



TOWN COUNCIL
Public Hearing, Special Meeting & Executive Session
Cape Charles Civic Center
July 2, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing, Special Meeting and Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Follmer, and Councilwoman Holloway. Councilman Grossman was not in attendance. Also, in attendance were Town Manager John Hozey, Capital Projects Manager Bob Panek, Code Official Jeb Brady, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were three members of the public physically in attendance, and 19 viewers on Facebook Live.

PUBLIC HEARING COMMENTS:

- A. *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*

There were no comments to be heard nor any received prior to the meeting.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to close the public hearing. The motion was approved by unanimous vote.

PUBLIC COMMENTS (REGARDING AGENDA ITEMS ONLY):

There were no comments to be heard nor any received prior to the meeting.

CONSENT AGENDA

Motion made by Councilman Bannon, seconded by Councilwoman Holloway, to approve the agenda as presented. The motion was approved by unanimous vote.

SPECIAL MEETING ORDER OF BUSINESS:

- A. *Election of Vice Mayor:*

Mayor Dize stated that during the first meeting following an election, Council elected a vice mayor to serve a two-year term. Councilman Bennett currently served as the vice mayor and it was his recommendation to have Councilman Bennett continue in this role.

Motion made by Councilwoman Holloway, seconded by Councilman Follmer, to elect Councilman Bennett as vice mayor. The motion was approved by unanimous vote.

- B. *Vacation of Plat of Survey for Lots 336, 337 and 338B:*

Town Manager John Hozey stated that, as explained at the last meeting, this item was to correct a mistake made by the previous planner. The correction needed to be made by adoption of an ordinance.

There were no questions from Council.

Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to adopt Ordinance 20200702 to Vacate the Plat of Survey Showing Property Line Vacation and Relocation Between Lots 336, 336, and 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019 which is recorded in the Northampton

County Clerk's Office as Instrument 200000012. Mayor Dize moved for adoption of Ordinance 20200702 as noticed and forewent reading of the Ordinance. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Holloway, yes.

C. *Rail to Trail Bicycle and Pedestrian Project Resolution:*

John Hozey stated that this project was approved prior to his employment with the Town but his understanding was that the Town Council was in support of the project. The Accomack-Northampton Planning District Commission (A-NPDC) would handle the construction of the project and once completed, the Town would take on the responsibility and costs of maintenance. Capital Projects Manager Bob Panek was in attendance to answer any questions.

There was much discussion as follows: i) Councilman Follmer stated that an estimate of costs was not included and asked whether the Town's portion of expenses was known. He asked to see the estimated costs especially with the current financial situation; ii) Bob Panek responded that reimbursement to the A-NPDC came from a grant and there was no way to estimate the maintenance cost since it would depend on the materials used. Phases 1 and 2 of the trail were asphalt and he didn't think VDOT would approve using any materials of lower quality than asphalt; ii) There was some question to the portion of the trail to be maintained by the Town. Bob Panek stated that it would be the Town's responsibility to maintain the entire Phase 4 of the trail, even the portion located outside the Town's limits. There was some discussion regarding Northampton County's participation in the trail. Bob Panek was unaware of any other information other than what was included in the memorandum of understanding from October 2018; iii) Councilwoman Holloway stated that she didn't think the Town should be responsible for maintaining the portion of the trail outside the Town's limits. Cheriton and Northampton County could assist in the areas outside of Town; iv) Mayor Dize added that recalled the trail going to Route 13 but didn't remember it continuing to the other side of Route 13. Bob Panek stated that the last proposal did have the trail terminating at Route 13, but it had been realigned to the other side of Route 13 as a result of the plans for the new stoplight on Route 13; and v) John Hozey stated that the resolution needed to be adopted by early August. The decision could be deferred until the July 16 meeting. He didn't research the item since he thought it had already been approved. He could ask about the maintenance outside of Town and bring this item back for further discussion and a decision during the July 16 meeting.

Motion made by Councilwoman Holloway, seconded by Vice Mayor Bennett, to postpone further discussion and decision regarding this item to July 16, 2020 Town Council Regular Meeting. The motion was approved by unanimous vote.

D. *Town Manager Updates:*

- i. Phase 3 Operations: The Governor issued Executive Order 67 but provided localities advance notice and guidance regarding the move to Phase 3. The Governor's Phase 3 orders did not affect the Town's Phase 3 operations. The only change from last week's guidance was a change to entertainment venues, such as Central Park, which mandates a new, very stringent requirement to clean and disinfect all areas every hour. The bathroom was an issue and staff was trying to figure things out. The Citizens for Central Park (CCP) had installed memorial picnic tables, but if they were used, they would have to be sanitized every hour. He thought the CCP would be making the decision to remove them for this year. He agreed that the cleaning requirement could not be maintained for the picnic tables and felt it was best to store them for the season unless the restrictions changed. The bid for cleaning services included core services for the beach and alternates for other areas. The first alternate was for the beach restroom which was approved. There wasn't enough funding available for the second alternate so the Town would have to rely on CCP volunteers for Central Park. CCP would be moving forward with the July 11 concert.
- ii. Cape Charles' Emergency Procedures: The Town's Incident Operations Plan (IOP) called for Phase 1 as preparing for the event, Phase 2 was the event, and Phase 3 was recovery from the event and returning to normal operations. The Town had been in Phase 2 for

several months and he would like to start moving into Phase 3. The IOP was not meant to handle long term event such as this pandemic. Phase 3 had incremental parts. The first part was the Town Council agreeing for meetings to be held in person again and it was time to start moving in that direction. He initially planned to move the Town into Phase 3 on Monday, July 6, but we ran into some difficulties in obtaining materials such as plexiglass for the public areas. Phase 3 would be implemented as soon as the materials have been put in place in the three main areas of public contact – Town Hall, the library and harbor. The public would be permitted in the buildings by appointment. The library would begin with allowing two patrons in the building at a time. The library restroom would be reopened to the public. One person at a time per department would be permitted in Town Hall, either by appointment or by use of an intercom system. Staff was still waiting on the intercom system to arrive and be installed. The intercom system was a necessity regardless of the situation since Town Hall had ADA limitations. An intercom system would help address ADA requirements by allowing people to call for assistance. The harbor would permit one person at a time in the harbor master's office.

- iii. Beach: Councilman Follmer asked for an update regarding the beach and attendants, adding that he had heard a range of comments.

John Hozey stated that it was nice having the attendants since they could assist with other things such as dogs on the beach.

Jen Lewis stated that she submitted a weekly report to the health department and there had been no social distancing issues. Everyone was very mindful of the rules and parents had been watchful of their children. She also provided John Hozey a weekly report with other issues normally encountered during the summer such as dogs on the beach, people on the rocks, alcohol, etc. It had been a good summer so far and everybody seemed happy. She and the attendants have provided direction and recommendations to beach goers. Two individuals were sent to the medical center with cuts on their feet, but overall it was a positive experience for all. The majority of people were here from out of the area such as Richmond and Charlottesville. The attendants were on the beach from 9:00 a.m. to 6:00 p.m. daily. She currently had two attendants on the weekends but was thinking of reducing it to one after this coming weekend.

- iv. Mason Avenue Restroom: John Hozey thanked Cape Charles Main Street (CCMS) and Northampton County for helping the Town to obtain the new restroom facility on Mason Avenue. CCMS held a ribbon cutting ceremony on Wednesday. He was happy to have it in place.
- v. Rail to Trail: John Hozey stated that he was notified today of an issue with Canolie Railroad's decision regarding converting to a trail. The decision was due this week, but a notice was received that the Canolie Board had delayed the decision for another year making the deadline for their decision July 6, 2021.
- vi. July 4th: John Hozey stated that things were on track for Saturday's golf cart parade. Everyone was encouraged to decorate their golf carts and line up for the parade which would wind through most east-west streets in Town. He apologized for those residents and business owners who were unhappy with his decision not to have the parade go down Mason Avenue. He made this decision so the parade wouldn't draw a crowd of people standing along Mason Avenue. This was a neighborhood parade with spectators to be on their porches. At 10:00 a.m. on Mason Avenue, across from Brown Dog Ice Cream, there would be a fundraiser for the fire department.

Vice Mayor Bennett added that his neighbor was sponsoring the fundraiser to place flags in the field on the east end of the former Tavi property. People would be given the opportunity to make a donation to the Cape Charles Volunteer Fire Company. After making a donation, they would be given a flag to plant in the field. There were 7K flags available to be planted.

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

The meeting recessed at 6:57 p.m. Staff, with the exception of John Hozey, and the members of the public left the meeting. Also, in attendance for a portion of the meeting were Nicole Jacques and J.B. Turner representing the Cape Charles Yacht Center.

At 7:09 p.m. Mayor Dize called the meeting back to order.

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

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

Paragraph 29: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Discussion and negotiation of a Harbor Management Agreement with the Cape Charles Yacht Center, to include scope items such as operations, minor maintenance, and marketing; the potential leasing of Town harbor infrastructure; and compensation scenarios involving the use of public funds.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to return to open session. The motion was approved by unanimous vote.

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

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

The meeting was adjourned at 7:38 p.m. and the representatives from Cape Charles Yacht Center left the meeting.

At 7:47 p.m., Mayor Dize asked for the closed session to be called back to order.

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

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

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Specifically: Discussion and negotiation of a Harbor Management Agreement with the Cape Charles Yacht Center, to include scope items such as operations, minor maintenance, and marketing; the potential leasing of Town harbor infrastructure; and compensation scenarios involving the use of public funds.

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

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

Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.

The meeting adjourned at 8:09 p.m.

Mayor Dize

Town Clerk