



TOWN COUNCIL
Executive Session & Special Called Meeting,
Cape Charles Civic Center
November 18, 2020
5:30 PM

At approximately 5:30 p.m. Vice Mayor Steve Bennett, having established a quorum, called to order the Executive Session and Special-Called Meeting of the Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Mayor William "Smitty" Dize was not in attendance. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. Community Relations Manager Jennifer Lewis attended the special called meeting. There were two members of the public physically in attendance and 16 on Facebook Live for the special-called meeting.

Vice Mayor Bennett announced that the special meeting was called using reduced notice in accordance with Code of Virginia § 2.2-3707.D. as a special circumstance requiring discussion of Governor Northam's recent amendment to Executive Orders 67 and 63.

Motion made by Councilman Buchholz, seconded by Councilman Bannon, 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: Interviews to Fill Vacancies on the Historic District Review Board, Library Board and Planning Commission

Vice Mayor Bennett asked the one member of the public in attendance to leave the room and advised him that he would be invited back into the room at the conclusion of the executive session at approximately 7:15 p.m.

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

Community Relations Manager Jen Lewis went outside to notify the members of the public of the end of the closed portion of the meeting.

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; Grossman, yes; Holloway, yes.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to appoint Mr. Martin Mayer to the Historic District Review Board to complete a term expiring on January 8, 2025. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to appoint Mr. Richard Burger to the Library Board to complete a term expiring on August 8, 2024. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to appoint Mr. Kenneth Butta to the Planning Commission to complete a term expiring on October 31, 2021. The motion was approved by unanimous vote.

SPECIAL MEETING ORDER OF BUSINESS:

A. *Discussion of Recently Amended Executive Order 67 and Effects on Upcoming Events:*

Vice Mayor Bennett opened the floor for any member of the public wishing to provide comments regarding this item.

Town Clerk Libby Hume read emails submitted by Jordan Dail of Cape Charles Candy Co., Melissa Moore, Suzanne Golibart of Periwinkles and MaryAnn Roehm of Lemon Tree Gallery into the record. (Please see attached.)

Mayor Dize was unable to attend the evening's meeting but submitted the following written comments: "I apologize for not making it tonight and thank you Vice Mayor Bennett for stepping in. In light of the Governor's recent amendments to executive orders #63 and 67, I'm in favor of reducing or canceling everything for the rest of 2020. I feel we have been blessed to make it through this far without too much harm to our citizens. Let's do what we can to continue that path for the foreseeable future. Thank you."

There were no comments to be heard nor any other written comments received prior to or during the public comments period.

John Hozey stated the following: i) He had circulated the amended Executive Order 67 to Council earlier this week. The major change was the reduction for gatherings from 250 to 25 both indoors and outdoors. This restriction directly affected the Grand Illumination, Shriners Parade, Lighted Golf Cart Parade, Festive Fridays, Dropping of the Crab Pot and the Town employee Christmas party. He went on to state that he agreed with Mayor Dize's comments for public safety reasons; ii) He heard a rumor, as of yesterday, that if the trend continued, Governor Northam might reduce the number to 10 people for gatherings; and iii) The cases had clearly been trending up in October and November. They were higher now than at any time during the pandemic. Hospitalizations were also trending up, but the number of deaths appeared to be going down. Northampton County had been trending very low throughout the entire pandemic to which we were very lucky.

There was discussion as follows: i) Councilwoman Holloway stated that during his press conference earlier today, Governor Northam asked everyone that if they could, to stay home and reiterated the maximum of 25 people for gatherings. It was emphasized that it did not include 25 people walking on a street. The Governor talked about the death rate increasing – 25 on November 17 and 25 on November 16. There had been over 2K new cases. The Governor was treating the state as a whole and was working together with bordering states; ii) John Hozey stated his agreement with Councilwoman Holloway's perception. The Governor's intent was to limit social gatherings, not everyday life, work, government activities, churches, etc., especially around the holidays. The most problematic event was Festive Fridays which could be considered as mostly shopping. The remainder of the events would be considered strictly social events; iii) Councilwoman Holloway stated that the Town came up with a creative way to hold the July 4 Golf Cart Parade which could possibly be repeated for the Lighted Golf Cart Parade. The golf carts could ride through town street by street and people could watch it from their front porches. She didn't feel this was considered a gathering; iv) John Hozey expressed his concern about how the public perceived this. If we could do one event, we could also do others. If the golf cart parade was allowed to be held but not the Shriners parade, how would the Town defend this decision? He added that he was at a disadvantage since he was still new to the area and had not experienced any of these events. It was difficult for him to make a recommendation. His concern was violating the Governor's orders; and v) Council agreed to discuss each event separately.

Festive Fridays: Vice Mayor Bennett asked Councilwoman Holloway about Cape Charles Main Street (CCMS) and the Festive Friday (FF) Committee's thoughts.

Councilwoman Holloway responded that both CCMS and FF did everything possible to adapt the event for safety. The Governor's announcement last Friday hit them hard and she acknowledged the difficulty in controlling the gatherings to 25. The FF Committee held an emergency meeting Monday night and discussed every component of FF. First, FF was an event not a commercial promotion campaign. It was an event with many components, one of which was shopping and driving people to come into the Town. The event included carriage rides, movies, snow at the Santa house, etc. The entertainers were canceled immediately since people typically gathered by the entertainers. CCMS nor FF had enough volunteers to monitor everything. The businesses in Town saw FF as a CCMS event, but the public saw it as a Town of Cape Charles event. With her Council "hat" on, she was concerned about the event and felt that it would be very irresponsible to continue on with the event. The FF Committee was split in their opinions. The majority of the businesses were in agreement that moving forward would be irresponsible. If any businesses wanted to be open for shoppers, they could do so. The businesses could promote themselves for holiday shopping. She did not think that CCMS, FF or the Town should be hosting this event.

Vice Mayor Bennett added that even if FF wasn't advertised, everyone would still show up to shop.

John Hozey stated that there was no way to predict Friday's announcement and went on to publicly acknowledge CCMS and FF for their diligence in planning the event. He attended the Monday evening meeting and agreed with a comment made by Councilwoman Holloway about the effect on the Town's reputation if we moved forward with FF despite what everyone else was doing. John Hozey added that Chincoteague canceled their parade earlier today and Onancock and Exmore had previously canceled theirs.

Councilman Holloway added that CCMS and FF would continue with the decorations for some holiday normalcy, but an announcement would be made that FF was canceled. The Santa house was being placed tomorrow for photo opportunities and the light poles were being decorated.

John Hozey agreed adding that he had instructed the Public Works department to move forward with the Christmas decorations at Central Park and around the Town.

Councilman Grossman agrees with CCMS and FF's approach. Decorate and let the businesses open for shoppers if they wanted to.

Councilman Follmer stated that he had spoken to a lot of merchants and many people in the community and had not heard from anyone asking for FF to move forward. Many merchants felt that the event needed to be canceled. There was no way to control the gatherings to 25 or less. He added that he, as the owner of two retail stores, was affected by this cancellation as well. The Town had done a good job throughout the pandemic and needed to protect our reputation. The holiday events were just another thing to miss in 2020.

Grand Illumination: Council was in agreement of canceling the event. John Hozey added that Central Park would still be decorated.

Shriners and Lighted Golf Cart Parade: i) Councilwoman Holloway stated that she had worked with Community Relations Manager Jen Lewis regarding the parade and route and this year, the Shriners parade was tied into the Lighted Golf Cart Parade. It would start at Fig Street, go down Washington Avenue, then Bay Avenue. The Shriners would stop there, and the golf carts would continue to go down the Town's streets to make their way to Central Park; ii) Councilman Grossman felt that the Shriners parade should be canceled but he would be fine with the Lighted Golf Cart Parade since there would be a limited number of people; iii) John Hozey stated that the golf cart parade would be the same as the July 4 parade. It was spread out throughout the Town's streets and most people would watch from their front porches. It required no street closures. He felt this parade could be held if Council wanted to do so; iv) Jen Lewis added that the difference between the Lighted Golf Cart Parade and the July 4 Golf Cart Parade was that the limit on July 4 was 250 for gatherings, not 25. She expressed her concern that with all the other towns canceling

their activities, the people would come to Cape Charles; v) Councilman Bannon added that on July 4, the people didn't all stay on their porches. There were many people along the streets; v) Councilwoman Holloway stated that the bottom line was perception, and she didn't want the Town to be held liable if anything happened. If it could not be done safely, she didn't feel comfortable moving forward with the parade and vi) Council was in agreement to cancel the parade.

Dropping of the Crab Pot: i) John Hozey stated that this event was the Mayor's baby and he had stated that he was okay with canceling the event this year. The Mayor suggested taking a photo of the crab pot lit up and posting it on Facebook at 10:00 p.m. on New Year's Eve. John Hozey added that he would like to have a "2020" sign blown up. Several Council members expressed their agreement with the 2020 sign; and ii) Council was in agreement to cancel the Dropping of the Crab Pot.

Town Employee Christmas Party: John Hozey stated that the Christmas Party would be canceled. This year was not the year to have the party.

Mayor Bennett asked if there were any other comments.

Councilman Follmer thanked CCMS for doing a great job. They went above and beyond to try to keep everyone safe.

Councilwoman Holloway thanked Rachel Leyco, the FF coordinator, for doing an incredible job.

John Hozey stated that he would draft another COVID-19 update for publication tomorrow.

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

The meeting was adjourned at 7:55 p.m.

Vice Mayor Bennett

Town Clerk

**Comments & Information Provided in Writing
November 18, 2020 Town Council Special Called Meeting**

Jordan Dail, Cape Charles Candy Co.

To Whom It May Concern,

This is a response to the meeting called regarding the new Covid guidelines from the governor and how it affects Festive Fridays.

According to Main Street's stated mission it is, "focused on the preservation of historic resources to revitalize the economic vitality of Cape Charles commercial historic district." Its goal should be to promote foot traffic, shopping, and tourism. There couldn't be a more important time to do this than in a pandemic. It is not the job of Main Street to police the shoppers or restrict businesses and if anything, it is more important than ever to help small, family owned businesses to thrive and survive. This is the time to look for creative ways to keep tourism alive in our small town despite the imposed rules. We had a bustling summer with thousands of people from all over the country (many from Covid high states) staying for weeks at a time and shopping in our businesses daily. Our customer count was consistently up every day of the summer. We didn't see the jump in Covid numbers locally or the overwhelming of hospitals as predicted and we had a great summer.

Festive Friday's is not an event. It is a **shopping promotion** which includes extended shopping hours and street entertainment. This promotion is vital to the success to the winter season. The already implemented guidelines for the shopping promotion surpass what is expected before and after the governor's most recent orders and, in our opinion, Festive Friday's stance is incredibly excessive and will decrease traffic as it is (If I were an outsider, I certainly would not attend due to masks being required outside). All the activities planned (albeit drastically reduced) are conducive to pedestrian traffic, social distancing and "safe" shopping. Not to mention the removal of food vendors (but restaurants capacities have not been reduced and will be open. People can take off their masks to eat in these locations while indoors). The movie is being viewed outdoors, with seating 6 feet apart, and masks mandatory for all people is also above and beyond what has been asked from the governor. In our opinion this is more than enough caution needed to prevent close contact between individuals and to fulfill the mandate. He has also made it clear that these new "rules" do not apply to churches or schools. Our large church in Chesapeake meets indoors, requiring masks, and 6 feet distancing with crowds topping 500 each week (with no known Covid transmission to date). If this is acceptable according to the governor's mandate then the outdoor movie with the same requirements should be as well.

Our business is not a hobby. This is real life for us and we rely on this business to put food on our table and pay our bills. Some businesses may not be in this same position and may not care, but we are in the business to make money, grow, and to support our family. In general, closing down and policing or preventing shoppers is bad for business. Has anyone shopped at Sam's, Food Lion or Walmart recently? It's interesting to us how concerned Main Street is about our little outdoor shopping promotion and yet how big box "essential" businesses continue on with booming sales and hordes of people in their stores. How do you think the outlets and malls will look in a few weeks? Empty? I think not. You have the opportunity to draw some of those customers into our town to spend money or they will go to the outlets and malls where they will spend in droves (ironically some in a very similar outdoor shopping setting). I'm sure the outlets and malls are not looking to decrease traffic or have committees set up to police its shoppers with unenforceable rules.

Respectfully,
Jordan Dail
Cape Charles Candy Co.

Melissa Moore

Subject: Festive Fridays

I understand that the town of Cape Charles is still considering hosting Festive Fridays this year and I write to express my concerns about this decision. Forgetting for a moment that this decision may be in violation of the Governor's latest mandate because you would be attempting to gather more than 25 persons in one place, I object to the idea of drawing outsiders into our town who may be bringing COVID19 to our shop keepers and residents, possibly spreading the virus to all of us who live here. We are in the midst of another spike in cases in our state and I think it is a mistake to encourage groups of people to come to our town and crowd our streets and shops. I understand it is difficult for small businesses to survive during this pandemic, but

encouraging large gatherings downtown risks the health of everyone in our community. Thank you for taking the time to read this email. I hope you will share it with council members.

Sincerely,
Melissa Moore

Suzanne Golibart, Periwinkles

Subject: for meeting tonight

Hello Mayor, Vice Mayor and Council,

My name is Suzanne Golibart and I am the owner of Periwinkles at 215 Mason Avenue. I understand that you are meeting tonight to discuss all events slated for this holiday season. I'd like to share my feelings as a business owner and resident. I feel that it would be inappropriate for our town to move forward with Festive Friday plans given the Governor's most recent executive order.

Honestly, I felt this way even before last Friday and have indicated so in conversations with other businesses and on the survey sent out by CCMS. Inviting people to our town in a concentrated 3 hour window seems to be completely contradictory to the Governor's order. This is a time when our local families are choosing not to gather for Thanksgiving and Christmas so that they can all stay safe. For the last 7 holiday seasons Festive Fridays has been a wonderful event for our town and local businesses. It's sad to think we can't carry on as usual - I know that the committee has worked hard to plan this year's event. But our current situation requires us to be creative and come up with some other ideas. At Periwinkles I will be launching a "Shop Local" campaign to reward people who shop at the other businesses in town during the entire holiday season. In brief, From December 1st - 24th shoppers who show us one or more receipts from any other business in Cape Charles can enjoy rewards at Periwinkles. We're hoping that this campaign will allow us to continue to be open and to serve customers safely as we have since reopening in mid May. I'm sure the other businesses have some ideas as well about how to navigate during these difficult times. If you have any questions or need more information, please contact me.

Thank you so much
for your time and for giving me the opportunity to express my concerns.

Sincerely,
Suzanne

MaryAnn Roehm, Manager of Lemon Tree Gallery and Festive Friday Committee Member

Subject: Festive Friday Comments

Having fully participated in Festive Fridays over the past several years, I have been conflicted about proceeding with Festive Fridays 2020. While the committee has worked diligently to put safety measures in place, I still do not think we should be responsible for encouraging visitors to gather in Cape Charles for concentrated hours to shop in our small businesses, especially after the Governor's latest directives. We are all tired and want some semblance of normalcy and traditional holiday fun. Festive Fridays is a wonderful event but this year I think we should not promote any activity that might further our collective or individual risk. Business owners on Mason Avenue can be creative and will be thinking of new ways to promote holiday shopping throughout the season. At Lemon Tree we will be featuring individual artists and have created a 25 days of Christmas promotion. We have postponed our Artisan Show co-hosted with Bay Creek originally scheduled for Thanksgiving weekend. Lemon Tree Gallery wants to be supportive and a team player, but are considering NOT being open for Festive Fridays in order to protect our customers, neighbors and our staff.

I do not envy your position as a decision-making body and I thank you for your continued service in our community.

Sincerely,
MaryAnn