty during the weekends and one during the week between the hours of 9 am and 6 pm daily. *(The hours were set by the Governor.)* Attendant duties:

- Monitor beach for safe distance practice, and other beach codes (i.e. dogs)
- If a problem ensues, contact police officer to handle situation
- Walking or motorized patrols every hour
- Monitor life jacket station and clean after each use

Attendant equipment:

- Shade tent
- High visibility shirts with town logo and reading "Attendant"
- Cooler to provide them with ice and water
- Possible UTV from public works
- Radios to call on duty officer and other attendants

Signage

Signage will be posted at each of the beach entrances, welcoming beachgoers but listing the distancing requirements and prohibitions. Normal signage will return on Route 13. *(50 was now the maximum for group size per the Governor's mandate on June 3. The Beach closed sign had been removed. Although all the repairs had not yet been completed, the fishing pier would be opened. Public Works would complete the repairs in the fall. The materials would be removed tomorrow morning and the new signage would be installed.)*

Cleaning

The primary high-touch areas are the restroom, LOVE sculpture, dolphin sculpture, and gazebo*. A contractor will be hired to clean and sanitize these areas every two hours between the hours of 9 am to 6 pm, seven days per week. A short-term procurement contract has been secured for three weeks while we bid out the remaining portion of this work for the summer. *(An alternate option in the bid packet was for the cleaning of Central Park bathrooms every four hours. Staff would wait until bids were received and costs determined before making any decisions.)*

*Note: The gazebo must remain closed under phase 2 restrictions, but it is hoped this could be allowed under phase 3, so the gazebo was included in the scope of work for the cleaning contractor.

Enforcement

An additional police officer will be scheduled on Saturdays and Sundays, from 10:00 am to 4:00 pm. All other times, the officer on duty will respond. Police officer duties:

- Assist beach attendants when needed
- Patrol beach on ATV every hour on weekends (staggered ½ hour from attendants)
- Assist on duty officer with any other calls for service when needed

Should the beach become overcrowded, every other access point will be closed. The remaining entrances will be manned (with attendants or town staff) to better monitor the flow on and off the beach until overcrowding is mitigated. *(An overcrowding plan was another executive order requirement.)*

Cost to implement

With implementation on June 5 and continuing until September 7, just over 13 weeks (14 weekends):

- Cleaning Contractors
- Beach attendants
- Police officer
- Signage and promotional materials
- Supplies, fuel, misc.
- **Total estimated cost: \$56,000**

(The cost to implement the plan would not be cheap. We wouldn't know the costs until the bids were received. He was working with a budget of about \$55-60K just to maintain the beach, not including the other areas. The Town's share of the available COVID-19 funding through the County was about \$86K. The Town had already incurred thousands of dollars in expenses. He hoped to have enough to include some cleaning in Central Park. The Town received some assistance from Cape Charles Main Street (CCMS) in obtaining 24 hand sanitizer dispensers. Public Works installed them on lamp posts along Mason Avenue, Central Park and at the Harbor. They weren't pretty but were functional and refillable. CCMS Program Director Karen Zamorski had labels that would be put on the dispensers so people would know what they were. Everything would be ready for tomorrow.)

April 2020 Treasurer's Report

Page 1 – Cash Position

- The facility fees collected through March 31st were transferred to the reserved account. The balance is just over 1,000,000 as of that date.
- A debt service payment of \$120,587 was made on the sewer facility VRA interest free loan.

Page 2 – Revenue vs. Expenditures

- Year to Date General Fund Revenue appears lower than last month due to the reversals of FY19 tax collection accruals. Typically, we do not reverse until the end of June so that we can track revenue by month more easily throughout the year, but to better gauge the COVID-19 impact they were done early. The current month column will reflect the actual April activity as the reversals are done with a date of July 1, 2019.
- The budget amounts reflected in this report are the original budget amounts approved for the year. They have not been formally changed to reflect the expected COVID-19 impact spending adjustments that were presented at the April 16th, 2020 council meeting. Those changes are being used as internal guidance for department heads.

Page 3 – Capital Projects

- \$9,360 was reclassified from repairs to capital project for the replacement of the park playground fence.
- \$109,089 was expended for the in-shore breakwater and wave attenuator.
- \$51,631 was paid for the inner harbor rehabilitation project.

Page 4 – Tax Collection Rate

- No comments.

Page 5 – Tax Revenue Trends

- Transient Occupancy, Sales and Meals taxes continue to steadily increase. These total are amounts received in April but earned in March by the businesses. Although the amounts are an increase over 2019, they are not where the budget projected them to be at this time of year due to COVID 19.
- Business license tax amount is higher than was anticipated, given that Council extended the due date to September 30th.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
April 30, 2020

<u>Cash on Hand</u>	<u>3/31/2020</u>	<u>4/30/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$509,195	\$486,139	-\$23,056
Atlantic Union Bank Money Market Account	\$1,411,768	\$975,498	-\$436,270
LGIP Account 1 - Unrestricted	\$103,885	\$103,971	\$86
LGIP Account 2 - Unrestricted	\$298,744	\$299,016	\$273
PNC SNAP Account - no longer restricted	\$544,367	\$544,367	\$0
PNC SNAP Account Interest	\$48,144	\$48,637	\$493
Total Cash On Hand	\$2,916,102	\$2,457,627	-\$458,968

<u>Restricted and Reserved Cash Balances</u>	<u>3/31/2020</u>	<u>4/30/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$784,286	\$1,071,615	\$287,329
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$31,454	\$31,454	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$2,752	\$2,757	\$5
US Bank - Reserved per VRA Interest Free Loan Requirements	\$258,953	\$259,081	\$129
Wells Fargo 2010 Debt Service pass through account #300	\$2,895	\$2,897	\$2
Wells Fargo 2010 Debt Service pass through account #308	\$760	\$761	\$0
Total Cash Held in Reserve	\$1,081,531	\$1,368,996	\$287,465
Total Cash - All Accounts	\$3,997,633	\$3,826,624	-\$171,009

DEBT SERVICE

Net Debt as of Current Reporting Month End \$7,208,668

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

April 30, 2020

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY20
GENERAL						
REVENUE - Operating	\$74,252	\$2,433,975	\$2,535,291	\$82,421.34	\$3,580,706	70.80%
EXPENDED - Operating	\$156,086	\$1,717,712	\$2,000,890	\$283,177.63	\$2,805,563	71.32%
NET	(81,834)	716,262	534,401	(181,861)	775,143	
REVENUE - CAPITAL GRANTS & LOANS	0	602,402	2,042	(600,360)	813,867	0.25%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	18,165	628,749	277,883	(350,865)	1,589,010	17.49%
TOWN CONTRIB. & PENDING GRANTS	(18,165)	(26,346)	(275,841)	(249,495)	(775,143)	
PUBLIC UTILITIES						
REVENUE - Operating	133,118	1,357,434	1,416,293	58,859	1,689,134	83.85%
EXPENDED - Operating	167,799	736,208	712,357	(23,852)	1,146,690	62.12%
NET	(34,681)	621,226	703,936	82,710	542,444	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	5,300	164,864	227,867	63,004	169,600	134.36%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	5,300	700,122	701,599	1,477	712,044	98.53%
TOWN CONTRIB. & PENDING GRANTS	0	(535,258)	(473,731)	61,527	(542,444)	
HARBOR						
REVENUE - Operating	54,097	500,817	479,588	(21,229)	1,060,080	45.24%
EXPENDED - Operating	26,691	551,644	517,436	(34,209)	692,473	74.72%
NET	27,406	(50,828)	(37,848)	12,980	367,607	
REVENUE - GRANTS & LOANS	112,878	32,841	131,680	98,839	375,765	35.04%
EXPENDED - Capital Projects, Debt Svc	160,720	157,232	536,134	378,902	743,372	72.12%
TOWN CONTRIB. & PENDING GRANTS	(47,842)	(124,391)	(404,454)	(280,063)	(367,607)	
SANITATION						
REVENUE	16,371	164,594	167,331	2,738	214,546	77.99%
EXPENDED	17,121	148,163	167,316	19,153	214,546	77.99%
NET	(749)	16,431	16	(16,415)	0	

FY 2020 Capital Improvement Project Tracking Report

As of:
4/30/2020

	FY19 Status or Start Date	Percent of Completion	FY20 Budgeted	FY20 QTR 1 Expended	FY20 QTR 2 Expended	FY20 QTR 3 Expended	FY20 QTR 4 Expended	FY20 YTD Expended	(Over)/Under Budget
<u>General Fund</u>									
Wayfinding Signs	Pending	0%	\$ 68,000	\$ -	\$ -	\$ -	\$ -	\$ -	68,000
Parking lot Improvements	Pending	63%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	6,330	\$ 3,670
Repair Exterior of Library Building Phase 2 Library Upper Floor office study and prep; ADA entrances, water damage repair and ventilation at Municipal Center, cost overrun for library exterior work, \$31,655.	Complete	100%	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	50,000	-
Library exterior excess, remainder pending		11%	\$ 300,000	\$ 31,655	\$ -	\$ -	\$ -	31,655	268,345
Beach Sand Replenishment	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	20,000
Fishing Pier Upgrade Phase 1	Pending		\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	10,000
Storm Drain CCTV & Mapping	Complete	107%	\$ 30,000	\$ -	\$ 11,846	\$ 20,188	\$ -	32,034	(2,034)
Multi- Use Trail phase 2 closeout	Completed FY19, but sidewalk was damaged	3%	\$ 200,000	\$ 5,000	\$ -	\$ -	\$ -	5,000	195,000
Multi- Use Trail phase 3 Eng/Construction	Engineering	2%	\$ 750,000	\$ -	\$ 4,749	\$ 4,450	\$ 2,475	11,674	\$ 738,326
Park Playground Fence, reclassified from repairs FY19 Rebuild Entrance to Tazewell Alley & Park Row	Complete	100%	\$ 9,360	\$ -	\$ -	\$ -	\$ 9,360	9,360	\$ -
	Complete	100%	\$ 10,930	\$ 10,929	\$ -	\$ -	\$ -	10,929	0
subtotal			\$ 1,458,290	\$ 97,584	\$ 16,594	\$ 24,638	\$ 11,835	\$ 156,982	\$ 1,301,307
<u>Water Fund</u>									
No projects budgeted		#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
subtotal			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
<u>Sewer Fund</u>									
4 New Mixers (Upgrades)	Complete	100%	\$ 30,000	\$ -	\$ 32,034	\$ -	\$ -	32,033.96	(2,034)
Odor Reduction at Mason & Bay Ave Washington Ave Pump Station Upgrade Phase I	Pending	0%	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ -	13,000
- electrical	Deferred	100%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	30,000
subtotal			\$ 73,000	\$ -	\$ 32,034	\$ -	\$ -	\$ 32,034	\$ 40,966
<u>Harbor Fund</u>									
Inner Harbor Rehab.	Construction	53%	\$ 253,000	\$ 15,475	\$ 5,825	\$ 60,552	\$ 51,631	\$ 133,483	\$ 119,517
In-shore Breakwater/Wave Attenuator	Construction	57%	\$ 500,000	\$ 24,250	\$ 2,240	\$ 149,084	\$ 109,089	\$ 284,663	\$ 215,338
Wi-Fi Upgrade & Server	In process	45%	\$ 7,500	\$ -	\$ 1,019	\$ 2,389	\$ -	3,408	4,092
Shade Sail	Deferred	0%	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	8,000
Fuel Pump Repair/Upgrade from FY19 FWD	Complete	100%	\$ 12,745	\$ 12,745	\$ -	\$ -	\$ -	12,745	(0)
subtotal			\$ 781,245	\$ 52,470	\$ 9,084	\$ 212,025	\$ 160,720	\$ 434,299	\$ 346,946
<u>Sanitation Fund</u>									
Trash Can Replacements		100%	\$ 10,042	\$ -	\$ -	\$ 11,858	\$ -	11,857.64	(1,816)
subtotal			\$ 10,042	\$ -	\$ -	\$ 11,858	\$ -	\$ 11,858	\$ (1,816)
TOTAL			\$ 2,322,576	\$ 150,055	\$ 57,712	\$ 248,521	\$ 172,555	\$ 635,172	\$ 1,687,404

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
April 30, 2020

YTD 2019 Real Estate Tax Collections

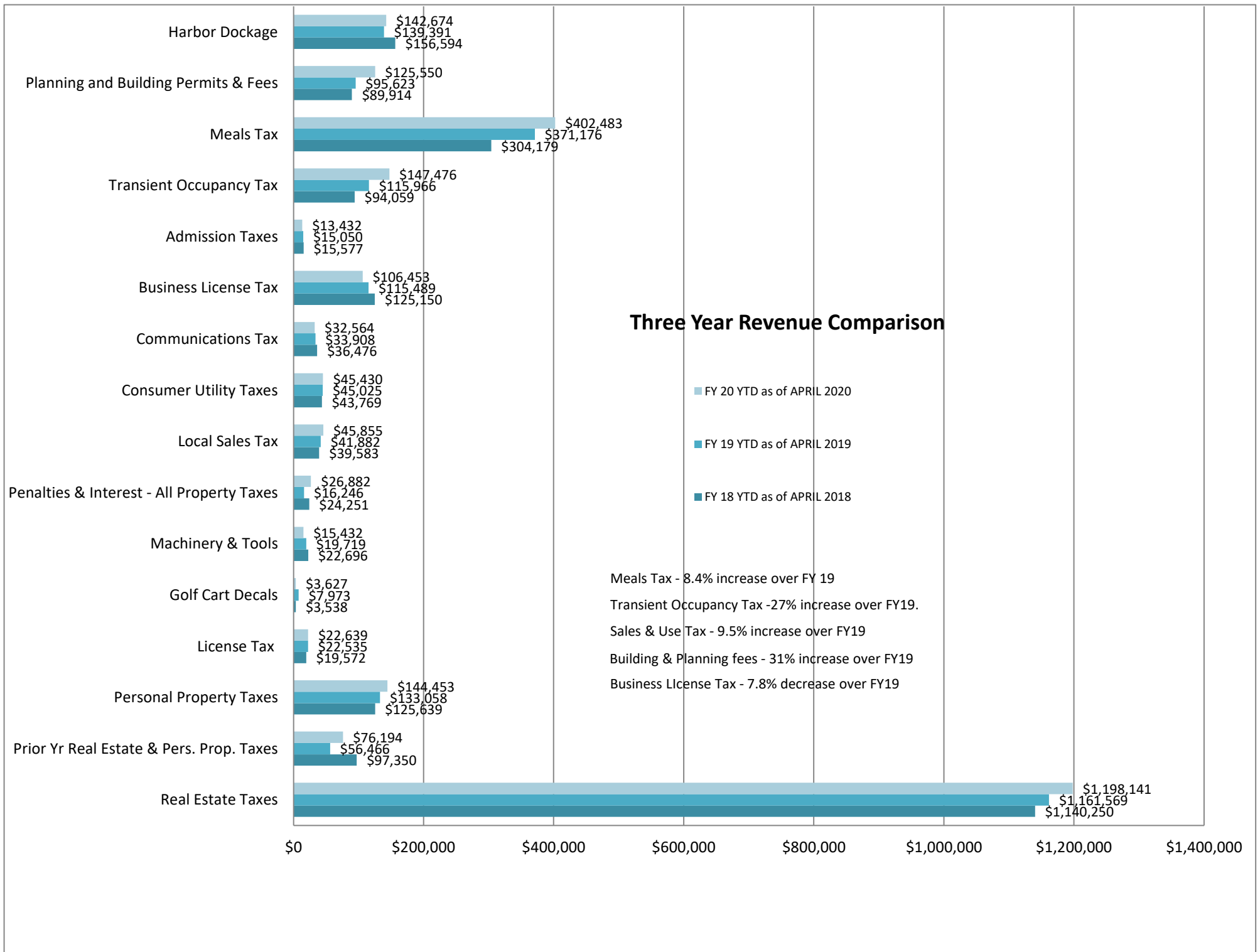
Total Taxable Land Value	\$	160,149,400	
Total Improvement Value	\$	260,882,300	
Exemptions	\$	(5,731,435)	
Additional Assessments (SCC Utility)	\$	3,672,005	
Total Real Estate Value (taxable)	\$	418,972,270	
Total Budgeted	\$	1,155,000	
Total Tax Billed	\$	1,233,840	
Total Adjustments	\$	(2,951.35)	
Total Collected YTD (percent of billed)	\$	<u>1,198,141</u>	97%
Amount Due per Accounts Receivable	\$	32,747.52	

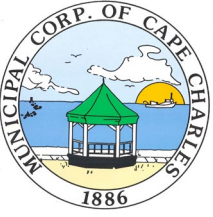
**YTD 2019 Personal Property Tax, Machinery and Tools Tax
& 2019 License Tax Collections**

Total Personal Property Value	\$	14,452,600	
2019 Initial Assessment Exonerations	\$	(154,500)	
Personal Property Value, billed	\$	14,298,100	
Total Budgeted	\$	130,000	
Total Tax Billed less PPTRA	\$	213,122	
Total Adjustments & Additional Exonerations	\$	(9,331)	
Total Collected YTD (percent of billed)	\$	<u>182,524</u>	90%
Amount Due per Accounts Receivable	\$	21,266.33	

**YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty
Collections**

Total Budgeted	\$	154,500	
Total Collected (percent of budget)	\$	<u>103,077</u>	67%
Amount Due Per Budget	\$	51,423	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Code 42.3 – Adoption of State Law		AGENDA DATE: May 16, 2019
	SUBJECT/PROPOSAL/REQUEST: Adopt Ordinance 20200618 To Adopt Amendments to the Code of Virginia §46.2 and Title 16.1, Chapter 11, Article 9 (§16.1-278 Et Seq.) and Title 18.2, Chapter 7, Article 2 (§18.2-266 Et Seq.), If Any, For Incorporation into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic		ITEM NUMBER: 6A
	ATTACHMENTS: Ordinance 20200618		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Each year a new ordinance must be passed accepting any and all amendments to the provisions and requirements set by Code of Virginia in matters of regulation of motor vehicles and traffic in the Town of Cape Charles and any penalties for traffic violations.

DISCUSSION:

From time to time, the Code of Virginia is amended to either delete or add new safety tactics to protect those traveling the highways, streets and roads. Changes to penalties and violations are also made. In order to have the authority to enforce these new laws, an amendment to the Town Code must be made that adopts any changes.

RECOMMENDATION:

Staff requests adoption of Ordinance 20200618 To Adopt Amendments to the Code of Virginia §46.2 and Title 16.1, Chapter 11, Article 9 (§16.1-278 Et Seq.) and Title 18.2, Chapter 7, Article 2 (§18.2-266 Et Seq.), If Any, For Incorporation into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic by roll call vote.

ORDINANCE NO: 20200618

**AN ORDINANCE TO ADOPT
AMENDMENTS TO THE CODE OF VIRGINIA §46.2 AND
TITLE 16.1, CHAPTER 11, ARTICLE 9 (§16.1-278 ET SEQ.) AND TITLE 18.2,
CHAPTER 7, ARTICLE 2 (§ 18.2-266 ET SEQ.), IF ANY, FOR INCORPORATION
INTO THE CAPE CHARLES TOWN CODE
CHAPTER 42-MOTOR VEHICLES AND TRAFFIC**

WHEREAS, it is necessary to follow the guide set by the Code of Virginia to protect the safety and welfare of residents and guests of the Town of Cape Charles;

WHEREAS, from time to time, the Code of Virginia is amended to protect those traveling the highways, streets and roads of the Commonwealth;

WHEREAS, in order to have the authority to enforce these new laws, the Town Council of the Town of Cape Charles must adopt any and all amendments made by the Commonwealth of Virginia; therefore

BE IT ORDAINED: That pursuant to the authority of the Code of Virginia, 1950, as amended, § 46.2-1313, all of the provisions and requirements of the laws of the State contained in Code of Virginia, Title 46.2 and Code of Virginia, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into ordinances as in force and effect on the date of the adoption of this Code, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutadis mutandis*, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision or requirement which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Virginia. This ordinance will take effect July 1, 2020.

Adopted by the Town Council of Cape Charles on June 18, 2020.

Mayor William Dize

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Vacation of Plat of Survey for Lots 336, 337 and 338B – Public Hearing Scheduled		AGENDA DATE: June 18, 2020
	SUBJECT/PROPOSAL/REQUEST: Notice of public hearing regarding vacation of plat of survey for lots 336, 337 and 338B		ITEM NUMBER: 6B
	ATTACHMENTS: Notice of Public Hearing and Proposed Ordinance		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

On December 30, 2019, former Town Planner/Zoning Administrator Zach Ponds mistakenly approved the property line vacation and relocation between lots 336, 337 and 338B along Tazewell Avenue. This approval resulted in lots 337 and 338B becoming non-conforming lots in the R-1 district for purposes of zoning. Lot 337 became an undersized lot and lot 338B now blocked access to the alleyway.

ITEM SPECIFICS:

The issue was referred to the town's legal counsel for their review. An ordinance must be adopted by the Town Council to vacate the plat of survey showing the property line vacation and relocation between lots 336, 337 and 338B made by John H. Severs and Sarah T. Severs, dated November 15, 2019, which is recorded in the Northampton County Clerk's office as instrument 200000012. Prior to adoption of the ordinance, the Town Council must hold a public hearing. Since this is a zoning issue, the public hearing notice must run for two consecutive weeks in the local newspaper.

In order to expedite the process, the required public hearing has been scheduled for Thursday, July 2, 2020, during the Town Council Special Meeting. The issue would be on the July 16, 2020 Town Council Special Meeting agenda for action unless Council deemed it appropriate to take action at the July 2, 2020 Special Meeting immediately following the public hearing.

RECOMMENDATION:

For informational purposes only at this time.

**Town of Cape Charles
Notice of Public Hearing**

The Cape Charles Town Council will hold a Public Hearing on Thursday, July 2, 2020, at 6:30 p.m. at the Cape Charles Civic Center, 500 Tazewell Ave., Cape Charles, VA 23310 to afford interested persons the opportunity to be heard or to present written comments concerning the following proposed ordinance:

- 1) Proposed Ordinance to Vacate that Plat Entitled, "Plat of Survey Showing Property Line Vacation & Relocation Between Lots 336, 336, & 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019" made by John H. Severs and Sarah T. Severs, dated November 15, 2019, which Plat is recorded in the Northampton County Clerk's Office as Instrument 200000012.

Copies of the proposed ordinance are available for review online at www.capecharles.org under Agendas and Minutes or in the Town Clerk's office at 2 Plum Street, Cape Charles, VA 23310. For additional questions, you can also call 757-331-3259 x 15. Anyone interested in attending and needing special assistance please contact the Town at least 48 hours before the hearing.

Libby Hume, Town Clerk

ORDINANCE 2020__

TO VACATE THAT PLAT ENTITLED, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA NOVEMBER 15, 2019” MADE BY JOHN H. SEVERS AND SARAH T. SEVERS, DATED NOVEMBER 15, 2019, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK’S OFFICE AS INSTRUMENT 200000012.

Recitals

WHEREAS, John H. Severs and Sarah T. Severs presented a subdivision plat entitled: “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 337, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated by John M. Severs and Sarah T. Severs on December 16, 2019 and December 17, 2019, respectively, to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds; and

WHEREAS, said plat resulted in Lot 337 to be too small and a non-conforming lot in the R-1 district for purposes of zoning and Lot 336 blocking access to an alleyway and a non-confirming lot in the R-1 district for purposes of zoning; and

WHEREAS, said plat was mistakenly approved by the Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds on December 30, 2019 and subsequently recorded on January 3, 2020 in the Clerk’s Office of Northampton County Circuit Court as Instrument Number 200000012; and

WHEREAS, the subdivision plat entitled, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated on December 16, 2019 and December 17, 2019 by John M. Severs and Sarah T. Severs, respectively, and presented to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds, was *void ab initio* for failure to meet the requirements of the Cape Charles Zoning Ordinance; and

WHEREAS, proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended; and

WHEREAS, said plat is therefore declared *void ab initio* by the Town Council of Town of Cape Charles; therefore,

BE IT ORDAINED by the Town Council of the Town of Cape Charles:

Section 1. This Ordinance is adopted pursuant to Section 15.2-2271 of the Code of Virginia, as amended.

Section 2. Proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended.

Section 3. The following plat entitled: "PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019" is vacated in its entirety, thereby causing the lots shown thereon to be eliminated and remain in their original dimensions prior to this Plat.

Section 4. This Ordinance is enacted pursuant to the request of Cape Charles Mayor William "Smitty" Dize.

Section 5. The Town Manager shall cause a certified copy of the Ordinance to be recorded in the aforesaid Clerk's Office following the expiration of appeals or the right to appeal this matter. Upon such filing, the Clerk shall cause this vacation to be so noted on the plat of survey affected.

Adopted by the Town Council of Cape Charles on July __, 2020.

By: _____
Mayor

(SEAL)

ATTEST:

Town Clerk

Potential 4th of July options to reduce public interactions from our traditional celebration

Option 1

Fireworks only. This option would be strongly recommended if Governor Northam does not significantly increase the size of authorized groups above 50. We could encourage folks to stay in or around their vehicle and 6 feet from others. While many people are unlikely to follow this guidance, many would, and it should at least be encouraged. Fireworks normally begin at 9:30 pm. We would pay to bring in two off duty county officers for extra security from 8:30 to 11:00 pm and have the State Police at the light to direct traffic after the fireworks.

Option 2

Parade and Fireworks. Adding in the parade does increase public interactions but does so for a fairly limited time which is spread out over a large area. This would provide the two most traditional components of any 4th of July celebration. If we have just these two events, we'd recommend holding the parade as late as 7 pm to further limit exposure concerns over the course of the day. We could advertise the parade route well in advance and encourage folks to spread out for the event. We would also prohibit the throwing of candy this year. The parade would end around 8:30 pm and then people could get in place for fireworks. This would keep people in Town, maybe spend some money, and wouldn't create traffic congestion with them going back and forth. These are two big draws so it would seem best to do them close together. We would pay to bring in two off duty county officers for extra security from 6:00 to 11:00 pm and have the State Police at the light to direct traffic after the fireworks.

Option 3

Parade, Vendors and Fireworks. If we went with this option we suggest limiting exposure by having vendors set up later in the day and pushing off the parade until the afternoon or evening as described above. Vendors wouldn't set up until 1 pm to be ready to be open when the parade is over. The parade would go through at 2 pm (or 7 pm). Vendors would be open from 3 – 9 pm with the fireworks beginning at 9 pm. Some of the art vendors may drop out, but this is when food vendors make most of their money. Vendors would be spread out all along Bay Avenue. We would most likely have just one band in the evening between the parade and fireworks. We would pay to bring in two off duty county officers as extra security from 3 – 11 pm and have State Police direct traffic at the light once fireworks are over. A main benefit to having vendors is to assist with feeding all our visitors. Even with vendors, restaurants can have 2 hour wait times and sometimes run out of food.

Option 4

Cancel all activities this year. This is the safest option, and the one being chosen by most other communities. We have confirmed that should we cancel this year, we would not lose our fireworks deposit. That vendor has graciously offered to carry that deposit forward for next year's display. If we did decide to do any of the other options, we should brace ourselves for crowds much larger than our typical 4th of July celebration, since so many other communities have canceled. There is no way we can reasonably enforce any social distancing requirements or to make other public health accommodations for crowds of that size. Therefore, choosing to pursue any of the other options must be done with the full understanding that we would be incurring that associated increased public health risk.

Note: if either of the first three options are chosen, we will not have the volleyball, cornhole, horseshoes, guppie challenge or beautiful baby contests. We will also not do awards for the parade this year.