



TOWN COUNCIL
Regular Meeting
December 21, 2023
Cape Charles Civic Center
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. [Appeal of Historic District Review Board Decision – 114 Pine Street](#)
 - A. Staff Presentation of the case
 - B. Appellant testimony
 - C. Receive public comments
 - *D. Council deliberation and vote
4. Recognition of Visitors / Presentations / Recognitions
 - A. None
5. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of October 31, 2023 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Town Harbor Management Contract Extension](#)
 - *B. [Beachfront Master Plan Contract Award](#)
 - *C. [VDOT Resolution – Handicap Parking Space at 627 Jefferson Avenue – Charlene Riley](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - December 22, 2023 – Town offices closing at noon for Christmas holiday
 - December 25, 2023 – Town offices closed for Christmas holiday
 - January 1, 2024 – Town offices closed for New Year's Day
 - January 4, 2024 – Town Council Work Session – FY 2024 Mid-Year Budget
 - January 18, 2024 – Town Council Regular Meeting
12. Adjournment

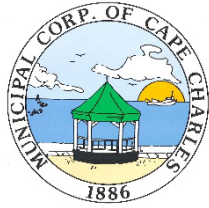
Town of Cape Charles
Notice of Public Hearing – Appeal of Historic District Review Board (HDRB) Decision

The Cape Charles Town Council will hold a public hearing on Thursday, December 21, 2023 at 6:00 p.m. in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive public comment on the following:

- A. An application from Gerry Forbes and Barrett Cree appealing the decision from the Historic District Review Board dated November 27, 2023 denying their application requesting an extension for the Fence Certificate of Appropriateness at 114 Pine Street which expired on July 21, 2022. Said appeal is authorized pursuant to Cape Charles Zoning Ordinance Section 8.33. The property is located in the Residential-1 (R-1) Zoning District and in the Historic District Overlay.

The Town Council will hold a meeting immediately following the public hearing to consider the appeals application. The application and supporting documentation are available for public review on our website at [www.capecharles.org/Agendas & Minutes/Town Council](http://www.capecharles.org/Agendas%20&%20Minutes/Town%20Council). Please contact Town Planner/Zoning Administrator Katie Nunez at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information. Anyone interested in attending and needing special assistance please contact the Town at least 48 hours before the hearing.

AD PLACED: Eastern Shore Post – Monday, December 4, 2023
AD TO RUN: Friday, December 8, 2023 and Friday, December 15, 2023



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Public Hearing – Appeal of HDRB Denial of Extension of Certificate of Appropriateness for a fence at 114 Pine Street

AGENDA DATE
December 21, 2023

SUBJECT/PROPOSAL/REQUEST: Appeals Hearing of HDRB Denial of Extension of Certificate of Appropriateness for a fence at 114 Pine Street

ITEM NUMBER:
3

ATTACHMENTS:

- (1) Public Hearing Advertisement
- (2) Town Council Application for Appeal of HDRB Decision including HDRB Decision letter dated 11/27/2023 & HDRB Minutes excerpt from the 11/21/2023 mtg
- (3) 11/21/2023 HDRB Agenda Packet for 114 Pine St.
 - (a) 114 Pine Street Extension Request for Expired COA Fence
 - (b) 114 Pine Street Application for Zoning Clearance
 - (c) 114 Pine Street Staff Report
 - (d) Eight public comments received and read at the 11/21/2023 HDRB Meeting
- (4) 11/21/2023 HDRB Minutes

FOR COUNCIL:

Action (X)
Information ()

STAFF CONTACT (s):

Katie H. Nunez, Planning & Zoning Administrator

REVIEWED BY:

John Hozey, Town Manager

ITEM SPECIFICS:

On November 21, 2023, the Historic District Review Board (HDRB) received an application for an extension of an expired Certificate of Appropriateness at 114 Pine Street for construction and installation of a 3” tall vinyl vertical panel fence in the front and side yard and a 6” vertical panel privacy fence in the rear yard from Barrett Cree and Gerry Forbes. After extensive discussion, the HDRB voted to deny this application.

Subsequently, the applicants filed an appeal of the HDRB decision and stated within their application that they followed the application process and ordinances at time of purchasing of the fence and that the material rules changed after we purchased. They also state that they installed fencing as construction progressed without abandonment. This denial would cause tremendous financial hardship if they are not allowed to complete what is already paid for and partially installed.

PROCESS AND REQUIREMENTS FOR AN APPEAL OF AN HDRB DECISION

Since an appeal to Town Council of an HDRB decision has not occurred in over 2 years and the Town has updated the Zoning Ordinance Article VIII (Historic District Overlay) and Historic District Guidelines since the last appeal, I am providing you the relevant sections from those documents that oversee the appeal process as well as the requirements regarding expirations of Certificates of Appropriateness and extensions of Certificates of Appropriateness.

Here is the public hearing process utilized by the Board of Zoning Appeals for their hearings. Since this is a quasi-judicial process which could be appealed again through the Northampton County Circuit Court, anyone testifying at this hearing needs to be sworn in:

- 1) Presentation of case and explanation and/or report by Zoning Administrator or his/her designee.
- 2) Open public hearing, announce that each person speaking during the public hearing will need to state their name & address and will be sworn in by the Chairman to provide testimony during the public hearing.
 - i. Statement of Applicant or his representative; the applicant may make a presentation which is limited to ten (10) minutes unless additional time is granted by the Chair. SAID

- PRESENTATION is limited only to information provided and available to the HDRB during their deliberations.
- ii. Statements of other persons in favor and then statements of persons in opposition to the application. All comments are limited to three (3) minutes. The Secretary will state if any correspondence has been received in support of the application and will enter it into the record.
 - iii. Applicant's rebuttal, limited to five (5) minutes, unless additional time is granted by the Chair.
 - iv. The Chair opens the floor to the members of the Town Council to ask any questions of the applicant and/or their representative and to Town staff to clarify items raised during the hearing.
 - v. The Chair will close the public hearing.
 - vi. The Chair will call for the Town Council to consider the case and to call for motions. If the Board decides that it is not sufficiently informed, it may continue the case and may request further information.
 - vii. The final disposition of any appeal shall be in the form of a motion sustaining, reversing, varying, or modifying the order, requirement or determination appealed from. Said motion shall refer specifically to the applicable provision in the Town Zoning Ordinance and/or Guidelines and shall set forth facts and findings in the case on which the decision is based, which shall be consistent with the requirements of the law.

Cape Charles Zoning Ordinance Section 8.33 Appeals; Decisions of the Historic District Review Board

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal.

The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board. Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal.

The Zoning Administrator will prepare a document of all the papers constituting the record upon which the action appealed from was taken.

The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days from the date the person submitted a request for appeal.

At the hearing, the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.

HISTORIC DISTRICT GUIDELINES – Page 2-12

When considering an appeal, the Town Council must rely on the written record of the decision. Information not available to the HDRB during their deliberations is not admissible during an appeal to the Town Council. The Town Council must also refer to Design Guidelines to determine if they were appropriately applied when rendering their decisions. It is not sufficient that the appellant is unhappy with the outcome of the COA decision to pursue an appeal; however, there is nothing to preclude this type of appeal.

Therefore, the Town Council is only obligated to determine whether or not a procedural or application error has occurred in rendering the initial decision and not to override the independent judgment of the HDRB. Town Council will only review the specific aspect(s) of the application that is being appealed. Otherwise, the appeals process would be entirely subjective.

Review of a COA application and use of the Design Guidelines by the Zoning Administrator or Historic District Review Board is intended to be an objective process to the extent practical, reasonable, and feasible. Whether or not the Zoning Administrator or the HDRB followed that process appropriately and fully is what the Town Council must decide on appeal.

The Town Council will refer to the Design Guidelines when considering the appeal. As enabled by Section 15.2-2306 of the Code of Virginia (as amended) and Section 8.35 of the Historic Overlay District ordinance, the Town Council's decision can be appealed to the Northampton County Circuit Court.

REQUIREMENTS RE: EXPIRATIONS OF CERTIFICATES OF APPROPRIATENESS

Cape Charles Zoning Ordinance Section 8.29 Expiration of Certificates of Appropriateness [revised 12/15/2022] PLEASE NOTE THAT PRIOR to 12/15/2022, the timeframe was 12 months.

Any certificate issued pursuant to this article shall expire of its own limitation **six (6)** months from the date of issuance if the work authorized thereby is not commenced by the end of such **six (6)** month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of **six (6)** months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the **six (6)** months.

HISTORIC DISTRICT GUIDELINES – Page2-13

As per Section 8.29 of the Historic District Overlay Ordinance, an approved COA expires six (6) months from the date of issuance if the work authorized is not commenced by the end of those six (6) months; at the discretion of the Zoning Administrator, one six (6) month extension may be granted in cases where delays are out of the control of the property owner. Further, any COA shall also expire and become null and void if the authorized work is suspended or abandoned for a period of six (6) months after being commenced. Any period or period of time during which the right to use an approved COA is stayed, pursuant to Article VIII of the Zoning Ordinance, shall be excluded from the computation of the six (6) months.

PLEASE NOTE, the Historic District Guidelines in existence prior to 12-15-2022 did not provide any direction regarding extensions or expirations of Certificates of Appropriateness.

BACKGROUND:

On July 21, 2021, a Certificate of Appropriateness was approved at 114 Pine Street to Barrett Cree by the HDRB to install a 3" tall vinyl vertical panel fence in the front and side yard and a 6" vertical panel privacy fence in the rear yard. The certificate expired on July 21, 2022 without the fence installation being started. At

that time, vinyl was an acceptable material choice for fencing.

When the Town adopted new Historic District Guidelines and amendments to the Cape Charles Zoning Ordinance relative to Article III (General Zoning District Regulations) and Article VIII (Historic District Overlay) on December 15, 2022, one of the changes made was that vinyl was no longer an acceptable fencing material.

The Planning & Zoning office received a complaint in September 2023 regarding 114 Pine Avenue and we investigated and found two violations. One violation, concerning the shed on the property, has been fully resolved and is in compliance with the zoning ordinance. The other violation is that the fence was being installed without an active Certificate of Appropriateness which we confirmed this to be accurate that the Certificate of Appropriateness for the fence at 114 Pine Street had expired on July 20, 2022 and work relative to the fence had been occurring sporadically in August and September 2023. Additionally, the fence material was vinyl which is not allowed under the ordinance. Therefore, a Notice of Violation was issued on October 11, 2023 to the property owner and indicated that the Corrective Action Order to be taken to resolve this violation was as follows:

1. No work on the construction of the fence may proceed at 114 Pine St. until a valid Certificate of Appropriateness is issued by the HDRB and any permit as may be required by the Code Official are obtained.
2. Submit a completed Certificate of Appropriateness Application (Fence) and all required documentation to the Planning and Zoning Department. *Note: Please review Cape Charles Historic District Overlay Design Guidelines Section 9.2 Fences & Freestanding Walls.*
3. *Section 9.2 (2) (d) defines inappropriate fencing types. **Vinyl, PVC, or synthetic fences are inappropriate** in the Historic District.*

I met with the property owners, Barrett Cree and Gerry Forbes, on November 2, 2023 concerning the violation and what options were available to him on this matter. Since he was adamant that he felt the fence was a continuous part of his house renovation project and wanted to have the opportunity to make that argument before the HDRB, I finally indicated to him that he should file two applications for the November 21, 2023 HDRB: (1) a Request for Extension of the Expired Certificate of Appropriateness; and (2) a new Renovation Certificate of Appropriateness application for the fence and then to also make the case as part of that application why a vinyl fence should be allowed at this property.

However, the property owner only submitted a Request for Extension of the Expired Certificate of Appropriateness which was heard by the HDRB on Tuesday, November 21, 2023. Attached is his original application from the HDRB Certificate of Appropriateness approval of July 21, 2021 for the fence, the Notice of Violation and his new application for the Request for Extension and the staff report to the HDRB (this all comprised the materials provided in the November 21, 2023 HDRB Agenda Packet).

Attached are the minutes from the HDRB meeting in which this matter was discussed extensively (I believe 45 minutes were dedicated to this agenda item). The Board discussion focused on the fact that during the term of the Certificate of Appropriateness for the fence (July 21, 2021 thru July 21, 2022) there was no construction activity relative to the fence. The Board discussed if you can even petition for an extension 16 months later for a permit that was expired and whether the material choice of a vinyl fence could be considered since it was no longer considered an acceptable material choice in the Historic District since December 15, 2022. During this meeting, the property owner confirmed that some work on the fence first occurred in the summer of 2023 (posts installed) and Chairman Glaser stated that she thought the fence had been abandoned as part of this project since nothing had happened with the fence in more than a year plus.

HDRB Vice Chairman Thom motioned to approve a six-month extension to a previously approved and expired Certificate of Appropriateness at 114 Pine Street on an application filed by Barrett Cree and Gerry Forbes to install a 3' tall vinyl vertical panel fence in the front and side yards and a 6" tall vertical panel privacy fence in the rear yard on the property as presented. The motion was seconded by Chairwoman Glaser. The vote was two in favor (Herb Thom and Michael Strub) and three opposed (Kathy Glaser, Patricia James and Martin Mayer) based upon the discussion by the Board. Therefore, the motion was denied which means the application was denied.

The applicant/property owner was notified in writing on November 27, 2023 regarding the HDRB Decision and immediately filed an appeal to Town Council regarding this HDRB Decision.

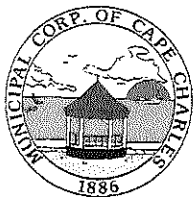
RECOMMENDATION:

Town Council needs to convene the public hearing and receive testimony from staff and from the appellant and review the Cape Charles Zoning Ordinance Historic District Overlay Article VIII and the Historic District Guidelines regarding extensions for Certificates of Appropriateness, included as part of this staff report. As noted in the Historic District Guides, the Town Council is only obligated to determine whether or not a procedural or application error has occurred in rendering the initial decision and not to override the independent judgment of the HDRB.

Please note that the HDRB did not really discuss nor reach any position regarding the material choice of a vinyl fence and whether that would be allowed that that the Town has removed from its Historic District Overlay and its guidelines that vinyl is no longer an acceptable material choice (see page 9-4 of the Guidelines).

The HDRB discussion and vote was centered on whether an extension could be approved for a Certificate of Appropriateness permit that had been expired for over 16 months and the evidence showed that there had been no work done on the fence during its initial one year permit term and the only work done towards the fence installation was done a full 13 months after the permit expired and the applicant did not request an extension to the Town nor seek any new permit from the Town for the fence.

Staff is prepared to assist the Town Council, if needed, in the preparation of a motion.



Town Council Application for Appeal of Historic District Review Board Decision

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 03/2023

Taxes

1pd MW

Violations

N/A

Fee

3379 \$500

Decision

Budget Code: MISPL 100-3100-1070

PART 1: APPLICATION NOTES

This form is used to appeal an Historic District Review Board decision.

PART 2: PROPERTY INFORMATION

Subject Property Address: **114 Pine Street Cape Charles, VA 23310**

PART 3: APPLICANT INFORMATION

Applicant's Name: **Gerry Forbes and Barrett Cree**

Applicant's Mailing Address: **P.O. Box 122 Machipongo, VA 23310**

Applicant's Phone #: **757-678-3366**

Email: gerryblueheron@gmail.com & barrettblueheron@gmail.com

PART 4: PROJECT INFORMATION

Briefly describe the decision that you are appealing. Provide a copy of the letter sent to you by the Planning Technician. If necessary, you may attach additional information to this form. No additional information will be accepted that was not submitted to the Historic District Review Board. Date of Decision: 11-21-2023

In accordance with the Cape Charles Zoning Ordinance Article VIII, Section 8.33, I am appealing the decision of the Historic District Review Board. The appeal is based on the following information:

We followed the application process & ordinances at time of Purchasing our fence.

Material Rules changed after we purchased. We installed fencing as construction progressed without abandonment.

Would cause tremendous financial hardship not allowing us to complete what is already paid for & partially installed.

This appeal is based on Section(s) Article VIII Section 8.33 of the Cape Charles Zoning Ordinance.

Applicant's signature: Gerry Forbes

Date: 11-27-2023

Zoning Administrator's signature: _____

Date: _____

Mayor: _____

Date: _____



Municipal Corporation of Cape Charles

Application for and Extension to a Certificate of Appropriateness Decision Notice

November 27, 2023

Barrett Cree and Gerry Forbes
P.O. Box 122
Machipongo, VA 23405

RE: 114 Pine Street Request for Extension of Fence Certificate of Appropriateness that expired on 7/21/2022

Dear Mr. Cree and Ms. Forbes,

Your request seeking a six-month extension to a previously approved Certificate of Appropriateness that expired on July 21, 2022 to install a 3' tall vinyl vertical panel fence in the front and side yards and a 6' vertical panel privacy fence in the rear yard on the property at 114 Pine Street was heard on November 21, 2023. At this meeting, the Historic District Review Board (HDRB) discussed and denied the request as follows:

Staff report, dated November 14, 2023, indicated the previous Certificate of Appropriateness was approved on July 21, 2021 to install a 3' tall vinyl vertical panel fence in the front and side yard and a 6' vertical panel privacy fence in the rear yard on the property. The certificate expired on July 21, 2022; without the fence installation being started. Since the approval of this application, new Cape Charles Historic District Overlay Design Guidelines have been adopted by the Town Council that deem vinyl an inappropriate fencing material. Also, 6-month extensions can be given to an unexpired Certificate of Appropriateness if proof of work to be completed or order of materials has been provided.

Extensive time was allotted to present your request and case to the Board and there was robust discussion by the Board Members with you and staff, then amongst themselves whether an expired Certificate of Appropriateness, especially one that was expired 16 months prior, and had not been actively engaged in construction and installation of the fence during the original term of the Certificate of Appropriateness (July 21, 2021 – July 21, 2022), could even apply for an extension and whether the vinyl fencing material could even be considered since vinyl fencing is no longer an allowable materials choice under the newly adopted Cape Charles Historic District Overlay Design Guidelines Section 9.2 (d) (i) and Cape Charles Zoning Ordinance Article VIII, which were adopted by the Town Council on December 15, 2022.

Based upon the discussion and concerns raised by the various Historic District Review Board Members the following motion was made:

Motion made by Vice-Chairman Thom, seconded by Chairwoman Glaser, to approve a six-month extension to a previously approved and expired Certificate of Appropriateness at 114 Pine Street on an application filed by Barrett Cree and Gerry Forbes, to install a 3' tall vinyl vertical panel fence in the front and side yards and a 6' vertical panel privacy fence in the rear yard on the property as presented. The motion was denied by majority vote. Roll call vote: Herb Thom, yes; Michael Strub, yes; Kathy Glaser, no; Patricia James, no; Martin Mayer, no.

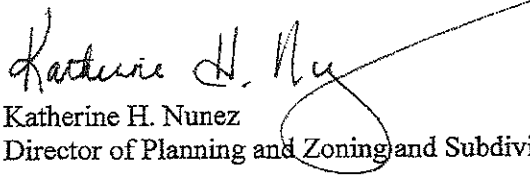
A full excerpt of the meeting minutes of our agenda item is enclosed which further expands on the specific discussion items of the Board members and supportive of the Board motion and denial.

You have the right to appeal this decision by filing an application within thirty (30) days of this letter by

completing the attached appeals application, and you must include the filing fee of \$500. You will also be responsible for the actual advertising costs and mailing costs for any adjacent property owner notification letters which the Town is responsible for handling and will send you a bill. All payments are to be made out to the Town of Cape Charles. Enclosed is a full statement of the Appeals Rights as contained in the Cape Charles Zoning Ordinance Section 8.33.

Please let me know if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Katherine H. Nunez", with a long, sweeping horizontal line extending to the right.

Katherine H. Nunez
Director of Planning and Zoning and Subdivision Agent

Attachments:

1. November 21, 2023 Historic District Review Board Regular Meeting DRAFT Minutes Excerpt
2. Application for Appeal in the Historic District
3. Appeals Rights Statement Cape Charles Zoning Ordinance Section 8.33

Attachment 1. November 21, 2023 Historic District Review Board Regular Meeting DRAFT Minutes Excerpt.

NEW BUSINESS:

A. *Certificate of Appropriateness to Install a Fence: EXTENSION*

1. *114 Pine Street: Barrett Cree and Gerry Forbes – to extend an expired COA to install vinyl picket fencing on the property.*

Ms. Outten read the staff report that had been provided in the agenda packet.

Chairwoman Glaser asked Barrett Cree why an extension was not requested sooner. Mr. Cree answered he was unaware of the process. Chairwoman Glaser did not think ignorance of process was an excuse.

Barrett Cree, the applicant, started his presentation by explaining that though work has been consistent on the house renovation project, they had to overcome some obstacles; and he believes a neighbor complained about the project and that was the reason for this meeting. Mr. Cree continued by giving a history of the project based on his memory, adding that no changes have been made nor, has there been any deviation from the approved Certificate of Appropriateness for the house renovation project but, he was simply before the board because someone did not like his project and wanted to cause him difficulties and pain in the most obvious way. He added that this was just a singular negative opinion of one resident in the neighborhood which was offset by the numerous letters of support received from other residents (Letters were read during the Public Comment portion of the meeting.). Mr. Cree read the terms of the approved Certificate of Appropriateness and stated that the project was never abandoned and therefore does not believe any terms were violated. He expressed that the house renovations have been consistently moving forward the past two years.

Ms. Nunez informed the board that a complaint was received, and a violation was issued pertaining to an accessory structure located in the front yard at this property. After which it was then discovered that the fence Certificate of Appropriateness had expired, and Mr. Cree was informed. Ms. Nunez met with Mr. Cree and Gerry Forbes to discuss the options regarding the fence installation. Two options were discussed: (1) apply for an extension on the expired certificate and/or (2) apply for a new fence application and explain why vinyl material was being asked for even though it was not an appropriate fencing type per the Historic District Overlay Design Guidelines just in case the extension was denied. Mr. Cree decided to apply for the extension.

The board discussion and questions were as follows: (i) Vice-Chairman Thom felt that Mr. Cree's comments about his neighbor were not necessary; and added that he knew the history of the project. He thought Mr. Cree had done a good job with renovating the house. (ii) Member Mayer stated that this Certificate of Appropriateness for the fence had expired sixteen months ago. He asked how an extension could be granted on an expired certificate. Katie Nunez answered that the board has the authority to grant an extension due to the fact the fencing material was inappropriate. Member Mayer reiterated that this Certificate of Appropriateness has expired. (iii) Vice-Chairman Thom asked if the fence installation had started. Mr. Cree answered summer of 2023 after certificate had expired some posts on the back have been installed. Chairwoman Glaser thought the project had been abandoned since no work had been done for over a year when speaking of the fence. Mr. Cree disagreed and gave the reason of the neighbors putting water on his property. (iv) Vice-Chairman Thom asked if an extension was granted did the applicant understand that it was only for six-months; yes. (v) Member Mayer questioned if the installation

would really happen if the extension was granted. He reminded the board that the certificate was approved in 2021 and no work was done. Vice-Chairman Thom said that other properties in town may have similar circumstances like 1 Fig Street. Ms. Nunez rebutted that statement and stated that that project complied with its certificate. (vi) Member Strub said that if approved for an extension the board would be approving vinyl which was no longer appropriate so, this fence would be grandfathered in because of the old certificate. He then asked what material, if approved, would be used. Mr. Cree answered vinyl as it has been purchased. and (vii) Member James did not think an extension should be granted on an expired Certificate of Appropriateness.

Motion made by Vice-Chairman Thom, seconded by Chairwoman Glaser, to approve a six-month extension to a previously approved and expired Certificate of Appropriateness at 114 Pine Street on an application filed by Barrett Cree and Gerry Forbes, to install a 3' tall vinyl vertical panel fence in the front and side yards and a 6' vertical panel privacy fence in the rear yard on the property as presented. The motion was denied by majority vote. Roll call vote: Herb Thom, yes; Michael Strub, yes; Kathy Glaser, no; Patricia James, no; Martin Mayer, no.

Cape Charles Zoning Ordinance Section 8.33:

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal. The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board, Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal. The Zoning Administrator will prepare a document of all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days from the date the person submitted a request for appeal. At the hearing, the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.



Certificate of Appropriateness Application Fence

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24
planningtech@capecharles.org

Revised 05/2023

Taxes ☒ PD

Violations N/A

Fee PD

Decision

Extension Request to COA

Budget Code: HISTF 100-3100-1100

PART 1: APPLICATION NOTES

A Certificate of Appropriateness (COA) is required for all applications for zoning clearances and permits involving any new construction, including accessory structures, within the Cape Charles Historic District Overlay. A pre-application meeting is available upon request prior to submitting this application. * *The applicant is responsible for confirming and obtaining all necessary building permits after approvals.*

The following documents must be submitted to the Town for review before this application can be reviewed. In addition to these documents, the COA application and requested supporting information must be deemed complete prior to being evaluated.

- | | | |
|--|--|--|
| ☒ Site Plan | ☒ Zoning Clearance Application | ☒ Photos of proposed materials |
| ☒ Photos of existing lot | ☒ Survey | ☐ Tree Permit Application <i>NA</i> |
| ☒ Owner Permission Affidavit | ☒ Payment of Fee | |

Owner signature: *[Signature]*

Date: 11-02-2023

PART 2: PROPERTY INFORMATION

Property Address: 114 Pine Street

Tax Map #: 83A3-13-A

Is there an active Certificate of Appropriateness on this property? ☐ No ☒ Yes EXP Date

Zoning District: *R1*

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Barrett Cree & Gerry Forbes

Mailing Address: P.O. Box 122 Machipongo

Phone Number: 757-442-0808

Email: barrettblueheron@gmail.com & gerryblueheron@gmail.com

PART 4: APPLICANT INFORMATION

☒ Check here if the applicant is the owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company:

Mailing Address:

Phone Number:

Email:

PART 5: PROJECT INFORMATION

SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES

Type of work: ☒ New ☐ Repair % of structure 70% ☐ Replace In kind ☐ Different in style or material Remaining Portions

Location (include survey showing location, setbacks, and height) Per Code; 2' from any sidewalk and 6" from any property line.

Material: Existing fence Vynl Previously approved.

Existing Condition ☒ Original ☐ Not Original ☐ Not Sure

Height: Per Code; 3' picket side and front & 6' privacy rear yard area

Describe the style: 3' is a picket style & 6' is privacy style, both are white in color, matching all surrounding properties examples of like kind fencing material and color. This style and material choice conformed to current standards required at that time, which was why I purchased this style, design and material type. I spent twice as much adding reinforcement of interior aluminum beams in the bottom rails, double the standard thickness of post & panels for extra integrity and to prevent any sagging or future wear.

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Applicant's signature: 

Date: 11/02/23

Zoning Administrator's signature: _____

Date: _____

Zoning Ordinance Article VIII Section: _____

114 Pine Sequences of work

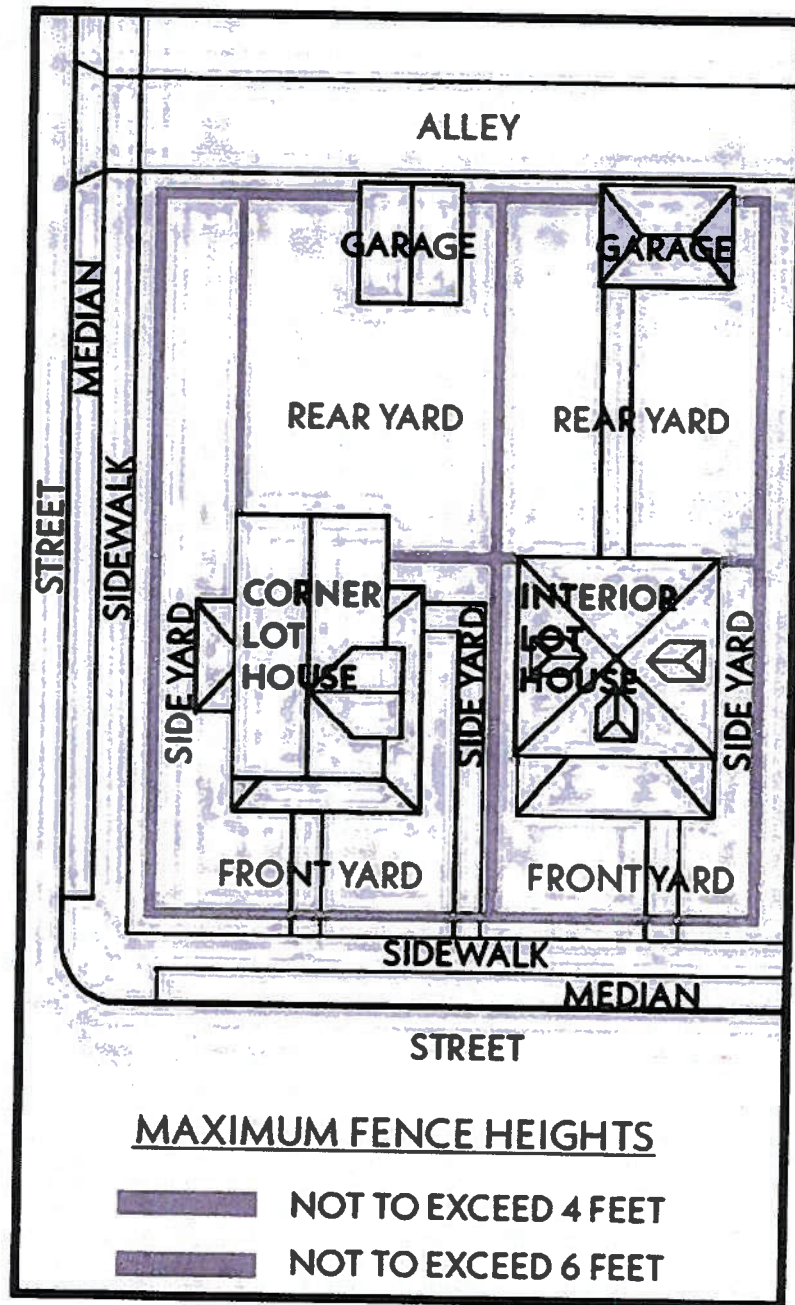
May 2021	Residential permit
July 2021	COA granted for fence
October 2021	Footer began
October 2021	Foundation Bagan
Dec 2021	Mandatory sewer Line installed
February 2022	Eastside Standing water problems
March 2022	Existing east stoop removed
May 2022	Fence Holes Dug
May 2022	Framing Begun
May 2022	Re-dug the same holes equipment wreaked fence posts Randolph and Rear P/L

May 2022	Demolition of exist wall
May 2022	Standing water issues continuing, not sure what to do.
June 2022	Water intrusion Crawlspace eastside
July 2022	HVAC can't start due to standing water in crawlspace.
June 2022	Seeking drainage solutions to prevent Neighbors water continuing to flood eastside of house.
July 2022	HVAC completed ruffing
August 2022	All ruff in inspections pass
September 2022	Drywall completed

October 2022	Flooring Installed
October 2022	Still waiting on Siding Contractor to finish grading.
November 2022	Re-cut drainage relief to get off standing water East side
November 2022	Siding Began new addition
Dec 2023	Siding Complete
Dec 2023	Began to remove Tree Stump East side. To wet to work Equipment stuck.
January 2023	Removed remaining Stump & Damaged House Corner
April 2023	Standing water in fence post holes and entire eastside.
May 2023	North side Fence installation could resume.

May 2023	Re-layout out Fence again and prepping grade northside P/L
May 2023	Working together w/ Neighbor to remedy water problem from his property.
June 2023	Working on Drainage quotes & solution to shared water problems
July 2023	Finished Fence installation North P/L
July 2023	Installation of support beam in crawlspace once dry enough to work.
September 2023	Cut grade east side to prepare for gravel & installation of remaining fence

October 2023	Neighbor complained of temporary shed in front yard & I'm told to halt fence installation.
-----------------	---



The above diagram shows the locations for maximum fence heights at a corner lot (left) and an interior lot (right). Fences should also be inset 2 feet from any sidewalk, alley, or public right-of-way. Per Cape Charles Zoning Ordinance Section 4.2 (G).

GENERAL NOTES
1. OWNERS: LINDEN BARNETT CRSE

2. TAX PARCELS 83A3-13-A

3. SOURCE OF TITLE: DIST. 170001336

4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN JANUARY 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:110,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/FALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN ON WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C03100, DATED 03-03-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES X & 2% ANNUAL CHANCE.

7. PLAT REFERENCES:
D.A. 76, P. 537 (PLAT)
D.A. 41, P. 484 (PLAT)
D.A. 311, P. 201 (PLAT)

8. AREA: 4,131 SQ. FT. (0.095 AC.)

9. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988

EVIDENCE CERTIFICATION

I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE PRACTICE PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

Side Set Back 6" Existing Since 2023

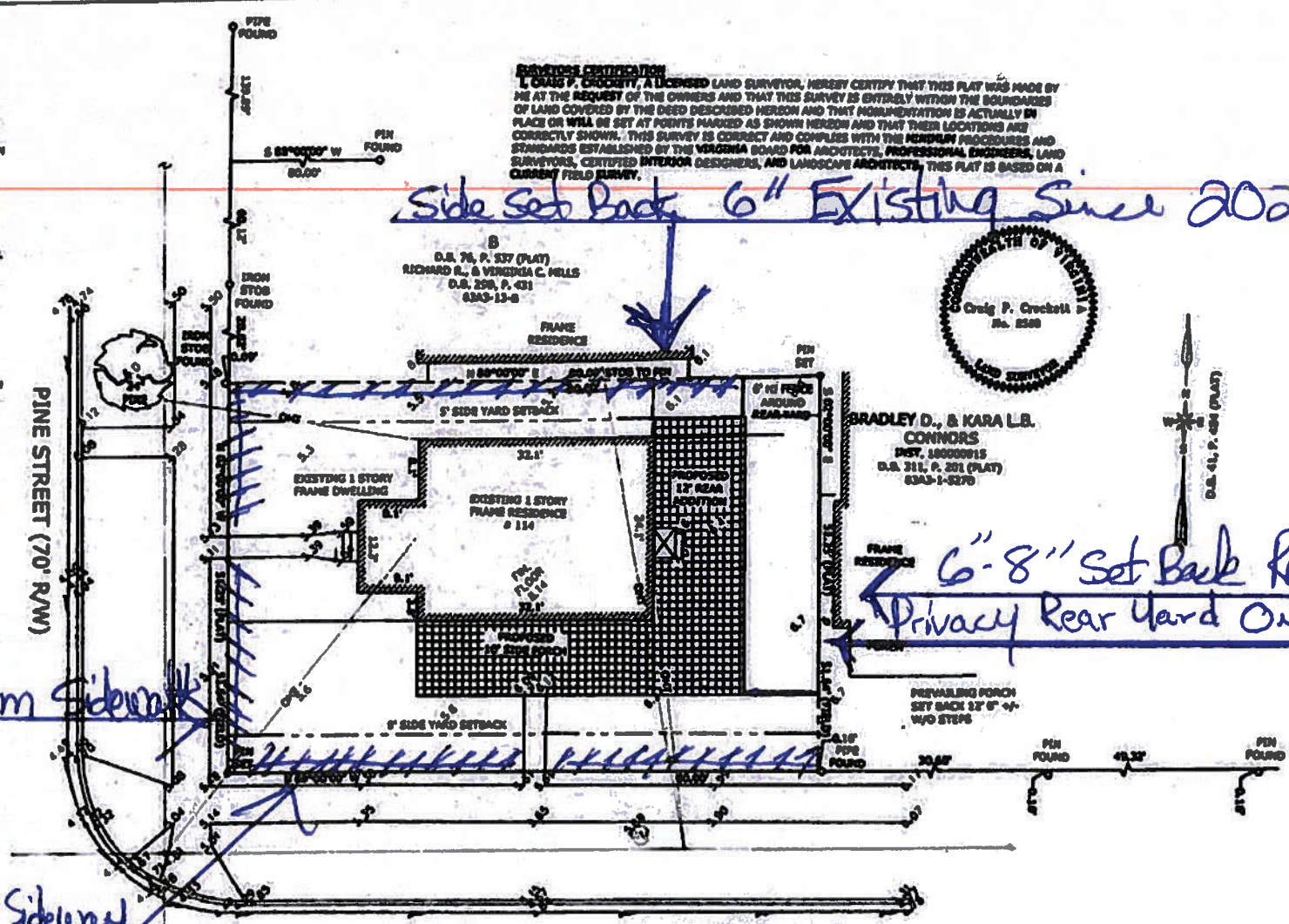


BRADLEY D., & KARA L.B. CONNORS
DIST. 180000915
D.A. 311, P. 201 (PLAT)
83A3-1-5270

*6'-8" Set Back Rear P/L
Privacy Rear Yard Only*

*Pine Front
2 1/2 feet From Sidewalk*

Randolph 2' From Sidewalk



RANDOLPH AVE (70' R/W)

EXISTING LOT 4,131 SF
EXISTING 1 STORY RESIDENCE
FOOT PRINT
902 SF
LOT COVERAGE 21.8%
NEW ADDITION 762 SF
TOTAL NEW FOOT PRINT 1664 SF
PROPOSED LOT COVERAGE 40.3%

FRONT (WEST) ELEVATION



POINT NORTH		NORTH	
			POINT NORTH
			P.O. Box 701, Ocala, VA 22111
			(757) 700-3000

Letter of intent

I wish to erect a picket fence on my side yard and front yard areas using the approved height of 4' or less for these areas. I choose a lesser height to compliment my single-story home and purchased 3' in height, which is much like the fence surrounding the big waterfront property on Mason overlooking the harbor, which this fence style was based on.

For my back yard I purchased the allowable height of 6' and choose vertical panel *privacy fence for the back yard area only*, which there are existing many examples throughout Town.

Both styles of fencing chosen are similar of examples found throughout the Town. And my application and placement of both heights of the 3' and 6' fence is in accordance with the Town's Fence Guidelines. Attached to this application and noted on a survey are the proposed locations for each the 3' and 6' fences.

I reached out to the current Town Planner at the time Mr. Zack Ponds before choosing and purchasing my fence and was told 4' maximum height front and side and 6' maximum height rear yard area. And to go with similar styles existing throughout the historic district. I have my fence currently on premise that I purchased in December 2019.

I spent months searching for a manufacture offering a style and quality of vinyl fence to last many years without wearing, sagging, fading, or leaning. I also spent a considerably more by upgrading on every aspect to insure having a great looking for years to come without maintenance and upkeep. These up grades included double the standard thickness of both fence and post, aluminum post and rails inserts for extra strength, extra thickness of bottom rails of the picket to prevent any sagging. Panel widths are 6' verses 8' between post to further insure there

will not be any sagging years down the road as naturally occurs with wooden and other lesser quality vinyl fences through Town.

I made the purchase of my fence based on the current guidelines and info provided by Zack Ponds in July 2019 and spending many hours looking at others throughout town of similar and finally locating a manufacture and distributor that offered the highest quality fencing which I'm ready to install with your approval.

Your consideration to allow me to install this fencing as others have throughout the Town and to improve the esthetics of my property and enjoy having some privacy in my back yard area as the guidelines allow would be greatly beneficial.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Barrett Cree". The signature is fluid and cursive, with the first name "Barrett" being more prominent than the last name "Cree".

Barrett Cree



Barrett Cree <barrettblueheron@gmail.com>

Fencing ordinance and regulations

5 messages

Barrett Cree <barrettblueheron@gmail.com>
To: zach.ponds@capecharles.org

Tue, Jul 23, 2019 at 5:21 PM

Good afternoon Zach, could you direct me to the towns ordinance concerning fencing and what is allowed? Thanks in advance, Barrett

Barrett Cree Virginia licensed Realtor Blue Heron Realty Co. (C) 757-442-0808 barrettblueheron@gmail.com (O) 757-331-4885

Sent from my iPhone

Zach Ponds <zach.ponds@capecharles.org>
To: Barrett Cree <barrettblueheron@gmail.com>

Wed, Jul 24, 2019 at 8:52 AM

Barrett,

You can find the fence regulations in our zoning ordinance in Section 4.2.G of Article IV. A fence cannot exceed 6' in the rear yard and 4' in the side yard. Fences also must be located 2' from any sidewalk, alley, or public right-of-way. You will need to fill out a zoning clearance form and provide a site plan showing the location and height of the fence for review and approval.

Zoning Clearance Form link -

<https://capecharles.municipalcms.com//files/documents/document1469113853052815.pdf>

Article IV link -

<https://capecharles.municipalcms.com//files/documents/ZO-ArticleIVGeneralRegulationsApplicabletoallDistricts1701032850050118PM.pdf>

Thanks,
Zach

Zach Ponds

Town of Cape Charles | Town Planner/Zoning Administrator

2 Plum Street | Cape Charles, VA 23310

Direct: 757-331-2036

planner@capecharles.org | www.capecharles.org

[Quoted text hidden]

Barrett Cree <barrettblueheron@gmail.com>
To: Zach Ponds <zach.ponds@capecharles.org>

Wed, Jul 24, 2019 at 8:56 AM

Great thank you! Barrett

Sent from my iPhone

[Quoted text hidden]

Barrett Cree <barrettblueheron@gmail.com>
To: Barrett Cree <barrettblueheron@gmail.com>

Tue, Dec 8, 2020 at 10:24 AM



**MUNICIPAL CORPORATION OF
CAPE CHARLES
HISTORIC DISTRICT REVIEW BOARD**

Date Issued: 7/21/2021

Issued to: Barrett Cree
114 Pine Street
Cape Charles, VA 23310

For Property: 114 Pine Street
Cape Charles, VA 23310

This Certificate of Appropriateness has been issued for the above-noted property for the purpose of:
Constructing a 6' tall vinyl vertical panel privacy fence in the backyard and a 3' vinyl vertical panel fence in the front and side yards. The Historic District Review Board approved the application as presented.

Designated conditions to be met are as follows: N/A

This Certificate of Appropriateness shall be valid for only the specific use described above. It is valid for a period of one year after the date of approval; if not acted upon within one year, or if work is suspended or abandoned for a period of twelve months after work has commenced, this Certificate of Appropriateness shall become null and void.

There is a thirty day right of appeal of this decision by the owner of the property or by any party aggrieved, pursuant to Cape Charles Zoning Ordinance Section 8.32.

Edward Wells

7/21/2021

7/21/2021

Chair, Historic District Review Board

Date

Planning Technician

Date



add 8!

Begin forwarded message:

From: Barrett Cree <barrettblueheron@gmail.com>
Date: July 29, 2021 at 6:42:22 PM EDT
To: Katie Nunez <knunez@capecharles.org>, tracy.outten@capecharles.org
Subject: 114 pine

Hi Katie, I was inside painting and I just saw you taking photos of my property. Can get my hands cleaned up quick enough to get out before you pulled off but I was just wondering if there's any concern and if I've done anything wrong?

[Quoted text hidden]

Katie Nunez <knunez@capecharles.org>
To: Barrett Cree <barrettblueheron@gmail.com>

Fri, Jul 30, 2021 at 12:14 PM

Barrett:

Didn't realize that anyone was home or I would have knocked. I left you a voicemail yesterday afternoon regarding the fence. I have erred when I provided zoning clearance for your proposed fence. A neighbor contacted the office and I re-examined our approval against the ordinance and I did not correctly apply the ordinance requirements for corner lots relative to fences.

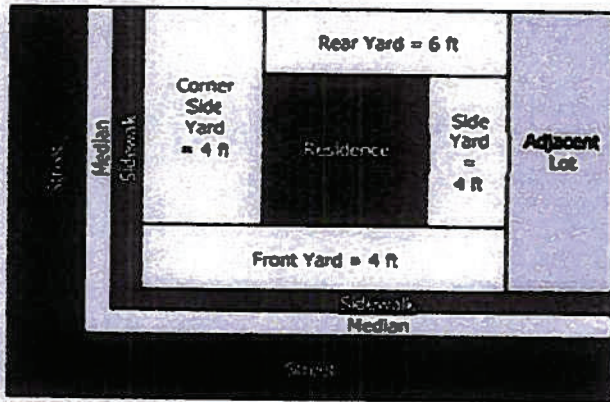
To the right is the Zoning Ordinance Section 4.2 (G) (a) regarding the fencing requirements for corner lots

Based upon that, I need to clarify the zoning clearance approval as it regards to the "side yard" along Randolph Avenue. The maximum fence height that can be in the defined side yard is 4 ft and your defined side yard between the house and Randolph Avenue is from the rear corner of your house going south to within 2 ft of the sidewalk on Randolph Avenue then going east to within 1" of the property line between yourself and the Connors then proceeding north to the point where it aligns to the rear corner of your house closest to Randolph Avenue and then proceed west to close the "box" – I have outlined in blue with blue striping on your site plan below the "side yard"

Katie

- a. Exception. No fence or wall in a corner side yard shall exceed four feet in height. On corner lots, fences and walls may be erected to a height as follows:

Corner Lot

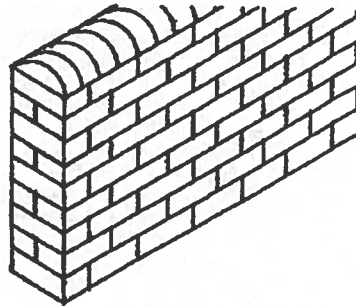


Maximum fence heights for corner lots
Rear Yard - Not to exceed 6 feet
Side Yard - Not to exceed 4 feet
Corner Side Yard - Not to exceed 4 feet
Front yard - Not to exceed 4 feet

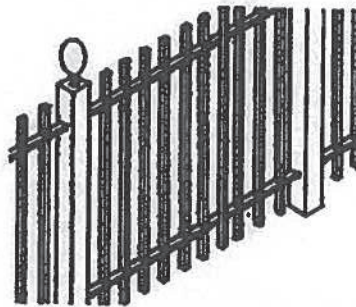
SITE FEATURES

Fences and Walls

- 1 Retain traditional fences, walls, and hedges. When a portion of a fence needs replacing, salvage original parts for a prominent location. Match old fencing in material, height, and detail. If this is not possible, use a simplified design of similar materials and height.
- 2 For new fences and walls, choose a design that relates to designs and materials from nearby historic examples. Painted wooden pickets are a common fence type used in Cape Charles although many fences use a combination of traditional materials. Do not use chain-link fencing, split-rail fences, and concrete block walls where they would be facing the street. Avoid street-front fences or walls and in any case keep them below 48 inches in height.



Round-topped brick wall



Wrought-iron fence



Wooden picket fence

Landscaping

- 3 Retain existing trees and plants that help define the character of the district. Replace diseased or dead plants and trees with the appropriate species. (See Cape Charles Tree Ordinance.)
- 4 Install new landscaping that is compatible with the existing neighborhood and indigenous to the area. (See Article IV of the Town Zoning Ordinance.)

Driveways and Sidewalks

- 5 Retain existing historic paving materials such as brick. Replace damaged areas with materials that match the original paving.
- 6 Install traditional paving materials that are compatible with the character of the surrounding historic area. Brick in traditional patterns is appropriate.
- 7 If modern concrete is to be used, consider scored or exposed aggregate designs. Give strong consideration for pervious surface cover materials.



Severn

foot and 8-foot widths.

VINYL FENCING

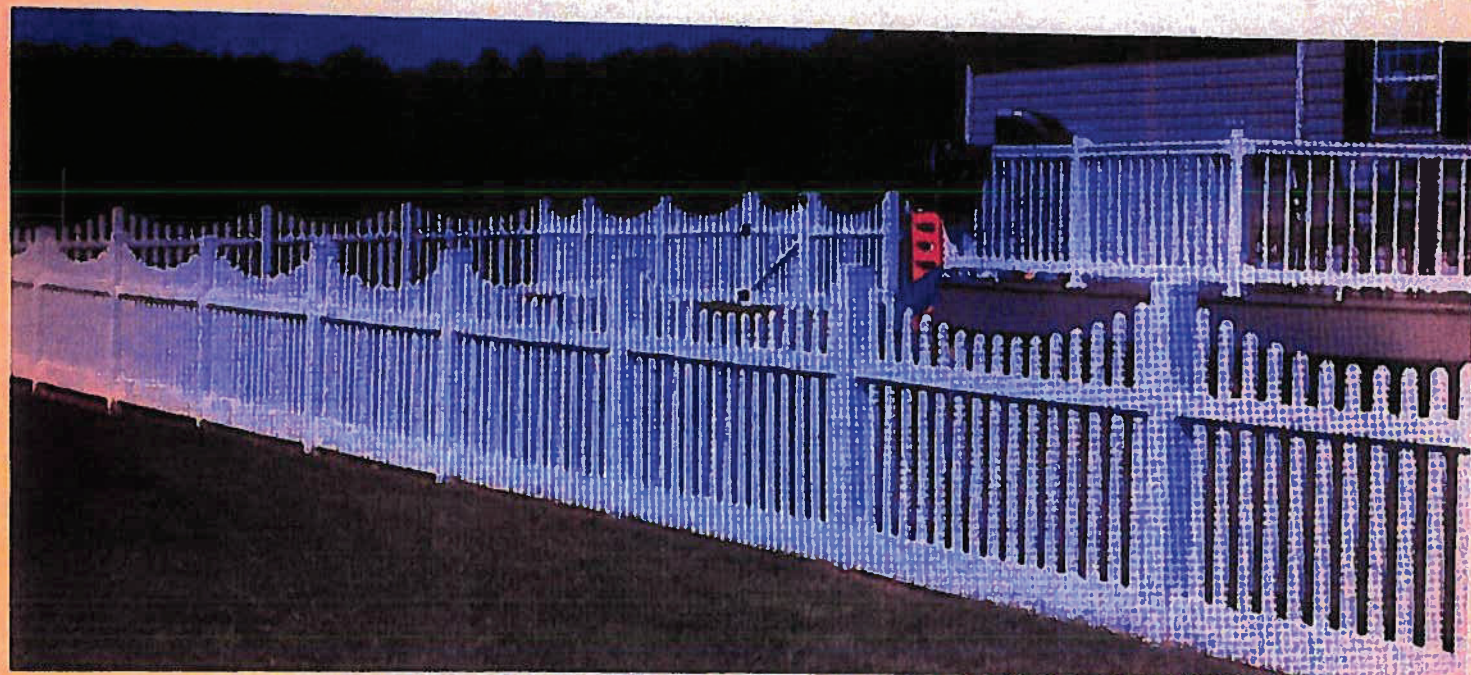
ALUMINUM FENCING

VINYL RAILING

VINYL DECKING

PERGOLAS & ARBORS

OUR STORY



MEET OUR EXPERTS

Need help with design?
Have a technical question?



Call us at 866.711.9050
or email any of our vinyl fencing
experts below.

Type here to search



PRIVACY FENCE STYLES TECHNICAL RESOURCES OPTIONS & ACCESSORIES



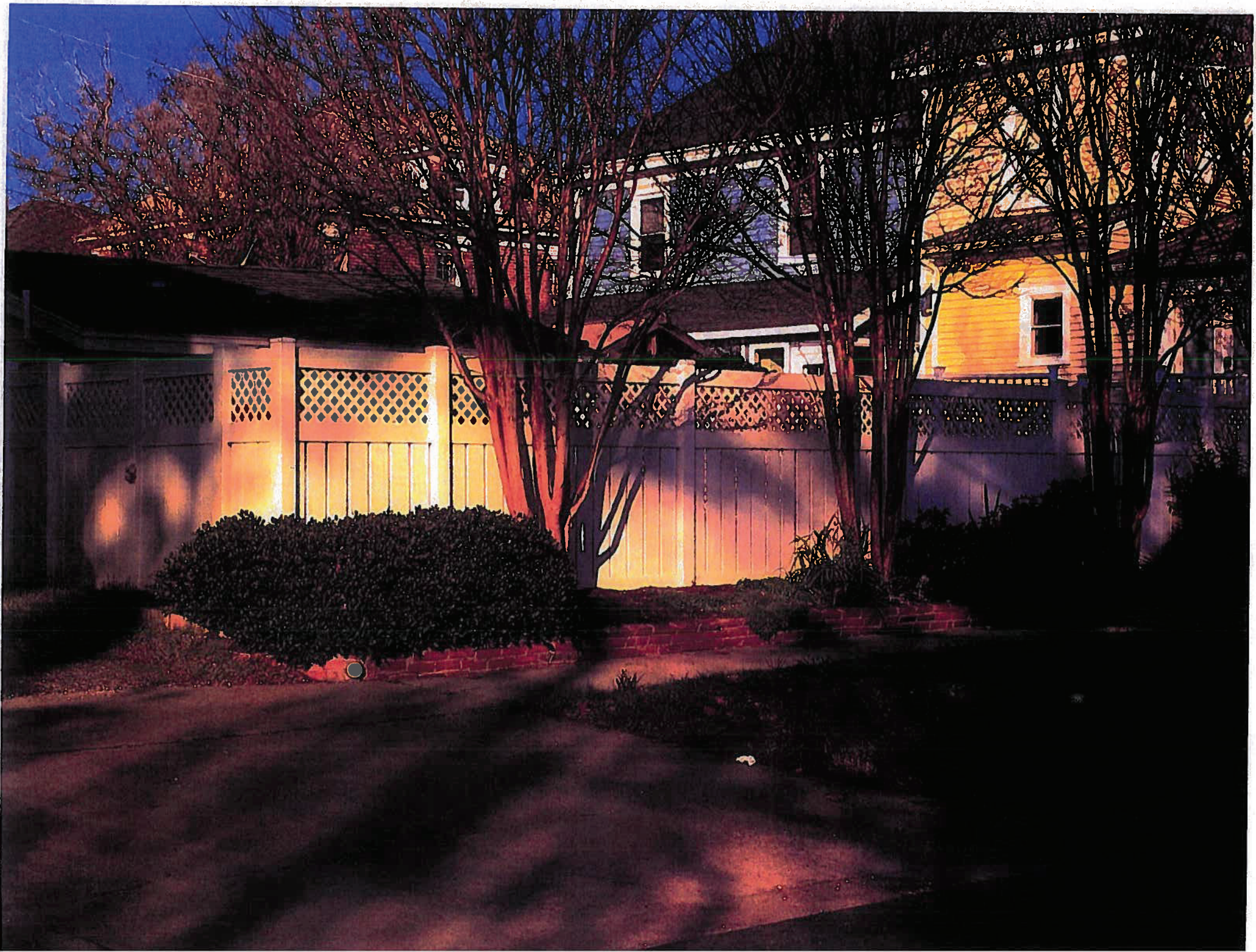
THE CAROLINE PRIVACY FENCE

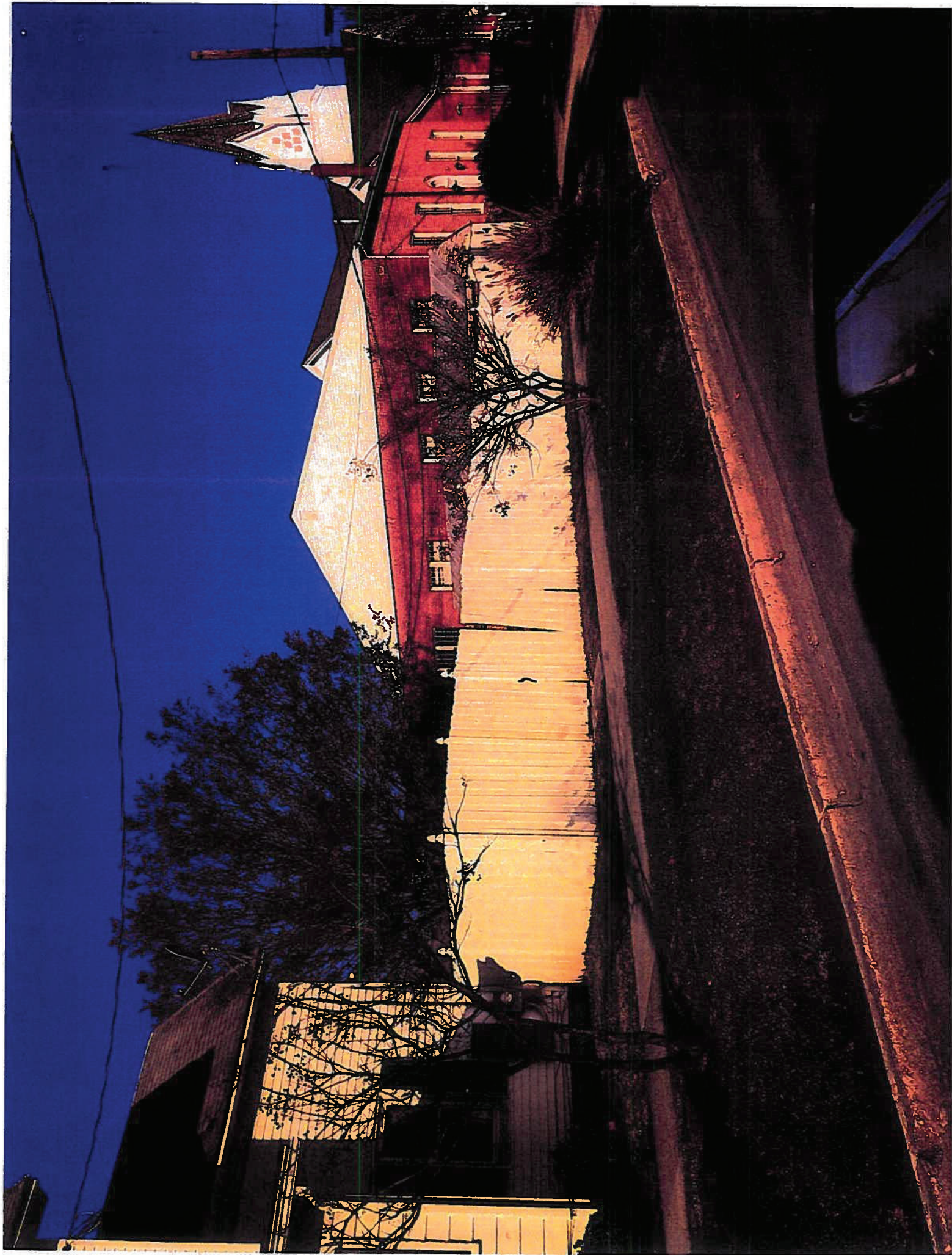
Type here to search

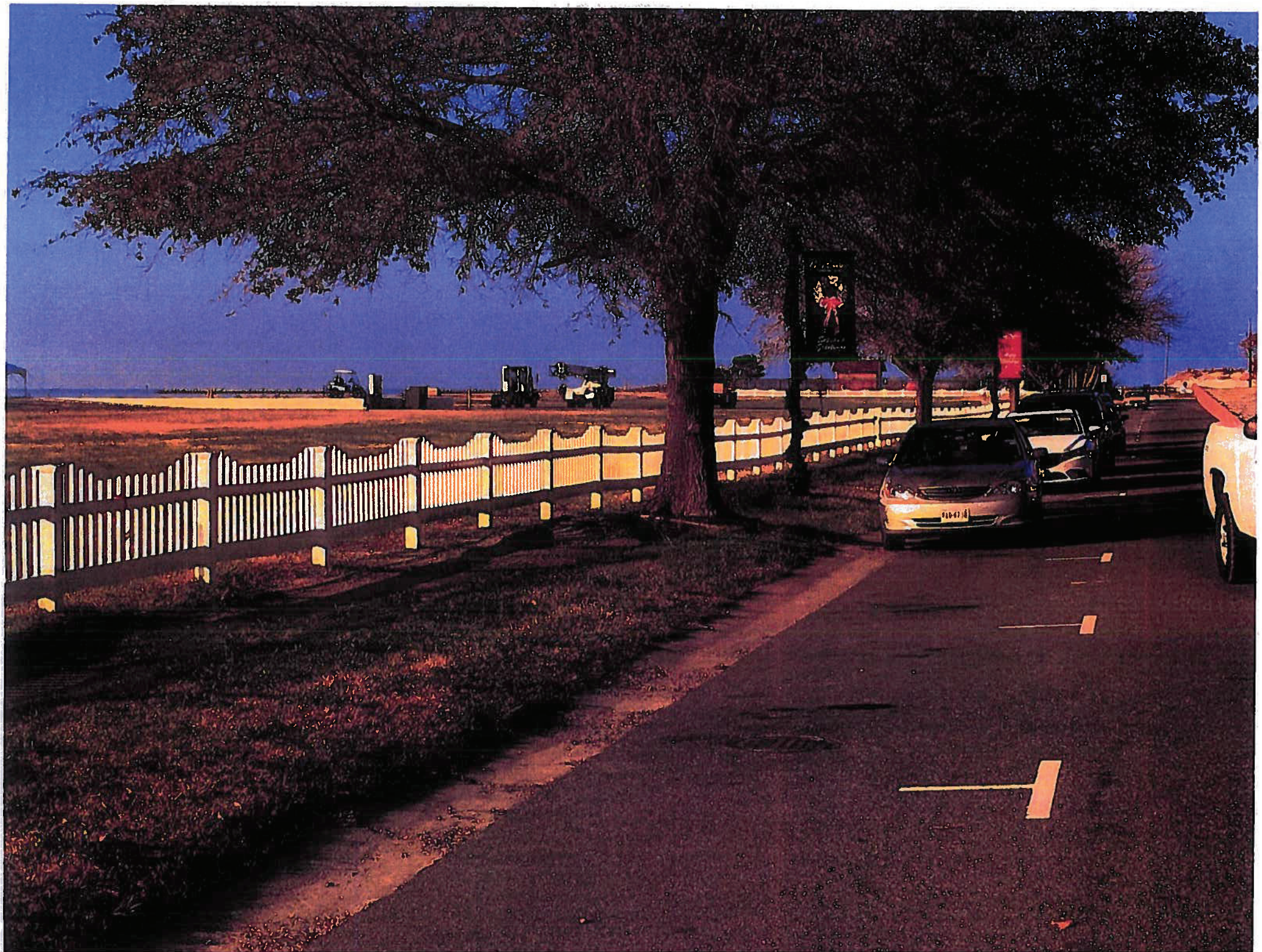


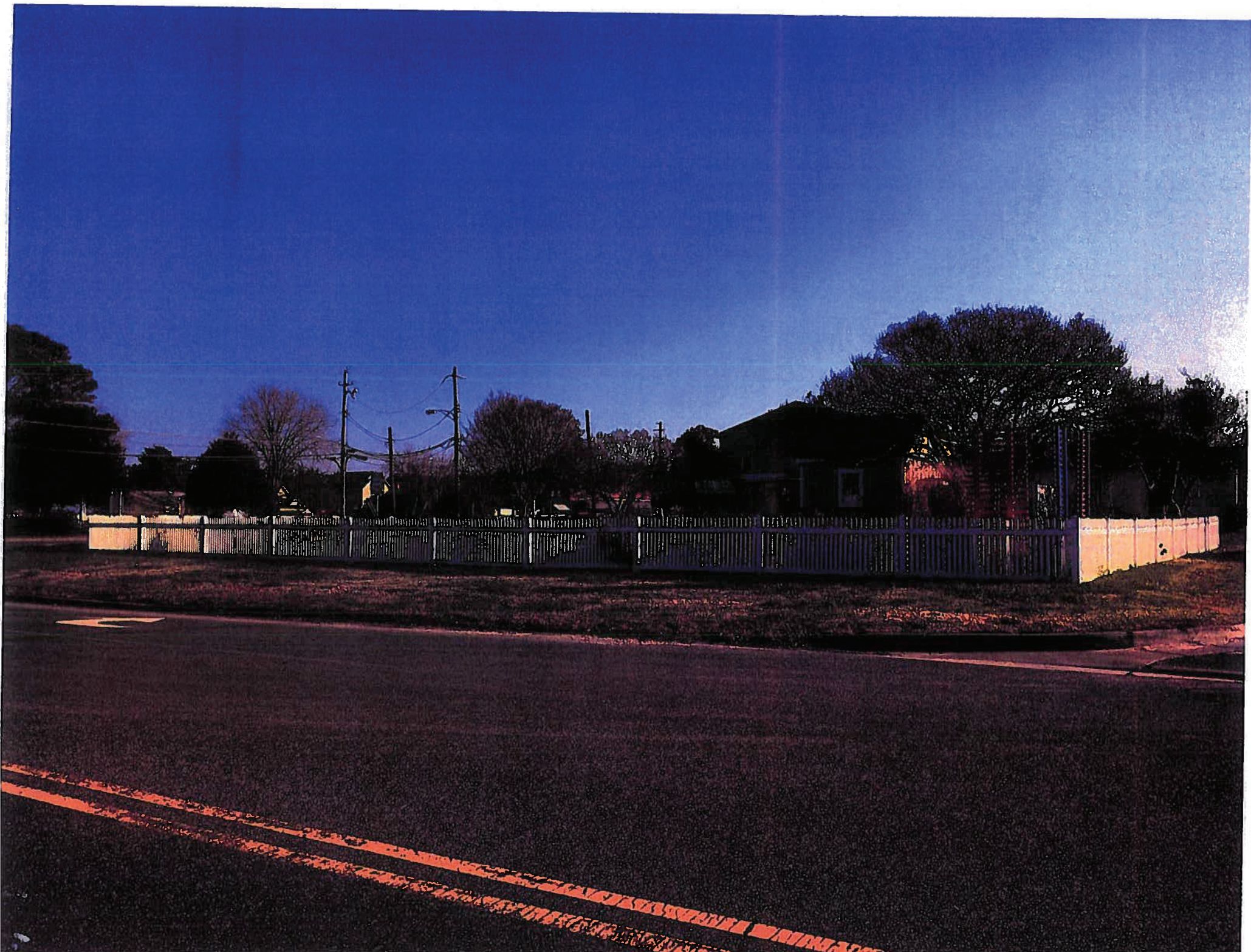
DELL



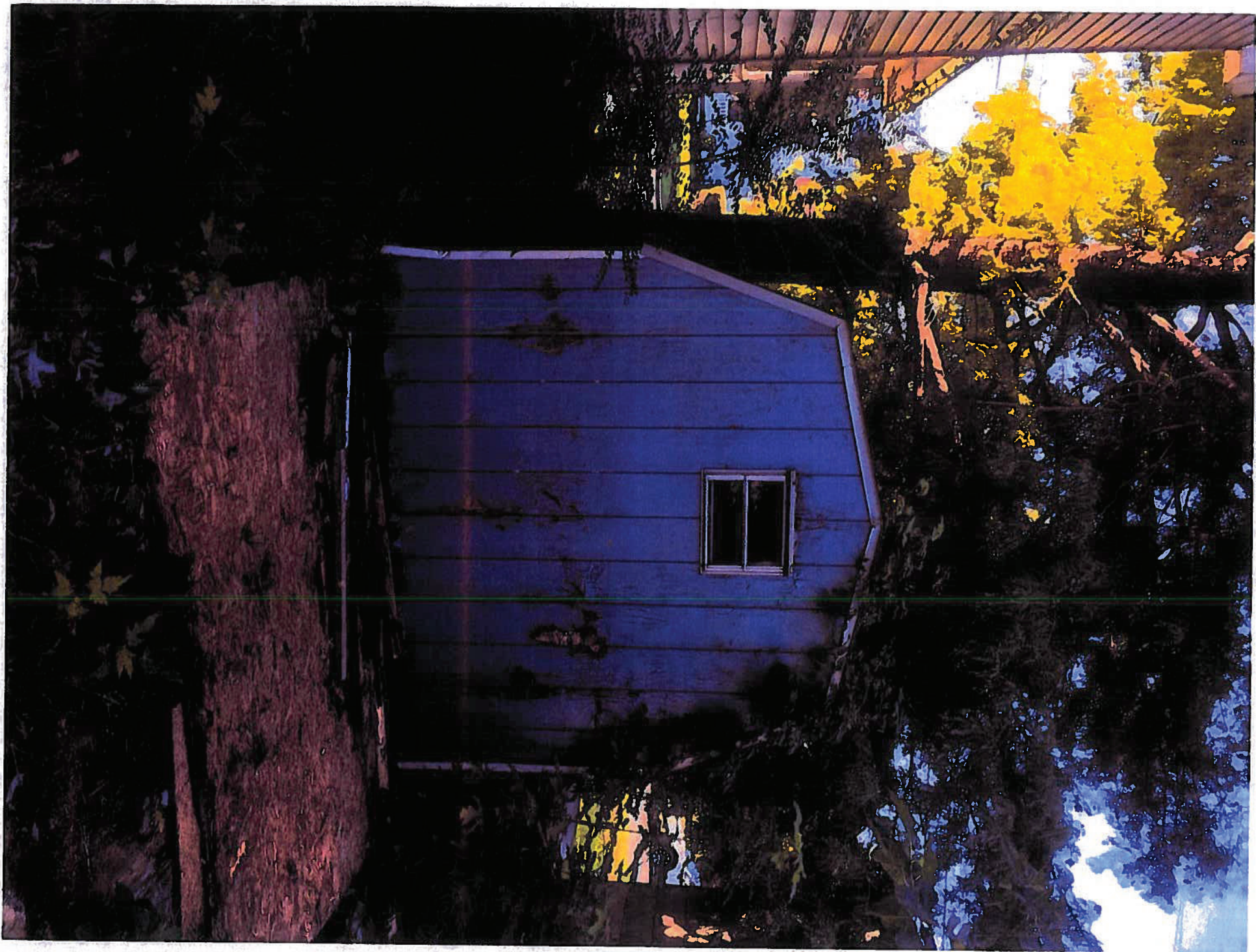


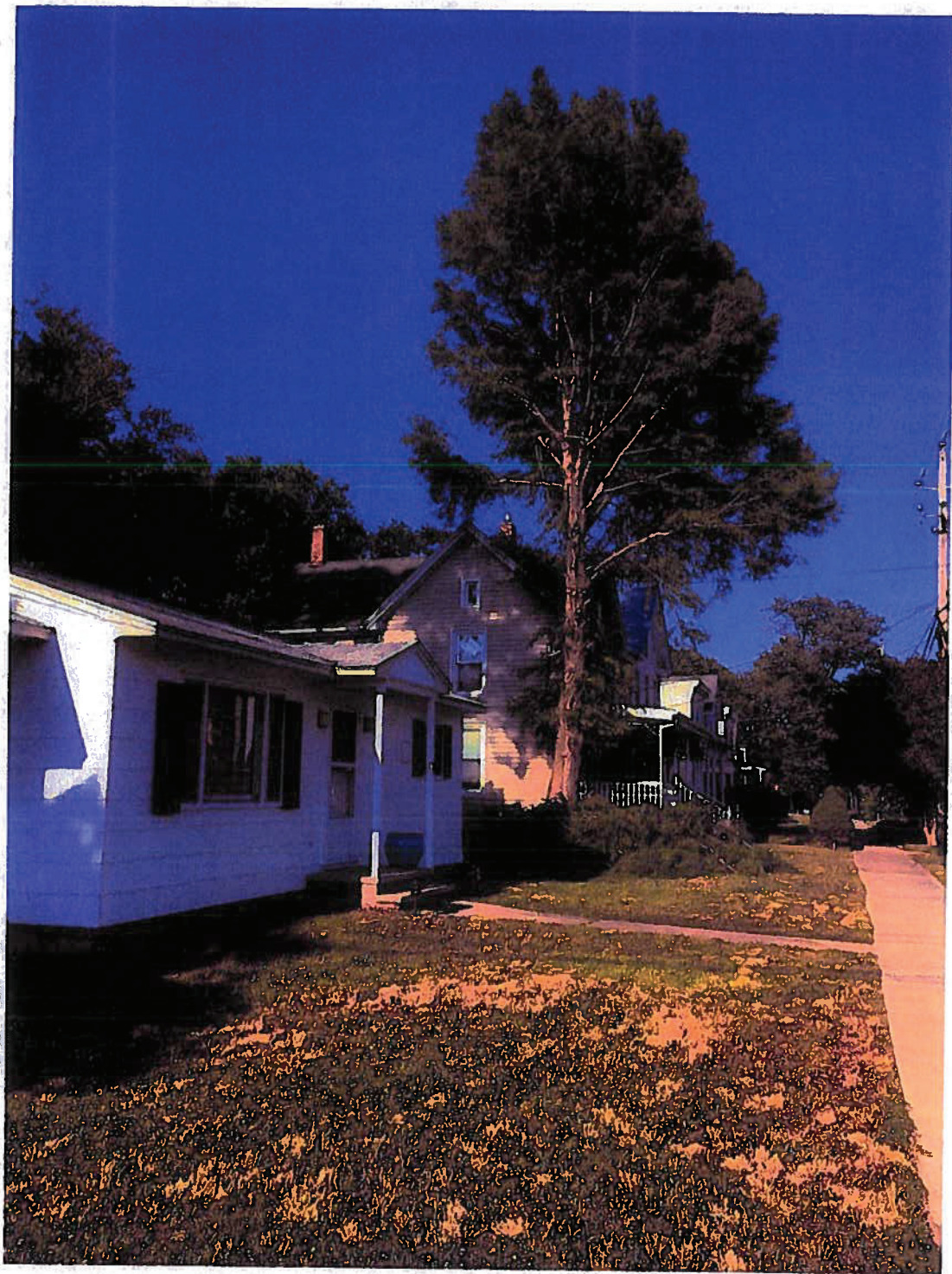


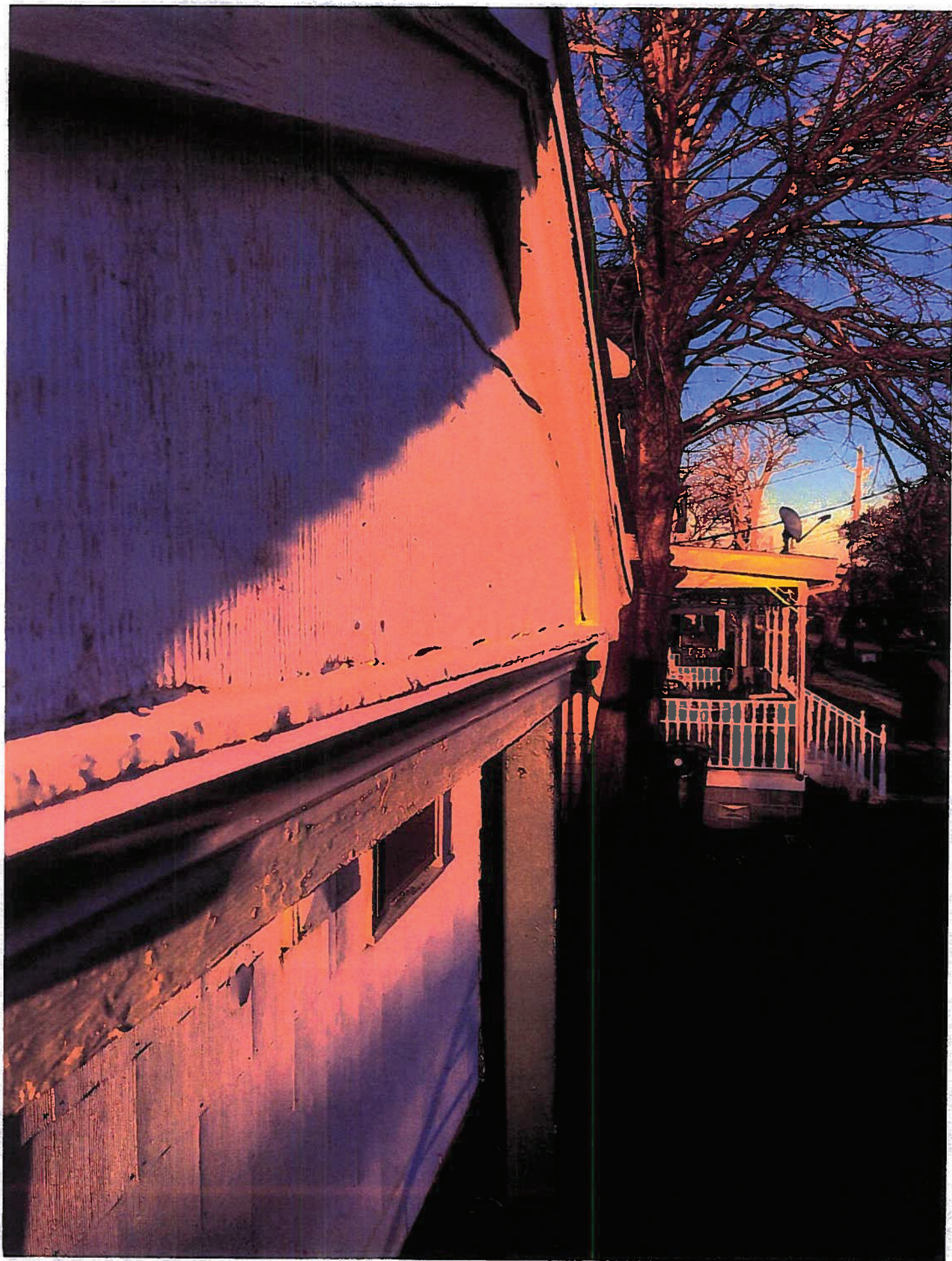






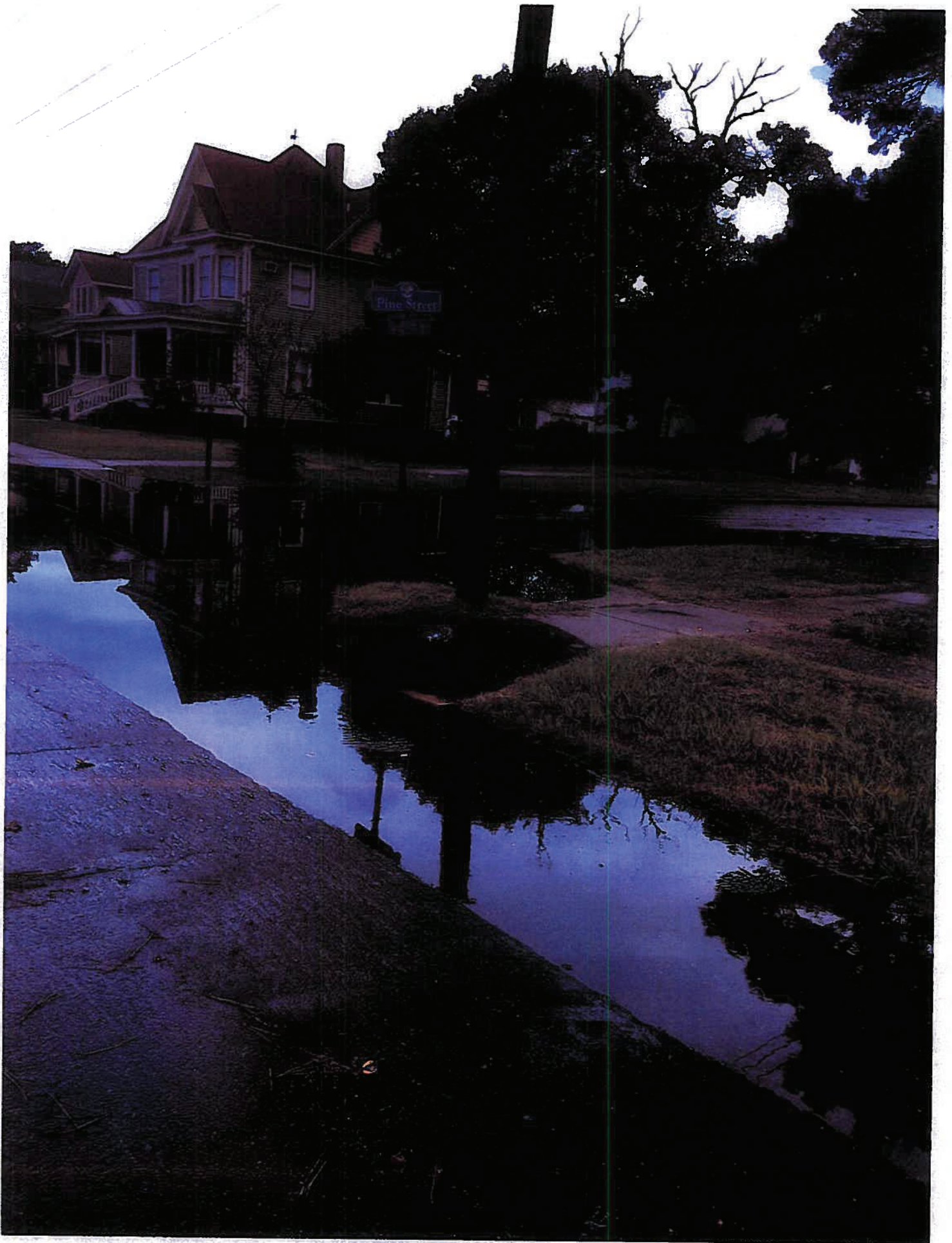




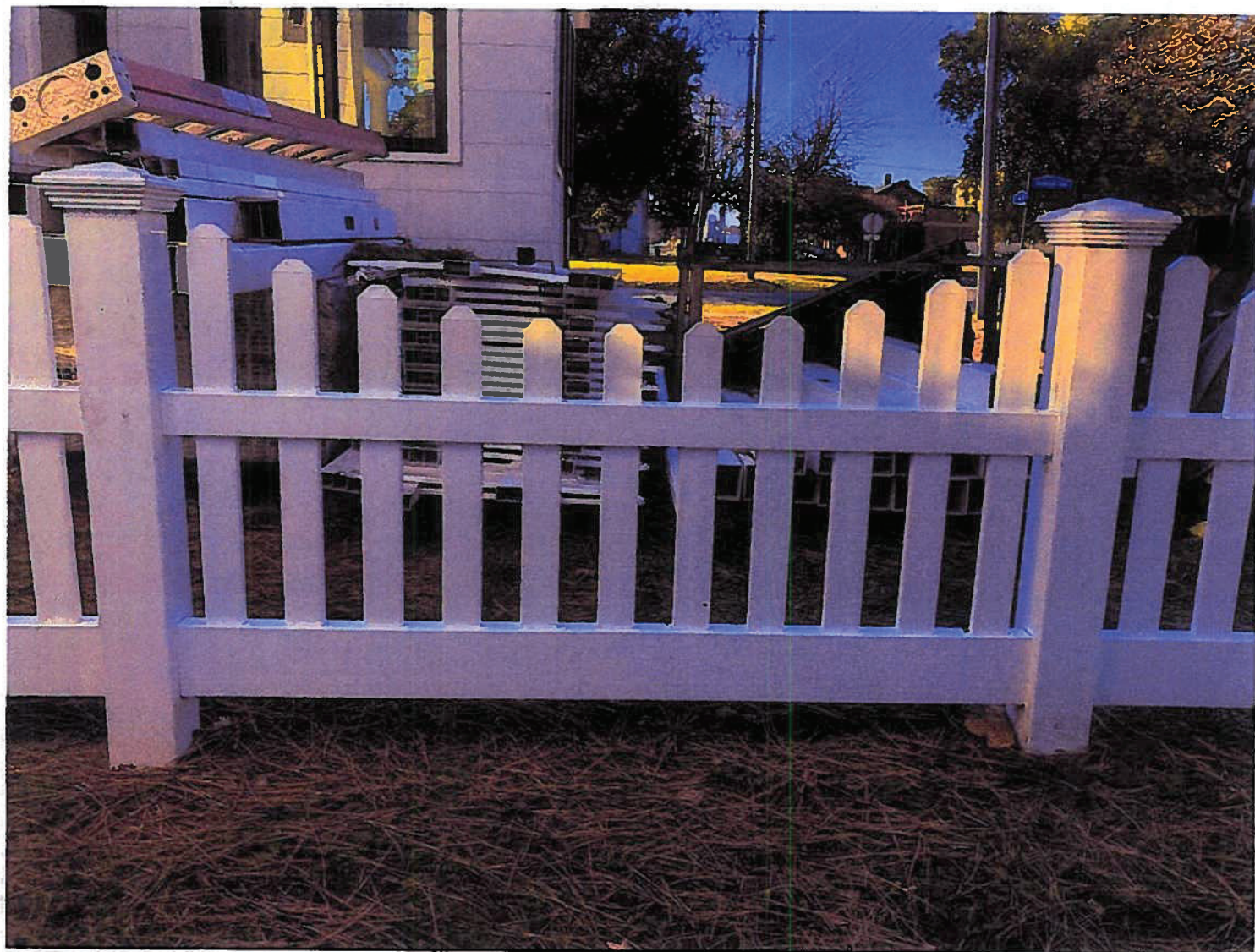


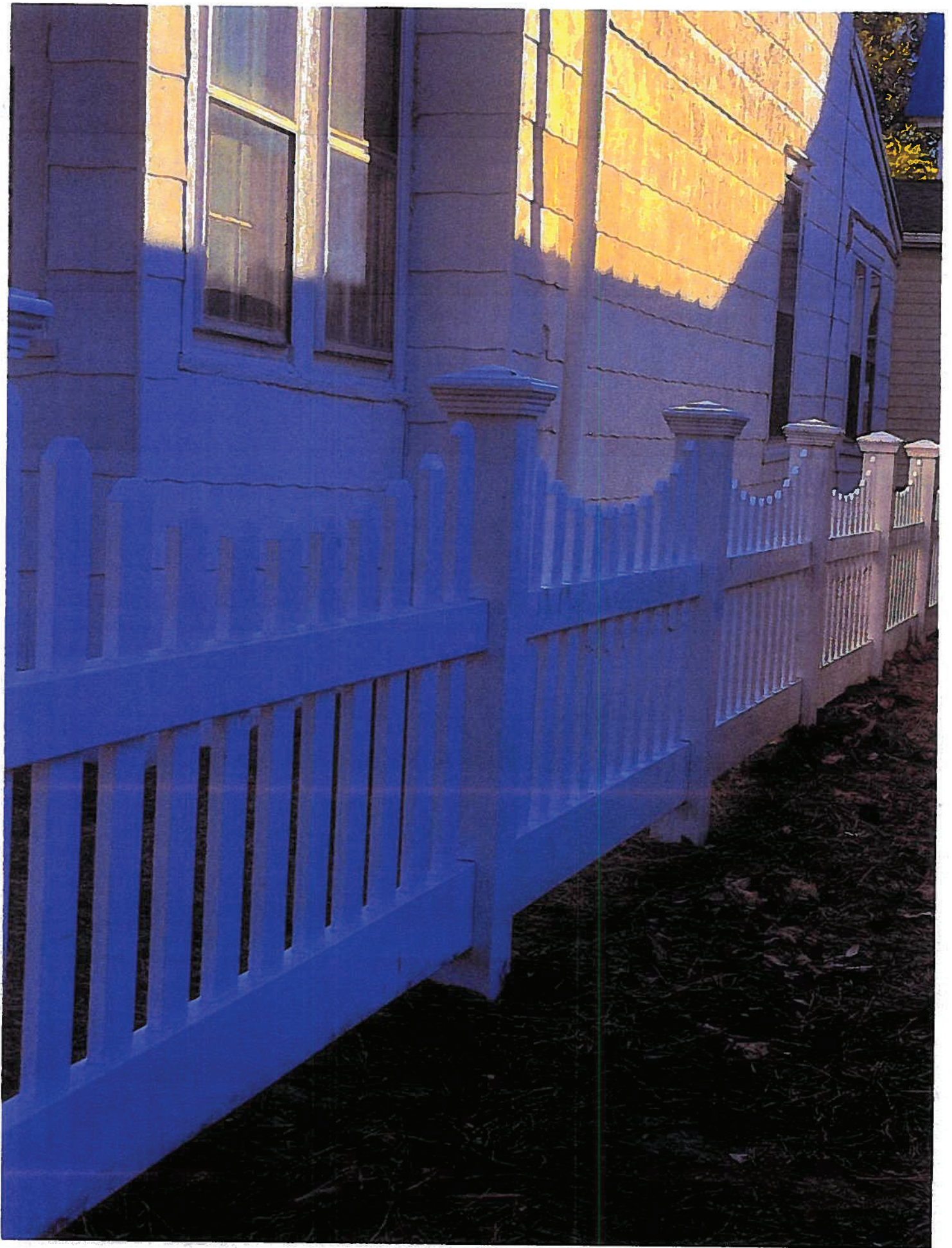














Application for Zoning Clearance

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 03/2023

Taxes

Violations

Fee

Decision

fee \$150 unless a residential building permit

Budget Code: MISPL 100-3100-1070

PART 1. APPLICATION NOTES

Use this form to request zoning clearance for all new construction, alteration of existing structures, additions, or demolitions within the Town of Cape Charles * *The applicant is responsible for confirming and obtaining all necessary building permits after approvals.*

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.

☒ Photos of existing area ☐ Site Plan ☐ Owner Affidavit

Owner/Applicant signature:

Barnett Cree

Date: 11-14-2023

51AF5B3715824AB...

PART 2: PROPERTY INFORMATION

Property Address: **114 Pine Street**

Tax Map #: **83A3-13-A**

Zoning District if not located in Bay Creek:

☒ R-1 ☐ R-2 ☐ R-3 ☐ CR ☐ C-1 ☐ C-2 ☐ C-3
☐ M-1 ☐ M-2 ☐ GBI ☐ GBI-H1 ☐ Harbor

Zoning District if located in Bay Creek: ☐ Located on Bay Creek property, but not in a current subdivision

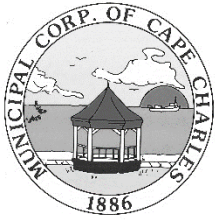
Subdivision Name	Zoning Designation	Subdivision Name	Zoning Designation
☐ Bayside Village	PUD Village	☐ Muirfield Village	PUD Village
☐ Bay Vista	PUD R-3	☐ New Quarter	PUD R-2
☐ Fairways	PUD R-3	☐ Plantation Pointe	PUD R-1
☐ Heron Pointe	PUD R-2	☐ The Colony	PUD R-3
☐ Kings Bay	PUD R-2	☐ The Hollies	PUD R-2
☐ Marina Resort	PUD R-2	☐ The Signature	PUD R-2
☐ Marina Village East	PUD R-2		

PART 3: PROPERTY OWNER INFORMATIONName and/or Company: **Barrett Cree and Gerry Forbes**Mailing Address: **P.O. Box 122 Machipongo, VA 23405**Phone Number: **757-442-0808 - 757-678-3366**Email: **barrettblueheron@gmail.com - gerryblueheron@gmail.com****PART 4: APPLICANT INFORMATION**
☒ Check here if the applicant is the owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)
Name and/or Company: **Barrett Cree and Gerry Forbes**Mailing Address: **P.O. Box 122 Machipongo, VA 23405**Phone Number: **757-442-0808 - 757-678-3366****PART 5: PROJECT INFORMATION****PART 6: ADDITIONAL INFORMATION**

Category of work	☒	Residential	☐	Commercial	☐	Industrial
Type of work	☐	New (landscape plan needed)	☒	Renovations	☐	Repairs
(Check all that apply)	☐	Demolition	☐	Full	☐	Partial _____ ft ²
	☐	Addition	☐		☐	Accessory structure ____ ft ²
	☒	Fence	☐		☐	Pool (requires a CUP)
	☐	Roof	☐		☐	Solar Panels
	☐	Elevator				
	☒	Other (specify) Extension to Certificate of Appropriateness				

Are trees going to be removed? ☒ No ☐ Yes If yes, please complete a Tree Permit Application.Applicant's signature: *Barrett Cree*Date: 11-14-2023

Zoning Administrator's signature: _____ Date: _____



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: November 21, 2023

Item #: 6A (1) – 114 Pine Street

Prepared by: Tracy Outten, Planning/Zoning Assistant – Preservation & Zoning Admin

Reviewed by: Katie H. Nunez, Director of Planning & Zoning Administrator

Date: November 14, 2023

APPLICANTS: Barrett Cree & Gerry Forbes

TYPE OF APPLICATION: Extension to Expired Certificate of Appropriateness dated 7/21/2021

SITE ADDRESS: 114 Pine Street

TAX MAP: 83A3-13-A

LOT SIZE: 4,131 sq. ft.

WORK TO BE PERFORMED: Install a fence

CURRENT ZONING: Residential-1 (R-1)

HISTORIC REGISTER: CONTRIBUTING

Description: Ca. 1960, Ranch

Accessory Structure: N/A

DATE APPLICATION RECEIVED: November 2, 2023

PRE-APPLICATION MTG: November 21, 2023

DATE APPLICATION DEEMED COMPLETE: November 2, 2023

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): January 2, 2023

The applicant is seeking a six-month extension to a previously approved Certificate of Appropriateness that expired on July 21, 2022 to install a 3' tall vinyl vertical panel fence in the front and side yards and a 6' vertical panel privacy fence in the rear yard on the property. This extension cannot be administratively approved as the Certificate of Appropriateness expired over a year ago, and vinyl was deemed an inappropriate fencing type in the Cape Charles Historic District Overlay Design Guidelines adopted by Town Council on December 15, 2022. Therefore, the Historic District Review Board will need to review this application and determine if an extension is warranted and the material approved (vinyl fencing) in 2021 can be allowable through this extension.

AERIAL MAP:



MATERIALS:

Fence: Vinyl

EXISTING: October 2023



STAFF ANALYSIS:

ZONING COMPLIANCE

The property is a legal, conforming use and the fence is an allowable use. The proposed location of the fence meets all setback requirements.

However, the material choice for the fence is no longer a listed option in the Zoning Ordinance. As you may recall, when the Historic District Guidelines were adopted in December 2022, the Town also made several zoning text amendments to Article III (Zoning District Regulations) & Article VIII (Historic District Overlay), including removing vinyl as a material choice in the Historic District.

Any property within the Historic District Overlay is required to meet the Historic District Overlay Design Guidelines, which are superimposed on the underlying zoning district regulations.

HISTORIC DISTRICT OVERLAY DESIGN GUIDELINES:

Pages 9-3 and 9-4: Section 9.2 Fences & Freestanding Walls

STAFF RECOMMENDATION:

Staff is requesting the HDRB to review the application material submitted by the applicant and determine if the materials and style proposed for the fence reflect the character and historic appearance of the neighborhood.

Staff is recommending denial of this application per Historic District Overlay Design Guidelines Section 9.2 (d) (i) due to vinyl being listed as an inappropriate fencing type.

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project and may impose conditions on an approval.

If approved, a Certificate of Appropriateness shall expire of its own limitation six (6) months from the date of issuance if the work authorized thereby is not commenced by the end of such six (6) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six (6) months after being commenced.

Attachments:

Attachment 1 – Application and Documents

Andrea Roth/Rose Flaughner
300 Mason Ave 3D
Cape Charles, VA
23310

November 16, 2023

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

Ref: COA Extension Request
114 Pine Street
Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Thank you for this opportunity to comment on the above extension request to the original Certificate of Appropriateness for their fence. As a Cape Charles neighbor, we are strongly in favor of this extension request being approved, as submitted.

We have enjoyed watching the incredible improvements that have been made to this property. As a matter of fact, we were so moved by the many great strides made in revitalizing Cape Charles, that we decided to become owners in town too.

The property in question looks so much better and the item in question not only matches all surrounding property's fencing, but it complements the rest of the project too. It would be such a shame to make the process of improving this property (and potentially others) more difficult because of a timing issue. We understand the original Certificate of Appropriateness expired. We hope the Board will show leniency and understanding to the many difficulties and delays which often occur with construction deadlines.

Please give this Extension Request your approval. We ask that this letter be read into the public record. Thank you, for your consideration in this matter.

Sincerely,

Andrea Roth and Rose Flaughner

John and Gudrun Cordle
300 Mason Ave Unit 2D
Cape Charles, VA
23310

November 13, 2023

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

Ref: COA Extension Request
114 Pine Street
Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Thank you for this opportunity to comment on the above extension request for the original Certificate of Appropriateness for their fence. As a Cape Charles neighbor, we are strongly in favor of this extension request being approved, as submitted. We love the character of the houses in this neighborhood and feel that this property adds to that feel.

We have admired the significant improvements made to this property. Their resulting efforts transformed an eye-sore into what is now a very attractive property. We made a special trip to check out the property—it looks great. The fence not only matches all surrounding property's fencing, but it complements the rest of the project. While we understand the original Certificate of Appropriateness expired. For the benefit of the community and the homeowner, we hope the Board will show leniency and understanding regarding the many difficulties and delays which often occur with construction deadlines in recent times.

Please give this Extension Request your approval. We ask that this letter be read into the public record. Thank you for your consideration in this matter.

Sincerely,

John Cordle

November 18, 2023

Sheila Shields
209 Mason Avenue, Unit 1B
Cape Charles, VA 23310

Cape Charles Historic Review Board
Ref: COA Extension Request
Town Planner
2 Plum Street
Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Thank you for this opportunity to comment on the extension request for the original Certificate of Appropriateness for their existing fence at Pine Street. As a nearby neighbor, I am requesting consideration for the HRB to continue to allow the extension, as was submitted.

This property is located directly across from my property, and I have thoroughly enjoyed watching the continuous improvements and transformation that has made this a beautiful home in our community. The fence enhances the overall property and matches most other fences in the Historic District. It is my hope that the Board will approve this extension request that would, otherwise, cause needless financial hardship. The time, money, and effort have significantly improved this property.

Thank you for considering my request. I am currently traveling and cannot attend tomorrow's meeting. I ask that my letter please be read into the public record.

Sincerely,
Sheila Shields
540-908-7862

306 Bay Ave.
Cape Charles, VA
23310

November 14, 2023

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

Ref: COA Extension Request
114 Pine Street
Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Thank you for this opportunity to comment on the above extension request for the original Certificate of Appropriateness for the fence at 114 Pine St. As a resident of Cape Charles neighbor, who drives past the property almost daily, I am strongly in favor of approving this extension for a vinyl fence, which was previously approved and used in many Cape Charles homes. While I understand the original Certificate of Appropriateness expired, I hope the Board will show leniency and understanding regarding the challenges associated with construction delays, especially over the recent years impacted by COVID.

I admire the significant improvements made to this property which was quite dated and poorly maintained. The resulting efforts, which remain in progress, are transforming it into a very attractive property on Randolph Ave., the main entrance road to the historic district. The previously-approved fence matches the look of surrounding property's fencing, and it complements the rest of the project.

I hope this Extension Request will be approved. This letter can be read into the public record. Thank you for your kind consideration and understanding in this matter.

Sincerely,

Ann Hayward Walker

Barbara Brown
226 Randolph Ave
Cape Charles, VA
23310

November 13, 2023

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

Ref: COA Extension Request
114 Pine Street
Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Thank you for this opportunity to comment on the above extension request to the original Certificate of Appropriateness for their fence. As a Cape Charles neighbor, we are strongly in favor of this extension request being approved, as submitted.

We have admired the significant improvements made to this property. Their resulting efforts transformed an eye-sore into what is now a very attractive property. Their fence not only matches all surrounding property's fencing, but it complements the rest of the project. While we understand the original Certificate of Appropriateness expired. We hope the Board will show leniency and understanding to the many difficulties and delays which often occur with construction deadlines.

Please give this Extension Request your approval. We ask that this letter be read into the public record. Thank you, for your consideration in this matter.

Sincerely,



Tracy Outten

From: Katie Nunez
Sent: Monday, November 20, 2023 10:13 AM
To: Tracy Outten
Subject: FW: 114 Pine Street

From: Eric S Feuillatte <esf813@gmail.com>
Sent: Saturday, November 18, 2023 4:24 PM
To: Katie Nunez <knunez@capecharles.org>
Subject: 114 Pine Street

Eric Feuillatte
201 Monroe Ave
Cape Charles, VA 23310

November 18, 2023

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

Ref: Extension Request COA 114 Pine Street Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

Please consider allowing this project and fence to continue to resume as originally was approved by this Board. The investment made in this property is an obvious improvement. Would not seem plausible to deny such a reasonable extension request simply because the original expired.

Given the fence matches all other surrounding properties type, was a Board approved fence time of purchase, has been paid for and has One-Third already installed we hope this Board will show an understanding given fact construction delays have not been uncommon particularly in the past three years.

Thank you for this opportunity to comment on this extension request for the original Certificate of Appropriateness.

Please allow this letter to be read into the public record and thank you for your consideration in this matter.

Sincerely,

Signed Copy by Mail

Tracy Outten

From: Jack Forgosh <jforgosh@gmail.com>
Sent: Monday, November 20, 2023 10:17 AM
To: Katie Nunez; Planning Tech
Subject: 114 Pine Street COA Extension Request

To: Cape Charles Historic Review Board

From: Jack Forgosh
307-309 Randolph Ave
Cape Charles, VA

RE: 114 Pine Street COA Extension Request

Dear CCHRB & Town Planner:

I first want to thank you for the service you provide to our Town and its residents. I cannot imagine what the Town of Cape Charles would now look like without the building codes and guidelines as set forth by our Town's governing bodies.

With that being said, I was disappointed to hear that Mr. Cree's Fencing COA of 7/2021, as I understand it, is now being rescinded by the Town. Anyone who walks the streets of Cape Charles knows that the fencing had been purchased and partially installed by Mr. Cree. Mr. Cree, in my opinion, has done an outstanding job at redesigning and renovating his home on Pine and Randolph. Given the small footprint of his lot, it would be illogical and highly impractical to install portions of his fence prior to completing the approved addition and front porch of his home.

Please extend the existing, approved COA for 114 Pine Street and allow Mr. Cree to finish his home without any additional and unnecessary material expenses. As you are aware it has become increasingly difficult, since COVID, to line up contractors and to actually get them to show up, on-site, as promised. The supply chain backlogs have been historic. It is wrong to punish a resident who is doing his part to renovate his home while improving the Town of Cape Charles for both residents and tourists.

Thank you

Jack Forgosh
307-309 Randolph Ave
Cape Charles, VA
610-246-8935

November 15, 2023

William Pavlak & Joanne Montgomery
503 Jefferson Avenue
Cape Charles, VA 23310

Cape Charles Historic Review Board
Town Planner
2 Plum Street
Cape Charles, VA 23310

RE: COA Extension at 114 Pine Street, Cape Charles, VA 23310

Dear Ms. Katie Nunez and Board Members,

We would like to take this opportunity to comment on the above extension request to the original Certificate of Appropriateness for the fence at 114 Pine Street to be constructed and finally finished. As a Cape Charles neighbor, we are strongly in favor of this extension request being approved, as submitted, as soon as possible.

Significant investment and efforts have resulted to transform this home and the fence is perfect for this property. We certainly hope they will be able to complete the installation of the remaining portions of the vinyl fence. The fence will not only match all the surrounding houses, but will also be the last final touch of a beautiful, new improved, home that did not exist prior to all the construction work Barrett has done on this house over the past years.

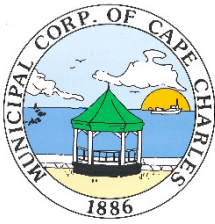
We understand the original Certificate of Appropriateness has expired. The Board will hopefully show leniency and understanding to the many difficulties and delays which often occur with construction deadlines. Please consider renewing the certificate to finish the vinyl fence in order for the property to finally be done, and the owners can enjoy their beautiful house with all their efforts.

Please give this Extension Request your approval to continue putting up the vinyl fence as originally agreed upon by the town. We ask that this letter be read into the public record. Thank you, for your consideration in this matter. Why prolong the completion of 114 Pine Street any longer??!!

Sincerely,


William Pavlak and Joanne Montgomery

11.15.23



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
October 26, 2023
6:00 PM

At 6:30 p.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, present were Vice-Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There were no members of the public in attendance.

ITEMS FOR DISCUSSION:

A. *Status of Capital Projects:*

John Hozey provided a general update on the Fiscal Year 2024 Capital Project and the challenges being faced due to price escalations. Prices seemed to be stabilizing but now we were faced with the uncertainty of labor. There were not many skilled workers available, and on the shore, we had so few subcontractors that the bids were being increased. The issue was being exacerbated by all the residential construction going on. Staff was reaching out to local contractors to try to get some interest. Staff asked contractors who did not submit bids, what kept them from bidding. The majority stated that they did not know about the project although it was posted on the state procurement site, advertised, and the consultants also sent it out to all of their contacts. Bob Panek was talking to some contractors trying to develop a relationship with some of them and we were hopeful that we might have some that would be interested in bidding.

Councilman Buchholz suggested going through the Town's business license database and providing appropriate contractors with the bid advertisements.

Councilman Follmer added that most of the contractors/builders were so busy, with a backlog of work, they did not need to pursue other business.

Municipal Center:

The original design for the building was block, but it was redesigned using timber which would be similar to the construction of other projects and also slightly cheaper. \$4.45M was budgeted for the municipal center but we were now expecting the cost to be about \$6.8M. The plans and specifications by HBA were about 99% complete, but the project would not be advertised for bids until sufficient funding was available and a more favorable bidding climate developed, possibly in the spring or summer of 2024.

Visitors Center:

One bid was received which was extremely above the cost estimate, so the contract was not awarded. If we had three or four "Bob Paneks" we could be the general contractor and get things done faster with less cost. We could do the project in phases, with the sitework being first.

Mayor Charney stated that he had been talking to contractors who were looking to come in for the bigger projects, such as potential future projects with the Canonie property. He provided Bob Panek's contact information to some of these contractors so we could get on their radar.

John Hozey added that our approach was to see if we could garner some interest in the visitors center. If not, we would have to wait until after the sale of the public utilities and combine the visitors center and municipal center into a bigger project.

Councilwoman Holloway expressed her concern about the grants that were received for this project. Some grants were difficult to extend. The ARPA Tourism Grant for about \$32K was one that would be difficult to extend, and the deadline was June 30, 2024. The funding from the ARPA Grant could be used for other projects, but it would be best utilized for the visitors center/downtown bathrooms.

John Hozey noted that funding was needed for the beachfront master plan. The Town received an estimate from the Berkley Group for \$100K. If the ARPA Grant funding could be used for that project, it would be very helpful. Councilwoman Holloway would check to see if that would be possible.

Community Trail, Phase 3:

The contract was awarded in July but was slow getting off the ground due to VDOT's bureaucracy. The notice to proceed was finally issued on October 23, 2023. The silt fencing, tree protection, and traffic control measures were in place. The asphalt milling, vegetation removal and sidewalk demolition should begin next week. Bob Panek had sent several notices to the area businesses regarding the timeline and work involved. It was hopeful that the project could be completed by February 2024.

The light poles and installation were being contracted separately at a significant cost savings. Councilman Butta noted the numerous comments received about the number of lights proposed in the plan and hoped that number could possibly be reduced. John Hozey stated that the infrastructure was being installed by the contractor and we could decide what to do about the lighting afterwards. Councilwoman Holloway stated that we needed to ensure that we had that conversation before ordering the lights. Mayor Charney added that it was preferred to install lights that matched those along Mason Avenue. John Hozey noted the \$10K cost savings by not having to move a utility pole.

Harbor Projects – Inshore Breakwater & Inner Harbor Bulkhead Repair:

The notice to proceed was issued on September 12, 2023, but the contractor had not yet mobilized due to delays in obtaining the materials and barge. Everything should be here next week so the project could begin. The bulkhead work only included phases 1 and 2 due to the high bids for phase 3. We would submit another Virginia Port Authority Aid to Local Ports Grant application next spring. If all goes well, the breakwater work should be completed by early December, and the inner harbor bulkhead should be done by January 2024.

Library Renovation (Town's portion):

\$310K was budgeted for the job, but the two bids received were for \$800K and \$1.2M, so it was not brought to Council for a contract award. There was some immediate work needed to be done to the HVAC system. The existing oil-fired furnace was destroyed by flooding in the basement and one quote of \$27K was received to replace the system. We were still waiting for a second quote. The existing air conditioning system was working so it would be replaced as needed. Bob Panek was talking to the developer about the remainder of the renovation work being incorporated into the larger building redevelopment project. It was estimated that the remainder of the work could be done for about \$175K.

Keck Wells Pipeline & Finished Water Main:

The design and engineering were about 99% complete and we were hopeful to put the project out for bids in January. The current estimated cost was about \$1.2M, and \$1.15M was budgeted. We had available funds in the Facility Fee Reserve Account that could be used for this project.

There was some discussion about the sale price of the public utilities after this work was done, since it was not included in the appraisal. The Town's appraisal came in at \$20M and Virginia American Water's appraisal came in at \$19M. We were still waiting for the assessment from the State Corporation Commission. The SCC was here visiting the sites a few weeks ago. Mayor

Charney asked if the work needed to be done prior to the sale. John Hozey stated that although the Town did not have to do the project, the additional water was needed, and the Town had committed to Lance Marine for the planned workforce housing project. We were still trying to figure out how to pay for the sewer line to that parcel. There was much discussion regarding whether there was an immediate need to complete this project or if it could wait until after the sale.

John Hozey went on to state that there was about \$800K in the General Fund reserves, about \$700K in the Capital Improvement Project reserves, and about \$1.3M in the Utility Fund reserves. We did have some resources, but not enough to cover everything.

B. *Communications Protocol:*

John Hozey reviewed the current methods of communication utilized by the Town. For routine matters, we had the website, Facebook, the Gazette, e-Notifications, and the newspaper. For emergency or time-sensitive matters, we also used Nixle. He went on to state that the Town did not have a formal communications policy, but for routine communications the department heads were considered the official spokesperson for their areas of responsibility. The Town Manager was the official spokesperson for town-wide policies/issues, and the Mayor was the official spokesperson for the Town Council. In his previous locality, the Clerk was the official spokesperson as she had specialized training to do so, but for Cape Charles, he was the spokesperson. For emergencies or critical situations, the Town Manager was the official spokesperson for all communications. If the Town Manager was not available, the Mayor would be the spokesperson after consultation with the applicable department head(s). It was important to note that whoever spoke for the Town, whether routine or otherwise, only factual information should be relayed.

There was much discussion as follows: i) Councilwoman Holloway stated that she would like to see this protocol in writing as well as inclusion in the onboarding process for new Council members. If a Council member were to be in a situation, they would not know what to do and it would be nice to have this in writing; ii) Councilman Follmer stressed the importance of not building a policy around one person, but a policy that could be followed in the future, with a new town manager; iii) Councilwoman Holloway noted a couple of situations where she found out information by reading the newspaper which was unacceptable for Council. A recent issue was the police chase which ended in Central Park. She was unaware of the situation. Citizens typically contacted members of Council to find out about instances of this nature. The previous mayor would call each Council member to notify them of things that were going on and she suggested that a "telephone tree" was needed so Council could be kept apprised of important situations or items; iv) Councilman Follmer commented that the initial messages related to the police chase were unfortunate because no information was provided. The messages just told people to go inside and stay inside which cause people to panic and word started going around that it was an active shooter situation; v) Councilwoman Holloway received a call asking who to contact to send out a Nixle and she did not know. This information also needed to be included in a written communication policy, along with the chain of command; vi) Councilman Butta agreed that it would be nice for Council to be provided the information even though they would not be the ones talking to the press. Council should not be learning about issues, etc. along with the rest of the public. John Hozey stated that he would create a group text to notify Council of any important issues, but if the issue required an immediate Nixle, Council might fight out from the Nixle message; vii) Mayor Charney mentioned the accident with the truck running into the bank building. He found out about it long after it happened and wished that Chief Pruitt would have notified him. Word on the street was that it was an attempted robbery; viii) Councilman Butta brought up the potential human bones being found on the beach, which was important enough that the Council should have been notified; ix) Councilman Follmer stated that the public safety issues especially needed to be shared with Council; x) So much went on and the Town Council needed to be informed of it and not find out on Facebook or other channels; xi) Councilwoman

Holloway added that she attended an emergency preparedness session at the VML conference and she did not feel that we had a handle on that. She felt that the Town Council needed to know who was on the emergency team or crisis incident team, especially after the recent shooting in Maine. Did the Town have a plan? What kind of training do our police officers go through to respond to this type of situation? There were a lot of good plans out there and we should request samples from other localities. We cannot keep thinking that Cape Charles is a tiny little town and nothing would ever happen here; xii) John Hozey stated that there was no plan and would never be one to cover everything. He went through all this while in Valdez and it was useless. An emergency cannot be micromanaged since no two were the same. The best emergency plan was to know what your resources were, what was available, and use your best judgement to handle it; xiii) Councilman Butta stated that communication and a public statement were necessary for possible medical concerns. A team was needed to write the information and a team to deal with certain portions of the emergency. John Hozey agreed but added that we did not have the capacity in Cape Charles and was unsure of the county's capacity.

There was much discussion about various scenarios. John Hozey stated his appreciation for initiating this conversation. He had been thinking about the what ifs and who would be the next in line to act as incident commander if he was not in town. It could be Jeb Brady or Katie Nunez. He would start thinking about it. He would also think about the flow of internal information, incident commander, communication protocols, etc. and put it in writing for inclusion in the employee handbook, and Town Council rules and guidelines.

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

The work session was adjourned at 7:52 p.m.

Mayor Adam Charney

Town Clerk



Status of FY 2024 Capital Projects

October 26, 2023

General Procurement Issues/Strategies

- We've already implemented Economic Material Price Adjustment clauses into our contract specifications to help insulate contractors from recent material cost escalations associated with supply chain disruptions caused by the pandemic, however
- Material costs have started to stabilize, and have been replaced by spikes in labor costs due to a shortage of skilled workers; made worse by increasing demand fueled by significant government funding for infrastructure projects, thus driving up the cost of smaller construction projects
- The Eastern Shore also lacks a robust subcontractor base. This has been exacerbated by the current pace of residential construction in and around Town. Cost is driven up significantly if a general contractor must bring subcontractors from across the Bay
- We are attempting to deal with this problem by courting local contractors who might have existing relationships with subcontractors. The test case will be the visitor's center/restrooms. If this proves successful, the same approach could be used for the municipal building
- The approach we have taken on the library renovation is to combine our smaller job with the larger library building redevelopment project to create a better economy of scale
- There is also some opportunity to break out portions of the projects for contracting directly with vendors and subcontractors by the Town; putting us in a type of GC role. However, these opportunities are very limited due to Town staff capacity

Projects Underway

Community Trail, Phase 3

- Contractor – Conrad Brothers of Virginia
- Notice to Proceed – October 23, 2023
- Silt fencing, tree protection, traffic control measures in place
- Asphalt milling, vegetation removal, sidewalk demolition next week
- Work scheduled to complete end of February 2024
- Minor cost savings of \$10K achieved by not moving a utility pole
- Will need to contract separately for light poles (\$31K est.) and their installation (\$19K est.). Saves \$30K from general contractor's bid alternate which was not awarded

Inshore Breakwater & Inner Harbor Bulkhead Repair

- Contractor – Marine Contracting Corporation
- Notice to Proceed – September 12, 2023
- Contractor not yet mobilized to site; Still waiting for some materials to barge over
- Breakwater work should be completed by early December
- Bulkhead work (Phases 1&2) should be completed by January 2024
- Could not award Phase 3 of bulkhead repair due to high bids. Will need to submit another VPA ALP request next spring and advertise for construction bids

Library Renovation

- Two bids received. Significantly above cost estimate. Contract not awarded
- Timing of improvements now complicated by need to provide heat to library space very soon. Existing oil-fired furnace destroyed due to basement flooding
- Will need to stick with existing HVAC system by installing new furnace. Main cooling components of existing system are in good shape. Wall mounted heat exchangers are obsolete but workable; we'll replace those as needed
- Plans & specifications are being revised to remove the new HVAC system – about 80% of the work. Remaining structural repair and architectural components (break room, restroom, etc.) will be incorporated into the larger Library Redevelopment project with City & Guilds. Cost (approx. \$175K) will be netted out of the sale proceeds

Pending Projects

Keck Wells Pipeline & Finished Water Main

- Design & engineering by GHD 99% complete. Waiting for VAW to confirm need for well pumps with variable frequency drives to finalize plans & specifications
- VDH approval should take about a month after plans & specifications are finalized
- Hope to advertise for construction in January with contract award in February (if bids are reasonable)
- If awarded, should be completed by June 2024

Visitors Center & Restrooms

- One bid received. Extremely over cost estimate. Contract not awarded
- Plans & specifications provided to several local contractors to gauge interest in the project and obtain cost estimates before readvertising for bids
- Only one local contractor has expressed interest (that cost estimate is about 75% complete)
- Project will be readvertised when we feel there is a reasonable chance for a better bids

Municipal Building

- Plans & specifications by HBA 99% complete
- Project will not be advertised for bids until sufficient funding is available and a more favorable bidding climate develops, maybe spring/summer of 2024



Town Communications

Methods of Communication

Routine:

- Website
- Facebook
- Gazette
- E-notifications
- Newspapers

Emergency/Time Sensitive:

- Nixle

Communication Protocol

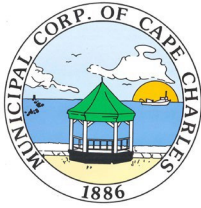
Routine:

- Department heads are considered the official spokesperson for their areas of responsibility
- Town Manager is the official spokesperson for Town-wide policies/issues
- Mayor is the official spokesperson for the Town Council

Emergencies/Critical Situations:

- Town Manager is the official spokesperson for all communications
- If TM unavailable, the Mayor will be the official spokesperson, AFTER close consultation with applicable department heads

NOTE: Whoever speaks for the Town, under any circumstance, should only relay factual information, not conjecture or opinion. The spokesperson's role should be to project a calm sense of confidence to the public, even when conveying critical or dangerous information. Skilled spokespersons do not get emotional or over-react.



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
November 2, 2023
6:00 p.m.

At 6:00 p.m., Mayor Adam Charney, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Mayor Charney, present were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Assistant to the Town Manager Julie Pruitt, Officer Thomas Lynch, and Town Clerk Libby Hume. There were 14 members of the public physically in attendance, and 8 viewers on Facebook.

A moment of silence was observed which was followed by the recitation of the Pledge of Allegiance.

John Hozey stated that because the October 19th Town Council Regular Meeting was cancelled due to lack of a quorum, this special meeting was scheduled to review several routine matters that needed to be addressed.

SPECIAL MEETING ORDER OF BUSINESS:

A. Resolution of Intent – Rezoning of Tax Parcels #83A3-1-644 & 83A3-1-641:

John Hozey stated that a resolution of intent was required by the Town's Zoning Ordinance and Code of Virginia § 15.2-2286 (A) to initiate any change to a zoning ordinance or zoning map. The subject parcels were the two parcels behind the library facing Randolph Avenue.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution of Intent 20231102 Zoning Map Amendment 2023-04 Application from John Hozey, Town Manager on Behalf of the Town Council for Tax Map #83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1. Mayor Charney moved for adoption of Resolution of Intent 20231102 as noticed and forewent reading of the Resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. Reappointment of Planning Commissioner:

John Hozey stated that Michael Strub was a current Planning Commissioner whose term expired on October 31, 2023. Mr. Strub had served Cape Charles with distinction on the Planning Commission for 13 years and was the Planning Commission's representative to the Historic District Review Board for 3 years. Mr. Strub believed it might be the time to step back to allow others the opportunity to serve and staff could not thank Mr. Strub enough for all his work on behalf of the people of Cape Charles. However, staff requested Mr. Strub to continue serving until his replacement could be appointed, to which he graciously agreed. Staff would immediately begin recruitment of applications from interested citizens.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to allow Michael Strub to continue his service on the Planning Commission beyond October 31, 2023 until his replacement could be appointed. The motion was approved by unanimous vote.

C. Reappointment of Board of Zoning Appeals Member:

John Hozey stated that William Murphy currently served on the Board of Zoning Appeals (BZA) and his term expired on October 31, 2023. Mr. Murphy expressed his interest in continuing his service on the BZA for another term.

Motion made by Councilwoman Holloway, seconded by Vice Mayor Bennett, to reappoint William Murphy to the Board of Zoning Appeals for another term. The motion was approved by unanimous vote.

D. *Reappointment of Wetlands & Coastal Dune Board Member:*

John Hozey stated that in April 2023, the Council appointed Elizabeth Pruitt to the Wetlands & Coastal Dune Board to complete a term which would be expiring on November 12, 2023. Ms. Pruitt expressed her interest in continuing her service on the Board.

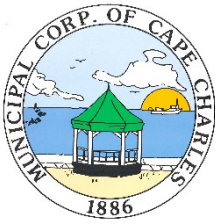
Motion made by Councilman Grossman, seconded by Councilman Buchholz, to reappoint Elizabeth Pruitt to the Wetlands & Coastal Dune Board for another term. The motion was approved by unanimous vote.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to adjourn the Town Council Special Meeting. The motion was approved by unanimous vote.

The meeting was adjourned at 6:06 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Work Session
Cape Charles Civic Center
November 2, 2023
Immediately following the Town Council Special Meeting

At approximately 6:10 p.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, present were Vice-Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Shannon Smith. Commissioners Dennis McCoy and Michael Strub were not in attendance.

Members of the Short-Term Rental Ad Hoc Committee in attendance were Maggie Deuel representing Bay Creek, Sam Jones representing the Cape Charles Historic District Civic League, and Jeff Palmor representing the Vacation Rental Homeowners Association.

Staff in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Planning Administrative Assistant Maureen Meditz, and Town Clerk Libby Hume.

There were 35 members of the public in attendance.

The purpose of the joint work session was to review and discuss the recommendations from the short-term rental ad hoc committee.

Mayor Charney announced that this was a work session. He welcomed the members of the public in attendance but reminded them that they were here to observe and that no comments would be received.

Mayor Charney and Councilman Butta disclosed that they owned short-term rentals in the Town.

John Hozey introduced the short-term rental (STR) committee members, adding that Councilman Grossman served on the committee representing the Town Council and Planning Commission, and he and Katie Nunez were the staff representatives on the committee.

John Hozey stated that in last year's community survey, the top priorities of respondents were: 1) development of short-term rental regulations; 2) development of a beachfront master plan; 3) development of a master plan for the harbor and railroad property; and 4) development of an overall parking strategy.

John Hozey gave an overview as follows: i) As a group, the members of the STR committee looked at the issues from different perspectives and discussed potential resolutions. They focused on the best way to protect and preserve the Town's sense of community while recognizing the STRs and their economic benefits; ii) One of the concerns was the stress on the Town's infrastructure – the water and sewer capacity; space on the beach; parking on the streets, etc.; iii) A list of ideas and initial concepts was developed but no significant work was done on implementation of these thoughts or ideas. The committee wanted to wait until they heard from the Town Council before moving forward with drafting any regulations.

John Hozey went on to review the STR committee's recommendations (please see attached), and there was some discussion as follows:

Establishment of caps (items #2, 3, 4): i) Councilman Buchholz advised caution since a house permitted as an STR would potentially sell at a higher rate than one that was not permitted; ii) Councilman Grossman stated that the committee discussed setting a cap by percentage versus a set number, since new houses were being added to the inventory due to new construction. The more houses in the total inventory, the percentage of STRs would be reduced over time if using a set cap; iii) Commissioner Ashworth asked if any studies were done regarding the effect of a cap on the overall rental costs or the impact to the Town and businesses. By reducing the supply of potential STR properties, the cost of rentals could increase; iv) Councilman Buchholz stated that many people were looking to retire in Cape Charles. They purchased second homes here and rented them out as vacation rentals until they could retire and move here permanently. Capping the number of STRs would stop this practice. John Hozey asked the attendees their thoughts to gain a consensus regarding caps, adding that a lot of the recommendations would still work even if it was decided to allow the number of STRs to grow; v) Councilman Follmer did not think there was enough information provided to answer the question regarding caps. According to the survey responses, the specific complaints regarding parking were the most common, but there were others also. The specific issues that we were trying to solve needed to be spelled out so they could be assessed. Cape Charles was not the only community dealing with the issue of STRs. He would like to know the experiences of other communities, the impact on home prices, and other proven alternatives that might be used elsewhere. We did not have to reinvent the wheel; vi) Councilman Grossman stated that the Town was in a peculiar situation in that the boat had left the dock regarding the number of STRs. Only two other localities in Virginia had established caps. Wachapreague had a cap of 6 and Irvington had a cap of 21. In Richmond, an STR owner had to be a permanent resident for 180 days per year. The committee searched across Virginia and did not find many other options. Councilman Follmer suggested expanding the research outside of Virginia as this was a nationwide issue and there had to be more information out there; vii) Councilman Butta noted that there were several localities whose regulations were being challenged in court. He was concerned that we were putting ourselves at risk with whatever regulations we chose and suggested that we closely watch the legal process to see how it played out as he did not want to have to spend any legal fees defending our regulations; viii) John Hozey added that regardless of what was decided, either side to this issue would likely pursue litigation. Communities instituting regulations were being challenged and it could take 1 to 3 years for the case to go through the court system and we could not put this issue on hold for that long. Our attorney's opinion was that we should not allow fear of litigation to paralyze us, as he would be able to defend the Town's regulations in court if necessary. Was there a sense of urgency?; ix) Councilwoman Holloway stated her agreement with Councilman Follmer in that more collective information was needed before we could move forward. She thanked Councilman Grossman for doing a great job in collecting the data. Lewes, DE just established regulations, and she had been following their process; x) Maggie Deuel stated that she researched localities up and down the east coast, mainly in coastal areas, and most had a percentage cap on STRs with the average percentage of 20%. She referenced the treasurer's report from December 2022 which showed percentages of STRs in Bay Creek (11.22%), the historic district (23.39%) and Cape Charles as a whole at 18.8%, but she felt that number had doubled in the past year, at least in Bay Creek. The numbers would continue to grow unless something was done. If we waited, the numbers would outgrow the capacity of the current infrastructure which was a serious concern; xi) Councilwoman Holloway stated that there were some things that could be done now that would help the impact to the community such as setting community standards for everybody, not just STRs. Some examples were issues related to noise, trash and parking; xii) In the 400-500 blocks on Randolph Avenue, there were only 3 full-time residents, the remainder of the houses were STRs. Was there a neighborhood left on these 2 blocks? No; xiii) Councilman Follmer stated that he was not ready to throw out the idea of a cap, but just wanted more information to explore. He realized there were blocks in town where the vast majority of houses were STRs. He asked whether we cared about the density of STRs, and if we were looking at controlling STRs, did we care where they were?; xiv) Commissioner Ashworth stated that by capping STRs, we were putting a cap on future revenue growth. We were

not addressing the problems of the strain on infrastructure, or affordable housing head on. Did STRs incentivize or de-incentivize new construction?; xv) Commissioner Smith stated that capping STRs would not solve the problem since we had a lot of day visitors, boaters, people visiting their families. We needed to identify the problems we were trying to solve versus doing something drastic; xvi) Councilwoman Holloway added that we needed to look at the reality of the situation. STRs were a big influence to our economy. The businesses that we all loved were able to remain open because of the people coming to Cape Charles. The full-time residents could not support the local businesses; xvii) Councilman Buchholz cautioned everyone about implementing caps either by percentage or number. This area was turning into an STR mecca. If the Town capped STRs, we would be pushing them into the area just outside of the Town which would still affect us.

Occupancy (item #8): i) Councilman Buchholz asked if any discussion was held regarding reducing the occupancy in one house, possibly restricting it to members of a single family; ii) Councilman Butta stated that the occupancy limit was determined during the inspection; iii) The attendees were split regarding children under the age of 10 being excluded from the occupancy count as stated in item #8. There was no consensus reached at this time but several attendees thought the age limit could possibly be lowered to 2 years old versus 10; iv) Several attendees felt that the normal occupancy requirements should be followed, but that a maximum occupancy was necessary regardless of the size of the house. There was much debate about this. John Hozey suggested the possibility of a different maximum occupancy number for houses in Bay Creek versus the historic district since the Bay Creek houses were generally larger than those in the historic district; v) Jeff Palmor encouraged the Council and Planning Commissioners to think about applying the same occupancy restrictions to families with children versus all adults. 4 adults and 5 children were different than having a house of 9 adults. He wanted to encourage families to come to Cape Charles.

Violations (items#10 and 11): i) Commissioner Ashworth expressed his concern with “bad actors” renting houses. He noted that item #10 had a note stating that “individual nuisance, noise, or parking citations will not be counted against the STR owner/operator, but issued directly to the offending party,” and suggested that the STR owner should possibly be penalized as well. There had to be a way to address the issue of bad behavior with some STRs, possibly adding that after 3 violations, they would lose their permit; ii) Councilwoman Holloway added that the biggest challenge was that we had new people every week; iii) Jeff Palmor asked where to draw the line between bad guests and bad owner/operators. He stated that we did not want properties welcoming fraternities or parties, etc., and added that if a party was being held at his house at 2:00 a.m., neighbors should call the police, then contact him. Everyone involved needed to be penalized, including the owner/operator, but it got tricky when we were talking about revoking a permit when the owners were not there; iv) Mayor Charney stated that if the police had to be called, and the owner/management company took care of the issue, the owner should not get a strike against them; v) Commissioner Ashworth added that if the owner/operator did not screen their renters, there should be consequences; vi) Councilman Grossman explained that the reason that noise, parking, and nuisances were not specifically identified in this item was that they were already in the Town Code and applied to everyone, not just STRs; vii) Sam Jones provided a basic overview of the recent Historic District Civic League survey which had 112 responses for the 7 questions. There was a question related to having to complain to STR owners/operators or the Town regarding noise, lighting, trespassing, or other nuisance behavior. Full-time residents or next-door neighbors were more likely to complain. 53% of responders stated that they have had to complain; 38% occasionally complained; and 7.4% frequently complained. That’s why owner/operator contact information was needed in the STR database; viii) John Hozey stated that the framework to address the “bad actors” was included in the recommendations but more detail was needed; ix) John Hozey stated that these recommendations were sent to the attorney for review and it was believed that all items were implementable, including the cap. We were advised to be careful to exercise authority only with individuals who had that authority such as the treasurer, zoning administrator, building official, police chief. This was included in item #11. We also had to provide an avenue for the owners to appeal a determination. Appeals would be made to the town manager who would investigate the situation and make a ruling. The

town manager's decision would be final. If the owner wanted to continue to pursue the issue, it would be through the court system.

Inspections (item #9): i) Inspections would be required of all STRs initially. Annual recertifications would be made by the owner at time of business license renewal but reinspection would only be done upon a change in property ownership or management entity; ii) Councilman Buchholz expressed his concern of reinspection being required only if the property was sold; iii) Councilman Butta suggested requiring reinspection every 3 years. John Hozey clarified that property owners would be able to recertify for 2 years with an inspection being required for year 3; iv) Commissioner Holloway added that inspections would be required if the property was cited for any violations.

Parking (item #12): i) John Hozey stated that the intent was not to increase parking requirements at this time. The biggest complaints being received were related to parking and the fact that residents could not park at or near their homes because of STR parking; ii) There was much discussion regarding the recommendations, but no consensus was reached; iii) Parking was an issue in the historic district regardless of STRs; iv) By providing 2 parking passes per STR, any additional vehicles would have to park elsewhere. Arrangements were needed for overflow parking that we currently did not have; v) Jeff Palmor stated that people generally wanted to do the right thing. By just moving cars to another street, etc. we were creating a problem for someone else; vi) All were in agreement that the full-time residents' right to park in front of or by their homes needed to be protected; vii) One of the recommendations was to issue parking stickers to residents and painting the curb area in front of their homes a different color, if permitted by VDOT. There was a lot of discussion of "what ifs" regarding this recommendation; viii) Commissioner Smith stated that everyone agreed that parking was a big problem but was not going to be resolved tonight. More research was needed; ix) John Hozey stated that more research would be done regarding obtaining additional parking.

Councilwoman Holloway thanked the members of the STR committee for all their hard work in developing these recommendations.

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

Motion made by Commissioner Holloway, seconded by Commissioner Smith, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The joint work session was adjourned at 8:43 p.m.

Mayor Adam Charney

Chairman Bill Stramm

Town Clerk

**November 2, 2023 Joint Work Session of Town Council & Planning Commission
Information Provided in Writing**

Memorandum



From: John Hozey, Town Manager
Date: November 2, 2023
To: Town Council and Town Planning Commission
RE: Short-Term Rentals

Earlier this year I created an ad hoc committee to research short-term rental (STR) issues. Over the past five months, this committee has been reviewing related information and considering possible suggestions for STR regulations that the Town Council and Planning Commission might consider. This committee had no formal authority nor any decision-making ability. It was simply a working group assisting staff, that brought together varying perspectives. This six-member committee had the following representation:

- Town Council/Planning Commission
- Cape Charles Historic District Civic League
- Cape Charles Vacation Homeowners Association
- Bay Creek Community Association
- Town Zoning Administrator
- Town Manager

The consensus among these committee members was that our work should be guided by the following question: ***How do we best protect/preserve the town's sense of community; while recognizing the existing proliferation of STR's and their associated economic benefits?***

Note that the rationale to consider some type of limitation or regulation of STR activity was not only driven by our desire to protect the character of our residential communities, but also to address concerns of stress on the Town's infrastructure. In other words, the town is only so big, and can only accommodate so many people before saturation of public infrastructure occurs. Staying ahead of this curve is unquestionably in the Town's best interest.

So, this was a balancing act to be sure; pitting economic needs against practical concerns. Nobody wanted to take anything away from those already vested in any STR interest, nor did anyone want any STR impact to unnecessarily affect our residents. Therefore, the attached list of recommendations attempts to thread that needle.

It is important to note that the presentation of these recommendations does not represent the end of a process, but rather the beginning of one. This is just a starting point. If during the joint work session of the Council and Planning Commission a consensus can be found on what to move forward; public input would then be solicited. This would likely take the form of a Town Hall style meeting. Only after full public vetting would anything be considered for the formal adoption process.



TOCC STR Regulation Committee Recommendations

11/02/23

- 1) Effective date for all recommendations is January 1, 2025. This allows time to fully vet and develop these concepts, without them impacting operators during mid-season. It also provides additional time for those engaged in the development of an STR to potentially finish what's already been started
- 2) Set an initial cap on STRs at the number being operated per zoning district (or by village in Bay Creek) on the effective date. Establish the final cap for STRs (based on those actually operating) twelve months after the initial cap is set (to weed out those who grabbed a permit before the deadline, but who did not operate an STR). Note caps are by number, not percentage. This preserves all existing uses, while decreasing the overall density as additional construction occurs
- 3) Future changes to STR caps, or to establish caps in districts initially without STRs, would require a zoning text amendment for the affected district; enabling the Planning Commission and Town Council to evaluate the merits of such changes against the greater needs of the Town at that time
- 4) The established cap in the R-1 (historic) district may be increased for specific instances where significant investment is committed to rehabilitate a dilapidated (as determined by the Town) dwelling
- 5) STR's will require an annual permit that will be applied for with their business license. Permits once issued (valid for one year), will automatically renew each subsequent year upon approval of the associated annual business license. Any break in business license coverage for a period of one year, or if a STR remains vacant or not used as a valid short-term rental for a period of one year, will constitute termination of the permit; requiring reapplication the following year, and going to the bottom of a waiting list (if any)
- 6) STR permits in good standing are transferable with the sale of the property
- 7) There will be no STR registry. STRs will be tracked via the business license database. Business license applications will be expanded to collect additional information. This database will include points of contact for all businesses, to include 24/7 contacts for STRs. A listing of all businesses (grouped by type), with their contact information, will be posted on the Town website

- 8) Occupancy will be determined by the square footage of bedrooms, as already defined in ZO Article II; exception: children under the age of 10 are excluded from occupancy count
- 9) Initial inspections will be required for all STRs to confirm occupancy limits and other safety/building code requirements. Annual recertifications of these requirements will be made by the property owner at time of business license renewal. Reinspection will occur upon a change in property ownership or management entity. The Town reserves the right to inspect any property to investigate potential violations, with adequate notice
- 10) An STR permit will be suspended for the following calendar year (to minimize impacts on reservations in the current calendar year), if any of the violations described below occur. An applicant with a suspended permit will be required to reapply once the suspension period is over. Depending on the availability of permits under the applicable district cap, this may cause the application to go to the bottom of a waiting list.
- Qualifying violations include:
- a. Failure to pay business or real/personal property taxes
 - b. Failure to pay transient occupancy tax
 - c. Cancellation of insurance and/or failure to notify the Town of insurance cancellation
 - d. Operating without a business license
 - e. Owner or management entity knowingly allow exceedance of occupancy limits
 - f. Failure to adhere to safety/building code requirements following reasonable notice
 - g. Falsifying annual certifications or resident parking applications
 - h. Applicable zoning violations
 - i. Failure to provide responsive contacts (as determined through Town investigations)
- Note: individual nuisance, noise, or parking citations will not be counted against the STR owner/operator, but issued directly to the offending party
- 11) Violations will be determined by the Treasurer, Zoning Administrator, Code Official, or Police Chief as appropriate. Appeals may be made to the Town Manager, who will conduct, or cause to be conducted, an investigation. The Town Manager's ruling, based on the investigation, will be final
- 12) There are no additional parking requirements for STRs. Instead, we will add to ZO Article IV, a new section for On-Street Parking within the R-1 District designating parking areas for permanent residents of the Town. The following requirements will apply:
- a. Applicable only to permanent residents of R-1 (homeowner or long-term renters) who physically reside in the R-1 District for a minimum of 185 days per year
 - b. Allow up to two parking spaces along the primary residence property frontage (for developed lots only) not to exceed 40' in length. If there is a driveway, only one on-street parking spot will be available (maximum 20' in length)

- c. Curb will be identified as permanent resident parking (painted green or other color)
- d. Permanent residents of R-1 must apply for the specific number of spaces they require (up to two) and receive stickers for their vehicle(s). Copy of vehicle registration will be required for each spot requested
- e. This does not constitute reserved parking for any resident; a permanent resident displaying a valid sticker may park in ANY area designated for permanent residents
- f. Signage and implementation requirements will need to be further explored with VDOT
- g. An application for a short-term rental permit will prompt a review of off-street parking designations for that property
- h. All other areas not designated for permanent resident parking will be open parking and available on a first come, first served basis, to all part-time residents, visitors, or STR guests

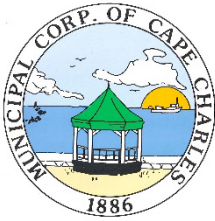
13) Other miscellaneous STR provisions:

- a. There are no restrictions on the types of homes that can be used for an STR (i.e., single family, duplex, condos, etc.)
- b. Except for existing legal non-conforming uses, STRs are prohibited in accessory dwelling units or accessory structures
- c. There is no requirement for owner occupancy or residency on site
- d. No simultaneous STR rentals under separate contracts within a single residence
- e. No Subleasing
- f. If within an HOA, proof that HOA has been notified
- g. No commercial events or gatherings
- h. Signage will comply with newly updated zoning requirements
- i. No person or entity may have an ownership interest in more than five STRs
- j. Refuse requirements: one and two bedroom units require one trash receptacle; three or more bedroom units require two receptacles

Treasurer's Report (as of 12/5/22)

	<u>TOTAL HOMES AS OF 12/5/2022 RE TAX BILLING</u>		<u># of homes as Primary Residence</u>		<u># of homes as Second Home</u>		<u># of STRs</u>	
	# of Homes	%age	# of Homes	%age of Primary Residences from TOTAL HOMES IN TOWN	# of Homes	%age of Total Secondary Homes from TOTAL HOMES IN TOWN	# of Homes	%age of TOTAL STRs as of 5/18/2023 from TOTAL HOMES IN TOWN
Bay Creek Homes	508	37.80%	206	40.55%	302	59.45%	57	11.22%
Historic District Homes	838	62.20%	363	43.32%	475	56.68%	196	23.39%
TOTAL HOMES	1,346	100%	569	42.27%	777	57.73%	253	18.80%

STRs currently occur in 18.8% of the housing stock in the Town with 196 STRs in the Historic District and 57 in Bay Creek. IF you take that in reverse, then 81.2% of the housing stock is not part of the STRS or 1,093 housing units are not part of STRs



DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
November 16, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz and Butta, and Councilwoman Holloway. Councilmen Follmer and Grossman were not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Assistant Treasurer Adrian Oei, Police Officer Thomas Lynch, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 9 members of the public physically in attendance, and 6 viewers on Facebook.

A moment of silence was observed followed by the recitation of the Pledge of Allegiance.

PUBLIC HEARING COMMENTS: (3 MINUTES PER SPEAKER)

- A. A Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) & Harbor (H) to Harbor (H) only

Planner/Zoning Administrator Katie Nunez stated that an application was received on August 24, 2023 from Cherrystone Investments, LLC seeking to rezone Tax Map #90-A-1A6 totaling 1.799 acres from a split zoning parcel of Harbor (H) & General Business/Light Industrial (GBI H-1) to Harbor (H) only. 1.47 acres of this parcel was currently zoned Harbor and just under .4 acres was zoned General Business/Light Industrial. The Planning Commission held their public hearing on October 3, 2023 with no public comments received.

There were no comments to be heard. Town Clerk Libby Hume read an email submitted by Councilman Grossman. (Please see attached.) There were no other comments received in writing prior to the meeting.

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

The public hearing was closed at 6:35 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

Mayor Charney recognized Kathleen Fraas for her 10-year anniversary with the town on November 25th.

Town Manager John Hozey added that Kathy Fraas was a blessing to the town and would be retiring at the end of December. She was unable to attend this evening but asked him to relay her thanks to the Mayor and Council for the recognition.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Laura Weigand, Cape Charles resident/business owner:

Ms. Weigand addressed Council regarding the Madison Avenue parking issue. (Please see attached.)

L.D. Davis, resident

Ms. Davis stated that she took a walkabout earlier this evening, walking to the public parking lot south of Mason Avenue. It's a wonderful gravel lot with no light fixtures to be found in 70 spaces. She then walked from Strawberry Street north from Mason Avenue to Peach Street. There were 28 parking spaces with 4 light fixtures. To her knowledge, the Cape Charles police department had not reported anyone getting lost on Mason Avenue, unable to find their cars, etc. Phase 3 of the Trail project between Mason Avenue and Peach Street would have 27 parking spaces with 10 lights. It was a mixed-use block with both commercial and residential buildings. She asked Council, as they reviewed the Phase 3 Trail agenda item this evening, to let common sense prevail, and to think about the number of lights proposed by staff. Staff said that 10 light fixtures were needed in this block. It was a quality-of-life issue for those living in the area. Those residents would not be able to see the stars at night. This was not a win. A win would be the ability to get to cars safely. If it could be done in the public parking lot without any lights, this plan needed to be rethought.

Dianne Davis, resident

Ms. Davis addressed the Mayor, Town Council, Clerk and Town Manager asking for some helpful suggestions. She stated that she had come before the Town Council in the past about sidewalks, but it seemed that the Town did not have any authority over sidewalks. She asked for contact information for someone she could go to who might be able to help us get sidewalks. She understood that it was not a priority for this town but would appreciate information on who she could contact. She added that she looked at this evening's agenda and saw an item regarding parking restrictions on Madison Avenue and asked how the Town could put restrictions on parking on Madison Avenue when it was a residential area.

Libby Hume read an email from Ms. Julie Jones regarding short-term rentals. (Please see attached.)

There were no other comments to be heard nor any additional comments received in writing prior to the meeting.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. September 21, 2023 Town Council Regular Meeting
 - ii. October 19, 2023 Town Council Public Hearing & Regular Meeting – No Quorum – Notes only
- C. Approval of August 31, 2023 & September 30, 2023 Financial Reports

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. Item 8A – Parking Restrictions on Portion of Madison Avenue was postponed to a future meeting. This was noted on the published agenda to make everyone aware of this change.
- B. *Zoning Map Amendment – Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) & Harbor (H) to Harbor (H) Only:*

Katie Nunez stated that the Planning Commission held their public hearing on October 3, 2023 with no public comments received. Following the public hearing, the Commission discussed the application and unanimously recommended Town Council approval of ZMA 2023-03 rezoning Tax Map Parcel #90-A-1A6 from General Business/Light Industrial and Harbor to Harbor only with the condition that plans as to how this parcel would be used be delivered to the Planning & Zoning Department within six months. The applicant provided a concept plan to the Planning

Director the morning after the Planning Commission meeting, which was included in this agenda packet.

Ms. Nunez added that since the October 19th Town Council meeting could not be held, she was able to further research the creation of this parcel to help answer Councilman Grossman's questions. She stated that the parcels in this area were part of the former Sustainable Technologies Industrial Park (STIP) and went on to explain the history of the parcel and subsequent subdivisions. In 2020, the parcel in question, #90-A-1A6, was substantially created from parcel #90-13-A, which was zoned Harbor, with a small fraction of the lot coming from parcel #90-8-1A5, which was zoned General Business/Light Industrial. (Please see below for map.)

NOVEMBER 2023 AERIAL MAP of these parcels – WHITE FONT is zoned GBI H-1; BLUE FONT is zoned HARBOR; RED FONT – parcel in question with split zoning of Harbor and GBI H-1.



Town Council held their required public hearing earlier this evening and the only comments received were from Councilman Grossman.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the zoning map amendment application as requested and rezone Tax Map #90-A-1A6 from General Business/Light Industrial and Harbor zoning to Harbor on the full parcel.

There was much debate about this item.

Councilman Buchholz expressed his opinion that residential units were inappropriate for this area, adding that the adjacent parcel to the west was zoned Harbor and owned by the Department of Conservation & Recreation in conservation permanently dedicated as a nature preserve. John Hozey interjected that The adjacent parcel to the east was zoned as GBI H-1 which was not conducive to residential development. Katie Nunez explained that any housing in the Harbor district must be approved by a conditional use permit.

Mayor Charney moved for adoption of Ordinance #20231116 as noticed and forewent reading of the ordinance. The motion failed for lack of a majority of affirmative votes of the entire Council. Roll call vote: Bennett, yes; Buchholz, no; Butta, yes; Holloway, yes.

C. Community Trail, Phase 3 Lighting:

John Hozey stated the following: i) At the July 20, 2023 Regular Meeting, Council authorized award of the construction contract to Conrad Brothers of Virginia for Phase 3 of the Community Trail for the scope of work included in the base bid. The alternate to the base bid for light poles and fixtures was not awarded in favor of contracting separately for these items at a lower cost.

The base contract included the lighting control equipment, underground conduit and wiring, foundations and mounting hardware; ii) Staff obtained a quote of \$30,555 for the light poles and fixtures from Spring City Electrical Manufacturing Company, which was the manufacturer of the light poles installed on Mason Avenue and Strawberry Street Plaza. Staff also obtained an estimate of \$18,650 from a local electrician to install the poles and fixtures. The total estimated cost including shipping was \$50K which was about \$30K lower than Conrad's bid; iii) There was currently \$41K in the contingency budget. He requested to move \$40K from the contingency line and \$10K from the Municipal Building line to cover the cost of the lighting project. Funding would be adjusted during the mid-year budget amendment iv) The issue with the number of lights was not something that staff could control. The plan was designed by architects and engineers along with VDOT. The plan was initially approved in 2019 with 10 light poles and 14 lights. The bid came in high, so the project was redesigned and cut back. The lighting was reduced to the minimum acceptable by VDOT regulations and now included 7 light poles with 10 lights. This was comparable to North Peach Street. This area was in a commercial district and with parking being designated for the center of the roadway, additional lights were needed to meet VDOT specifications. Further reduction in lights would put the project in serious jeopardy and the Town would likely lose the grant funding. He suggested moving forward and if the lighting was proven to be excessive, the Town could try to take action to address the issue at that time.

Motion made by Councilman Butta, seconded by Vice Mayor Bennett, to approve the sole source determination, the budget transfer, and award of the contract to Spring City Electrical Manufacturing Company.

There was much discussion as follows: i) Councilwoman Holloway stated that after several residents expressed their concerns at the July meeting and the discussion afterwards, she had felt confident that no decisions were being made regarding lighting until further input had been received. She added that the plan included in the agenda packet showed no reduction in lighting. She did not want to jeopardize the project but did not feel good about this situation. She understood that VDOT approved the plan but asked why double lights were necessary in the center of the street. She concluded by stating that she left the July meeting thinking that Council and staff had heard the residents and would work to reduce the number of lights; ii) Councilman Butta stated his agreement with Councilwoman Holloway regarding the residents' concerns; iii) Vice Mayor Bennett added that a lot of things had been built in Town in the past that were not up to current code. If this plan was approved by VDOT as the minimum number of lights that met their standard, unfortunately, we needed to accept that if we wanted to move forward with the project; iv) Councilman Butta agreed that we did not want to jeopardize the project. We had no choice but to move forward if the plan was to VDOT requirements; v) Councilwoman Holloway continued to state that the number of lights being a VDOT requirement was never brought up at the July meeting. Unfortunately, we had no choice but to move forward since the Peach Street sidewalk was already torn up, adding that she felt that this entire issue had been handled dishonestly. Someone should have mentioned that no changes could be made to the lighting plan since it was a VDOT requirement; vi) John Hozey stated that the specifications were included in the packet and the discussion was not done in a vacuum and went on to suggest that the level of lighting be evaluated after installation. If it was felt to be too bright, the level of lighting could be modified if needed.

The motion was approved by unanimous vote.

Councilwoman Holloway added that she felt that Council was being pushed to the wall and voted in favor of the motion so as not to jeopardize the project.

D. *Town Council Meeting Time Change Resolution:*

John Hozey stated that this item was discussed previously, and a consensus was reached to change the start time of future Town Council meetings to 6:00 p.m. to better align our meetings

with the Planning Commission. A resolution was required to make any changes to the Town Council meeting schedule.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adopt Resolution 20231116B Changing the Time of Cape Charles Town Council Regular Meetings. Mayor Charney moved for adoption of Resolution 20231116B as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Holloway, yes.

E. USDA Rural Development Grant/Loan for Police Car:

Assistant Treasurer Adrian Oei stated that the Council approved projects requested this year to be funded by the US Department of Agriculture Rural Development Agency when the Fiscal Year 2024 budget was approved. If the application was approved, USDA RD would fund the purchase of a police car with a \$15,050 grant and \$27,950 five-year term loan. The current USDA RD interest rate is 3.75% and was not subject to change until January 1, 2024, however the terms and conditions of the loan must be adopted by resolution prior to closing.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to adopt Resolution 20231116C to complete the application package for the new police car. Mayor Charney moved for adoption of Resolution 20231116C as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) Recent hires: In July, Meadow Noonan was hired at the water plant. In August, Aakeen Adgerson joined the public works department. In October, Ryan Silvey was hired as a finance clerk, and in November, Jordan Yee, joined the police department as a new police officer. The two new officers would both be attending the police academy in January.
- ii) In August, John Lockwood retired as the public works manager. Deborah Pocock retired as treasurer in September, and Bob James, the part-time zoning compliance officer resigned in November.
- iii) He received a call from the Eastern Shore Chamber of Commerce wanting to move their ChamberFest event to Cape Charles. They also contacted Canonie. The Cape Charles Rotary Club also wants to do an event on the same date in May. There's not a lot going on in May so these events would fill in the calendar nicely.

Katie Nunez added that the Rotary Club was considering an art show. Councilman Buchholz noted that the Chamber event includes bands and music so would likely attract different crowds.

- iv) Update to EV charging stations: The hold up was in obtaining all the equipment. The EV charging stations were just installed in Chincoteague and Onancock, and they were supposed to activated this week. Our station was waiting on the Canonie lease. We were hopeful that the lease would be finalized within a week.
- v) The beach was open and looked really good. He thanked the public for their patience over the past couple of months and for helping pick up the debris that surfaced. It was an unavoidable part of the dredging process.

Councilwoman Holloway asked if the public works team was walking the beach to clean up the debris which was pretty significant. John Hozey responded that he had walked the beach and had not seen much debris. Councilwoman Holloway added that she had seen several photos over the past week showing big piles of debris that the citizens collected. The citizens would continue to do so, but staff also needed to work on cleaning up the area.

- vi) The public works crew would be installing the sand fence at the beach to try to keep the sand in place through the winter.

- vii) An executive session was originally scheduled for this evening following the regular meeting, but it was postponed to December.
- viii) Library Sale: A conceptual plan was brought to Council, but formal documents still needed to be approved. The original deal was for \$600K for the library building and \$325K for each lot for a total of \$1.25M, with the Town buying back the library portion for \$450K, which left a net gain of about \$800K. The developer changed his mind and was no longer interested in purchasing the two Randolph Avenue lots. With this change, the Town would be netting about \$140K in the deal, but the lots would be put out for bids. The minimum bids would be about \$300K, possibly more for the corner lot. At the end of the day, it would be about the same financially, but would require more staff work. He wanted to make sure there was no significant objection to carving off the lots to sell separately. The bids would not be advertised until the rezoning was complete. The Town would work with the developer to roll the library renovation into the bigger project.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett commented as follows: i) He attended both the Mayors' Conference and the annual VML Conference for the last two years and found them to be useful, especially the Mayors' Conference. He urged Mayor Charney try to attend next year. The Mayors' Conference was much smaller than the regular conference and provided an invaluable opportunity to network with Mayors from around the state to discuss issues affecting their municipalities, etc. He also encouraged Councilman Butta to attend the VML Conference next year; ii) The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) held a meeting last Saturday and invited the Mayor and all Council members to attend. A number of the Council members RSVP'd their attendance, but no one showed up. The CCRSRI wanted to publicly thank the Town for our assistance with their initiative. We needed to do a better job of attending these types of functions in the future, especially if we said we would be in attendance.

Councilman Buchholz comments as follows: i) He asked about the signage on Peach Street. John Hozey responded that he met with Bob Panek and Karen Zamorski. Our contract required the contractor to maintain public access to the businesses. They did leave a gravel path to the businesses, but the signage was confusing. Next to the gravel path was a sign that said "Closed" with an arrow pointing across the street, so no one would think to continue down the path. He was working with Cape Charles Main Street (CCMS) on signage, such as sandwich boards, or other type of sign that could be moved as construction progressed. The eastern sidewalk would be completed first, but probably not until after Festive Fridays. Councilwoman Holloway asked if conversations were held with VDOT and the contractors about ending work before 4:00 p.m. on Fridays for Festive Fridays. Peach Street was heavily traveled, and AJ's and Salt & Sand's business had dropped about 50%. The biggest concern for Festive Fridays was lighting, not signage. People can't see how to maneuver the construction area to get to the businesses. Councilman Buchholz suggested that construction lights be requested for the area; ii) He received a call from a competitor about Salt & Sand's well-being due to the trail project sidewalk construction. A chat group was established to brainstorm some ideas to help. This was an example of the businesses in town taking care of other businesses.

Councilman Butta stated that he attended the CCMS Connect Meeting and one of the main concerns was the lack of restroom facilities in the core district, especially since the construction of the visitor center had to be postponed. CCMS had a substantial grant that would be running out. He did some research and found an industrial, high-capacity portable restroom that could be moved to the beach after the visitor center was constructed. He asked that the Town look seriously into getting this type of unit that could be put in place fairly quickly in order to provide restroom facilities in the downtown area. Councilman Buchholz suggested staff reach out to Preserve Communities to see where they purchased their unit.

Councilwoman Holloway commented as follows: i) She congratulated Mayor Charney for bringing in Dock Dogs and Julie Pruitt for helping to get everything organized. It was a great event. All her doubts

were put to rest quickly and it turned out to be a great shoulder-season event; ii) Last week, she had the opportunity to interact with Ralph Bowen. He was a tremendous guy and doing such an exceptional job as the leader of the public works team. There were some tenuous situations and he handled them well.

Mayor Charney thanked Julie Pruitt for her help with Dock Dogs. He was thrilled with the first year. He suggested everyone put it on their calendar if they missed it this year. He thanked Ralph Bowen and the public works staff for helping with the set-up and break-down. He thanked the Cape Charles Volunteer Fire Department as well.

Mayor Charney read the announcements.

Motion made by Councilman Butta, seconded by Councilman Buchholz, to adjourn the Town Council Public Hearing & Regular Meeting. The motion was approved by unanimous vote.

The Public Hearing & Regular Meeting adjourned at 7:45 p.m.

Mayor Charney

Town Clerk

**November 16, 2023 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Councilman Paul Grossman

Dear Mayor, Fellow Council Members and Town Manager -

I am attending the Governor's Housing Conference. However, I would like to express my comments on this zoning request.

First, I would like to thank our Zoning Administrator for the further research performed surrounding the history of these properties. It is not an easy thing to follow. This revised and corrected information would have been beneficial during our Planning Commission public hearing and regular meetings on this same subject. I have two comments or questions:

1. In the staff report, the lot in question (90-A-1A6) was first presented as 79.85 feet in width but needed to be 100 feet per the zoning administrator. The 100 feet requirement is associated with GBI H-1 zoning requirements while Harbor has an 80 foot requirement. Why was 100 feet pushed and not Harbor's 80 foot width?

2. Our recently adopted comprehensive plan includes a future land use map that clearly depicts this subject area to be Harbor District Industrial which coincides with GBI H-1 designation. The map also clearly delineates the intended Harbor District area. In addition, we expect that tax parcel 90-13-A that was sold to Department of Conservation and Recreation to eventually be rezoned in accordance with the future land use map as conservation/open space.

I am of the opinion that we should stick with our future land use map designations as presented in our comprehensive plan for this area. A more appropriate location for the suggested enterprise is within our Harbor District or immediately adjacent to it through rezoning. Having a sliver of Harbor District sandwiched between eventual conservation/open space and industrial, and away from the actual harbor district seems inappropriate to me.

Thank you for your consideration of my comments.

Paul Grossman
Cape Charles Councilman

Laura Weigand, resident/business owner

My name is Laura Weigand. I am a full-time resident and homeowner of 632 Madison Avenue.

After receiving Mr. Hozey's last email, it seems the Madison Ave. parking issue has unfortunately taken a turn to becoming very one-sided and biased toward Wendell's wants and not the residents. It is disturbing that he considers parking on the street in a residential zone, in front our own house a "harassment of a business." Taking away residential parking spaces in front of our own homes is a contradiction to his proposal that each residential property be able to secure one 20' parking space for lots with a driveway and two 20' parking spaces for those without. Why is the 600 block of Madison any different?

I also want to address his words of "harassing" the business on the upkeep of their property. This refers to their property located at 636 Madison between Wendell's warehouse and our home. There is a town ordinance of mandated repair or demolition by neglect. We would just like them to be held accountable to the town's standard, so please address either fixing up this historical home or selling the property. As the African American tailor business was run here, it deserves new life.

There is a new norm for Cape Charles. More residents are moving here, more lots are being developed. Businesses, especially those in residential areas, must make progressive maneuvers to continue business as normal. I know since we have to unload pallets by hand, and our business is in a commercial zone. But is may only be an inconvenience at times. We have done nothing nor will we to interfere with their "business as usual." Just their "usual" might need to look different as the town grows.

After researching some near-by ordinances, the town of Suffolk has a comprehensible ordinance that allows businesses who operate in or adjacent to residential areas to put up temporary "No Parking/Unloading" cones prior to a truck coming and then removing them no more than 2 hours after the truck unloads. These

early morning deliveries, which are not supposed to happen prior to 7 am in Cape Charles, could even be addressed the night before. We have filed no complaints (or “harassments”) against the Wendells when they unload many times earlier than 7 am, such as this week’s 6:17 am truck. We are not trying to play this tit-for-tat game. Can’t we all just get along?

I request another meeting for ALL involved participants to explore options, without Mr. Hozey acting as the Wendell’s agent and to include one or two impartial Council members for mediation.

Julie Jones, resident

To Cape Charles Town Council, Cape Charles Planning Commission, and Cape Charles Town Manager

My name is Julie Jones, and my husband and I live full time in the Historic District, at 538 Monroe Avenue.

I strongly support the need for the Town of Cape Charles to have regulations to govern and limit the number of short-term rentals in the Historic District of Cape Charles, and greatly appreciate all of the work done by the short-term rental committee that led to these recommendations.

When we purchased our home in 2015, there was great diversity among the people who lived in our block. There were watermen, young families, state troopers, and landscapers, people who rented long-term, and who benefitted from the availability of work force housing.

This all began to change in the fall of 2019, when one of the homes in our block sold, and was converted to a short-term rental. Over time, the four duplexes in our block, representing 8 residences, converted to short term rentals, as well as two other single-family homes.

There are currently 29 residences, counting duplexes as 2 residences, in our block of Monroe Avenue. Of these, at least 11 are short term rentals.

There are 3 houses in our block that recently sold, and “word on the street” is that they are destined to become STRs as well.

That will mean 14 out of 29 residences, or nearly 50% of the houses in our block will be rented out as STRs.

Kind of loses that small town charm, community feel of knowing your neighbors that we all value and love.

I believe that the purpose in establishing the committee to study this issue, which is certainly not unique to Cape Charles, was the recognition that we are a very small town, with limited resources, and it is to the benefit of everyone who loves this town if a cap could be put on the number of STRs in the Historic District.

I understand that one recommendation, as it currently is proposed, would allow additional STRs to be added, up until **January 1, 2025**.

How would that do anything to manage/reduce/control the number of STRs in the Historic District?

It seems to me that by giving people more than a year to convert a home that is currently single family, to an STR, will only lead to a rush to increase the number of STRs in the Historic District. Certainly the three recently sold homes in our block would fall into that category.

Instead, would you consider closing the door on new STR requests on **January 1, 2024**, and give people until **January 1, 2025** to fully act on that request?

Also, if houses that are currently STRs are sold, and are allowed to be “rolled over” as STRs by the new owners, that does not seem fair to anyone who might want to get on a list to have their house become an STR. Once a house is sold, the new owner should have to go to the bottom of the list and wait as opportunities open up, as STRs are either sold, or their owners discontinue using them as STRs.

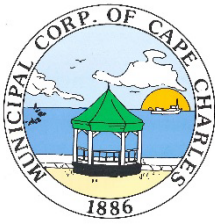
Doing this might actually mean that houses are once again available for long term rental, as people wait their turn on the STR list.

Finally, there have been many different percentages of STRs in the Historic District disseminated, some as low as 15%.

If that percentage is true, then for our block to be currently at nearly 38%, someone must have none of these STRs in their block.

Is that fair?
(End of 3 minutes)

DRAFT



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
November 30, 2023
6:00 PM

At 6:30 p.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, present were Vice-Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There was one member of the public in attendance.

ITEMS FOR DISCUSSION:

A. *FY 2024 Mid-Year Budget:*

John Hozey explained that the mid-year budget documentation was not yet ready due to some technical issues, but provided an overview as follows:

General Fund Revenue: The General Fund revenue looked good. We were ahead of schedule for real estate and personal property taxes, transient occupancy tax, and business licenses. At the time of budget adoption, we showed a budget surplus which was appropriated into the Fund Balance. We would likely have an additional Fund Balance transfer.

Expenditures: i) The Beachfront Master Plan was a big project and would be done in phases. The subcommittee narrowed the bidders down to three who were interviewed. The committee agreed on their consultant of choice and the cost was estimated at about \$100K to \$120K. There was some funding included in the Professional Services budget line, but an additional \$60K was needed which could be pulled from other budget line items. He felt that the \$60K would be made up with the increase in revenue.

Capital Fund: There was a sizable amount of unappropriated funding in the Fund Balance. He planned to transfer about \$120K to fund existing projects that had been approved by Council.

Utility Fund: We had budgeted conservatively, and he felt that existing projects could be funded by the Facility Fee Reserve. He added that the Facility Fee Reserve draw could be reduced with the mid-year budget adjustment.

Harbor Fund: It looks like the Harbor Fund would break even. He noted that the current management agreement would expire at the end of December. The original agreement was for three years with no increases. It was his intent to extend the agreement by one year with some minor adjustments. The contractor was requesting some relief with the 3% credit card fees which totaled about \$35K last year. The rates would be adjusted to cover that expense and the cost would be split 50% to the consumer, 25% to the Town and 25% to the contractor.

There was some discussion regarding the percentage charged by their credit card processing service in comparison to other companies. John Hozey would look into other credit card processing companies which charged lower rates.

Other – Potential Fee Waivers for Non-Profits: The town manager did not have the authority to waive fees, but the Town was constantly being asked for fee waivers from non-profit organizations. The Council had approved waiving all fees for the Cape Charles Rosenwald School Restoration Initiative. A new request was received from the Cape Charles Rotary Club for a waiver of signage fees (\$50 per sign) for their history tour. Another one was expected for the

\$500 permit fee for St. Charles Catholic Church's roof project. He would like Council consideration for a blanket waiver for local non-profit organizations so each request did not have to go to Council for approval. It was not a lot of money so if Council agreed, he would like to bring back a policy statement for Council approval during the mid-year budget adjustment.

Councilman Grossman noted that Emmanuel Episcopal Church was planning to build new ramps so they would be coming in for permits soon.

After much discussion a general consensus was reached to waive the first \$750 in fees and anything over that would be presented to Council.

Due to the holidays, the mid-year budget work session would be held on January 4, 2024. A special meeting would be held on February 1st for a public hearing and action on the budget amendment. The survey results would also be reviewed during the meeting.

B. 2023 Citizen Survey Questions:

John Hozey went on to review the draft 2023 Community Strategic Plan Citizen Survey questions. The first eight questions were the same each year and included questions regarding residency, employment and town services. The remainder of the questions were discussed as follows:

Question #9 was related to short-term rental (STR) regulations and asked the respondents if they 1) supported; 2) did not support; or 3) had no opinion or were undecided about limiting or capping the total number of STRs to current numbers.

The question was revised removing the reference to capping at "current numbers." It was also preferred to include all STRs with Cape Charles, not limiting it to just the historic district.

Question #10 asked respondents to rank a number of recurring local events to get an idea of the events that had the most local support. There was much discussion regarding the relevancy of this question, and it was suggested that the question be replaced with one asking about parking issues, other than the reverse-angle parking on Mason Avenue which could not be changed. Vice Mayor Bennett stated that the question needed to be framed in a way that the answers were meaningful. It was suggested that a committee be formed to review the issues and provide their recommendations, similar to the STR committee. Councilman Grossman suggested adding a broad question such as "What issues regarding parking needs to be addressed?" and let the respondents fill in the blanks.

John Hozey stated that this was a perfect opportunity to review the Town Priorities list and went on to review Appendix B from the 2023 Community Strategic Plan which listed the ongoing Town Priorities List. Items shown in "blue" were basically done or taken as far as could be taken at this time, and staff was also working on the first two new items (#10 & 11) related to short-term rental regulations and the beachfront master plan. (Please see attached.)

Question #11 was an open-ended question asking about other pressing issues needing to be addressed in 2024. All were in agreement with this question.

Question #12 was asked each year and related to how respondents stayed informed of town happenings, with the choices being Facebook, Gazette, Nixle, Town website, Weekly staff reports, Word of mouth, Watch meetings on Facebook, Newspapers, Cape Charles Happenings, Mirror, and Other. There was some discussion regarding this question: i) Mayor Charney stated that he still received comments from residents saying that they were not aware of a particular issue or event, so we could possibly ask respondents what other methods of communication would they like; ii) Councilwoman Holloway thought that the Town's communications were heavy on the electronic level and there were a lot of residents who did not use Facebook or computers. There

was a gap that needed to be addressed; iii) Councilman Butta suggested installing a kiosk in Strawberry Street Plaza where notices could be posted.

John Hozey informed Council that he had delayed the mailing of the utility bills for a week so a hard copy of the survey could be included. He would finalize the survey for inclusion in the utility bills which would be mailed tomorrow, December 1. He and Julie Pruitt would work on getting the electronic version of the survey out by Monday, December 4. The response deadline would be January 12, 2024. Everyone was encouraged to share the link.

Other:

Councilwoman Holloway asked for discussion regarding alternate bathrooms in the business district. There was much discussion as follows: i) John Hozey stated that as soon as information was received from Cape Charles Main Street regarding their alternate recommendation, it could be reviewed, adding that his biggest concern was to not repeat our mistake with the silver bullet which was not built for heavy commercial use. We needed to ensure that whatever was decided upon would hold up for continued use, and reminded all that every dollar spent on this temporary facility would reduce the amount available for the permanent solution; ii) Councilwoman Holloway stated that the ARPA tourism grant funding needed to be allocated by the end of December and spent in 2024, and she did not want to lose \$30K from this grant; iii) Councilman Butta suggested a permanent pre-fab unit which would not require local contractors and could be used instead of the planned building. Councilwoman Holloway stated her preference for a temporary unit for now; iv) Councilman Grossman liked Councilman Butta's recommendation and suggested obtaining cost information for review as it would likely be less costly than the planned building; v) John Hozey stated that the unit being discussed would replace the silver bullet, but if it was a larger unit, would affect the lease with Canonie.

John Hozey informed the Council that an executive session would be held immediately following the December 21st Town Council regular meeting to meet with Canonie.

John Hozey added an apology for providing incorrect information at the November 16th Town Council meeting related to the rezoning request. He felt bad about the error, but in his past experience, an affirmative vote of the majority of the entire Council was needed for a motion to pass, not just those present during the meeting. He went on to state that Mike Sterling gave a presentation to the Council in 2018 and rules of order were adopted. At that time, the Town Council chose a higher standard to require a majority of all Council rather than a simple majority which was required by the State of Virginia, for all items not covered by the Code of Virginia. In 2021, he updated this document, combining the Code of Ethics policy as well. He copied the entire paragraph from Mike Sterling's document but deleted this one statement based on his past experience. Fortunately, this Council worked well together with no divisiveness. He informed Eyre Baldwin of the issue and Mr. Baldwin was very happy to hear the news.

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

The work session was adjourned at 7:11 p.m.

Mayor Adam Charney

Town Clerk

Community Strategic Plan

Appendix B Ongoing Town Priorities List

BLUE: still in progress from previous work periods and require additional time to complete; All items in blue are being worked concurrently with resources applied in in the following order:

1. Finalize the sale of our water/wastewater utilities
 - a. Compile/file application for the VA State Corporation Commission
 - b. Complete appraisals
 - c. Effectuate closing and transfer of assets waiting on SCC approval
2. Align Zoning Ordinances with new Comprehensive Plan (consultant currently under contract)
currently under review by TC & PC
3. New Municipal Center and Library building sale/upgrades taken as far as possible at this time
4. New Downtown Restroom and Visitors Center taken as far as possible at this time
5. Trail Project – Phase 3 – Peach Street in progress
6. Connect Keck Wells to WTP (workforce housing/withdrawal permit)
finalizing design & working on easements so can go out to bid
7. Work with developers/agencies to facilitate workforce housing
Taken as far as possible at this time. Project stalled due to construction costs. Working with NH Cty also.
8. Negotiate and develop settlement agreement for Preserve Communities' liabilities under the Annexation Agreement (associated with utility sale) Completed
9. Address trailer parking on public streets concern Completed

New items to be started as soon as time/resources are available:

10. Develop short-term rental regulations/ordinances
11. Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)
12. Develop harbor/RR area conceptual master planning and new design guidelines
13. Pursue development of shared revenue agreement with the County
14. Develop a plan to address coastal resiliency, to include RAFT recommendations

October 2023 Treasurer's Report

Page 1 – Cash Position

- The increase in our total cash position, \$304,978, is mainly attributed to the sale of the Monroe Avenue lot for \$300,010.
- Facility Fee Reserve cash balance at 10-31-23 is \$3,346,711.

Page 2 – Revenue vs. Expenditures

- A \$451,986 expenditure shown in the Public Utilities fund was a payment to Zenon Environmental for wastewater membrane replacement and technical support services. This was included in the FY24 budget as an appropriation from fund balance.

Page 3 – Capital Projects

- The payment to Zenon Environmental for \$451,986 for wastewater membrane replacement was processed.

Page 4 – Tax Collection Rate

- 2023 real estate tax bills were processed and mailed to taxpayers on October 26. \$23,535 in tax payments were collected in October. Personal property taxes were not billed until November.

Page 5 – Tax Revenue Trends

- Fiscal year-to-date (July through September) meals tax revenue of \$428,263 is nearly 12% higher than a year ago. This tax represents the restaurant owner's September gross receipts.
- Fiscal year-to-date transient occupancy taxes of \$369,764 is running almost 13% higher than this time last year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
October 31, 2023

<u>Cash on Hand</u>	<u>9/30/2023</u>	<u>10/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$339,818	\$450,314	\$110,496
Atlantic Union Bank Money Market Account	\$373,427	\$523,694	\$150,267
LGIP Account 1 - Unrestricted	\$110,138	\$110,653	\$515
LGIP Account 2 - Unrestricted	\$319,512	\$321,149	\$1,637
Virginia Investment Pool Liquidity Unassigned	\$2,300,924	\$2,311,753	\$10,829
Virginia Investment Pool 1-3 Year Unassigned	\$1,015,425	\$1,018,780	\$3,355
Total Cash On Hand	\$4,459,244	\$4,736,343	\$277,098

<u>Restricted and Reserved Cash Balances</u>	<u>9/30/2023</u>	<u>10/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,562	\$30,562	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$13,355	\$13,631	\$277
US Bank - Reserved per VRA Interest Free Loan Requirements	\$261,723	\$262,784	\$1,062
ComputerShare 2010 Debt Service pass through account #300	\$3,141	\$3,155	\$13
ComputerShare 2010 Debt Service pass through account #308	\$1,108	\$1,113	\$5
Atlantic Union Money Market # ARPA CRF #5847	\$595,733	\$595,986	\$253
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,320,441	\$3,346,711	\$26,270
Total Cash Held in Reserve	\$4,237,624	\$4,265,504	\$27,879
Total Cash - All Accounts	\$8,696,869	\$9,001,846	\$304,978

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$4,984,974

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

October 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
GENERAL Fund						
REVENUE	\$558,796	\$1,160,919	\$1,588,350	\$427,431	\$5,719,837	27.77%
EXPENDITURES	\$278,611	\$1,279,397	\$1,368,692	\$89,295	\$5,719,837	23.93%
NET	\$280,185	(\$118,478)	\$219,658	\$338,136	\$0	
GENERAL Capital Fund						
REVENUE	\$8,308	\$38,358	\$42,827	\$4,469	\$2,446,213	1.75%
EXPENDITURES	\$2,710	\$156,369	\$82,717	-\$73,652	\$2,446,213	3.38%
NET	\$5,597	(\$118,011)	(\$39,890)	\$78,121	\$0	
GENERAL Debt Service Fund						
REVENUE	\$0	\$104,498	\$104,561	\$63	\$255,223	40.97%
EXPENDITURES	\$0	\$104,498	\$104,561	\$63	\$255,223	40.97%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities Fund						
REVENUE	\$0	\$567,270	\$19,500	-\$547,770	\$296,350	6.58%
EXPENDITURES	\$0	\$58,460	\$58,491	\$31	\$296,350	19.74%
NET	\$0	\$508,810	(\$38,991)	(\$547,801)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

October 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$178,129	\$698,555	\$762,612	\$64,057	\$2,051,988	37.16%
EXPENDITURES - Operating	\$133,884	\$513,346	\$472,798	-\$40,548	\$1,982,118	23.85%
NET	\$44,245	\$185,209	\$289,815	\$104,606	\$69,869	
REVENUE - CAPITAL GRANTS, LOANS, FUND BALANCE	\$0	\$0	\$0	\$0	\$2,036,728	
REVENUE - FACILITY FEES	\$21,200	\$229,914	\$148,400	-\$81,514	\$466,400	31.82%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$473,186	\$363,019	\$654,535	\$291,516	\$2,572,997	25.44%
TOWN CONTRIB. & PENDING GRANTS	(\$451,986)	(\$133,105)	(\$506,135)	(\$373,030)	(\$69,869)	
HARBOR Fund						
REVENUE - Operating	\$90,548	\$502,540	\$462,788	-\$39,752	\$1,008,625	45.88%
EXPENDITURES - Operating	\$63,271	\$413,081	\$416,352	\$3,271	\$1,082,312	38.47%
NET	\$27,276	\$89,459	\$46,437	(\$43,022)	(\$73,687)	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$228,687	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE OR HARBOR FUND BALANCE	\$0	\$32,825	\$32,220	-\$605	\$450,115	7.16%
EXPENDED - Capital Projects, Debt Svc	\$0	\$32,825	\$50,270	\$17,445	\$605,115	8.31%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	(\$18,050)	(\$18,050)	\$73,687	
SANITATION Fund						
REVENUE	\$27,777	\$93,639	\$110,606	\$16,967	\$314,265	35.20%
EXPENDITURES	\$25,120	\$81,986	\$91,489	\$9,503	\$314,265	29.11%
NET	\$2,657	\$11,653	\$19,117	\$7,464	\$0	

FY 24 Capital Improvement Project Tracking Report

As of:
10/31/2023

FY24 Status or Start Date	Percent of Completion	FY24 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY24 YTD Expended	(Over)/Under Budget
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General Capital Fund

Multi-Use Trails, Phase 3 Construction	<u>In Process</u>	0.4%	\$	929,922	\$	4,150			\$	4,150	\$	925,772				
Municipal Space Replacement Planning (ARPA)	<u>In Process</u>	31%	\$	210,000	\$	62,659	\$	2,445		\$	65,104	\$	144,896			
Welcome Center Design - HBA	<u>In Process</u>	0.9%	\$	455,000	\$	3,998	\$	114		\$	4,112	\$	450,888			
3 Police Vehicles; 1 ARPA/2 USDA	<u>Pending</u>	0%	\$	126,000					\$	-	\$	126,000				
Library Upgrade & Condo-ization - HBA	<u>In Process</u>	2%	\$	310,000	\$	4,759	\$	151		\$	4,911	\$	305,089			
Storage Facility Roofing	<u>Pending</u>	0%	\$	20,000					\$	-	\$	20,000				
Capital Project Contingency	<u>Pending</u>	0%	\$	41,141					\$	-	\$	41,141				
subtotal	\$	-	\$	2,092,063	\$	75,566	\$	2,710	\$	-	\$	-	\$	78,276	\$	2,013,787

Utility Fund -Water

Keck Well Connection	In Process	1%	\$	1,150,000	\$	15,243		\$	15,243	\$	1,134,757
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Utility Fund - Wastewater

WWTP Membrane Replacement	In Process	97%	\$ 465,000	\$ 451,986	\$ 451,986	\$ 13,014
Sewer Pod Controller Upgrades	Pending	0%	\$ 14,500		\$ -	\$ 14,500
subtotal			\$ 1,629,500	\$ 15,243	\$ 451,986	\$ 1,162,271

Harbor Fund

Inner Harbor Fixed Dock Repair	<u>Pending</u>	0%	\$	13,000				\$	-	\$	13,000	
Inner Harbor King Pile & Waler Replacement Design	<u>In Process</u>	6%	\$	306,000	\$	18,050		\$	18,050	\$	287,950	
Inshore Breakwater Repair/Upgrade	<u>Pending</u>	0%	\$	180,000				\$	-	\$	180,000	
subtotal			\$	-	\$	499,000	\$	18,050	\$	-	\$	480,950

TOTAL	\$	-	\$	4,220,563	\$	108,859	\$	454,696	\$	-	\$	-	\$	563,555	\$	3,657,008
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*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

October 31, 2023

YTD 2023 Real Estate Tax Collections

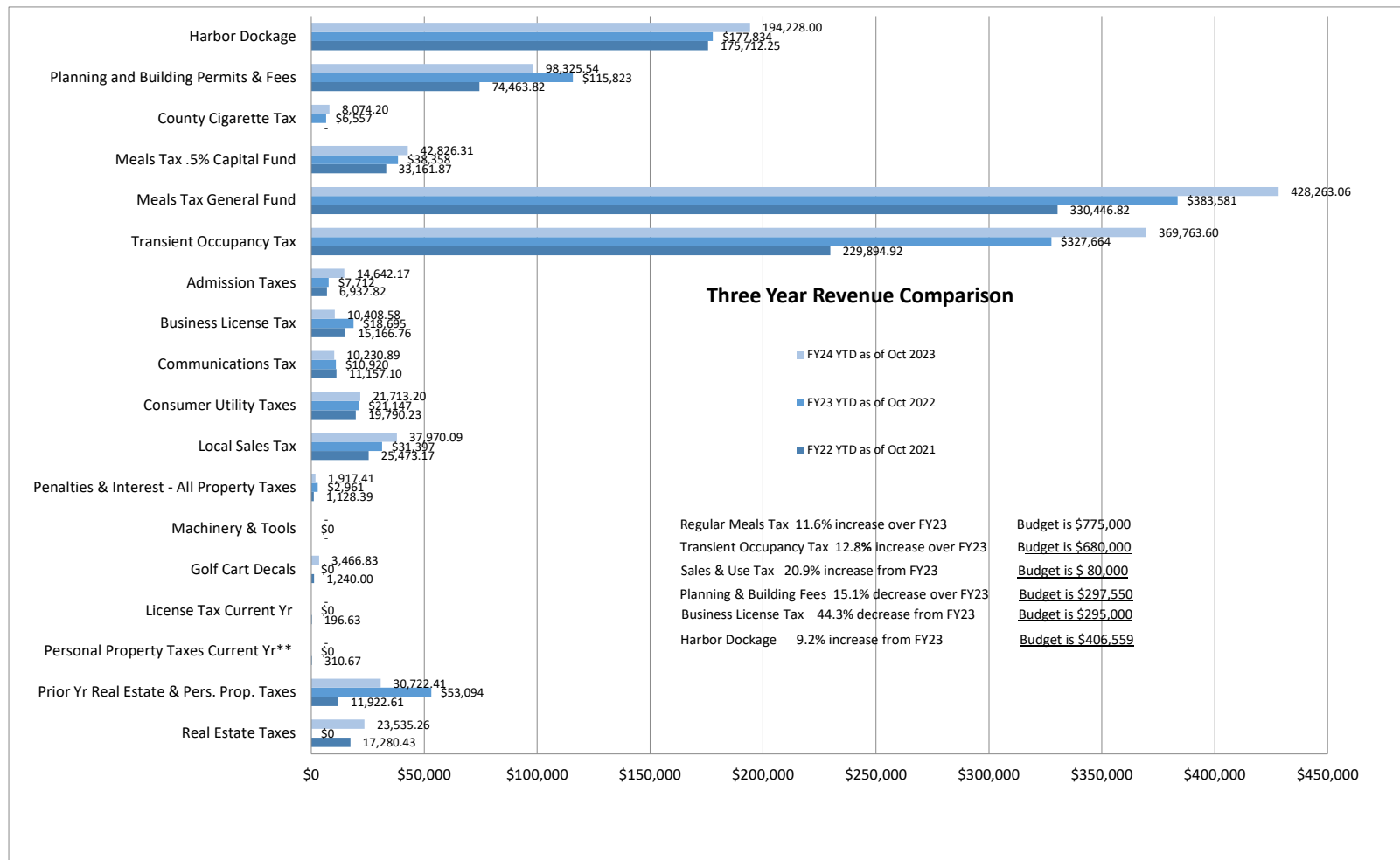
Total Taxable Land Value	318,538,900	
Total Improvement Value	486,197,800	
Exemptions	(9,908,530)	
Additional Assessments (SCC Utility)	3,384,443	
Total Real Estate Value (taxable)	798,212,613	
 Total Budgeted Real Tax Revenue	 1,605,700	
Total Tax Billed	1,724,622	
Total Adjustments	(514)	
Total Collected YTD (percent of billed)	<u>23,535</u>	1%
Amount Due per Accounts Receivable	1,700,572	

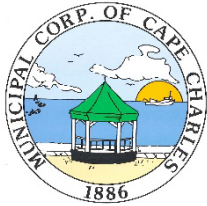
**YTD 2023 Personal Property Tax, Machinery and Tools Tax
& 2023 License Tax Collections**

Total Personal Property Value	Billed in November	
2023 Reduction Due to Proration		
Personal Property Billable Valuation	-	
2023 PPTRA Valuation Reduction	-	
 2022 Supplemental Assessments billed in July 23	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
 2023 Supplemental Assessments	 -	
2023 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
 Total Taxable Assessment Value 2023 & 2022	 -	
 Total Personal Property Tax Budgeted	 96,800	
Total 2023 Tax Billed less PPTRA	-	
2022 & 2023 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	-	
Total Collected YTD (percent of billed)	<u>-</u>	#DIV/0!
Amount Due per Accounts Receivable	-	

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

Total Budgeted	93,050	
Total Collected (percent of budget)	<u>32,640</u>	35%
Amount Due Per Budget	60,410	





**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Extension of Harbor Management Contract

AGENDA DATE
December 21, 2023

SUBJECT/PROPOSAL/REQUEST: Approval of Extension
of Harbor Management Contract

ITEM NUMBER:
8A

ATTACHMENTS: Harbor Management Contract

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

On September 17, 2020, the Town Council approved a three-year contract with Cape Charles Marine Services (formerly Cape Charles Yacht Center), for management of the Town's harbor. Other than the formal name change, nothing from the original contract or operation regarding the Town's portion of the harbor has changed during that time. The current contract will expire on December 31, 2023.

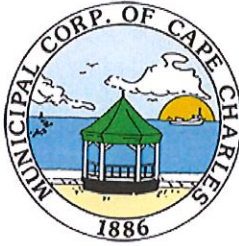
ITEM SPECIFICS:

Town administration has been very satisfied with the performance of services under this contract to date. However, we would also like the opportunity to take some time to re-evaluate all our options for going forward. To allow the time necessary to conduct such an evaluation, the contractor and Town administration have agreed to seek a one-year extension to the current contract.

The only proposed change is to start passing on a portion of the cost for credit card fees to the customers. Current fees would be split, with consumers paying half, and the Town/contractor paying the other half. All other provisions of the existing contract would remain in force.

RECOMMENDATION:

Staff recommends approval of a one-year extension to our harbor management contract with Cape Charles Marine Services.



**TOWN OF CAPE CHARLES
AGREEMENT FOR
TOWN HARBOR MANAGEMENT**

This Agreement ("Agreement"), made this ____ day of August, 2020 by and between the Town of Cape Charles, a Virginia municipal corporation ("Owner"), and Cape Charles Yacht Center, LLC, a Virginia limited liability company, having its principal office at 1011 Bayshore Road, Cape Charles, Virginia 23310 ("Contractor").

WHEREAS, the Town owns the Town Harbor ("Harbor"), located within the boundaries of Cape Charles, which serves recreational, commercial and governmental vessels and which provides docking, fuel, sale of marine supplies, offload of seafood catch, and public boat launch and recovery; and

WHEREAS, the Harbor consists of 95 boat slips, 4 T-Heads, 1,200 feet of side-to-dock space, pump out facility, bath house, and public restrooms; and

WHEREAS, on February 24, 2020, the Town issued a Request for Proposals (RFP) for management of the Harbor, a copy of which RFP is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, in response to the RFP, Contractor submitted "Proposal Marina Management, Town of Cape Charles, April 20, 2020" ("Proposal"); and

WHEREAS, the Town has determined that acceptance of the Proposal is in the best interest of the Town.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein, and for other good and valuable consideration, the sufficiency of which is acknowledged by the parties hereto, the parties agree to the following:

I Contract Period

- A. A transition period shall commence October 1, 2020 and shall run through December 31, 2020. During this period Contractor shall observe current operations, evaluate current staff for potential employment with Contractor, and develop a plan to operate the balance of fiscal year 2020 under the approved budget. Full performance shall commence January 1, 2021 and shall run through December 31, 2023. Contract may be extended in writing by mutual consent.
- B. Inventory: Upon commencement of full performance of this Agreement, Owner and Contractor will sign an acknowledged inventory list of Owner supplied major equipment/vehicles available for Contractor use on January 1, 2021, and for which the Contractor will assume maintenance in

accordance with Statement of Work. Contractor will maintain this inventory in a similar condition to which it was received, using resources provided by the Owner in the annual operating budget. Additionally, Owner and Contractor will sign an acknowledged inventory of the existing stock of items held for resale, including fuel.

II Compensation

A. Base Fee.

In consideration of the services provided by Contractor, Owner shall pay Contractor on a monthly basis the following base fees calculated as a percentage of Gross Receipts:

Fuel Sales – 60 cents per gallon
Dockage & Wharfage – 40% of Gross Receipts
Electricity Sales – 20% of Gross Receipts
Lease Storage – 30% of Gross Receipts

B. Incremental Fee.

In addition to the base fees described above, the Owner shall pay Contractor on an annual basis the following incremental fees calculated as a percentage of that portion of Gross Receipts that exceeds the gross receipts from the previous calendar year:

Fuel Sales – 65 cents per gallon
Dockage & Wharfage – 50% of excess annual Gross Receipts
Electricity Sales – 20% of excess annual Gross Receipts
Lease Storage – 50% of excess annual Gross Receipts

C. Material and Operating Cost Reimbursement.

The Owner will reimburse the Contractor for allowable cost of materials and operations indicated in the approved budget as a cost reimbursement item provided-

- i. The Contractor has made payments for materials/operations in accordance with the terms and conditions of the agreement or invoice with its vendor; or
- ii. The Contractor ordinarily makes these payments within 30 days of the submission of the Contractor's payment request to the Owner and such payment is in accordance with the terms and conditions of the agreement or invoice with the vendor.
- iii. The allowable costs of materials/operations are the actual amounts paid by the Contractor.
- iv. All materials/equipment for which the Owner provides reimbursement shall be the property of the Owner.

To the extent able, the Contractor shall-

- i. Obtain materials at the most advantageous prices available with due regard to securing prompt delivery of satisfactory materials; and
- ii. Take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other benefits.

The Owner will not pay indirect costs, material handling, profit, or fee to the Contractor on materials/operational expenses.

It is estimated that the total cost to the Owner for materials/operations shall not exceed the amount of the approved budget, and the Contractor agrees to use its best efforts to perform the work within the budget. The Contractor is not authorized to procure materials in excess of the approved budget. If at any time the Contractor has reason to believe that the material or operational costs that will accrue in performing this Agreement in the next succeeding 30 days, if added to all other payments and costs previously accrued, will exceed 85 percent of the budget, the Contractor shall notify the Owner's Representative giving a revised estimate of the material/operational costs with supporting reasons and documentation so that the Owner may determine whether to revise the budget.

D. Payment.

Contractor shall submit to the Owner's Representative a request for monthly payment of the base fee with documentation supporting calculation of the payment as described in subparagraph E below. Payment shall be made by the Owner within thirty (30) days of receipt of the required documentation or correction of any discrepancies by Contractor. Contractor shall submit to the Owner's Representative a request for payment of the annual payment of the incremental fee with documentation or correction of any discrepancies by Contractor after close of the preceding twelve-month period. Payment of the incremental fee shall be made by the Owner within thirty (30) days of receipt of the required documents.

Owner may reduce payment to Contractor by an amount equivalent to the value of costs incurred by the Town due to misuse, neglect or damage to Owner's personal or real property. Such reductions in payment will be documented and provided to the Contractor no less than thirty (30) days in advance. Contractor may contest the reduction by presenting corroborating facts and conditions in writing to the Town Manager, who will duly consider such information. The Town Manager shall make a final decision regarding payment reduction. In the event the Contractor continues to dispute said reduction(s), they may seek reinstatement via Section VI.m.

E. Documentation of Gross Receipts.

Within twenty (20) business days following the end of each calendar month, Contractor shall provide the Owner's Representative with a final statement of Gross Receipts for the immediately preceding calendar month. Such statement shall detail all daily Gross Receipts by income category. Examples of income categories include, at a minimum, but are not necessarily limited to, dock fees, storage leases, fuel sales, electricity sales, and merchandise and goods sales.

Within twenty (20) business days following the end of each calendar year of this Agreement, Contractor shall provide the Owner's Representative with a final statement of Gross Receipts for the preceding year. Such statement shall detail all daily Gross Receipts by income category as described above.

The Owner shall have the right to inspect the records used to develop the monthly and annual statements of Gross Receipts upon reasonable notice to Contractor.

III Owner's Representative

Town Manager, 757-331-2979, Townmanager@capecharles.org; or his designee.

IV Statement of Work

- A. Provide all labor, office supplies and incidental materials to manage and operate the Town Harbor, including routine maintenance and repairs. Supplies and materials not reimbursed by the Owner will remain the property of the Contractor. The harbor includes 95 slips, 4 T-Heads, 1,200 feet of side-to dock space, pump out facility, bath house, office, public restrooms, dock side and street side fueling system, boat landing, and parking lots, all within the boundaries of Tax Parcel 83A3-A-10. Harbor operations are subject to the following conditions:
- i. Local Cooperation Agreement with the United States of America, particularly Harbor of Refuge; Exhibit A.
 - ii. Free public use of the boat landing, per the Cooperative Agreement with the Virginia Department of Game and Inland Fisheries; Exhibit B. Should this agreement not be renewed at the sole discretion of the Owner, the boat landing may be operated as an additional profit center with an additional fee structure upon concurrence of the Owner.
 - iii. All conditions of the Boating Infrastructure Grant and any other current or future grants for the operation or improvement of the Harbor
 - iv. All applicable state, federal and local laws, ordinances, regulations and policies.
 - v. A minimum of 32 floating dock spaces must be reserved for transient vessels, 14 on B Dock and 18 on C Dock, as a Boating Infrastructure Grant requirement.
 - vi. Continued certification as a Virginia Clean Marina.
 - vii. Public access from the western terminus of Marina Road through the asphalt parking lot to The Shanty (or successor) restaurant, the boat landing and any other facility open to the public.

Any fine, penalty or monetary loss resulting from Contractor's failure to abide by the agreements, grant conditions, or laws referenced herein, resulting from action or inaction directly related to the Contractor's responsibilities under this agreement, shall be the sole responsibility of Contractor. Contractor shall defend, indemnify and hold harmless the Town, its officers, employees and agents, from any and all liability or claims arising from, or alleged to arise from, such failure to abide by said agreements, grant conditions, and federal, state, and local laws, ordinances, regulations and policies.

B. The following functions are included:

- i. Budget/Vision Development and Implementation.
 1. Prepare annual budget for submission to Town Manager and approval by Town Council. This will include proposed rates, fees, prices and any discounts for Town property owners and commercial operators. Annual budgets shall clearly indicate which items are: (i) managed by the Contractor and covered by the fee, (ii) material and operating costs managed by the Contractor and reimbursed by the Owner; and, (iii) items managed and a paid for by the Owner.
 2. Prepare/update annual vision statement for the Town Harbor, to include specific deliverables or goals to be achieved in the next calendar year. The Owner will evaluate Contractor's performance annually at the conclusion of each boating season and prior to development of the following year's goals. Such evaluation will consider whether the Contractor received prior year's agreed upon support from the Owner.
 3. Implement approved budget/vision statement, including expense items such as utilities, facilities maintenance and repair, tools and equipment, fuel, and other retail item purchases.
 4. Prepare mid-year forecast of operating results.
- ii. Financial Control and Reporting.
 1. Bill and collect payments for all fees, sales, goods and services, including related deposits.
 2. Contractor and Owner shall maintain its books and records in compliance with Generally Accepted Accounting Principles (GAAP). Contractor shall not commingle revenues from its operations under this Agreement and other operations, and Contractor shall hold revenues due the Owner under this Agreement in trust.
 3. Account for all expense and revenue transactions through the Cape Charles Yacht Center marina software and accounting system. Provide monthly detail reporting to Town Treasurer.
 4. Revenues shall be collected, accounted for, and remitted by the Contractor to the Owner, and authorized expenses reimbursed by the Owner per Section II. C, D and E.
 5. The chart of accounts will be established cooperatively with the Town Treasurer.
 6. Pursue third party insurance claims as necessary for damages or liabilities incurred to the Owner's equipment or infrastructure.
 7. Utilities will be billed directly to the Owner, for payment by the Owner.
- iii. Operations.
 1. Solicit and administer occupancy agreements and slip assignments. Monitor for unauthorized occupancy. Actively pursue delinquent accounts payable. Administer evictions and remove abandoned vessels in accordance with law and resources provided by the Owner.
 2. Ensure boaters are provided with and sign rules and regulations and provide certificates of liability insurance.
 3. Implement standard operations procedures and facilities and equipment maintenance schedules.

4. Maintain emergency contact numbers and an Emergency Procedures Plan for staff. Ensure staff members are trained in safety and emergency procedures. Copies of all current emergency plans/contact information will be provided to the Owners Representative.
 5. Provide all slip renters access to the facilities and amenities of Cape Charles Yacht Center.
 6. Establish a grievance procedure for staff, contractors, and patrons of the Town Harbor. This procedure shall provide the grievant with a formal process to document concerns, a written response of possible resolutions, and a method to appeal a decision within the Contractor's organization. All grievances will be maintained as permanent records and available to the Owner.
 7. Assist with the placement/maintenance of swim buoys at the Town's public beach.
 8. Provide a weekly report (approximately half a page) to the Town Manager NLT 3:00 pm each Friday, highlighting significant operational issues and accomplishments, including repair and capital improvement projects.
- iv. Retail Sales.
1. The Contractor will manage and account for fuel sales to retail customers, work with vendors to ensure appropriate fuel is available for sale, and act as the Owner's agent when dealing with fuel vendors. Fuel vendors will invoice the Owner directly.
 2. The Contractor shall operate an independent retail store for marine related supplies, equipment, apparel, and other appropriate items at the Town Harbor. Store inventory will be selected and procured by the Contractor at the Contractor's sole discretion and expense. All expenses, proceeds, and inventory associated with the retail store will remain with the Contractor.
- v. Human Resources.
1. Hire, train and supervise all staff as employees of contractor.
 2. The Owner must concur in the selection of all subconsultants to be engaged in performance of this Agreement. The contractor shall be responsible for the performance of all subconsultants authorized under this agreement.
 3. Ensure all staff working at the Town Harbor are dressed in proper apparel with shirt exhibiting joint CCYC/CCTHM logo.
 4. Contractor shall be responsible for taking all reasonable measures to prevent the spread of communicable diseases that may be carried by its employees. Reasonable measures shall include compliance with any and all regulations, guidelines, executive orders, and executive directives by the Governor of Virginia, the State Health Commissioner, or other federal, state, regional, or local officer or agency.
 5. Cape Charles Yacht Center will assume all expenses for staff.
- vi. Facilities and Equipment.
1. Within the approved budget and as outlined in the Vision Statement, maintain harbor to a high level of appearance and operational status.
 2. Within the approved budget, provide security monitoring for common areas and docks.

3. Conduct weekly inspections of grounds, systems, buildings, and docks. Maintain detailed inspection logs reviewable by the Owner at the Owners request.
 4. Within the approved budget and as outlined in the Vision Statement, perform routine maintenance and repair of all facilities and equipment.
 5. Within the approved budget, purchase tools, equipment and materials required for operations, maintenance, and repair. Such tools, equipment and materials remain the property of the Owner.
 6. Collaborate with Owner's representative to recommend a capital improvement plan for the harbor.
- vii. Marketing and Branding.
1. Prepare and submit to the Town Manager, at least annually, a competitive market analysis that identifies the marinas, amenities, slip sizes, services, and rates in the region. Include a positioning strategy based on this analysis.
 2. Develop and implement an aggressive marketing strategy as outlined in Cape Charles Yacht Center's proposal of April 20, 2020, incorporated by reference.
 3. Cape Charles Yacht Center will assume all expenses for marketing and branding.

V Definitions

- A. "Office Supplies and Incidental Materials" include but are not limited to:
- i. Computer hardware, software, and technical support
 - ii. Copiers, fax machines, credit card machines, and typical office equipment
 - iii. Printer paper, toner, and other typical office supplies
 - iv. Janitorial cleaning supplies and paper products exclusive of those provided for customer use
 - v. Employee uniform items
 - vi. Promotional materials
- B. "Routine Maintenance and Repairs" refers to labor or service contract management done outside of the Town's approved capital improvement plan and within the Town approved materials budget needed to address ongoing repairs and issues outlined during the budget development process. Maintenance and repairs that are deemed by the Contractor and Owner to be outside the scope of this agreement during the budget /vision development process, will be the responsibility of the Owner. Labor or service contract management under this agreement may include, but is not limited to, the following areas:
- i. Carpentry
 - ii. Plumbing
 - iii. Electrical
 - iv. Mechanical
 - v. Painting
 - vi. Horizontal Surfaces

- C. "Vision Statement" refers to both an aspirational desire to improve the appearance, function, and financial position of the Town Harbor; as well as annual tangible goals the Contractor will strive to achieve throughout an operational period, consistent with the resources provided by the Town. This Vision Statement is a separate document and hereby incorporated by reference; and will be updated annually in conjunction with an evaluation of Contractor performance following each boating season.

VI Terms & Conditions

- A. Termination: After the first year, it shall be the right of either party to terminate the contract upon sixty (60) days written notification.
- i. Within ten (10) days after the expiration or termination of this Agreement, Contractor shall remove all of its property from the Harbor. All property left on the Harbor premises shall be considered abandoned and shall be subject to disposal or retention by the Town. Contractor shall leave the areas it has occupied in a clean state and in good repair.
 - ii. The termination or expiration of this Agreement shall not relieve the parties of the obligation to pay any amount due the other that accrued prior to the termination or expiration of this Agreement.
 - iii. Contractor shall provide to Owner's representative an electronic record in Excel of accounts receivable, accounts payable, and revenue earned for the current fiscal year through the termination date for continuity of financial records. Such records shall be at the transaction detail level. All pending paper records (such as invoices due, etc.) shall also be transferred to the Owner's representative.
- B. Modification: The contract shall not be amended, modified, or otherwise changed except by a written change order. Change orders may be proposed by either the Contractor or the Owner.
- C. Ownership of Work Products and Records: Except for items which have preexisting copyrights or are solely associated with the Cape Charles Yacht Center and not associated with this agreement, all work products and records produced under this Agreement, are the property of the Owner. Payments to the Contractor for services hereunder includes full compensation for all work products, field notes, interim work, promotional materials, reports, and other materials produced by the Contractor and its subconsultants pertaining to this Agreement. Any re-use the Owner might make of these work products shall be at the Owner's own risk and option and the Contractor shall not incur any liability for the Owner's re-use of any work products.
- D. Insurance: Contractor shall obtain and maintain the following minimum insurance coverage:
- i. Workers Compensation Insurance as required by the Code of Virginia.
 - ii. Longshore and Harbor Workers Compensation Insurance as required by law.
 - iii. Commercial General Liability insurance, including contractual liability and products and completed operations liability coverage, with limits no less than One Million Dollars (\$1,000,000) per occurrence combined single limits (CSL);

- iv. Marine Pollution Liability Insurance with limits no less than One Million Dollars (\$1,000,000) per occurrence combined single limits (CSL); and
- v. Automobile and vessel liability insurance coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence combined single limit (CSL). This coverage shall include non-owned and hired, as well as owned motor vehicles and vessels

Contractor may meet insurance requirements through separate, combination, or package policies if those policies meet the required limits and the required scope of coverage. Contractor or its insurance broker shall promptly notify the Owner of any material change to any such policy and provide an updated certificate of insurance.

The Contractor shall pay all premiums and other costs of insurance at its own expense. The Owner shall not be responsible to pay for the Contractor's insurance.

Prior to assuming operations of the Harbor under this Agreement, and not less than thirty (30) days prior to expiration of any policy thereafter, Contractor shall furnish to the Owner's Representative a certificate of insurance reflecting that the insurance required by this Agreement is in force, accompanied by an endorsement showing the required additional insureds satisfactory to the Owner's Representative in substance and form. Notwithstanding the requirements of this paragraph, Contractor shall at the Owner's Representative's request provide to the Owner a certified copy of each insurance policy required to be in force at any time pursuant to the requirements of this Agreement.

Insurance coverage required under this Agreement shall be procured from a company or companies authorized to transact business in the Commonwealth of Virginia with a rating by A.M. Best & Company of A- or above. All such policies shall cover the Contractor and the Town of Cape Charles, including its officers and employees, as additional insureds and shall include or provide coverage for liability assumed under this Agreement. All such insurance policies shall be primary and shall contain a provision requiring the insurance company or insurance broker to give the Owner written notice at least thirty (30) days prior to cancellation of or material change to the policy.

- E. Right to Audit: Contractor's records of expenses and revenues directly related to operation of the Cape Charles Town Harbor shall be open to inspection and subject to audit and/or reproduction, during normal working hours, by the Town to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by Contractor of any of its payees pursuant to execution of the contract. Such records subject to examination shall also include, but not be limited to, those records necessary to evaluate and verify direct and indirect costs (including overhead allocations) as they may apply to costs associated with this contract.

For the purpose of such audits, inspections, examinations and evaluations, the Town shall have access to said records from the effective date of this contract, for the duration of the work, and until five (5) years after the date of final payment by the Town to Contractor pursuant to this contract.

The Town shall have access to Contractor's facilities, shall have access to all necessary records, and shall be provided adequate and appropriate workspace, in order to conduct audits in compliance with this article. The Town shall give Contractor three business days advance notice of intended audits.

- F. **Drug Free Workplace:** In accordance with Section 2.2-4312 of the Code of Virginia, during the performance of this contract the contractor agrees to:
- i. Provide a drug-free workplace for the contractor's employees.
 - ii. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
 - iii. State in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace.
 - iv. Include the provisions of the foregoing clauses for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this section, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of this contract.

- G. **Faith-based Organizations:** The Town does not discriminate against faith-based organizations in accordance with the Code of Virginia, Section 2.2-4343.1.
- H. **Nondiscrimination:** In accordance with Section 2.2-4311 of the Code of Virginia, during the performance of this contract the Contractor agrees as follows:
- i. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - ii. The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.

- iii. Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
 - iv. The Contractor shall include the provisions of the foregoing paragraphs in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.
- I. Unauthorized Aliens: In accordance with Section 2.2-4311.1 of the Code of Virginia, during the performance of this contract the contractor shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.
- J. Environmental Management: Contractor shall be responsible for complying with all applicable federal, state, and local environmental regulations.
- K. Finance Charges: The Owner will not pay any finance charges imposed on any invoices submitted by the contractor relative to this Contract. However, the Owner will reimburse any finance charges incurred by the Contractor due to late payments to vendors and contractors caused by late payment by the Owner.
- L. Assignment: Contractor may not assign his rights and obligations hereunder unless approved by the Owner.
- M. Claims and Disputes: The Owner and Contractor shall endeavor to resolve claims, disputes and other matters in question between them by informal means. In the event resolution is not forthcoming via informal means, the Owner and Contractor will attempt resolution via mediation which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association. A request for mediation shall be made in writing, delivered to the other party to the Agreement, and filed with the person or entity administering the mediation. The parties shall share the mediator's fee and any filing fees equally. The nonbinding mediation shall be held in a location that is mutually agreed upon.
- N. Choice of Law and Venue: Any disputes that cannot be resolved between the Owner and the Contractor via informal means or mediation must be resolved in the Courts of Northampton County, Virginia. The contract shall be governed by the laws of the Commonwealth of Virginia.
- O. Force Majeure: Neither the Owner nor the Contractor shall be considered in breach of this Agreement to the extent that performance of their respective obligations is prevented by an Event of Force Majeure that arises after the effective date. For purposes of this agreement, Events of Force Majeure shall mean: acts of God (such as, but not limited to, fires, explosions, earthquakes, drought, hurricanes, tornados, tidal waves and floods); war, hostilities (whether war be declared or not), invasion, act of foreign enemies; riots, commotion, strikes, lock outs or disorder, unless solely restricted to employees of the Contactor or of his subcontractors; or acts or threats of terrorism.
- P. Conflict of Interest: The Contractor shall notify the Owner as soon as possible if this Agreement or any aspect related to the anticipated work under this Agreement raises an

actual or potential conflict of interest. The Contractor shall explain the actual or potential conflict in writing in sufficient detail so that the Owner is able to assess such actual or potential conflict. A conflict of interest will exist when interests other than the Owner's are potentially enriched at the Owner's expense; notwithstanding the anticipated growth of both the Contractor's and Owner's Cape Charles operations as a function of the mutual support and collaboration contemplated by this Agreement.

- Q. Confidentiality: The Owner agrees not to disclose Contractor's trade secrets, proprietary information, or other confidential information, directly or indirectly, during or after the term of the Agreement, unless compelled to do so by controlling law. Contractor acknowledges the Owner's obligation to disclose certain public documents under the Virginia Freedom of Information Act and other laws.
- R. Compliance with Laws: Contractor shall at all times comply in all respects with all applicable local, state and federal laws, ordinances and regulations applicable to its performance under this Agreement and shall obtain all permits or licenses necessary for its operations. Contractor shall provide the Town with copies of all government-issued health, safety or environmental inspection reports relating in any way to Contractor's operations at the Harbor. Each right and remedy of the Town provided for in this Agreement shall be cumulative and shall be in addition to every other right or remedy under this Agreement, applicable laws, and regulations.
- S. Indemnification: Contractor shall defend, indemnify, and hold harmless, the Town and its officers, employees and agents, from and against any and all losses, claims, damages and expenses, including reasonable costs of investigation and attorneys' fees, (collectively, the "Losses") arising from: (i) Contractor's failure to comply with any and all federal, state, foreign, local, and municipal regulations, ordinances, statutes, rules, laws, and constitutional provisions (collectively the "Laws") applicable to Contractor's performance of this Agreement; (ii) any unlawful acts on the part of Contractor or its officers, agents, employees, or subcontractors; (iii) personal or bodily injury to or death of persons or damage to the property of the Town to the extent caused by the negligent acts, errors, and/or omissions or the willful misconduct of Contractor or its officers, agents, employees, or subcontractors, or; (iv) material breach or default by Contractor or its officers, agents, employees, or subcontractors of any provisions of this Agreement. The indemnity provisions set forth in this Article shall survive the termination of this Agreement.
- T. Independent Contractor: The parties acknowledge that Contractor is an independent contractor pursuant to this Agreement and not an employee or agent of the Town. Neither the Town or Contractor is in any respect an agent, officer or employee of the other, and no officer, agent or employee of either party, or any person acting on behalf of either of them shall act or represent himself as, an agent, employee or officer of the other.
- U. Assignment; Delegation: Neither party shall assign, transfer, or convey this Agreement, or any part thereof, nor delegate the performance thereof, without the prior written consent of the other.
- V. Interpretation: Each party agrees to the use of the particular language of the provisions of this Agreement, and any questions of doubtful interpretation shall not be resolved by any

rule or interpretation against the draftsman, but rather in accordance with the fair meaning thereof, having due regard to the benefits and rights intended to be conferred upon the parties and the limitations and restrictions upon such rights and benefits intended to be provided.

- W. Severability: If any part of this Agreement is, for any reason, held invalid for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement, provided that the purpose of this Agreement and the intent of the parties are not frustrated.
- X. Further Acts: Each party agrees to perform any further acts and to execute, acknowledge and deliver any documents, and to provide any information which may be reasonably necessary to carry out the provisions of this Agreement.
- Y. Consequential Damages Waiver: In no event will the Town be liable or responsible to the Contractor for any type of incidental, punitive, indirect or consequential damages, including, but not limited to, lost revenue, lost profits, replacement goods, loss of technology, rights or services, loss of data, or interruption or loss of use of service or equipment, even if advised of the possibility of such damages, whether arising under theory of contract, tort (including negligence), strict liability or otherwise.
- Z. Small Businesses and Women-Owned and Minority-Owned (Swam) Business and Local Procurement: The Contractor shall use good faith efforts to purchase goods, materials, supplies and services from small, women-owned, and minority-owned (SWAM) businesses, and from locally owned businesses.
- AA. Good Faith: Both parties shall cooperate in the implementation of the provisions of this Agreement in a spirit of good faith and fair dealing and, to that end, any consent or approval required hereunder shall be given or withheld or conditioned on a reasonable and timely basis.
- BB. Non-Appropriation: All Owner obligations under this Agreement are subject to, and contingent on, appropriation of funds by the Town Council.
- CC. No Waiver: The failure of either party at any time to require performance of any provision of, or to resort to any remedy under, this Agreement shall in no way affect the right of such party to require performance or to resort to a remedy at any time thereafter, nor shall the waiver by either party of a breach be deemed a waiver of any subsequent breach. No course of dealing, nor any failure to exercise, nor any delay in exercising any right, power or privilege hereunder shall operate as a waiver thereof. No waiver of satisfaction of a condition or nonperformance of an obligation under this Agreement will be effective unless it is in writing and signed by the party granting the waiver
- DD. Applicable to Successors and Assigns: The Town and Contractor agree that the rights and obligations under this Contract shall inure to and be binding on their respective successors and permitted assigns.

EE. The recitals form a part of this Agreement. This Agreement constitutes the entire Agreement of the parties and supersedes all prior or contemporaneous agreements, whether oral or written, between the parties. This Agreement may be amended only by a written agreement, addendum or change order signed by the parties hereto.

FF. Notice: Notices and all other communications provided for in this Agreement shall be in writing and shall be deemed to have been duly given when personally delivered or sent by certified mail, return receipt requested, postage prepaid, addressed to the respective addresses last given by each party to the other.

Owner

Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Contractor

Nicole Jacques or John B. Turner
Cape Charles Yacht Center
1011 Bayshore Road
Cape Charles, VA 23310

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date written below.

Town of Cape Charles, Virginia

By: _____

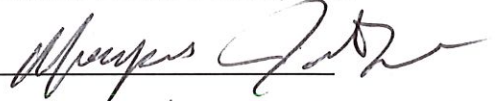


Its: Town Manager

Date: 11/12/2020

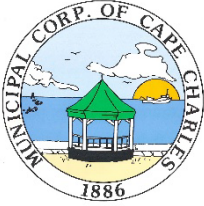
Cape Charles Yacht Center, LLC

By: _____



Its: Principal Principal

Date: 11/12/2020

 TOWN OF CAPE CHARLES	AGENDA TITLE: Beachfront Master Planning Contract		AGENDA DATE December 21, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Beachfront Master Planning Contract with VHB, Inc.		ITEM NUMBER: 8B
	ATTACHMENTS: Professional services agreement with associated attachments		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

During the 2022 Strategic Plan Citizen's Survey, beachfront master planning was identified by our residents as a priority. The Town Council subsequently approved this planning effort as part of the 2023 update to the Community Strategic Plan.

ITEM SPECIFICS:

On August 28, 2023, the Town issued a Request for Proposals for a consultant who could help with the community outreach, planning, and engineering associated with this project. Five proposals were received. The town manager formed a committee of community stakeholders to review these proposals. Three firms were selected for interviews, which occurred in November.

We were very fortunate to have had such high-quality proposals to choose from, though it made final selection between them very difficult. Any of them could have done the job, but at the end of the day, the committee felt that VHB was the best fit for our community. Their history working in town and doing other similar work, together with a thorough understanding of what we were trying to accomplish, pushed them over the top.

This was a professional services solicitation, so by state code we were not permitted to take cost information into account until after we decided who was best qualified. Therefore, cost data was presented in a sealed envelope at the interviews, which were not opened until after the top choices were decided. As it turned out, the cost proposal for VHB was less than our second-choice firm, and consistent with our third. We therefore feel the cost of these services is reasonable.

There is sufficient appropriation in the town manager's budget to fully fund this contract. However, during the mid-year budget adjustment, staff will seek reimbursement of approximately \$60,000 to these accounts.

RECOMMENDATION:

Staff recommends approval of a professional services agreement with VHB, Inc for Phase I services associated with Beachfront Master Planning in the amount of \$99,840.



AGREEMENT

This Agreement is made December 22, 2023 between the **Town of Cape Charles** (Owner) and **Vanasse Hangen Brustlin, Inc. - VHB** (Contractor) for **Beachfront Master Planning – Phase I**, in accordance with all terms and provisions of the attached documents, hereby incorporated by reference:

1. Owner Request for Proposals dated August 28, 2023
2. Contractor Proposal dated September 28, 2023
3. Contractor Fee/Schedule Proposal dated December 4, 2023

Price. The lump sum price for the work is \$99,840.

Payment. Contractor shall submit an invoice to the Owner's Representative for progress payment monthly. Payment shall be made by Owner within thirty (30) days of receipt.

Performance of Work. By mutual agreement, the work plan specified herein shall begin on or about February 1, 2024.

Owners Representative: John Hozey, Town Manager, 757-331-3259, x12 or john.hozey@capecharles.org

Owner

Contractor

Date

Date

Town of Cape Charles, Virginia

Request for Proposals (RFP)

Beachfront Master Planning

August 28, 2023

INTRODUCTION

The Town of Cape Charles is seeking proposals from firms with coastal/marine related experience for a multi phased project that consists of planning and design services, to include research and development of a comprehensive master planning document to address coastal resiliency while improving the town's public beach, dunes, fishing pier, restrooms/bathhouse, Bay Avenue, and related areas. Additional phases may include development of plans/specifications, bid packages, and construction administration services for projects that may be approved as a result of the planning effort. This solicitation is being conducted under the competitive negotiation process per Code of Virginia, Section 2.2-4302.2. A. 4.

GENERAL BACKGROUND

The Town of Cape Charles is located in Northampton County on Virginia's Eastern Shore. The Town is situated on a small peninsula, bordered by the Chesapeake Bay to the west, King's Creek to the north and Old Plantation Creek to the southeast. With a land area of 2,817 acres and a population of approximately 1,200 residents, Cape Charles is the largest of Northampton County's five incorporated towns in terms of both land size and population. Since its inception in 1886, Cape Charles has seen several boom-and-bust cycles; but is currently experiencing a renaissance, due in part to our beachfront attractions.

BEACHFRONT BACKGROUND

The western edge of the town's historic district that is adjacent to the Chesapeake Bay has changed over the years. Originally a marshy area, fill was brought in during the early 20th century to create the two westernmost residential blocks within the historic district. At one time a wooden boardwalk and seawall bordered the Chesapeake Bay.

Over the past 40 years, the boardwalk was replaced with a concrete sidewalk (though still referred to as the "boardwalk"), and sand was brought in to create a half-mile man-made beach. Spoils from local dredging projects have also been added, increasing the depth of the beach and the creation of a dune between the beach and Bay Avenue.

Since the Cape Charles beach/dune are not natural features of the environment, the prevailing tides, winds, and storms from the Bay result in greater erosion and shifting of sand than might occur on a natural beach. The dunes have been vegetated to resist erosional effects, and a

series of breakwaters/jetties have been constructed to help protect the northern half of the beach. However, the beach still requires significant annual maintenance to move/replace sand lost to these natural forces.

Over time, winds have blown sand from the beach onto the dunes, which when trapped by its vegetation, cause the beach to shrink and the dunes to grow (in both height and depth). This has contributed to needing routine beach sand replenishment, as well as the need to develop maintenance specifications for the dune that can be used to limit its growth and beach encroachment.

South of the beach is an almost 30-year-old, 900-foot-long wooden fishing pier that lies between the entrance to the Cape Charles harbor and the public beach. Portions of the fishing pier have been repaired over the years, but much of it is still in need of additional repair/replacement. East of the fishing pier, along the northern harbor entrance is an open area with a small 20+ year old restroom/shower, and the town's iconic LOVE sculpture. The restroom/shower is much too small for current demand and must be upgraded and expanded.

The western half of Bay Avenue, east of the dune, is a yet to be developed part of the town-wide community trail system. This section of the trail needs to be developed consistent with the other existing parts of the trail; while also addressing key features such as ADA access to the beach and fishing pier, and parking/vendor space needs for that area.

SCOPE OF WORK

Phase I – Research, Outreach, & Plan Development

Phase I work will be overseen by a local beachfront master planning committee, chaired by the Town Manager. The consultant will regularly meet with, and seek guidance from, this working group.

Task 1: Research:

- a. Review all data, reports, plans, and surveys associated with the beachfront area as described above
- b. Review all applicable local, state, and federal code/regulations, and other guidance associated with artificial beachfronts and coastal resilience best practices
- c. Review local comprehensive and strategic plans, as well as local zoning and flood plain ordinances
- d. Conduct research on meteorological and oceanographic historic patterns for the lower Chesapeake Bay to determine the following:
 1. Prevailing sources, directions, magnitudes, and seasonality of local erosion, and potential measures to mitigate them; prior wave studies will be made available
 2. The minimum height/depth of our dune for it to remain an effective barrier to keep sand from blowing off the beach and onto Bay Avenue
 3. Whether the dune can provide practical storm protection to the historic district

Task 2: Outreach:

- a. Meet with oversight committee to get initial guidance
- b. Produce materials/public information to educate the community and solicit input
- c. Assist/conduct public meetings as needed
- d. Document public input
- e. Present public input to local governing boards to receive general guidance from these bodies regarding their vision for the area

Task 3: Develop conceptual concepts and draft planning document to include:

- a. Master site plans; showing discrete projects/upgrades
- b. Prioritized list of projects, with conceptual cost estimates, for implementation planning purposes
- c. List of operational recommendations to include annual maintenance specifications and procedures for the beach and dune
- d. Potential grant opportunities
- e. Recommended changes to local ordinances, if appropriate

Task 4: Develop Master Plan; present conceptual concepts and draft planning document:

- a. Present at public meetings
- b. Incorporate input from the public and the Town Council
- c. Publish final document to include electronic and hard copies

Phase II – Plans and Design

The consultant will develop plans and specifications for individual components of the master plan if approved and so tasked. To include:

- a. Initial conceptual cost estimates
- b. Detailed plans and specifications
- c. Refined cost estimates at 60% and 90% design
- d. Bid packages
- e. Construction administration

Task 1: Beach/Dune

Task 2: Bathhouse/Restroom

Task 3: Western Bay Avenue and all areas south and east of the dune

Task 4: Fishing Pier

CAPE CHARLES EVALUATION CRITERIA AND SELECTION

Proposals must be submitted in accordance with the instructions and requirements contained in this RFP. Failure to do so may result in the proposal being considered non-responsive and it may be rejected. Submit one original, signed by an authorized representative, with eight hard copies of the proposal, as well as an electronic version.

The Town's Evaluation Committee will review submittals based on the following criteria:

1. **Understanding of the project (20%):** Offeror to include a description of their understanding of the project in the proposal narrative. This will include articulation of the Town's vision and expected outcomes
2. **Experience and Qualifications (35%):**
 - a. The number of years the firm has been providing professional planning/design services relevant to this scope of work
 - b. The Town's prior experience with the firm or sub-consultants (if any)
 - c. Firm's most recent examples of work that best reflects work and relevancy to this request for services
 - d. The number of staff assigned to the project and their individual years of experience, certifications, professional memberships in the appropriate field, and work experiences that are relevant to this request for services
 - e. Identification of all sub-consultants, if any, and their work experience relevant to this request for services
3. **Project Approach (25%):** Offeror's approach to addressing each task of each phase of the project; including innovative ideas that are applicable to the Town of Cape Charles
4. **Proposed time frame and ability to perform the services (20%):** Offeror to provide a timeline with milestones for completion of each phase/task of the project, to include total time of the project and assurances that work can be completed within the firm's existing workload

Instructions to Offerors

- A. Offerors must promptly notify the Town of any ambiguity, inconsistency, or error which may be discovered upon examination of the RFP.
- B. For clarification or interpretation of this RFP, or to arrange a site visit, contact the town manager, Mr. John Hozey at 757-331-3259 ext. 12, or john.hozey@capecharles.org.
- C. The proposal must be submitted to the Town of Cape Charles, 2 Plum Street, Cape Charles, Virginia 23310, in a sealed envelope clearly labeled, "Request for Proposals, Beachfront Master Planning Consulting Services". **Deadline for submission is 2:00 PM, September 28, 2023.**
- D. The Town may request additional information, clarification, or presentations from any of the offerors after review of the proposals received.

- E. The Town has the right to use any or all ideas presented in reply to this RFP, subject only to the limitations regarding proprietary/confidential data of the offeror.
- F. The Town is not liable for any costs incurred by any offeror in connection with this RFP or any response by any offeror in connection to this RFP. The expenses incurred in the preparation, submission, and presentation of the proposal are the sole responsibility of the offeror and may not be charged to the Town.
- G. Contract Award. This solicitation is being conducted per Code of Virginia, Section 2.2-4302.2. A. 4. Proposals will be evaluated based on the factors contained above, and competitive negotiations will be conducted with two (or more) of the highest ranked offerors. Award will be made by the Town Council through the Town Manager to the offeror judged to have made the best proposal at the best value.
- H. All firms doing business in the Town are required to be licensed in accordance with the Business, Professional and Occupational Licensing (BPOL) Tax ordinance. Questions concerning business licenses should be directed to the Town Treasurer at 757-331-3259, X23.
- I. Sham or Collusion. The proposal of any offeror or offerors who engage in collusion shall be rejected. Any offeror who submits more than one proposal in such a manner as to make it appear that the proposals submitted are on a competitive basis from different parties shall be considered a collusive offeror.
- J. Debarment. By submitting their proposal, offerors certify that they are not now debarred by the United States, the Commonwealth of Virginia, or any town, city or county within the Commonwealth of Virginia, from submitting proposals on contracts for the services described in this RFP, nor are they an agent of any person or entity that is now so debarred.
- K. Rejection of Proposal. The Town reserves the right to reject any and all proposals, to waive any informality or irregularity in the proposals received, and to make the award to the offeror whose proposal is deemed to be in the best interest of the Town.
- L. Miscellaneous.
 - 1. Ownership of all data, materials, and documentation originated and prepared for the Town pursuant to the RFP shall belong exclusively to the Town and be subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by the offeror shall not be subject to public disclosure under the Freedom of Information Act, unless otherwise required by law or a court. **However, the offeror must invoke the protection of Section 2.2-4342(F) of the Code of Virginia, in writing, either before or at the time the data or other material is submitted.** The written notice must SPECIFICALLY identify the data

or materials to be protected and state the reason why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, line item prices, and/or total proposal prices as proprietary, or trade secrets, is NOT ACCEPTABLE and may result in rejection of the proposal.

2. No information regarding the proposal records or the contents of proposals will be released except in accordance with Section 2.2-4342 of the Code of Virginia. Once an award has been made, all proposals will be open to public inspection subject to the provisions set forth above.
3. Any interpretation, correction or change of the RFP will be made by an addendum. Interpretations, corrections, or changes of this RFP made in any other manner will not be binding and offerors must not rely upon such interpretations, corrections, or changes. Addenda will be emailed or mailed to all who are listed as having received the RFP. Acknowledgement of receipt of all addenda issued and taken into consideration in the submittal of any proposal is required as part of the proposal package.
4. No offeror shall confer on any public employee having official responsibility for a purchasing transaction any payment, loan, subscription, advance, deposit or money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value.
5. The Town may make investigations to determine the ability of the offeror to perform or supply the services as described in this RFP. The Town reserves the right to reject any proposal if the offeror fails to satisfy the Town that it is qualified to carry out the obligations of the proposed contract.
6. The successful offeror must comply with the nondiscrimination provisions of Virginia Code Section 2.2-4311, which are incorporated herein by reference.
7. The successful offeror must comply with the drug-free workplace provisions of Virginia Code Section 2.2-4312, which are incorporated herein by reference.
8. It is the policy of the Town to maximize participation by minority and women owned business enterprises in contracting opportunities.
9. The successful offeror shall comply with all applicable Town, State and Federal laws, codes, provisions, and regulations.
10. Providers of any subcontract services shall be subject to the same conditions and requirements as the successful offeror regarding law, code, or regulation compliance.

The Town reserves the right of approval for any subcontract work, including costs thereof.

11. Ethics in Public Contracting. The provisions, requirements, and prohibitions as contained in Sections 2.2-4367 through 2.2-4377, of the Virginia Code, pertaining to bidders, proposers, contractors, and subcontractors are applicable to this RFP.

12. Conflict of Interests Act. The provisions, requirements, and prohibitions as contained in Sections 2.2-3100, et. seq., of the Virginia Code are applicable to this RFP.

Contract Terms and Conditions. Below are additional terms and conditions applicable to any contract that may be awarded:

- A. Choice of Law and Venue: Any disputes that cannot be resolved between the Town and the Contractor must be resolved in the Courts of Northampton County, Virginia. The contract shall be governed by the laws of the Commonwealth of Virginia.
- B. Termination: It shall be the sole right of the Town to terminate the contract upon written notification to the Contractor.
- C. Modification: The contract shall not be amended, modified, or otherwise changed except by a written change order. Change orders may be proposed by either the Contractor or the Town.
- D. Nondiscrimination: In accordance with Section 2.2-4311 of the Code of Virginia, during the performance of this contract the Contractor agrees as follows:
 - 1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - 2. The Contractor, in all solicitations or advertisements for employees on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.
 - 3. Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
 - 4. The Contractor shall include the provisions of the foregoing paragraphs in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

E. Unauthorized Aliens: In accordance with Section 2.2-4311.1 of the Code of Virginia, during the performance of this contract the contractor shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

F. Insurance: The contractor shall purchase and maintain in force, at his own expense:

1. Workers' Compensation Insurance – Standard Virginia Worker's Compensation Policy.
2. Broad Form Comprehensive General Liability - \$1,000,000 Combined Single Limit coverage to include: Premises – Operations; Products/Completed Operations; Contractual; Independent Contractors; County and Contractor's Protective; Personal Injury (Libel, Slander, Defamation of Character, etc.).
3. Professional Liability Coverage (errors and omissions) - \$1,000,000 minimum.
4. Automobile liability insurance shall be written with a Comprehensive Form and include coverage for owned, hired, and non-owned vehicles the limit for any one accident or loss shall be \$1,000,000.

The insurance specified herein shall name the Town as additional insured regarding work performed under any Contract. All policies shall provide that the Town is to receive written notice by certified mail, thirty (30) days in advance of cancellation or alteration of any policy. The Contractor shall provide the Town with copies of certificates of insurance coverage and proof of payment for all premiums

G. Drug Free Workplace: In accordance with Section 2.2-4312 of the Code of Virginia, during the performance of this contract the contractor agrees to:

1. Provide a drug-free workplace for the contractor's employees.
2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
3. State in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace.
4. Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this section, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of this contract.

- H. Faith-based Organizations: The Town does not discriminate against faith-based organizations in accordance with the Code of Virginia, Section 2.2-4343.1.
- I. Environmental Management: Contractor shall be responsible for complying with all applicable federal, state, and local environmental regulations, if any.
- J. Finance Charges: The Town will not pay any finance charges imposed on any invoices submitted by the contractor relative to this Contract.
- K. Assignment: Contractor may not assign his rights and obligations hereunder unless approved by the Town.
- L. Applicable to Successors and Assigns: The Town and Contractor agree that the rights and obligations under this Contract shall inure to and be binding on their respective successors and permitted assigns.



September 28, 2023 | Proposal
Town of Cape Charles, Virginia

Beachfront Master Planning Consulting Services



September 28, 2023



Mr. John Hozey, Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Re: Request for Proposals (RFP), Beachfront Master Planning Consulting Services

Dear Mr. Hozey and Members of the Selection Committee,

Enhancement and maintenance of public beachfronts is a constant process that requires forethought, planning, adaptation, and funding. I have been fortunate to watch and frequently participate in the evolution of Cape Charles since the late 1980s when, as a graduate student, I spent much of my summers at Old Dominion University's Barrier Island Field Station in Oyster. We shopped for groceries at MeatLand and bought field supplies at Watson's Hardware when Cape Charles was a sleeping gem that had not yet re-emerged from its heydays as a thriving port and railroad town. I was fortunate to continue my connection with Cape Charles and the Shore during my early career at the Virginia Marine Resources Commission and later working as a consultant as Brown and Root began to develop its Bay Creek properties.

The **VHB** team is very familiar with the transformation that has occurred in the Town and along its beachfront, and we understand the relationship between harbor maintenance and beach nourishment. In the mid-1990s, VHB assisted the Town in securing Public Beach Board funds and designed the breakwater system that still helps retain beach nourishment generated by periodic harbor dredging. We're truly excited for the opportunity to support Cape Charles into the future by developing a balanced plan that addresses coastal resiliency, while also providing the beach areas that support the local tourism economy. Our plan will strive to address all the needs you outlined during our on-site meeting with you:

- » **Protect the beach** by developing a sand management plan to maximize beach area and control dune migration.
- » **Support economic development** by providing a dedicated vendor space at southern end of the beach with electric and water services; adding shade structures adjacent to the vendor area; and incorporating the existing beach gazebo into an event space that could accommodate small festivals or music events that would extend the tourism shoulder seasons.
- » **Improve accessibility** by providing ADA-accessible overlooks constructed with sustainable building materials to allow sunset views over the dunes, providing a larger, ADA-accessible bathhouse on the southern end of the beach, and providing ADA-accessible access points across the beach to the bay.
- » **Reinvigorate recreation opportunities** by extending the Cape Charles Community Multi-Use Trail along Bay Avenue from Washington Avenue to Mason Avenue, expanding upon the existing recreational activities such as beach volleyball and a playground structure, and providing a long-term maintenance plan for the existing fishing pier.
- » **Reevaluate existing infrastructure** by exploring options to re-purpose the existing bathhouse (a former Eagle Scout project), potentially on the north end of the beach; and addressing parking along Bay Avenue, which includes options for golf cart parking.

Engineers | Scientists | Planners | Designers

351 McLaws Circle, Suite 3, Williamsburg, VA 23185

P 757.220.0500

F 757.903.2794

www.vhb.com



Our team brings more than 40 years of proven success in developing similar complex beachfront plans—we are committed to working alongside you to deliver permittable, constructable, and sustainable master planning solutions that withstand the test of time. In addition to our familiarity with the beach, the VHB team brings you:

Longstanding relationships: The VHB team has extensive knowledge of Cape Charles, not only from a technical perspective, but also from a community engagement and regulatory perspective. This means that our designs protect the local character, environment, and economy, and will be ultimately **permittable**. We are grateful to have had the opportunity to work with local community members on various projects in the Town over the years and have come to understand a lot of what matters most to the residents—we'll develop a realistic master plan that reflects your community.

Unmatched understanding of coastal processes and extensive beachfront planning experience: Because of our local experience, we know what is effective and **constructable**. Our team includes landscape architects, planners, coastal geologists, environmental scientists, and water resources engineers with highly specialized knowledge of coastal and specifically estuarine environments in Virginia. Our combined decades of experience and dozens of living shoreline, land use, and public access projects including many that were specifically designed to mitigate the impacts of climate change and improve communities, such as the Yorktown Riverwalk Master Plan project. This depth of expertise allows us to develop novel and **sustainable** solutions—we'll use this experience to develop a plan that addresses today's concerns while preparing for tomorrow's challenges.

Proposed **Project Manager Ricky Wiatt, PLA** has assembled a team of qualified firms familiar with serving small municipalities like Cape Charles. **Stemann Pease Architecture** will provide architectural services and **Virginia Institute of Marine Science** will bring additional expertise in coastal processes. The entire VHB team specializes in developing coastal resiliency solutions and creating enhanced visitor attractions.

Our specialized experience, intimate knowledge of the local environment and community, and ability to design effective and buildable solutions allows us to meet the requirements of this project completely and thoroughly as set out in the RFP. We are willing, able, and, most of all, excited for the opportunity to work with the Town of Cape Charles again on this vital project, continuing the legacy of strategic preparedness and stewardship that has and will continue to enable the Town to thrive. **Together, we can develop innovative and implementable solutions.**

We are eager to get to work on this important beachfront planning project and assist the Town in protecting the community's natural resources for many years to come. If you have any questions regarding our qualifications, please reach out to our proposed Project Manager Ricky Wiatt, PLA at **757.279.2861** or **rwiatt@vhb.com**.

Sincerely,
Vanasse Hangen Brustlin, Inc.

A handwritten signature in blue ink, appearing to read "R. Neville Reynolds".

R. Neville Reynolds, pws

Principal-in-Charge/Managing Director – Williamsburg
rreynolds@vhb.com



Understanding of the Project





Aerial view of Cape Charles

1

Understanding of the Project

A Unique Coastal Community

Cape Charles, Virginia, is a charming coastal town located on the eastern shore of Virginia. With a rich historic context, the town offers visitors a glimpse into its past while also providing a picturesque beachfront for tourism. Established in the late 19th century as a railroad and ferry hub, Cape Charles played a significant role in the economic development of the region. Today, the town's historic district showcases well-preserved Victorian and Colonial Revival-style homes, along with a variety of boutique shops, art galleries, and eateries, providing residents and visitors with a unique shopping and dining experience. The town also boasts several historic landmarks, including the Cape Charles Museum and Welcome Center, which offers exhibits on the town's history and maritime heritage. Overall, Cape Charles offers a unique blend of history and beachfront beauty, making it a great place to live and visit.

Within this historic context, Cape Charles is currently undergoing significant redevelopment and economic growth. New investments include residential and mixed use development adjacent to the town center, industrial development focused on the harbor at the south

end of town, redevelopment of the harbor including docking facilities for large yachts, and multimodal transportation enhancements including a town-wide trail network and the initial phases of the Easter Shore Rail Trail.

One of the main attractions of Cape Charles is its beautiful beachfront. The town boasts a pristine sandy beach along Chesapeake Bay. With calm waters and stunning sunsets, the beach is a haven for beachgoers and water sports enthusiasts. Visitors and residents can relax on the beach, swim in the bay, or engage in activities like kayaking, paddleboarding, and fishing. The beachfront also offers a scenic sidewalk/boardwalk, where visitors can enjoy a leisurely stroll while taking in the breathtaking views of the Bay, beachfront dunes, and the historic town center. At the south end of the beach, at the mouth of the town's harbor, a fishing pier offers additional opportunities for outdoor recreation. This area also includes public open space with a small restroom/shower facility.

The dunes, beach, and associated stone breakwaters were designed and constructed help retain sand nourishment generated by harbor dredging; the project resulted in a more resilient shoreline and created a primary attraction. However, the system does require maintenance to replenish beach sand and manage the width and height of the dunes. Furthermore, the fishing pier is showing signs of age and requires maintenance and repair. All of these maintenance activities are impacted by a complex coastal system and the interaction of tide, waves, and wind associated with the open Chesapeake Bay, the harbor channel, and the breakwater structures.

The existing breakwater system can be improved with minor extensions of the shorter structures to enable them to perch the finer grained sand generated from harbor dredging. Other improvements may include removal of sand from the back of the dunes to allow more room for vendor space, general pedestrian areas and elevated boardwalks that afford stunning views of the beach and bay vistas. These concepts will be evaluated in the context of sediment transport, beach and dune dynamics and regulatory policy.



A well-executed master plan will not only enhance the town's appeal, but also contribute to its long-term resilience and success as a coastal destination.

The Need for a Master Plan

A beachfront master plan for Cape Charles is essential to establish a management framework, maintenance program, and infrastructure development plan. A successful master plan will help promote tourism and ensure access for local residents. It will also respond to and support the broader planning and development context as part of the town's ongoing renaissance.

One of the main benefits of a beachfront master plan is the promotion of tourism. By strategically developing and maintaining the beachfront area, the town can attract more visitors and boost its tourism industry. This can lead to increased revenue for local businesses, job opportunities, and economic growth. A master plan can outline initiatives such as beach nourishment, dune management, the development of recreational facilities, and the improvement of infrastructure to enhance the overall visitor experience.



VHB has successfully helped Virginia and North Carolina municipalities and agencies secure more than \$36 million in funding through a variety of programs and sources.

Furthermore, a beachfront master plan is crucial to ensure access for local residents. Cape Charles is not only a tourist destination but also a home to many residents who value the beachfront as a recreational space. A well-designed master plan can include provisions for public access points, parking facilities, and amenities that cater to the needs of both tourists and locals. This would allow residents to continue enjoying the beachfront while also accommodating the influx of visitors during peak tourism seasons. A well-executed master plan can enhance the town's appeal and contribute to its long-term resilience and success as a coastal destination.

The Right Partner

To deliver success in its planning efforts, Cape Charles now seeks a consulting partner with expertise in coastal processes, placemaking design, implementation, and grant funding. This partner should have a deep understanding of the unique challenges and opportunities presented by coastal environments and be able to develop a plan that takes into account the town's specific needs and goals.

Coastal processes are a crucial aspect of any beachfront master plan, as they directly impact the stability and sustainability of the beachfront area. The consulting firm should have experience in coastal engineering and be able to assess factors such as erosion, sea level rise, and storm surge to develop strategies for beach nourishment, shoreline protection, and dune restoration. The effort also requires knowledge of environmental regulations and permits required for coastal development.

Placemaking design is another important aspect of the master plan, as it focuses on creating a vibrant and attractive beachfront area that appeals to both tourists and residents. The consulting partner should have expertise in urban design, landscape architecture, and community engagement to develop a plan that includes amenities such as boardwalks, public spaces, recreational facilities, and landscaping that enhances the overall visitor experience. Multimodal transportation planning and design are also important components, and include a focus on beachfront pedestrian and bicycle access, parking (including golf cart parking), cross-section details on Bay Avenue, and connections to facilities like the town-wide trail system and Eastern Shore Rail Trail.

Implementation is a critical phase of the master plan, and the consulting partner should have a track record of successfully executing similar projects. They should have experience in project management, coordinating with various stakeholders, and overseeing construction and development activities. Additionally, the partner should have knowledge of grant funding opportunities and be able to assist the town in securing funding for the implementation of the master plan.

VHB's unmatched experience in the planning and design of beachfront projects, as detailed in Section 2 and showcased in the map on the following page, allows our team to successfully deliver this master plan project for the Town of Cape Charles.



● SHORELINE PROJECTS

- | | | | |
|--|--|--|---------------------------------------|
| 1. Westover Plantation (Ducking Stool Point) | 11. Van Dyke | 20. Westmoreland State Park | 29. Clarke Property |
| 2. Jamestown Beach Event Park | 12. Luter Property | 21. Widewater State Park | 30. Bull Property |
| 3. Jamestown Island | 13. Petters Property | 22. USFWS Back Bay | 31. Trainum Property |
| 4. Kingsmill Marina/Shoreline | 14. College Point Property | 23. Langley Air Force Base Shoreline Stabilization | 32. Festival Beach |
| 5. Carter's Grove | 15. Ohio Creek Living Shoreline and Resiliency Project | 24. Shirley Plantation Tidal Wetlands Restoration | 33. Dahlgren |
| 6. VIMS Shoreline | 16. East River Boatyard Shoreline | 25. HRSD James River Plant | 34. Captain Thomas Site Hoskins Creek |
| 7. Yorktown Beach Shoreline | 17. Bavon Beach Shoreline | 26. Martin Island National Wildlife Refuge | |
| 8. Chippokes State Park | 18. New Point Comfort Lighthouse Shoreline | 27. Shandy Hall Property | |
| 9. West Bank | 19. Cape Charles Public Beach Shoreline | 28. YMCA Camp Silver Beach | |

This map represents a small sampling of VHB shoreline projects, limited by this geography

Experience and Qualifications





Tourists enjoy sunset views from a restaurant in Cape Charles

2

Experience and Qualifications

A. Firm Overview

VHB

44 years of master planning experience

33 years of coastal planning and engineering experience

Since 1990, **VHB** has been serving the Mid-Atlantic, providing integrated design services to clients including Cape Charles and other municipalities. This experience has given us a thorough understanding of the impacts of sea level rise and how to plan and design sustainable, long-lasting, resilient shorelines.

A Focus on Municipal Clients

VHB has been working with municipalities like the Town of Cape Charles for the past 30+ years. From this experience, we understand challenges faced by our cities and towns—tight budgets, difficult schedules, staff demands, and limited infrastructure. Not surprisingly, many of us throughout VHB serve on municipal boards and commissions and understand that any plan that fosters change must be endorsed by residents, local businesses, and interest groups.



The communities on Virginia's Chesapeake Bay and Eastern Shoreline have distinct cultural, economic, and geographical identities. The Town of Cape Charles is one of the defining communities on the Chesapeake Bay and is home to year-round residents in addition to a large peak-season influx of tourists. Shoreline erosion, sea level rise, land use development, and public access needs now warrant a management plan to help the Town manage its important natural, social, and economic assets.

Also, because we know the most implementable plan is steeped in consensus, many of VHB's projects involve public participation and community outreach to residents and neighbors. We incorporate stakeholder input to enhance our planning and design solutions for our clients, and perhaps more importantly, for the end-user, the community. VHB has partnered with our clients to find meaningful ways to engage the people who will ultimately benefit from the projects on which we work.

In addition to our work with the Town of Cape Charles, our experience with Virginia government agencies includes projects with the counties of Northampton, Mathews, and Gloucester; the Cities of Virginia Beach, Newport News, and Williamsburg; and the Virginia Department of Transportation. This intimate knowledge of the local and regional regulations and requirements positions our team to create designs that are permittable, constructable, and sustainable.

Climate Adaptation/Resiliency

Our changing climate poses threats to our communities today and also puts long-term sustainability at risk. Reflected in VHB's brand is our commitment to preserving and enhancing our communities for the long term. We take the long view to understand the risks posed to our communities, including the people, infrastructure, and natural resources that make up those communities. Our multidisciplinary team has the technical know-how to guide our clients in understanding risks and prioritizing implementable solutions grounded in reality.

Long before resilience and sustainability were buzzwords, VHB's engineers, scientists, planners, and designers were incorporating these principles into everything they touched: planning communities that are less vulnerable to changing conditions, engineering infrastructure to withstand severe weather events, creating stormwater management systems that protect valuable community assets, preparing for the unexpected, and leading post-disaster recovery and mitigation efforts. We know that our future communities are shaped by decisions today.

VHB offers a comprehensive services approach to resiliency planning. We integrate climate science and policy knowledge with traditional planning, security and emergency management, and companywide capabilities in transportation, engineering, and environmental services. Our technical professionals provide support to public- and private-sector clients to help respond to local, regional, and national preparedness challenges. We seek to identify sustainable solutions that are win-wins for both climate change mitigation and climate resilience.

A Focus on Coastal Resiliency

Balancing environmental stewardship with sustainability is one of VHB's core principles. Our approach to projects involves designing for today's needs to meet tomorrow's challenges. **VHB is a leader in providing sustainable designs and we have more than 100 staff that are accredited Envision Certified Sustainability Professionals (ENV SP).** When it comes to coastal zone management strategies and mitigation, VHB incorporates a resiliency check into our designs. We look to develop design solutions that are based on anticipated future climatic conditions, rather than simply relying on past data.



VHB partnered with the City of Norfolk to provide beach access from 9th Bay Street to the Chesapeake Bay. The design was developed to help navigate nearly 20 feet of elevation change from 9th Bay, up and over existing dunes and back down to the beach, while minimizing impacts to the sensitive dune habitat.

Additionally, VHB offers an in-house Environmental Planning and Sustainability team that works with state agencies and local governments on climate action planning, resiliency planning, strategic energy planning, sustainability planning and reporting services, and related stakeholder engagement, meaning our designs will be constructable in the short-term, yet resilient in the long-term.

Shoreline Stabilization Design

For more than four decades, VHB has helped East Coast municipalities and private landowners address their shoreline stabilization and erosion control needs. Our expertise in assessing coastal processes along extensive shoreline reaches provides the foundation for developing strategies for shoreline stabilization that address each site's unique setting and conditions and are sensitive to downdrift and adjacent waterfront properties. This comprehensive approach is necessary for today's regulatory environment, in which VHB has proven to be one of the top shoreline stabilization design and permitting firms.

VHB has developed deep experience and an extensive portfolio in the planning, design, and permitting of shoreline projects throughout Virginia and North Carolina. Our approach to shoreline restoration is based on a thorough understanding of acting coastal processes, ecological communities, and applied coastal geomorphology where appropriate. Timber and/or rock structures such as sills, breakwaters, and spurs are strategically placed to blend with or accentuate shoreline features that have developed naturally in response to the wave climate, geological conditions, and, in many cases, anthropogenic influences. These "offensive" structures act to alter the impinging wave climate to induce sand deposition so that sand nourishment can be placed to create inherently stable beach planforms, marsh terraces, and dune features where native coastal vegetation is planted and allowed to mature. In more sheltered environments, biologs or small cobble "perching" structures can be used to ensure profile stability of sandy intertidal areas until marsh grasses become established. The result is a "natural" coastal edge (living shoreline) that dissipates wave energy and resists erosion under storm attack while providing habitat and an accessible, aesthetically pleasing transition between land and water.

In many cases, more traditional stone revetments, bulkheads, and sea walls may be the preferred stabilized approach. Our experience along the coast of Virginia and North Carolina has given us exposure to dealing with coastal dynamics in a variety of physiographic settings. We have not only designed a multitude of successful shoreline projects, but have also obtained all environmental and locality permits necessary for construction. **We understand the technical issues, as well as the processes and personalities of the regulatory agencies and reviewers, positioning us well to provide a permittable, constructable, and sustainable deliverable.**

Grant Submission Experience

VHB has a wide range of experience with numerous sources of grant funding. For most of the projects, VHB either wrote the funding application or provided support information developed specifically for the application. In some cases, our clients used VHB products (such as master plans) to write and submit their own applications. In addition to helping our clients secure these funds, VHB has played a primary role in compliance with the various funding



VHB's master plan design complements the distinct beach cottage architecture of Duck and emphasizes green infrastructure.

programs. We look forward to working with the Town of Cape Charles in a similar manner. A good example of this is for Dowdy Park in the Town of Duck, North Carolina. VHB developed the Master Plan, which identified specific elements such as an accessible playground (eventually funded by Trillium Health Resources), a wetland garden (eventually funded by Dominion), and more general park elements that were funded by PARTF and the Dare County Tourism Board in addition to local funding. Although VHB did not write those funding applications, the Town was able to use our original Master Plan to successfully secure the funding.

Master Planning

Effective master planning is about combining a vision of what is possible with a practical knowledge of development trends and community needs. VHB has extensive experience in, and is always forward thinking with, master planning and related projects for communities of varying sizes and unique contexts. VHB's planning staff includes award-winning planners, urban designers, landscape architects, and sustainability/resiliency professionals who are supported by the firm's transportation, civil engineering, public outreach, graphic design, permitting, environmental, GIS, and survey capabilities. VHB has prepared more than a dozen master plans, some of which have been recognized as award-winning by the American Planning Association and its affiliated organizations. VHB prides itself in creating master plans that are well written, easy to understand, and graphically rich.

Community/Civic Engagement

VHB has built a record of success by working with our clients to develop personalized community outreach plans with clear messages that resonate with target audiences. Interactive project websites, innovative outreach themes, surveys and direct mail campaigns are just a few of the creative communication strategies we have used to deliver information to stakeholders and get them engaged and excited about the process. VHB has the in-house capabilities to help you in your interactions with the public and stakeholders, including public outreach materials/graphic design, facilitation, and interactive project feedback websites, and have provided these services to a number of communities throughout the Mid-Atlantic region. Our unique approach resonates with community audiences, which leads to community consensus.

Accessibility

Local governments and transportation agencies play an important role in the planning and future development of communities to address accessibility, mobility, and connectivity. Remaining future-focused prioritizes the needs and preferences of the community while considering the imminent impacts of population growth, technology, and climate change. Our planners play an integral role in community development as cities, towns, and counties design and strategize for their future. VHB partners with communities on master plans that supports safe and resilient systems for people of all ages, abilities, and backgrounds.

Experience with Government Agencies on Municipal Projects

VHB has established a strong reputation with federal, state, and local permitting agencies and regulatory agencies, built upon professional relationships fostered by our ability to provide documents and reports based on sound science. Our team of biologists, botanists, wildlife professionals, and environmental scientists has filed hundreds of permit applications, and we will use our experience to provide the Town of Cape Charles with clear and concise permit applications acceptable to the regulatory agencies with minimal post-submittal questions. Any regulatory coordination services involving impacts to the natural environment will be led by VHB's team of scientists and engineers who are well versed in both state and national environmental permitting and regulatory compliance, including:

- » Division of Coastal Management: CAMA Permit
- » Department of Environmental Quality: Section 401 Clean Water Act Water Quality Certification
- » U.S. Army Corps of Engineers: Section 404 Clean Water Act/Section 10 Rivers and Harbors Act of 1899 Permits

Our permissible design approach minimizes downtime awaiting permit approval and allows planning to move forward on schedule.

B. Cape Charles Experience

VHB + Town of Cape Charles

VHB has supported the Town of Cape Charles through a previous master plan and work at the harbor. Team members for this project have been carefully selected based on strength of relevant experience, management skills, and a record of proven performance.



Cape Charles Beach Shoreline Restoration Project

The Town of Cape Charles retained VHB to provide master planning, grant assistance, and design services to assist with the stabilization and restoration of the 2,200 linear feet of public beach located on Chesapeake Bay. The Town beach was subject to severe erosion, which had impacted the public recreational beach and other Town structures. The goal of the project was to stabilize and maintain the remaining public beach and access points and to develop a long-term beach stabilization and reconstruction plan for the severely eroded areas.

VHB conducted a detailed assessment of the beach front and designed a preliminary stabilization plan that included a headland breakwater, beach nourishment, dunes with vegetation plantings, sand fencing, and dune cross overs. Based on the preliminary plan, VHB successfully secured \$178,000 from the Virginia Public Beach Board to aid the Town in implementing the stabilization plan.

VHB was responsible for permitting the project through the U.S. Army Corps of Engineers, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. Additionally, VHB coordinated with Town staff to prepared final construction plans and specifications for the project.

During the implementation phase of the project, VHB conducted an update of the topographic conditions along the shoreline in preparation for Phase II design work. Construction plans, specifications, and complete bid documents were developed for advertisement and bidding. VHB also applied for and successfully secured a \$50,000 grant from the NOAA Living Shoreline Initiative to assist with the landscaping, dune sand fence, and some portions of sand nourishment. VHB once again assisted the Town with the selection of the most qualified bidder. VHB provided construction oversight, contract administration, and final as-built review services. The project has received many accolades from the public.

Additional Experience

VHB has also worked on the following eastern shore projects:

- » Multiple maintenance dredging cycles and new cabins for DCR at New Cabins at Kiptopeke State Park
- » Cape Harbor Marine
- » Eastern Shore Rail to Trail Feasibility Study
- » Cherrydale Solar Sit Revegetation Services
- » Wetland Delineation at Industrial Park Tract
- » Mega Yacht Dock Design and permitting at the 0 Mason Avenue
- » Savage Neck-Small Hills Subdivision Permitting Support for Shoreline Stabilization Project

C. Recent Work Examples

VHB brings extensive experience visioning, designing, and implementing projects similar to the Cape Charles Beachfront Master Planning project. The following pages provide descriptions of recent and relevant project examples.

Regarding VHB's work on this high-profile, complex project, Brian Woodward, Former Director of Public Works for York County, said:

“York County would like to acknowledge our appreciation to the VHB team led by Neville Reynolds for your dedication, commitment, and vision, which helped transform and revitalize Yorktown's Historic Waterfront through the design of the shoreline and Riverwalk, which was instrumental for the redevelopment of the waterfront.”

The Riverwalk connects the Victory Center to the battlefield, providing scenic views along the York River helping to energize local businesses and making the waterfront more accessible and beautiful for all visitors. The shoreline stabilization and the landscape architectural design for the Riverwalk, constructed from 1996 to 2005, continues to be a sustainable asset for the County in a challenging waterfront environment and serves as a major attraction for our residents and tourists.



York County, Yorktown Riverfront Revitalization Design and Permitting Yorktown, VA | Completed 2010

Recognizing the potential for broader awareness and increased visitation at this scenic historic destination, the York County Board of Supervisors initiated a comprehensive master planning process in 1989 and subsequently implemented an aggressive revitalization program. VHB has provided a wide array of integrated services to the County towards its efforts to implement these ambitious plans. As the initial step toward the revitalization of the public dock and waterfront area of Yorktown, the County of York retained VHB to provide design and permitting services for a comprehensive shoreline stabilization plan and assist in the wharf designing siting/permit issues. The primary goals of the project were to provide a recreational beach and to protect Water Street from storm damage.

In addition, the waterfront work was the “backbone” of a more than 1-mile linear Riverwalk extending from the Jamestown-Yorktown Foundation Victory center to the National Park Service Yorktown Battlefield Visitor Center. VHB conducted a detailed assessment of the waterfront area and designed a headland breakwater system coupled with beach nourishment and vegetation plantings. Revetment segments were also designed and installed in certain locations upstream and downstream of the central beach area. The stabilization design was driven by a number of factors including the very deep water immediately adjacent to Yorktown, the presence of underwater archaeological sites in the form of the sunken Cornwallis fleet, and the Coleman Bridge and support structures. VHB staff were responsible for all infrastructure design including the Riverwalk, raising Water Street, extensive hardscape and landscape, drainage, and stormwater management. Extensive coordination was necessary with the National Park Service, VDOT, and the County General Service, Environmental, and Recreational Departments to develop a plan that was acceptable to all parties.



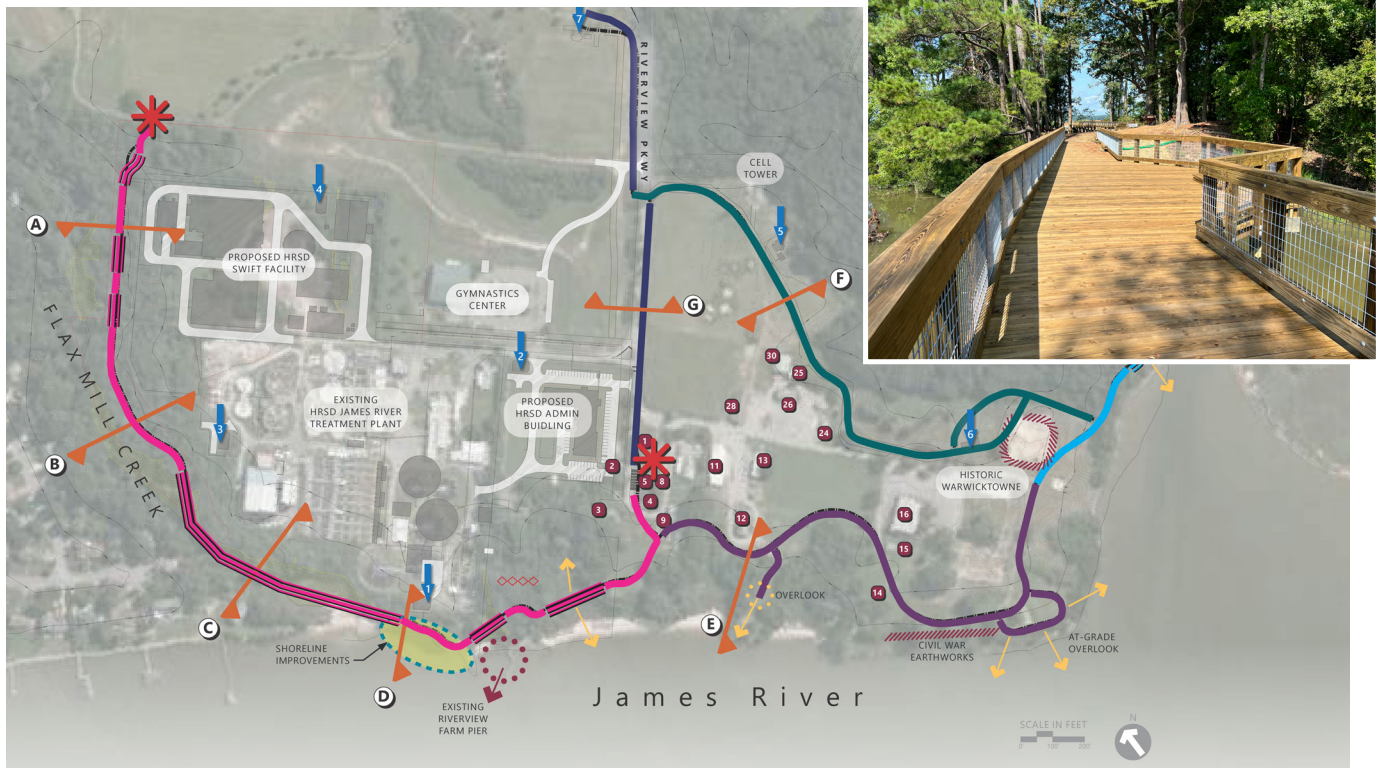
James City County, Shaping Our Shores

James City County, VA | Completed 2015

VHB developed a Master Plan for “signature parks” in James City County (JCC) with three major components: Chickahominy Riverfront Park, Jamestown Beach Campground, and Jamestown Yacht Basin. The plan addresses the long-range physical development, use, and stewardship of these three sites over the next 20 years with the intention of creating a sense of place and recreation for residents of the County, in addition to creating a destination within the Historic Triangle. The program addresses beach access, shoreline stabilization, camping, events, trails, boating access, historic interpretation, and marina redevelopment.

Under this study, VHB provided design, permitting, bidding, and construction of shoreline protection measures for 800 linear feet of James River shoreline at Jamestown Beach Park. VHB provided design services for the completion of Phase III shoreline stabilization measures and development of a paddlecraft access point at JCC’s public beach located along the James River. The primary design elements were a 130-foot armor stone breakwater, 95-foot armor stone spur, beach nourishment, bank grading and stabilization, and development of a gravel access road for a public launch site. VHB conducted a topographic and hydrographic survey, developed final construction documents, and submitted a Joint Permit Application (JPA) for obtaining regulatory approvals for the waterside improvements.

VHB provided JCC with existing conditions analysis, programming, alternatives development, and master planning concepts. Combined with information gathered through public meetings, work sessions, and a planning charrette, VHB presented a vision for the physical environment that promotes and supports the values and goals of James City County citizens.



HRSD, James River Land Improvements

Newport News, VA | Ongoing

As part of the Sustainable Water Initiative for Tomorrow (SWIFT) program and associated commitments to the City of Newport News, the Hampton Roads Sanitation District (HRSD) plans to complete a shoreline restoration project and develop a linear park and trail system at the confluence of the James River and Deep Creek. The project will provide public access to the river views, connect to Riverview Park and City Farm Park, and extend an existing trail network while protecting HRSD's assets from shoreline erosion. The proposed improvements will help HRSD and stakeholder partners realize goals for active mobility, waterfront placemaking, and shoreline resiliency.

VHB has developed concept-level plans and final construction documents for the project, showing trail alignments, boardwalk and bridge locations, and shoreline restoration measures. As a first step in the design process, VHB created a Preliminary Engineering Report (PER), which included a comprehensive inventory and analysis of existing physical, environmental, and cultural conditions. We also proposed and designed a regional stormwater management feature in a previously-disturbed area to minimize the need for clearing and grading for BMPs; the proposed wet pond provides capacity for the trail project and has additional capacity for future use. The shoreline elements have been constructed, and the trail and boardwalk elements are under construction.



City of Norfolk, 9th Bay Street Beach Access

Norfolk, VA | Completed 2019

VHB provided structural and civil engineering, environmental permitting assistance, construction phases services, and survey for this project that required a combination of ramp and stair design to provide beach access from 9th Bay Street to the Chesapeake Bay. The design was developed to help navigate nearly 20 feet of elevation change from 9th Bay up and over existing dunes and back down to the beach, while minimizing impacts to the sensitive dune habitat. VHB provided structural engineering for the design and detailing of the walkway structure, site plans showing demolition, grading design, and design of stormwater management and erosion and sediment control measures. Modifications to the existing fence were made to accommodate a pedestrian walkway.



Town of Tappahannock, Waterfront Master Planning

Tappahannock, VA | Ongoing

The Town of Tappahannock initially retained VHB to assist in developing a vision for the property along Hoskins Creek as a destination for both waterside and land side access. VHB developed a Master Plan for the Town. The purpose of the initial scope of work was to conduct preliminary due diligence and develop a concept plan for the site for future use in public outreach and grant applications. This led to additional site investigations including hydrographic and topographic survey, development of schematic design plans and assisting the Town in preparation of grant applications such as the USFWS Boating Infrastructure Grant. Funding has been received and VHB is in the process of preparing construction plans and specifications and permit applications for project implementation.



Dare County Tourism Board, The Soundside Event Site Nags Head, NC | Completed 2017

The Soundside is a 15-acre park managed by the Dare County Tourism Board. The site provides a venue for large and small events such as the Outer Banks Seafood Festival and local art shows, and it also provides lawn areas for passive recreation, kite flying, and access to the Roanoke Sound. In 2013, VHB developed a master plan for the site that included improved multimodal access to the site, an events pavilion, additional parking, grading and infrastructure improvements, public restrooms, pedestrian walkways, and a waterfront boardwalk. Following adoption of the master plan, VHB developed the overall schematic plans and the Phase I and II construction plans for the park. Phases I and II have been constructed and the site is open to the public. The master plan process included an extensive public engagement effort to help establish priorities and refine the preliminary design concepts.



Town Park, Boardwalk, and Living Shoreline

Duck, NC | Completed 2014

VHB has been honored to serve as a trusted advisor for the Town of Duck on various projects for many years. Since 2003, VHB has provided project development, technical analyses, public engagement, grant writing, and design services.

VHB worked closely with the Town of Duck to help the community establish and realize a consensus-based vision for its Town Center. Our planners helped the Town come to consensus that the land would be home to a new town park designed to be a premier community recreational facility where residents and visitors could enjoy the natural beauty of the waterfront site. The final master plan included a boardwalk along the Currituck Sound, a public amphitheater, picnic areas, a gazebo, and town green, public parking, a trail system, and a canoe/kayak launch, all of which have been constructed. Following adoption of the Master Plan, VHB provided engineering and permitting services for the site, through a series of contract task orders over several years. The Plan included innovative means to comply with coastal zone requirements, including use of pervious parking materials.

The trail system within the park is constructed of crushed stone to reflect the site's natural character. The boardwalk spans the length of the park shoreline and connects businesses north and south of the park. To assist the Town with implementation, VHB developed a phasing plan describing short-, mid-, and long-term action items and associated costs. Using the phasing plan, the Town was able to fund improvements in a way that allowed the park to be opened almost immediately and expanded over time while remaining open. The boardwalk and park trails connect to new sidewalks.

VHB recently designed a Living Shoreline improvement to protect the park. We developed a grading and planting plan that included fill limits, planting zones, and target elevations for selected marsh plants. We prepared the CAMA permit applications and provided coordination with permitting agencies and helped the Town secure grant funding.

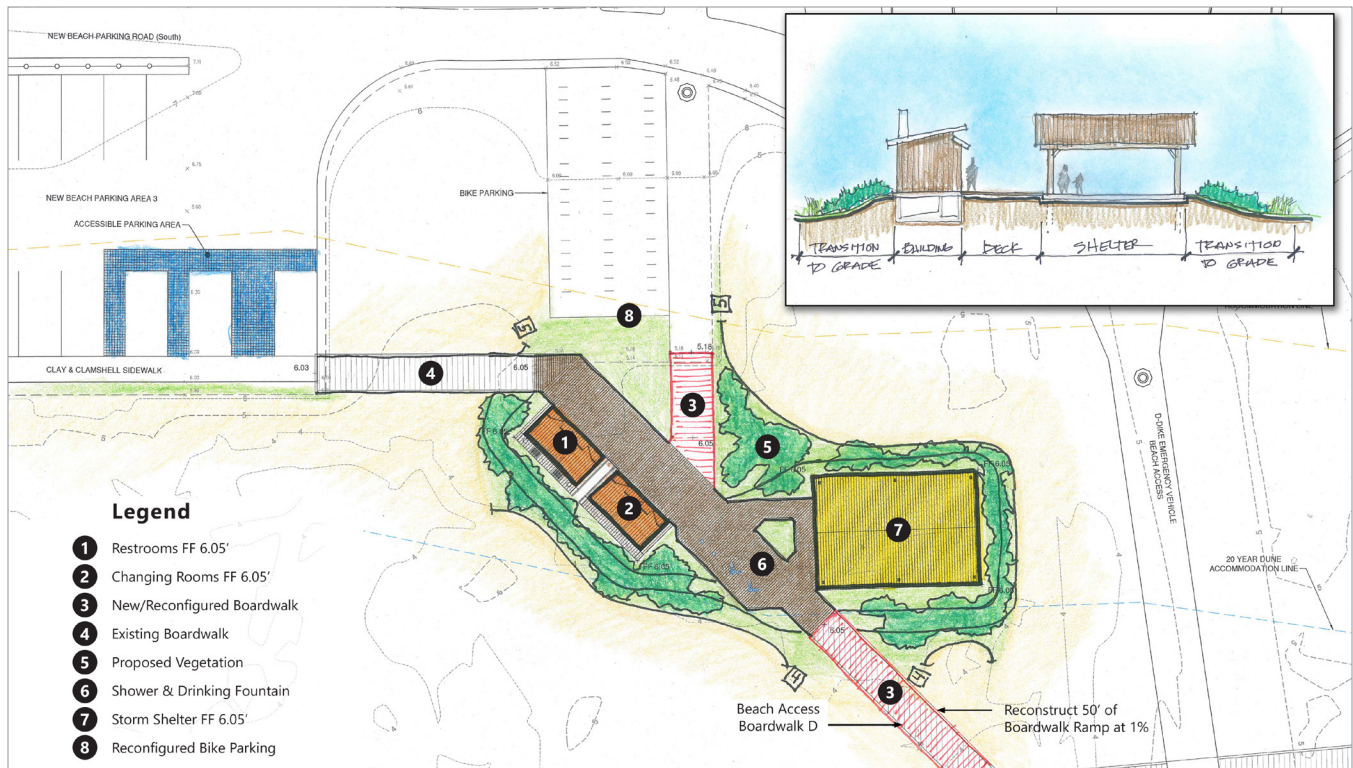


National Park Service (NPS), Cape Hatteras National Seashore Sediment Management Framework and EIS

Cape Hatteras, NC | Completed 2021

VHB worked with the NPS Environmental Quality Division for a programmatic framework for sediment management along the Seashore's 67 miles of shoreline. This EIS provides a streamlined framework for permitting sediment management actions at the Seashore, including the methods, locations, and frequency for sediment management actions that may be permitted. This project required consideration of the Seashore's role in indirectly benefiting and protecting the community and its infrastructure while navigating a complex regulatory landscape. Stakeholders were keenly interested in understanding the potential impacts of beach nourishment (and other potential sediment management activities) on the Seashore's natural resources.

VHB's NEPA specialists facilitated individual overview documents to address the main elements of a NEPA document as part of the pre-NEPA planning. These overview documents were subject to review by a large NPS interdisciplinary team that included numerous coastal specialists. These well-refined documents were key to the team's completion of the NEPA process within the timeframe called for in SO 3355. Both public comment periods were held as COVID-related restrictions on in-person gatherings were in place; therefore, VHB supported the NPS in holding multiple virtual meetings that were well attended with good questions asked during the Q & A period. The development and refinement of the EIS were also subject to multiple reviews by eight cooperating agencies and a peer review by a local university. Upon signature of the Record of Decision, the framework will be available to park managers and permit seekers to lay out a clear roadmap for potential sediment management activities.



NPS, Assateague Island National Seashore, Visitor Center Boardwalk Assateague Island, VA | Completed 2020

After a multi-year planning process led by the United States Fish and Wildlife Service (USFWS) and the NPS, it was determined that beach recreation, its support facilities, visitor center, beach access road, and other visitor amenities should be moved north to a new, more sustainable location. Annually, more than 1.3 million visitors use the NPS-operated portion of beach within the Refuge and the recreational beach serves as a primary economic driver. Assateague Island is moving westward—a natural part of the evolution and development of the island now exacerbated by sea level rise. The new strategy is to relocate visitors-use facilities, currently situated at Tom's Cove, to another part of the island where the facilities will be more sustainable. This is necessary because the current location is subject to overwash due to seasonal high tides and major weather events like coastal storms. The new location is about 1.5 miles north of the current location, in an area of the island that is more resilient to storms. In addition, the island is much wider there, so parking lots can be established away from overwash areas. To create more resilient facilities, NPS and USFWS worked to identify an "Accommodation Zone" which should allow all new facilities to stay in place and not be subject to overwash for 20 to 25 years. VHB assisted with the implementation of a visitor use strategy including new visitor restroom facilities, accessible boardwalk pathways to the beach, and foul weather shelters. VHB designed a series of elevated boardwalks and hardened trails that provide pedestrian connectivity from the new visitor facilities back to the beach. New restroom facilities, foul weather shelters and shade structures were designed at visitor portal entrances from the new parking lot within the accommodation zone boardwalks. The plans include six boardwalks that range from 350 to 550 feet long, connecting visitors to the beach including two that are accessible and navigate sand dune terrain and landscape.



Virginia Institute of Marine Science Shoreline Erosion Control Gloucester County, VA | Completed 2010

As a part of a design-build team, VHB was retained by the Virginia Institute of Marine Science (VIMS) to design and construct shoreline stabilization measures along their campus property on the York River. Two segments of shoreline were addressed, approximately 1,200 feet along the upstream shoreline (western) and 1,000 feet along the main campus shoreline (eastern) at the VIMS Gloucester Point location. The stabilization plans were tailored for the two sites based on the existing geomorphology and onsite structures, and the existing uses/activities taking place along the VIMS waterfront. VHB's services included wetland delineation, shoreline conditions survey, and living shoreline design plans for stone breakwaters, spurs, stormwater pipe extensions, beach fill, and vegetative plantings. Seven breakwaters and two stone spur structures were installed along with 10,000 cubic yards of beach quality sand. In addition, several existing stormwater outfalls were extended through the beach fill with new outfalls positioned on the seaward face of the stone structures. The newly created beach and backshore areas were planted with coastal wetland plants. VHB completed the necessary Environmental Impact Report (EIR) and obtained all local, state, and federal permits needed to complete the work activities within wetlands and waters of the U.S.



NPS, Cape Hatteras Lighthouse

Cape Hatteras, NC | Completed 2021

VHB assisted the NPS with reimagining the visitor interpretive experience for the Cape Hatteras Lighthouse Station. The proposed design helps to solve visitor congestion around the lighthouse and reduce impacts to the surrounding landscape. This included an in-depth study of visitor movements and their impacts, interpretation, educational opportunities, placemaking gathering areas, seating, and the creation of an immersive visitor experience and landscape that reflects the vernacular of the surrounding rural and coastal environment. To help the lighthouse remain functional and attract visitors for years to come, VHB and the NPS explored three preliminary alternatives through the NEPA and public involvement process before landing on a full rehabilitation and restoration plan for the site. The existing site has seen extensive degradation of the landscape due to the lack of connectivity for visitors exploring the grounds. To address this issue, VHB landscape architects proposed a new pedestrian loop that incorporates more connection points for visitors to reach each of the attractions.

The new visitor entrance portal and sequence focuses on improving the visitor experience throughout the light station site while telling history of the site and the story of the lighthouse move from the early 2000s. A new contemporary walkway system derived from an earlier period of significance contrasts the historic fabric and connectivity. The new circulation pattern unveils a series of unique viewing opportunities for the incoming visitor. The interpretive signage arrangement offers an in-depth history of the site and the origins of coastal lighthouses. The landscape restoration introduces contoured landforms and native plantings which offer visual interest, helps conceal the new paved walkway system, and promotes resiliency of the grounds.

D. Team Qualifications

Team Organization

Project Manager Ricky Wiatt, PLA, and **Principal-in-Charge Neville Reynolds, PWS**, have carefully crafted a team of planning and design specialists to work alongside the Town of Cape Charles for the successful Beachfront Master Plan. Resumes for key personnel proposed for the VHB team, including professionals from VHB, **Stemann Pease**, and **VIMS** follow the organizational chart.



All staff are employees of VHB unless noted as follows:

SP - Stemann Pease Architecture | **VM** - VIMS



Education

BLA, Landscape Architecture,
Virginia Polytechnic Institute and
State University, 2005

Registrations/Certifications

Professional Landscape
Architect, VA

Richard Wiatt, PLA

Project Manager

Ricky is a Landscape Architect registered in Virginia experienced in site planning and design, public relations, pedestrian and shared-use paths, park master planning, roadway aesthetics, and complete streets design. His role includes management of projects from schematic design through construction administration. His specific experience includes public parks with multi-purpose trails, pedestrian overlooks, multi-purpose bridge structures, wayfinding systems, athletic fields, support buildings, and parking areas. Ricky also has extensive knowledge of multiple grant programs funded by the Federal Highway Administration and the Virginia Department of Transportation; assisting clients with SmartScale; Transportation Alternative grant applications; and managing the LAP process once awarded funds.

18 years of professional experience

HRSD, James River Land Improvements, Newport News, VA

Ricky is serving as Deputy Project Manager and lead Landscape Architect to develop a linear park, trail system, and shoreline restoration project at the confluence of the James River and Deep Creek. The project will provide public access to the riverfront, connect to Riverview Park and City Farm Park, and extend an existing trail network. The project also successfully secured \$300,000 from the DCR Recreational Trails program.

Town of Duck, Building Resilient Infrastructure and Communities (BRIC) Assistance, Duck, NC

Ricky assisted the Town of Duck with their funding application through the BRIC program administered by the Federal Emergency Management Agency (FEMA) and coordinated through the North Carolina Hazard Mitigation Office. His help coordinating the grant funding program led the Town to secure over \$3 million in funding from various funding agencies.

Dare County Tourism Board, Soundside Event Site, Nags Head, NC

Ricky served as Landscape Architect for event site improvements in the Town of Nags Head. The project included enhanced site access, public pavilion, parking, event space, pedestrian walkways, waterfront boardwalk, and low-impact stormwater management. Ricky assisted the design team with preparation of construction documents including site layouts, grading and drainage details, and led the construction administration for Phase II construction. The plan sought to provide continuity to the campus, building on the successful components of earlier construction, through the careful integration of new entrance portals, improved circulation and connectivity for all types, and coordination with new expansion opportunities.

Mathews County, Main Street Enhancement, Mathews, VA

Ricky was Landscape Architect for this Federal Transportation Enhancement project to improve watershed protection and create a streetscape enhancement project. The \$1.5M project created new sidewalks and crosswalks, improved accessibility, and provided traffic calming, lighting, and landscaping for a four-block section of Main Street. Richard finalized the design, managed the bidding process, and performed construction administration.



Education

MS, Oceanography, Old Dominion University, 1990

BA, Geology, Millersville University, 1984

Registrations/Certifications

Professional Wetland Scientist

Affiliations/Memberships

American Shore & Beach Preservation Association

Society of Wetland Scientists, South Atlantic Chapter

Virginia Association of Wetland Professionals

Virginia Marine Industry Advisory Committee

Virginia Marine Resources Commission

Virginia Maritime Association, Tidewater

Virginia Mitigation Banking Association

Virginia Tidal Wetland Mitigation Banking Advisory Committee

R. Neville Reynolds, PWS

Principal-in-Charge

Neville is a Principal and Senior Coastal Geologist with extensive experience in planning, design, and permitting of shoreline restoration and waterfront improvements throughout the Mid-Atlantic region. Neville is focused on climate adaptation and mitigation strategies, and he leads the planning, design, and permitting of shoreline restoration and waterfront improvements aimed at creating more sustainable and resilient communities. Neville helps communities understand the shoreline response to coastal structures and the development of shoreline restoration measures to protect assets long-term. His deep relationship with local, state, and federal regulatory agencies contributes to seamless coordination and efficient permitting strategies that enable developments to move forward and meet critical construction deadlines.

40 years of professional experience

Town of Cape Charles, Shoreline Restoration and Erosion Control Plan, Cape Charles, VA

Neville was Project Manager and Principal-in-Charge for an erosion control project for the Town of Cape Charles along 1,000 linear feet of shoreline using gapped breakwaters, beach nourishment, and dune and marsh grass plantings. He prepared a Joint Permit Application and acquired local, state, and federal permits for the project. Issues included threatened and endangered species. Services included engineering design, topographic and bathymetric survey, wave climate analysis, preparation of construction plans and bid documents, acquisition of environmental permits, and offshore vibracoring and sediment analysis to determine dredge material suitability for beach fill. Tasks also included development of grant proposals to numerous state and federal agencies. Plans included dune stabilization with sand fencing and plantings as well as dune walkovers for pedestrian access. Neville prepared grant proposals to the Virginia Board of Conservation of Public Beaches, and he was successful in acquisition of \$175,000 in funding for construction. Neville prepared and made presentations before the Board of Supervisors, Wetlands Board, and Public Beach Board.

York County, Yorktown Waterfront Revitalization, York County, VA

As Project Manager, Neville coordinated a multidisciplinary team of architects, engineers, and scientists for the revitalization effort at this historic waterfront. He was responsible for technical work and oversight on shoreline restoration and pier design, drainage, and roadway design and NEPA compliance, among other initiatives. Neville developed plans and specifications for more than a mile of shoreline stabilization using a variety of approaches including headland breakwaters with beach nourishment, revetments, and toe stabilization. He also led efforts for acquisition of state and federal permits required to implement the project.

Mathews County, Festival Beach Restoration Project, Mathews County, VA

Neville was Project Manager for design and permitting of a shore erosion control project for a public access facility. He directed shoreline change analysis of dynamic Chesapeake Bay shoreline involving development of GIS routines that calculate recession rates and areas. He conducted topographic and bathymetric surveys, completed construction plans and specifications for beach nourishment, wetland and dune plantings and breakwater construction to accentuate a natural headland feature and induce long-term stability. Plans included dune stabilization, dune walkovers, parking areas and marsh restoration-creation adjacent to the parking area.



Chris DeWitt, AICP

QA/QC

Chris is VHB's Planning and Design Service Leader for the Mid-Atlantic region. His diverse work experience ranges from design of public parks to civic engagement and grant funding. He has worked with a variety of local, regional, state, and federal agencies to improve waterfront access, develop sustainable public open space, and enhance communities.



Education

BS, City Planning, University of Virginia, 1991

Registrations/Certifications

American Institute of Certified Planners

Affiliations/Memberships

American Institute of Certified Planners

American Planning Association, Virginia Chapter

Association of Pedestrian and Bicycle Professionals

League of American Bicyclists

Rails-to-Trails Conservancy

Urban Land Institute, Virginia Livable Communities Council

32 years of professional experience

York County, Yorktown Waterfront Revitalization, York County, VA

VHB assisted York County with the long-term redevelopment of the Yorktown Waterfront. The coastal resiliency project included replacement of a dilapidated seawall with a system of off shore breakwaters and beach restoration as the foundation of a primary public waterfront attraction and placemaking project. As part of this effort, Chris helped prepare a Boating Infrastructure Grant application that resulted in \$600,000 toward implementation of a system of piers and related amenities.

City of Suffolk, James River Shoreline Design, Suffolk, VA

Chris is working with the VHB team to evaluate, plan, and design a linear park and shoreline restoration project along the James River shoreline in Suffolk. The project includes an extensive site inventory, programming and alternatives development, wetland delineation, topographic and hydrographic survey, permitting, and design. The planning and design process has engaged multiple project stakeholders.

HRSD, James River Land Improvements, Newport News, VA

As part of the Sustainable Water Initiative for Tomorrow (SWIFT), VHB is working with the Hampton Roads Sanitation District (HRSD) to plan, design, and construct a trail system and living shoreline improvements along the James River. Chris is managing the project for VHB, and is overseeing efforts to extend an existing trail network, interpret cultural resources, conserve sensitive resources, and promote appropriate public use and access.

Town of Duck, Town Park, Boardwalk, and Living Shoreline, Duck, NC

As Project Manager, Chris led VHB's efforts to provide master planning and engineering design services for this park on Currituck Sound. The project includes trails, a waterfront boardwalk, a public amphitheater, a Town Green, boating access to Currituck Sound, pervious parking, and low-impact stormwater management improvements. Chris also managed the community engagement for the project.

Outer Banks Visitors Bureau, Soundside Event Site, Nags Head, NC

Working for the Outer Banks Visitors Bureau, Chris managed VHB's master planning and engineering design services for a public open space and event site on the Roanoke Sound in the Town of Nags Head. Two phases of construction have been completed and the site now includes several event lawns, walkways, an open-air pavilion, pervious parking, and a system of low-impact stormwater management swales. The site hosts the annual Outer Banks Seafood Festival and other events throughout the year. Chris managed the public engagement effort for this project, which led to selection of the preferred alternative and priorities for implementation.



Education

BS, Ocean Engineering, Florida
Institute of Technology, 2008

Registrations/Certifications

Professional Engineer, VA, NC,
SC, GA, FL

Michael Mann, PE

Coastal Processes

Michael is a Senior Coastal Engineer who has extensive experience in a broad range of waterfront and coastal projects. His project experience includes design of dredging projects, beach nourishment, coastal armoring, marinas, and living shorelines. Michael is skilled in the development of permit applications, specifications, construction bid packages, construction administration, and post construction monitoring. He uses different coastal modeling packages including CMS/SMS, SBEACH, CSHORE, and CEDAS to model shoreline conditions and determine valuable coastal information at project sites.

14 years of professional experience

Glynn County, St. Simons Island Revetment Rehabilitation Hazard Assessment, St. Simons Island, GA

Prior to joining VHB, Michael was the project manager for the design, permitting, and bidding of a revetment rehabilitation project along the coast of St. Simons Island. He managed construction observations of revetment sections. He developed design coastal conditions for the project and used the model CSHORE to determine erosion and wave propagation expected during different return interval storms.

Summerhaven Emergency Dune Fill, St. Johns County, FL

Prior to joining VHB, Michael used survey data from post hurricane to develop dune layout alternatives for protection of Old A1A (road). He developed plans and specifications for construction and monitored fill volumes and placement during construction.

Groin Rehabilitation, Folly Beach, SC

Prior to joining VHB, Michael developed layouts for a groin rehabilitation project and designed minimum beach fill template for groin structures. He developed specifications for the structures and fill and assisted with construction oversight.

Homeowner's Association, Pine Island Shoreline Renourishment, Hilton Head, SC

Prior to joining VHB, Michael lead permit level design efforts of a dredging project to realign a channel that is shifting toward existing homes. The dredge material is to be used to provide protection to a narrowing section of shoreline adjacent to inlet.

Six Senses Resort, Turks and Caicos

Prior to joining VHB, Michael completed a desktop wind wave analysis for the site to determine environmental conditions. He prepared and ran the SMS STWAVE model to determine maximum wave heights reaching the project site, and prepared cut/fill calculations for a proposed lagoon area.

Half Moon Bay, Antigua

Prior to joining VHB, Michael used historic aerials and data to develop a shoreline change analysis in Half Moon Bay. He designed a revetment to protect a hot spot erosion area in the bay.



Nicole Bennett, AICP

Civic Engagement

Nicole has more than two decades of experience as a planner, project manager, policy analyst, and strategist. She is focused on developing strategies to address systemic inequities in the built environment, policies, and programs. She uses her expertise in transportation planning, strategic planning, environmental justice and equity, engagement, and consensus building to help clients embed equity in programs, plans, policies, and service delivery.

Education

MRP, Regional Planning,
University of North Carolina at
Chapel Hill, 1995

BA, Economics, University of
North Carolina at Chapel Hill,
1992

Registrations/Certifications

American Institute of Certified
Planners

Affiliations/Memberships

American Planning Association

Conference of Minority
Transportation Officials, NC

28 years of professional experience

MPPDC, RAISE Grant Designing Multimodal Working Waterfronts, Essex, Gloucester, King and Queen, King William, Mathews, and Middlesex Counties, VA

MPPDC received a RAISE grant to conduct a condition assessment of the region's 60 wharves, landings, and harbors in Virginia's Middle Peninsula region for needs related to the commercial seafood industry. VHB is working with MPPDC to perform the needs assessment and to develop a suite of shovel-ready, high-priority multimodal improvements to connect marine resources to inland markets with the intention of growing local and regional maritime-based economies. Nicole's role is to lead the development of a racial equity analysis, develop strategies for new connections and opportunities for underserved and marginalized communities, and help develop an equity metric to be for project prioritization.

NCDOT/DHHS, Health Equity in Transportation Planning & Prioritization, Statewide, NC

Nicole is a Technical Advisor, providing guidance and quality control to integrate equity and public health into transportation planning and prioritization. The project will deliver metrics, best practices for policies and procedures, a clearinghouse of resources and data, and a roadmap for ongoing work to prioritize sustainability.

NCDOT, North Carolina Strategic Highway Safety Plan (SHSP) 2024 Update, Statewide, NC

The NC SHSP defines the State's overarching safety objectives, emphasis areas, and priorities, as well as metrics for tracking progress in improving safety by reducing the crashes that result in fatalities and serious injuries. Nicole facilitates discussions on how to integrate equity within the plan, helps develop an equity analysis methodology, creates recommendations based on the results of the analysis, and assists with identifying stakeholders to engage in the development process.

ARC, Inclusion, Diversity, Equity & Anti-racism (IDEA) Strategic Plan, Atlanta, GA

Prior to joining VHB, Nicole was Deputy Project Manager of this initiative to embed inclusion, diversity, equity and anti-racism in the organization's standard operating procedures. In addition, she led the assessment of policies, programs, and practices; conducted interviews with leadership; facilitated focus groups; prepared recommendations; and co-authored the IDEA Plan.

UNC Chapel Hill, Transportation & Parking Master Plan Update, Chapel Hill, NC

Nicole is an Equity Strategist responsible for developing a new Guiding Principle focused on equity, moderating a series of focus groups to ensure inclusive engagement of campus stakeholders, and developing recommendations for practices.



Education

Graduate Studies, Civil Engineering, Virginia Polytechnic Institute and State University, 2004

BS, Civil Engineering, Virginia Polytechnic Institute and State University, 2001

Registrations/Certifications

Professional Engineer, VA
VDOT Advanced Work Zone Traffic Control Certification, VA

Affiliations/Memberships

American Society of Highway Engineers, Mid-Atlantic Region
Institute of Transportation Engineers, VASITE and WDCSITE
Intelligent Transportation Society of America, Virginia Chapter

Christopher Daily, PE

Multimodal Transportation

Chris has diversified traffic engineering design and safety planning, specifically in operations analyses, simulation modeling, and signal timing plan development and optimization; intelligent transportation systems (ITS) planning and design; road safety audits/assessments, spot improvements, and systemic and systematic safety programming; corridor planning, congestion management, and spot improvement studies; traffic impact assessment; and sign, pavement marking, and signal control design.

24 years of professional experience

City of Richmond, Better Streets Manual, Richmond, VA

Chris was Project Manager and a lead author of the City's complete streets manual, Better Streets. The manual provides a policy, guidance, and design standards consistent with the City's commitment to streets and infrastructure that are designed for all users and encourages more people to use alternative transportation modes.

City of Richmond, Various Bike Lane Designs, Richmond, VA

Chris serves as Project Manager for design projects that have included separated bike lanes, cycle tracks, and an RRFB intersection crossing.

City of Richmond, Vision Zero and Complete Streets Activities, Richmond, VA

As Project Manager, Chris led the development of the City's Vision Zero Action Plan, which included identifying a High Injury Street Network; and its Complete Streets Manual, which specifies how to accommodate all road users within the road footprint.

Central Shenandoah Planning District Commission, Port Republic Access Management, Harrisonburg, VA

Chris served as a senior advisor in traffic operations modeling, safety, and corridor planning for this project that evaluated access management and improvements to the South Main/Port Republic Road intersection. Work also included evaluation of opportunities to improve operations and safety between South Main Street and Devon Lane and determine opportunities to improve operations.

City of Harrisonburg, Downtown Harrisonburg Traffic Impact Study, Harrisonburg, VA

Chris served as a senior advisor in origin-destination (O-D) modeling, traffic operations assessment, and roadway reconfiguration for this project that utilized a calibrated TDM model and StreetLight O-D data to understand traffic patterns through downtown across 30 intersections and estimate rerouting resulting from lost capacity. Chris oversaw performance evaluation and impacts to identify opportunities for mitigation.

City of Richmond, Scott's Addition Transportation Plan, Richmond, VA

Chris served as Project Manager for the Scott's Addition transportation plan. The plan included an assessment of the transportation infrastructure and the needs to meet the changing land use needs and the City's desire for a multimodal urban grid. The project involved extensive public involvement, traffic analysis, safety review, bike/pedestrian mobility planning, and preliminary roadway concept design.



Tony Loubier, PE

Civil Engineering

Tony is a Project Engineer with a focus in site/civil and stormwater management. He is a Professional Engineer registered in Virginia, and works extensively with a diversity of private-sector clients, as well as projects for the NPS. He also has worked in land surveying, both in the field and the office.



17 years of professional experience

Education

BS, Civil Engineering, University of New Hampshire, 2007

Registrations/Certifications

Professional Engineer, VA

Affiliations/Memberships

Hampton Roads Association for Commercial Real Estate

James City County Stormwater Advisory Committee

City of Suffolk, James River Shoreline Design, Suffolk, VA

Tony is working with the VHB team to evaluate, plan, and design public, open space along the shorelines of the Suffolk and James Rivers. The restoration and riverfront stabilization are along 1.3 miles of the riverfront. This includes a site inventory, base mapping and analysis, a program workshop, conceptualized alternatives and refinements, wetland delineation and topographic and water survey.

James City County, Jamestown Marina Improvement Project, Jamestown, VA

Tony was the Task Manager responsible for the erosion and sediment control, stormwater, utility, and other site civil components of the design. He was also the point of contact with the County for the site plan approval process. VHB is providing master plan, site design and permitting services for the upgrading and reconfiguration of the Jamestown Marina for James City County adjacent to Powhatan Creek.

Mathews County, Main Street Enhancement, Mathews, VA

Tony helped design a drainage system that would resolve flooding issues in the center of Mathews. Tasks included gutter spread analysis, hydraulic grade line calculations, tailwater condition analysis, peak flow rate reduction calculations, and pipe capacity calculations. He also worked under the supervision of a Project Manager to design temporary traffic control plans for the proposed streetscape.

NRHA, Tidewater Garden Demolition Plan, Norfolk, VA

Tony is a lead engineer on the Tidewater Garden Demolition plan. Norfolk Redevelopment and Housing Authority (NRHA) and the City of Norfolk are partnering to break the cycle of intergenerational poverty by rebuilding a part of the city known as the St. Paul's area. The City of Norfolk and the Owner were awarded a \$30M Choice Neighborhood Initiatives (CNI) Grant by the U.S. Department of Housing and Urban Development (HUD) for the Tidewater Gardens community in the St. Paul's area of the city.

York County, Poquoson River and Country Lane Road Stream Restoration, Yorktown, VA

To mitigate impacts of development along Route 17 in Yorktown and to assist with the County's TMDL reduction requirements, Tony assisted in the design of two channel restorations. He performed QC review of watershed calculations, used Civil3D and HEC-RAS to model the hydraulics of the existing and proposed streams, and created construction phasing documents and erosion control plans for the stream mitigation project.



Education

AAS, Survey Technology, SUNY
Alfred, 1980

Registrations/Certifications

Licensed Surveyor
(B License), VA
Professional Land Surveyor, NC

Affiliations/Memberships

National Society of Professional
Surveyors
North Carolina Society of
Surveyors
Virginia Association of Surveyors

Stephen Romeo, LS

Survey

With more than four decades of experience in land development consulting and land surveying, Stephen leads a team providing surveying services on a broad range of assignments including ALTA/NSPS land title surveys, bathymetric surveys, cadastral surveys, construction surveys, flood mapping surveys, geodetic surveys, machinery placement surveys, movement monitoring surveys, post construction surveys, photogrammetric surveys, railroad surveys, terrestrial scanning surveys, topographic surveys, utilities surveys, and volumetric surveys.

43 years of professional experience

City of Suffolk, James River Shoreline Design, Suffolk, VA

Stephen oversees the survey efforts and helps support the team to evaluate, plan, and design public, open space along the shorelines of the Suffolk and James Rivers. The restoration and riverfront stabilization were along 1.3 miles of the riverfront. This included a site inventory, base mapping and analysis, a program workshop, conceptualized alternatives and refinements, wetland delineation and topographic and water survey.

York County, Yorktown Waterfront Revitalization, York County, VA

As a part of a design-build team to prepare design and provide construction phase services for the York Landing revitalization project on the Yorktown waterfront, Stephen provided project management for the civil design services for this \$10.5 million site development project. The project includes 20,000 square feet of restaurant and retail space as well as small boat piers and a parking terrace.

NPS, Colonial National Historical Park, Shoreline Stabilization, Yorktown, VA

Stephen served as Survey Manager responsible for direct supervision and coordination of approximately 25,000 feet of boundary surveying to retrace/re-establish portions of park boundary last surveyed during the 1960s, including replacement of missing monuments. He was Survey Manager for establishing horizontal and vertical control for photogrammetric and hydrographic mapping of approximately eight miles of shoreline and supplemental field topographic surveying where conditions were not suitable for photogrammetric mapping in support of an Environmental Assessment effort associated with the repair and stabilization of the York River Shoreline to protect the Colonial Parkway. He was Survey Manager for approximately 5.5 acres of topographic surveying at Fusiliers Road.

NPS, Assateague Island National Seashore, Topographic Surveying, MD

Stephen was Survey Manager responsible for direct supervision and coordination of approximately 9.7 acres of topographic surveying at Bayberry Drive on the Assateague Island National Seashore.

Town of West Point, Master Drainage Study, West Point, VA

As Senior Director of Survey, Stephen directed the field surveying efforts to inventory the Town of West Point's drainage system and provide data for watershed modeling. Additionally, he provided technical support for the development of the Town-wide Stormwater Management Plan.



Education

MS, Forestry, Clemson University,
1985

BS, Forest Management,
Clemson University, 1983

Registrations/Certifications

Professional Wetland Scientist

Professional Wetlands
Delineator (Virginia)

Certified Wildlife Biologist

Affiliations/Memberships

Society of Wetland Scientists,
South Atlantic Chapter

The Wildlife Society,
Southeastern Section, Virginia
Chapter

Tim Davis, PWS, PWD, CWB

Natural Resources Permitting and Compliance

Tim is a Senior Environmental Scientist with extensive professional experience in diverse environmental settings across the Mid-Atlantic. He is a seasoned regulatory specialist who has delineated hundreds of miles of wetland boundaries and acquired dozens of environmental permits for all types of land and water uses throughout his career. Tim has also participated in numerous planning studies involving environmental assessments, restoration projects, and wetland/habitat impacts analyses for federal, state, and local projects across the United States.

39 years of professional experience

Town of Duck, Bayside Public Boardwalk, Duck, NC

Tim conducted a delineation of tidal wetlands for a multi-phased, +4,000 linear feet, elevated public boardwalk along the Currituck Sound shoreline in the Town of Duck. He classified wetland types and documented vegetative species composition to include native and non-native trees, shrubs, and emergent plants necessary for permitting. Tim also assisted planners and engineers with the project design by pointing out sensitive areas to avoid and locations best suited for the boardwalk. He also met with regulators to explain details of the boardwalk plans and assisted with preparation of permit applications at the state and federal level.

City of Norfolk, Ohio Creek Watershed Transformation Plan, Norfolk, VA

VHB is providing environmental regulatory support and shore protection design to support this project. Tim is serving as a wetland permitting and regulatory specialist for this \$123-million resiliency project. This project consists of layered resiliency and community enhancement strategies including shoreline protection, rainfall capture and storage and introducing a living shoreline feature to minimize erosion and increase environmental wellness.

Kirby Perkins Construction, Carter's Grove Shoreline Stabilization, James City County, VA

Carter's Grove is a 486-acre plantation located on the north shore of the James River in James City County and is listed as a National Historic Landmark. Tim participated in the delineation of wetlands on the property and performed the regulatory permitting for a stream restoration project where improvements to stormwater facilities were constructed. Tim also assisted with the regulatory permitting involving tidal shoreline impacts and bald eagle nesting habitat along 6,000 linear feet of the James River related to the construction of a living shoreline and revetment improvement project.

Virginia Department of Conservation and Recreation (DCR), Widewater State Park Develop Phase I, Stafford County, VA

Tim was a Lead Scientist performing wetland delineation, wetland functional values, and listed species habitat assessments for bald eagle nesting and the northern long-eared bat for this newly planned state park. He assisted with preparing an EIR as a state project, and helped to prepare sections of a Joint Permit Application for impacts to vegetated wetlands and subaqueous river bottom for a boat ramp and living shoreline project along the Potomac River.



Education

MS, Geological Oceanography,
Old Dominion University, 1988

BS, Geology, Bowling Green
State University, 1983

Chris Frye

Permitting and Compliance

Chris is a Coastal/Environmental Scientist whose work experience is in the permitting and design of coastal-related projects, such as breakwaters/beach nourishment, riprap revetments and sills, and living shorelines. He has developed construction plans and specifications for projects successfully constructed within the coastal areas of the Mid-Atlantic region. Additionally, he has a working knowledge of estuarine dynamics and habitat, riparian rights, state and federal environmental regulations, and environmental review processes.

35 years of professional experience

Town of Duck, Town Park and Boardwalk, Duck, NC

As the Environmental Task Lead, Chris led VHB's efforts to secure regulatory approvals for the soundside park. The project included trails, a waterfront boardwalk, kayak/canoe launch on Currituck Sound, and stormwater management improvements. Chris helped guide the project through several alignment iterations to minimize impacts to submerged aquatic vegetation thriving along this stretch of shoreline. State and federal permits were obtained within a three-month timeframe.

City of Suffolk, James River Shoreline Design, Suffolk, VA

Chris is leading the shoreline design efforts to evaluate, plan, and design public, open space along the shorelines of the Suffolk and James Rivers. The restoration and riverfront stabilization are along 1.3 miles of the riverfront. This includes a site inventory, base mapping and analysis, a program workshop, conceptualized alternatives and refinements, wetland delineation, and topographic and water survey.

USFWS, Martin National Wildlife Refuge Living Shoreline, Ewell, MD

Chris was part of a team that developed a comprehensive plan for the design and construction of a living shoreline protection project along 20,000 linear feet of shoreline. Based on a clear understanding of acting coastal processes and long-term shoreline change, the plan incorporated headland control techniques to instill stability in the shoreline while allowing natural processes to continue. Armor stone structures were accompanied by sand fill and over 8 acres of wetland and dune grass plantings.

USFWS, Back Bay National Wildlife Refuge Shoreline Stabilization, Virginia Beach, VA

Chris was a key member of the design team for this project that provided shoreline stabilization and living shoreline elements at two locations within Back Bay. Each site incorporated multiple low-crested, sill structures with sand fill designed as planting terraces that contain native wetland species. The plans were developed to complement and enhance/restore the various ecological communities that reside along and are adjacent to the sites. VHB prepared construction plans, specifications, and cost estimates, and assisted the USFWS with preparing the Joint Permit Application (JPA).



Education

BS, Civil Engineering, University of Virginia, 2012

Registrations/Certifications

Professional Engineer, VA

Project Management Professional

Sean Becker, PE, PMP

Grant Funding

Sean is experienced in transportation engineering including work in asset management, program development, budgeting, project delivery, policy, and procurement. He previously worked for VDOT in a variety of roles in both Central Office Traffic Engineering and Hampton Roads District Installation and Maintenance.

11 years of professional experience

City of Harrisonburg, RAISE Grant, Harrisonburg, VA

Sean led development of a RAISE Grant, partnering with planners in the City of Harrisonburg to write and submit a RAISE Grant for this project to add essential multimodal infrastructure on the Liberty Street corridor in downtown Harrisonburg by converting an existing vehicular lane into a two-way cycle track to connect existing cycling infrastructure. This grant development was completed in just 4 weeks and involved extensive documentation of existing conditions, development of a Cost-Benefit Analysis, and development of a compelling narrative aligning project outcomes and needs. This grant application was awarded \$14.3 million under the 2023 RAISE program.

VDOT, Pedestrian Pilot Implementation, Statewide, VA

Sean is currently overseeing the implementation of 3 pedestrian pilots around the state for a project in partnership with the Central Office Traffic Operations Highway Safety Improvement Program and Virginia Transportation Research Council. These projects include piloting an overnight dwell-on-red operation at two signals in proximity to vulnerable pedestrians on a corridor with crash history in Henrico County, implementation of a rectangular rapid flashing beacon with dynamic lighting in Albemarle County, and implementation of a pedestrian hybrid beacon with z-offset crossing and lighting in York County. Activities for these projects include design finalization, implementation support, data collection/analysis, and stakeholder coordination between VDOT district and Central office teams.

VDOT, District Wide Delaminating Signs, Suffolk, VA

Prior to joining VHB, Sean managed district delivery for the largest overhead sign replacement project in VDOT history. He oversaw the replacement of more than 50 overhead delaminating signs to include traffic control development, scoping, budgeting, delivery, and inspection.



Education

BS, Civil Engineering, Bucknell University, 1994

Registrations/Certifications

Professional Engineer, VA

Professional Engineer (Structural), MA

Designated Design-Build Professional

OSHA 10-Hour Construction Safety and Health Certificate

Affiliations/Memberships

American Society of Highway Engineers, Mid-Atlantic Region, Greater Hampton Roads

Virginia Transportation Construction Alliance

Tyson Rosser, PE, DBIA

Structural Design

As a Senior Project Manager/Structural Engineer for VHB in the Mid-Atlantic Region, Tyson manages complex transportation projects through traditional and design-build delivery. Tyson provides technical experience in structural design for linear structures including roadway and pedestrian bridges, retaining walls, and waterfront structures.

29 years of professional experience

City of Norfolk, 9th Bay Street Access, Norfolk, VA

Tyson served as Project Engineer on this project that required a combination of ramp and stair design to provide beach access from 9th Bay Street to the Chesapeake Bay. The design was developed to help navigate nearly 20 feet of elevation change from 9th Bay up and over existing dunes and back down to the beach while minimizing impacts to the sensitive dune habitat.

Town of Duck, Soundside Boardwalk Phase II, Duck, NC

Tyson was Project Engineer for the design and development of a timber boardwalk system that was constructed along the Currituck Sound. The boardwalk links many of the Town's amenities including a public amphitheater, picnic areas, canoe/kayak launches, municipal facilities, and local businesses.

Henrico County, Tuckahoe Creek Boardwalk Design, Henrico County, VA

As Task Manager, Tyson led the design of a timber pedestrian boardwalk out into the floodplain of Tuckahoe Creek in Henrico County. VHB evaluated historical flood stages to set the elevation of the boardwalk, and as part of the design, included a resilient design approach to minimize the potential of the structure becoming dislodged during planned flood events above the top of the structure.

NPS, Boston Harbor Islands National Recreation Area, Georges Island Pier Evaluation and Design, Boston, MA

Tyson was Project Engineer for the development of construction documents for the replacement of the dock and pier at Georges Island in accordance with the preferred alternative determined through the NEPA process. The island functions as a transportation hub for the Boston Harbor Islands National Recreation Area. Project workshops were conducted that included multiple stakeholders allowing the design team to refine the preferred alternative defined in the NEPA document for this project. Work consisted of acquisition of all permits and development of construction documents for three phases: Phase 1 consisted of demolition of the main and north pier, the new construction of the main pier, and installation of a floating barge system and floats. The existing south finger pier was stabilized and fitted with temporary floats capable of providing uninterrupted access to Georges Island during construction; Phase 2 consisted of the demolition and reconstruction of the south finger pier and the wave fence; and, Phase 3 consisted of new construction of the north finger pier and installation of floats and utilities. The floating docks were designed to accommodate berthing loads of various vessels.

Cape Marine LLC, Old Ferry Terminal at Mason Street, Cape Charles, VA

Tyson was the structural engineer that provided a structural field review of the existing sea wall along this development parcel.



Doug Mettler, PLA
Landscape Architecture



Education

BLA, Landscape Architecture,
Virginia Polytechnic Institute and
State University, 1982

Registrations/Certifications

Licensed Landscape Architect,
VA, NC

Affiliations/Memberships

American Society of Landscape
Architects, Virginia Chapter
River Management Society

Doug has worked on planning, site, and landscape architectural projects with project experience that includes extensive site planning for museum and visitor center facilities, park design, pedestrian and bicycle, trails, historic sites, transportation related projects and site work mandated to protect existing natural resources and cultural resources. His responsibilities have included project management, client contact, site design, construction document preparation, and presentations.

42 years of professional experience

Yorktown Waterfront Revitalization, York County, Virginia

Prior to joining VHB, Doug served as project manager for streetscape and mile long riverwalk project for the revitalization, renovation, and planning of the former colonial shipping port along the York River. He worked with the County, National Park Service and private businesses for land exchanges and easements to allow for the construction of the Riverwalk, placemaking opportunities and pedestrian connections. Also, he worked with VHB to implement a comprehensive resiliency and shoreline stabilization strategy. Winner of 2021 VA ASLA Landmark Award.

NPS, Assateague Island National Seashore, New Beach Design, Chincoteague, VA

This project involved the relocation and reconstruction of a new approach road, parking lots, a visitor contact station/offices, and other facilities needed to provide the desired visitor experience. Doug served as the Lead Landscape Architect for the design of a series of boardwalks and hardened trails that provide pedestrian connectivity from the new facilities back to the beach. The plans included six boardwalks that range from 350 to 550 feet long, including two for visitors with disabilities, through the application of principles of Universal Design that were necessary to accommodate the natural migration of Assateague Island westward and the rising sea level, and to navigate the ever-changing sand dune terrain and landscape.

NPS, Cape Hatteras Lighthouse, Cape Hatteras National Seashore, NC

As subconsultant, VHB assisted the NPS with visitor entry, circulation patterns and interpretation opportunities throughout the lighthouse site. Doug served as VHB Project Manager leading design efforts focusing on improving the visitor experience and telling the story of the lighthouse's move to the current site. Site improvements include new paved walkways, seating, interpretative stations, and native plant restorations to meet the Park's visitation and maintenance needs. Tasks also included survey, landscape architecture, civil engineering, environmental review, and compliance.



Education

BLA, Landscape Architecture,
Virginia Polytechnic Institute and
State University, 2013

Registrations/Certifications

Licensed Landscape Architect,
VA, NC

Affiliations/Memberships

American Society of Landscape
Architects, Virginia Chapter

Stephen Talley, PLA

Landscape Architecture

Stephen is a Landscape Architect and Project Manager serving a variety of markets across the VHB footprint. He has experience in site master planning, detailed site design, trail design, public space design, construction documentation and visualization. Stephen has a strong technical skill set for collaboration with multiple disciplines and a range of graphic capabilities for design visualization.

10 years of professional experience

City of Suffolk, James River Shoreline and Open Spaces, Suffolk, VA

Stephen served as the project Landscape Architect for the James River Shoreline and Open Spaces project for the City of Suffolk. The project was a collaborative effort with the VHB coastal, environmental, survey and planning, and design teams. The design took a holistic approach to shoreline stabilization, resiliency, sustainability and open space planning. The shoreline stabilization and linear park is intend to act as a catalyst for redevelopment of the site, which was a former ordnance depot and community college.

James City County, Jamestown Marina Improvement Project, James City County, VA

VHB provided master plan, site design, and permitting services for the upgrading and reconfiguration of the Jamestown Marina for James City County adjacent to Powhatan Creek. Stephen assisted in the development of this multi-phased project in the preparation of the master plan, site design, and landscape architectural design services creating a new vision for the marina property.

Dare County Tourism Board, Soundside Event Site, Nags Head, NC

Stephen assisted the design team on the overall schematic plans and the Phase I Landscape and Hardscape Construction plans. He provided conceptual designs of all areas and developed landscape plans for a series of bioretention and wetland gardens that are designed to handle stormwater runoff on site, a critical component of site design in the Outer Banks. He also developed custom scoring patterns that reinforce circulation on site and enhance the sense of place at the park. Stephen was also the Landscape Designer for the Phase 2 and 3 construction documents. These phases included a 9,000-square-foot pavilion and bathroom building under design by a local architect, a service road to the building, and additional parking and walkways.

NPS, Cape Hatteras National Seashore, Cape Hatteras Lighthouse, Cape Hatteras, NC

Stephen is the Landscape Architect and Task Project Manager for this project. VHB is assisting the National Park Service (NPS) with visitor entry, circulation patterns and interpretation opportunities throughout the lighthouse site. Stephen is leading design efforts focusing on improving the visitor experience and telling the story of the lighthouse's move to the current site. Site improvements include new paved walkways, seating, interpretative stations, and native plant restorations to meet the Park's visitation and maintenance needs.



David Stemmann, AIA, LEED AP (Stemmann | Pease Architecture)

Education

BS, Architecture, Virginia Tech,
1986

David has been practicing on a broad range of projects including master planning, museums, visitor centers, and preservation projects, throughout the United States. David's award-winning projects have been recognized by the American Institute of Architects and The American Society of Landscape Architects. David recently completed an 8-year appointment on the City of Williamsburg Architectural Review Board and is a member of the United States Green Building Council.

27 years of professional experience

Project Experience

- » Preservation Virginia, Jamestown Island Resiliency Plan Resiliency Center Concept, Seawall Hardening, Jamestown, VA
- » Town of Tappahannock, Water Access and Commercial Development at Hoskins Creek, Tappahannock, VA
- » Pensacola Bay Ferry Terminals Project, Historic Fort Pickens Master Plan/ City of Pensacola Terminal Concept Gulf Islands National Seashore, Pensacola, FL
- » Colonial Williamsburg Foundation, Merchants Square North Plaza, Williamsburg, VA



Scott Hardaway, PG (VIMS)

Coastal Processes

Scott Scott has maintained a research position with the Virginia Institute of Marine Science, Gloucester Point, Virginia for 41 years where he conducts studies on wave climate analysis, sediment transport processes, coastal plain geology/ geomorphology and the long-term effectiveness of breakwaters and beach nourishment for shore protection. Scott has developed empirical relationships for shoreline parameters in the Chesapeake Bay for breakwater and sill systems and has been involved in the design and implementation of more than 80 shore protection systems (breakwaters and sills, aka Living Shorelines).

41 years of professional experience

Project Experience

Scott provided select supporting services related to shoreline stabilization design, including historical shoreline position analysis, impinging wave climate analysis, shoreline response, and rock positioning and sizing on the following projects:

- » Virginia Institute of Marine Science, Main Campus, Gloucester Point, VA
- » Yorktown Waterfront Revitalization Project, Yorktown, VA
- » Westmoreland and Chippokes State Parks, Montross and Surry Counties, VA
- » Langley Air Force Shoreline Project, Hampton, VA
- » USFWS Martin Island Wildlife Refuge Shoreline Stabilization Project, Cambridge, MD
- » USFWS Back Bay Wildlife Refuge Shoreline Stabilization Project, Virginia Beach, VA
- » Kingsmill Resort Shoreline Stabilization Project, Williamsburg, VA



Education

MS, Geology, East Carolina
University, 1979

BA, Geology, East Carolina
University, 1973

Registrations

Professional Geologist VA

Affiliations/ Memberships

Vice-Chairman, ASCE,
Shoreline Protection Standards
Committee, 1995-2005
Member, National Academies'
Committee on Mitigating Shore
Erosion on Sheltered Coasts

E. Subconsultants

The **VHB** team is rounded out by a group of subconsultants with whom we have developed longstanding relationships and built proven experience delivering projects across Virginia.



Stemann | Pease Architecture

Formed in 2012, Stemann | Pease Architecture combines two established Williamsburg architectural practices of David Stemann and Edwin Pease. The firm represents the formal expression of 25 years of friendship and collaboration and focuses on cultural and civil projects. Together the Principals offer more than 50 years of combined experience working for clients throughout the United States and internationally. The firm's roots are entrenched in Williamsburg and have been for more than 25 years, which lends to the firm retaining their keen sense of the region as it grows and changes.

Colonial Williamsburg Foundation, Merchants Square North Plaza, Williamsburg, VA

Stemann | Pease collaborated with The Colonial Williamsburg Foundation and VHB by using a process-driven design for transforming public space in Merchants Square, a unique 18th century-style village in Colonial Williamsburg with more than 40 shopping and dining destinations. Since April 2018, the integrated services team has developed design ideas and solutions to convert the P3 parking lot, currently used by surrounding restaurants and stores, into a public space or "Festival Marketplace," a tourist hot-spot with green space and entertainment opportunities.



VIMS

The Shoreline Studies Program (SSP) within the Department of Physical Sciences at the Virginia Institute of Marine Science conducts basic and applied research primarily within the shore zone of the Chesapeake Bay estuarine system and Virginia's ocean coast. Research efforts involve wave-climate analysis, shoreline morphology, shorezone stratigraphy, and recommending shoreline management strategies.

Virginia Department of Conservation and Recreation, Westmoreland and Chippokes Shoreline Stabilization, Westmoreland and Surry Counties, VA

The Virginia Department of Conservation and Recreation retained VHB and VIMS to provide design, permitting, coastal studies, and construction management services for two separate living shoreline projects located on the Potomac River and James River. Approximately 1,300 linear feet of shoreline at Chippokes Plantation State Park and 3,000 linear feet at Westmoreland State Park were restored using a series of gapped breakwaters and sills through the establishment of sandy intertidal areas planted with tidal marsh and dune grasses and coastal riparian plantings. Permits were obtained through the U.S. Army Corps of Engineers, VMRC, and DEQ.

Project Approach





A vibrant beach day at Cape Charles

3

Project Approach

From the Request for Proposals, **VHB**'s history working in the town, and recent site visits, we feel that we have a clear understanding of the town's intentions and expectations for developing the beachfront master plan. The experience and expertise of VHB's design professionals and subconsultants will enable us to complete your project in an economic and timely fashion, and in keeping with the context of the surrounding waterfront and historic district.

The key to our success in this effort will be to perform a comprehensive inventory and analysis of existing physical, environmental, and cultural conditions as well as any existing plans already developed for the surrounding area. Our project team, including environmental and shoreline specialists, landscape architects and planners, and engineers will be instrumental in discerning constraints and opportunities for the beachfront. This work will include specific analysis of Chesapeake Bay and its wave climate, storm surge elevations, floodplain, and projected sea level rise to establish a resilient and sustainable project. These findings will provide a basis for developing the alternative concepts and the subsequent choice of a final plan for the long-term resilience of the waterfront.



Innovative Thinking

We design in harmony with the natural environment while remaining innovative and flexible enough to meet changing conditions and social and cultural needs. Our team creates outdoor environments that enrich the way we live, work, and play, resulting in memorable spaces that enrich the spirit and promote healthy lifestyles.

Equally important will be to maintain an open line of communication with town staff, the oversight committee, and the public throughout the process. We can therefore keep a constant dialog that will inform decision-making and result in the most appropriate and feasible plan.

Our general strategy for completing the project is as follows:

- » Meet with the project oversight committee to discuss ideas, goals, and objectives, and to maintain an open line of communication
- » Initiate and maintain contacts with outside sources of information and resources which may aid in project understanding and development
- » Establish a friendly and productive working spirit among the project participants
- » Develop and evaluate master plan concepts that respect the history, environment, and cultural integrity of the town
- » Articulate probable costs, maintenance needs, priority projects, and potential funding sources
- » Deliver final design, construction documents, and construction phase services for selected project elements (if tasked as optional follow-on services)
- » Develop designs that are in full compliance with the Americans with Disabilities Act
- » Provide presentation documents which will be useful for promotion and increase public understanding and appreciation of the final plan

The approach outlined below reflects this general strategy within the task framework established in the town's RFP.

Phase I: Research, Outreach, and Plan Development

Task 1: Research

Kickoff Meeting

VHB will conduct an initial kick-off meeting in which VHB representatives will lead participants through a session addressing past planning efforts, stakeholder interests, project scope and schedule, short-term and long-term objectives. By the close of this Task, VHB will have established a clear dialogue on process, schedule, goals, and critical success factors to facilitate and deliver the project to the town's expectations. Prior to the kickoff meeting, VHB will deliver a draft one-page Project Charter for review and refinement during the kickoff meeting; the Project Charter will establish the overall Vision and Goals for the project, will help communicate these to the public, and serve as a consistent reference point for project decision-making. Following the meeting, VHB will finalize the Project Charter.

Background and Data Review

For this task, VHB will review and summarize data from previously completed relevant transportation, greenway, and parks and recreation studies. This task will also include an assessment of planning and regulatory framework documents including Comprehensive Plans, local ordinances, state and federal regulations. Through this review process, the VHB team will gain a better understanding of past, present, and future issues, providing the context needed to define and articulate a coherent vision, goals, objectives, and anticipated benefits of the proposed master plan concepts. VHB will summarize the results of this review in the introduction of the master plan. As part of this task, VHB will also develop the GIS-level base mapping for the master plan.

General Shoreline Conditions

The foundation of an effective beachfront master plan is a clear understanding of the physical, hydrodynamic, and biological conditions and acting coastal processes along the shoreline reach in question. VHB will review our previous work at the site and throughout Chesapeake Bay, define subreaches within the project shoreline and confirm upland drainage features, topography, beach and dune conditions, wave climate, storm surge elevations, nearshore bottom conditions, presence of threatened and endangered species habitat, and submerged aquatic vegetation. Each of these factors must be considered in developing management strategies that are effective and can be permitted at the local, state and federal levels. This task will serve to verify and confirm key planning parameters and will provide the foundation for master plan concepts.

Site Inventory and Analysis

To supplement the knowledge gained during our prior work at the site and the research described above, VHB will visit the project site to confirm, review, inventory, and evaluate the existing conditions using the following criteria to develop a thorough understanding of the site's opportunities and limitations. During the site inventory, VHB will document existing conditions with site photographs and annotations on printed aerial photographs. Based on the site evaluation, VHB will refine the project base map. VHB will also develop a memorandum documenting existing conditions (this will become a chapter in the master plan). Primary evaluation issues include:

- » Confirmation of beachfront uses, use zones, and functional relationships
- » Assessment of existing facilities and amenities
- » Evaluation of existing accommodations for various age groups and user types
- » Assessment of environmental conditions using available data sources
- » Consideration of access, transportation, and parking
- » Analysis of existing utilities and stormwater infrastructure
- » Identification of important viewsheds and visual character



We prioritize engaging in discussions and listening to community ideas throughout the project.



Innovative Thinking

Most recently, VHB worked with the City of Richmond to complete a Master Plan for the 600-acre James River Park System; that effort included an extensive civic engagement campaign with an online survey that generated over 2,300 responses.

Task 2: Outreach

Public engagement will include three oversight committee meetings, three public meetings, and two Town Council presentations.

Oversight Committee

The oversight committee will act in an advisory capacity, helping to identify opportunities, constraints, and potential solutions. Our approach includes three in-person meetings with the committee. It is assumed that the committee will likely be comprised of residents, business interests, and other individuals as identified by the town. VHB will prepare the meeting agendas, materials, and summaries. The meetings will occur at project kickoff, during concept development, and at the draft master plan stage.

Public Meetings

VHB will conduct public meetings at the project kickoff, concept development, and draft master plan stages to explain the project goals and parameters while garnering feedback on the proposed concepts, priorities, and implementation plan. VHB will create an agenda for the meetings, produce base mapping, and facilitate the events. VHB will discuss with the town the potential that one or more of these meetings could be held outside at the beach.

Town Council

VHB will deliver two presentations to Town Council to provide a summary of public input, seek governing body guidance, and communicate master plan concepts. We will work with town staff to determine the best timing of these presentations.

Task 3: Develop Concepts and Draft Master Plan

Programming Workshop

VHB will meet with town staff to determine the site programming requirements for the beachfront master plan. This workshop will use information gained from the background research and initial outreach efforts to address the following topics:

- » Programmatic requirements for the site
- » Reuse and/or rehabilitation of existing facilities and site improvements
- » Ideas for new waterfront facilities and development
- » Connections to existing and planned facilities
- » Space planning bubble diagrams showing open space functions and site relationships
- » Preliminary assessment of cost implications



We understand that the foundation of this master planning project is to enable long-term resiliency and sustainability of the beachfront.

Concept Development Workshop

VHB will meet with town staff to explore site concepts for the beachfront based upon the programming effort from previous task. The workshop goal will be to prepare up to three concepts for the site. There will be an emphasis on the diversity of possibilities for these concepts, so they might be compared for implementation by the town. These initial ideas will be prepared during the workshop and illustrated for town review and comment. VHB will capture this information on a set of plans which can be distributed for review and comment after completion of the workshop.

Workshop Objectives

- » Evaluate beach and dune management options with focus on coastal resilience
- » Determine site access, circulation, and parking
- » Determine new facilities and development
- » Investigate site relationships and layout
- » Identify pedestrian and bicycle circulation, activity areas, and recreational opportunities
- » Consider cost and phasing implications

Concept Refinement

VHB will revise and refine a combination of the best workshop ideas for arrangement of the development of the site. At this point, the specific planning components of the plans begin to take shape indicating the proposed layout and organization of the beachfront to include the following:

- » Finalize master plan concepts showing discrete projects/upgrades
- » Determine prioritized list of projects
- » Develop operational and maintenance requirements
- » Develop opinion of probable project costs
- » Identify potential construction phasing opportunities
- » Identify likely regulatory and permitting requirements
- » Identify potential funding sources

Task 4: Master Plan Report

Following the concept refinement and final public meeting, VHB will conduct an in-person meeting with the Client to discuss revisions necessary to develop the master plan. VHB will document the meeting results with notes that will lead to the final master plan. The master plan will include:

- » Existing Conditions Evaluation (described above)
- » Overall master plan graphic
- » Photographs and color 3D renderings
- » Civic Engagement summary



An excellent example of VHB's role as trusted advisor is our work for the National Park Service. Given our extensive history with the NPS and our coastal parks experience, VHB has been trusted to accomplish projects like the site improvement and protection t Cape Hatteras National Seashore.

- » Preliminary construction cost opinion and final phasing plan
- » Identification of potential sources of grant funding for project elements

Based on review and approval of the Master Plan by the Client, VHB will develop a scope of services and budget for the next phase of project design, which is generally outlined below and subject to refinement.

Phase II: Plans and Design

Based on the results of the master plan process, and pending specific task assignment, scope, and budgeting in discussion with the town, VHB will develop plans and specifications for individual components of the master plan. It is possible that the design plans may take shape in four general areas (again, pending the master plan results):

1. Beach/Dune
2. Bathhouse/Restroom
3. Western Bay Avenue and areas south and east of dune
4. Fishing Pier

Engineering Design Process

Based on the framework and context provided by the pre-engineering planning process, VHB will initiate a confident and efficient design process. We anticipate the following tasks:

Topographic and Hydrographic Survey

VHB will prepare a comprehensive base map of the property for use in defining jurisdictional areas (wetlands and Chesapeake Bay Act) of the site and in the design of proposed improvements. This will include hydrographic survey (through use of a subconsultant) and topographic survey of the project area. Tidal and storm surge data will also be obtained from NOAA and the U.S. Army Corps of Engineers (USACE).

Geotechnical Investigations

VHB will use a subconsultant to conduct geotechnical investigations as needed for the proposed design elements.

Schematic Design

The results of the pre-engineering planning process and the site characterization and evaluations will provide the basis for development of schematic design plans for proposed improvements. VHB will develop an initial schematic plan that depicts the general locations and details. Consideration will be given to construction access routes, staging areas, stockpile areas, etc. This plan will be provided with a summary memorandum that outlines the rationale for the design and identifies regulatory challenges. Preliminary opinions of probable cost will be developed.

Preliminary Engineering Design

Based on feedback from the town, VHB will advance the schematic plans into preliminary engineering drawings. The preliminary plans will depict the location, dimensions and orientation of proposed improvements. Plan views and cross sections will include grading plans, planting plans, and structure details. These plan drawings will be used to conduct pre-application meetings with key regulatory agencies and to provide a basis for further discussions of construction logistics, permit acquisition, scheduling, and cost estimates.

Final Plans and Construction Documents

The product of this task will be complete construction plans and specifications for the improvements. The final plans will be based on the site investigations, planning, preliminary design, and town, stakeholder, and agency coordination.

Permit Acquisition

VHB will undertake efforts to obtain necessary permit authorizations from local, state and federal regulatory agencies. This may include pre-application meetings, Joint Permit Application development, and agency coordination.

Proposed Time Frame and Ability to Perform the Services



4



The pier at Cape Charles overlooks the Chesapeake Bay

4

Proposed Time Frame and Ability to Perform the Services

Current Project Workload and Staff Availability

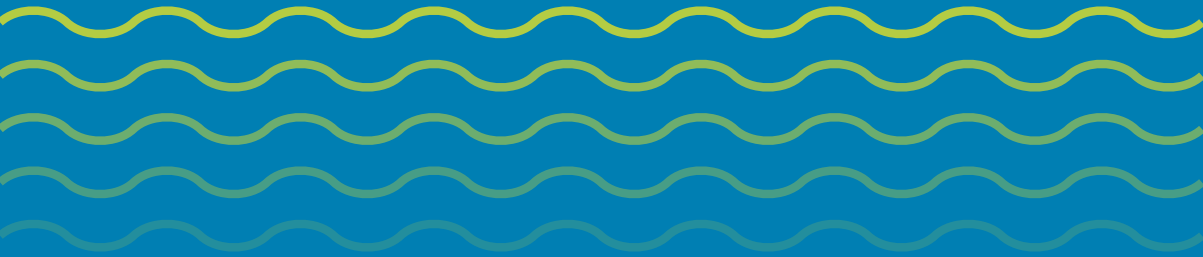
Since our founding in 1979, **VHB** has dedicated staff to meet the needs of our clients through consistent and committed quality interaction on a variety of projects. We will maintain that for this Beachfront Master Planning project and dedicate all of the necessary resources for the successful completion of this contract. VHB offers more than 300 employees within Virginia and North Carolina and 1,800 employees companywide, VHB has the available resources to call upon when needed.

To provide the necessary resources to complete quality projects for all clients, VHB project managers meet as a group within each office weekly to discuss schedules, deadlines, and staff allocation. In this manner, we have the ability to prevent potential scheduling conflicts and to reallocate staff to meet specific assignments and schedules.

Timeline

Based on our proven experience and staff availability, VHB recommends the following timeline for project delivery.

	2023			2024					
	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Phase I. Research, Outreach, & Plan Development									
Task 1. Project Initiation and Research									
Review all data, reports, plans, and surveys associated with the beachfront area									
Review all applicable local, state, and federal code/regulations, and other guidance associated with artificial beachfronts and coastal resilience best practices									
Review local comprehensive and strategic plans, as well as local zoning and flood plain ordinances									
Conduct research on meteorological and oceanographic historic patterns for the lower Chesapeake Bay									
Task 2. Outreach									
Meet with local beachfront master planning committee to get initial guidance		★							
Produce materials/public information to educate the community and solicit input									
Assist/conduct public meetings as needed				★					
Document public input									
Present public input to local governing boards to receive general guidance from these bodies regarding their vision for the area				★					
Task 3. Develop conceptual concepts and draft planning document									
Master site plans; showing discrete projects/upgrades									
Prioritized list of projects, with conceptual cost estimates, for implementation planning purposes									
List of operational recommendations to include annual maintenance specifications and procedures for the beach and dune									
Potential grant opportunities									
Recommended changes to local ordinances, if appropriate									
Task 4. Develop Master Plan; present conceptual concepts and draft planning document									
Present at public meetings							★		
Incorporate input from the public and the Town Council									
Publish final document to include electronic and hard copies									
Phase II. Plans and Design									
Additional phases may include development of plans/specifications, bid packages, and construction administration services	To be determined following Master Plan Approval								



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December 4, 2023



Mr. John Hozey, Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Re: Request for Proposals (RFP), Beachfront Master Planning Consulting Services – Fee Proposal

Dear Mr. Hozey,

Thank you again for this opportunity to work with the Town of Cape Charles on your master plan for the Beachfront. Please see our fee proposal broken down into the tasks as outlined in our proposal.

Task 1 – Research, Data Review, Site Inventory and Analysis - \$19,518.00
Task 2 – Public and Town Council Outreach - \$18,882.00
Task 3 - Develop Concepts and Draft Master Plan - \$30,972.00
Task 4 - Final Master Plan Report - \$26,466.00
Expenses: \$4,002.00
Total: \$99,840.00

This fee proposal and scope is responsive to the expectations outlined in the Town's original RFP. However, we suggest there are opportunities for savings due to fairly intense schedule of meetings within each of the tasks. Together, we can look for opportunities to maximize the benefit of these meetings while potentially offering some savings to the Town.

If you have any questions regarding our fee proposal, please reach out to me or our proposed Project Manager Ricky Wiatt, PLA at **757.279.2861** or **rwiatt@vhab.com**.

Sincerely,
Vanasse Hangen Brustlin, Inc.

A handwritten signature in blue ink, appearing to read "R. Neville Reynolds".

R. Neville Reynolds, PWS

Principal-in-Charge/Managing Director – Williamsburg
rreynolds@vhab.com

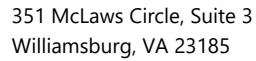
Engineers | Scientists | Planners | Designers

351 McLaws Circle, Suite 3, Williamsburg, VA 23185

P 757.220.0500

F 757.903.2794

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Project # **86260.23**
Date: **12/4/2023**
Fee By: **R. Wiatt**

Request for Proposals (RFP), Beachfront Master Planning Consulting Services – Fee Proposal

Phase I: Research, Outreach, and Plan Development

	Project Manager	Senior Design Advisor	Coastal Engineering		Public Outreach	Environmental			Transportation		Planning and Design			
	R. Wiatt	D. Mettler	N. Reynolds	M. Mann	C. DeWitt	C. Fyre	K. Blossom	M. Beavers	C. Daily	C. Conran	S. Talley	S. Harrell	P. Roedel	
	Technical / Professional 12	Technical / Professional 18	Technical / Professional 25	Technical / Professional 15	Technical / Professional 19	Technical / Professional 16	Technical / Professional 14	Technical / Professional 08	Technical / Professional 21	Technical / Professional 11	Technical / Professional 12	Technical / Professional 07	Technical / Professional 03	
	\$ 150.00	\$ 207.00	\$ 324.00	\$ 177.00	\$ 216.00	\$ 189.00	\$ 168.00	\$ 111.00	\$ 237.00	\$ 138.00	\$ 150.00	\$ 99.00	\$ 66.00	
	90	40	48	64	18	22	24	24	26	16	72	110	36	
														Total Hours Per Individual
														Total Per Task
Task 1 - Research	22	2	16	24	0	6	8	2	8	4	2	8	2	\$ 19,518.00
Task 2 - Outreach	24	6	8	10	6	0	8	6	0	4	8	36	16	\$ 18,882.00
Task 3: Develop Concepts and Draft Master Plan	22	22	12	18	0	10	4	16	18	0	32	20	10	\$ 30,972.00
Task 4: Master Plan Report	22	10	12	12	12	6	4	0	0	8	30	46	8	\$ 26,466.00
Expenses														\$ 4,002.00
TOTAL FEE														\$ 99,840.00



The pier at Cape Charles overlooks the Chesapeake Bay

4

Proposed Time Frame and Ability to Perform the Services

Current Project Workload and Staff Availability

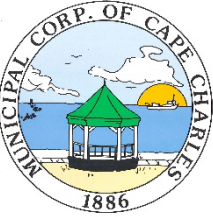
Since our founding in 1979, **VHB** has dedicated staff to meet the needs of our clients through consistent and committed quality interaction on a variety of projects. We will maintain that for this Beachfront Master Planning project and dedicate all of the necessary resources for the successful completion of this contract. VHB offers more than 300 employees within Virginia and North Carolina and 1,800 employees companywide, VHB has the available resources to call upon when needed.

To provide the necessary resources to complete quality projects for all clients, VHB project managers meet as a group within each office weekly to discuss schedules, deadlines, and staff allocation. In this manner, we have the ability to prevent potential scheduling conflicts and to reallocate staff to meet specific assignments and schedules.

Timeline

Based on our proven experience and staff availability, VHB recommends the following timeline for project delivery.

	2024								
	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
Phase I. Research, Outreach, & Plan Development									
Task 1. Project Initiation and Research									
Review all data, reports, plans, and surveys associated with the beachfront area									
Review all applicable local, state, and federal code/regulations, and other guidance associated with artificial beachfronts and coastal resilience best practices									
Review local comprehensive and strategic plans, as well as local zoning and flood plain ordinances									
Conduct research on meteorological and oceanographic historic patterns for the lower Chesapeake Bay									
Task 2. Outreach									
Meet with local beachfront master planning committee to get initial guidance		★							
Produce materials/public information to educate the community and solicit input									
Assist/conduct public meetings as needed				★					
Document public input									
Present public input to local governing boards to receive general guidance from these bodies regarding their vision for the area				★					
Task 3. Develop conceptual concepts and draft planning document									
Master site plans; showing discrete projects/upgrades									
Prioritized list of projects, with conceptual cost estimates, for implementation planning purposes									
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Additional phases may include development of plans/specifications, bid packages, and construction administration services	To be determined following Master Plan Approval								

 TOWN OF CAPE CHARLES	AGENDA TITLE: VDOT Resolution – Request for Handicap Parking Designation at 627 Jefferson Avenue		AGENDA DATE: December 21, 2023
	SUBJECT/PROPOSAL/REQUEST: Adoption of a resolution to VDOT requesting handicap parking designation at 627 Jefferson Avenue		ITEM NUMBER: 8C
	ATTACHMENTS: Resolution 20231221		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume / Julie Pruitt	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

In October 2023, the Town received a request from Ms. Charlene Riley, resident of 627 Jefferson Avenue, asking for assistance in obtaining a designated handicap parking space in front of her residence. Ms. Riley has a medical condition which makes it difficult for her to walk any distance.

The parking issues in the historic district are well known with no reserved parking on the streets within the residential district. Especially during the busy tourist season, it often is very difficult for residents to find parking in front of or within a close proximity to their homes.

DISCUSSION:

Staff has been in contact with the local VDOT office and has been advised that the request needed to be submitted by the Town, along with a Town Council resolution of support, a drawing showing the preferred parking space location, and a reason for the request. The request would be reviewed by VDOT's Traffic Engineering Division and approved if deemed appropriate. Upon approval, VDOT will provide the Town with installation details.

RECOMMENDATION:

Staff recommends Council discussion and, if deemed appropriate, adoption of Resolution 20231221 supporting Ms. Riley's request for a designated handicap parking space in front of her residence at 627 Jefferson Avenue.

RESOLUTION 20231221

**IN SUPPORT OF THE REQUEST FROM CHARLENE RILEY
FOR THE DESIGNATION OF A HANDICAP PARKING SPACE AT 627 JEFFERSON AVENUE**

WHEREAS, the Town received a request from Ms. Charlene Riley for the designation of a handicap parking space in front of her residence at 627 Jefferson Avenue; and

WHEREAS, the request cited a medical condition which hinders Ms. Riley's mobility; and

WHEREAS, Ms. Riley often has difficulty locating a parking spot in front of or close to her residence, especially during the tourist season, which adds to the strain of her medical condition; and

WHEREAS, although this request falls under the purview of the Virginia Department of Transportation, a resolution of support adopted by the Cape Charles Town Council is required to accompany the Town's request; and

WHEREAS, upon adoption of this resolution, the Town will submit the letter of request to the Virginia Department of Transportation for their review and action.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby expresses its support of the request for the designation of a handicap parking space in front of the residence at 627 Jefferson Avenue.

Adopted by the Town Council of Cape Charles on this 21st day of December 2023.

By: _____
Mayor Adam Charney

ATTEST:

Town Clerk



627 Jefferson Avenue