



**TOWN COUNCIL
Public Hearing & Special Meeting
Cape Charles Civic Center
January 6, 2022
6:30 PM**

At approximately 6:30 p.m. Councilman Andy Buchholz, having established a quorum, called to order the Public Hearing & Special Meeting of the Cape Charles Town Council. In addition to Councilman Buchholz, in attendance physically were Councilmen Follmer and Grossman, and Councilwomen Holloway and O'Brien. Mayor Dize and Vice Mayor Bennett participated via teleconference from their homes due to illness. Also, in attendance were Town Manager John Hozey, Assistant to the Town Manager Julie Pruitt, Officer Michael Charlton and Town Clerk Libby Hume. There were no members of the public physically in attendance, and nine viewers on Facebook.

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

PUBLIC HEARING:

Councilman Buchholz opened the public hearing for comments relating to the proposed FY 2021/2022 Budget Amendment.

There were no comments to be heard nor any received in writing prior to the hearing.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to close the public hearing. The motion was approved by unanimous vote.

The public hearing portion of the meeting closed at 6:31 p.m.

SPECIAL MEETING ORDER OF BUSINESS:

A. FY 2021/2022 Budget Amendment

Councilman Grossman commented as follows: i) On page 21, the notation for the rock-climbing wall under Special Activities Revenue needed to be moved to the Grant Parks/Rec Facilities & Equipment – CCP; ii) On page 28 the Harbor Revenue was decreased, and the Harbor Management Fee was increased under Expenditures. John Hozey stated that Treasurer Deborah Pocock was unable to attend this evening but was watching on Facebook and texted that it was a small adjustment made to balance the Fund.

There were no other comments or questions from Council.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20220106 Approving a Budget Amendment and Associated Appropriations for Fiscal Year 2021/2022. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) He and Mayor Dize met with Delegate Rob Bloxom regarding the Town's legislative priorities. It was unfortunate that Senator Lynwood Lewis had to cancel. He received word from Delegate Bloxom's office that the Town's request strengthening our enforcement authority was submitted as drafted. The issue did not seem to be controversial. Some additional language was being added to an existing code section; ii) Although it wasn't advertised, Council had discussed holding a Town Hall Meeting this Saturday, January 8. He was not prepared to hold the meeting as the data analyses from the survey responses had not yet been completed. The Town Hall meeting would be rescheduled; and iii) At the last meeting, Council approved entering into an agreement with the Civil War Trails organization. The organization had a property owner agreement

that covered most of the items requested by Council. Only a minor change was needed before the agreement would be executed. He also received an email from Bill Neville, from the Cape Charles Historical Society, providing information and photograph showing that the Cherrystone lighthouse was not visible from the north end of the beach, the proposed location of the signage, but it was visible from the south end. This information was provided to the Civil War Trails organization so the location of the signage most likely would be changed.

Councilman Grossman asked whether any feedback had been received from the Special Gazette that went out earlier this week. John Hozey had only heard positive feedback.

MAYOR AND COUNCIL COMMENTS

Councilwoman Holloway stated that the train had been placed at its permanent location today. She added that if anyone took a video of the relocation, Cape Charles Main Street would like to have a copy. The asbestos removal will be done by Canonie followed by the metal repair.

Councilman Grossman stated that another accessory dwelling unit went through the Planning Commission. The Commission would be holding a work session in two weeks to begin their review of potential changes to the ordinance relating to accessory dwelling units.

Councilman Follmer commented as follows: i) He asked for an update on the VDOT sidewalk project. John Hozey stated that the grinding project was completed. There were several places left unattended. He contacted VDOT and was told that those areas were not suited for grinding and needed replacement. It was not official yet, but VDOT was working on a second contract to replace the sidewalks in those particular areas. Staff was awaiting word from VDOT; ii) He received questions about the beach accesses that seemed to all be blocked by sand or other barriers. He asked whether there was a way for the future to keep some of the beach accesses open for walkers. John Hozey stated that he noticed it as well and meant to talk to John Lockwood about it; iii) He thought that new signage prohibiting bicycles and skateboards on the sidewalks were supposed to have been installed along Mason Avenue prior to the tourist season, but nothing had been done to date. He had received complaints from merchants and hoped that the signage could be installed prior to this upcoming season; and iv) He asked constituents for feedback on the message in the Special Gazette regarding the Public-Private Educational Infrastructure Act (PPEA) process, and the response was largely positive. It was clear, that many people who had posted comments on Facebook did not read nor understand the issue. A frequently asked questions (FAQ) paper and talking points needed to be developed to help provide answers.

Councilwoman O'Brien, Vice Mayor Bennett, and Councilman Buchholz did not have any additional comments.

Mayor Dize thanked staff, Deborah Pocock and John Hozey in particular, for the work put into the budget amendment. It was well put together.

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

The Public Hearing & Special Meeting adjourned at 6:46 p.m.

Councilman Andy Buchholz

Town Clerk



TOWN COUNCIL
Work Session
Cape Charles Civic Center
January 6, 2022

Immediately Following the Public Hearing & Special Meeting

At 6:48 p.m. Councilman Andy Buchholz, having established a quorum, called to order the Work Session of the Town Council. In addition to Councilman Buchholz, in attendance physically were Councilmen Follmer and Grossman, and Councilwomen Holloway and O'Brien. Mayor Dize and Vice Mayor Bennett participated via teleconference from their homes due to illness. Also, in attendance were Town Manager John Hozey, Human Resources Manager Jodi Outland, and Town Clerk Libby Hume. There were no members of the public in attendance.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to add discussion item 4 to the agenda for a briefing on the small business recovery grant status. The motion was approved by unanimous vote.

WORK SESSION DISCUSSION:

2. *Town of Cape Charles Personnel Manual Update:*

Town Manager John Hozey began by stating that he appreciated the thought that went into the Council's review of the proposed personnel manual. It had been a while since the last update and Human Resources Manager Jodi Outland put in a lot of work in the update. Any comments that were received regarding a grammatical or formatting change would be corrected. Many of the updates were self-explanatory.

Vice Mayor Bennett suggested that a date be established to update the police department manual. It was not a high priority, but he wanted to see it added to the list of projects, so it did not get forgotten. There was discussion as follows: i) John Hozey responded that he and Jodi Outland would discuss this offline and provide a report back to Council; ii) Mayor Dize asked that he and each Council member get a copy of the current police department manual; iii) Jodi Outland explained that she would need input from Chief Pruitt and assistance would be needed from an outside consultant since police matters were different than normal human resources.

Council proceeded to review the Personnel Manual Responses to Council Comments document by page. (Please see attached.) John Hozey stated that the draft personnel manual would be updated as discussed and presented at the January 20 Town Council Regular Meeting for Council approval.

3. *Organizing Schedule of Public Meetings:*

John Hozey stated that there were a number of outstanding things that needed to be addressed.

- The Strategic Planning Town Hall meeting was initially scheduled for January 8 and ideally, the strategic plan could be completed before preparations began for the fiscal year 2023 budget. In past years, the budget work session began in March, but he felt that they could begin in April and still be finalized by the June 30 deadline.
- On January 12, an executive session was scheduled for board interviews. Before the Christmas holiday, staff advertised for the upcoming vacancy on the Historic District Review Board and to date, only one application had been received. Unfortunately, the applicant was not available to interview with the Council on January 12th but would be available to meet with Council via teleconference on January 20th at 6:00 p.m. prior to the regular meeting, if

this was agreeable to Council. There was consensus to meet with the applicant via teleconference on January 20 as discussed. Councilman Follmer would be out of town and Councilwoman Holloway might be a little late.

- On January 13, a special meeting was scheduled for Council to make a decision regarding the Public-Private Education Facilities and Infrastructure Act (PPEA) proposal moving forward to the next step. A work session was scheduled following the special meeting regarding the strategic plan and review of the community survey responses.
- On January 27, a Town Hall meeting was scheduled for the Historic District Design Guidelines, which was built into the scope of work for the consultant. He stated that it would be best if a Council quorum could be present at the Town Hall meeting. Mayor Dize, Vice Mayor Bennett, Councilman Buchholz, and Councilwomen Holloway and O'Brien stated they would be in attendance.
- A joint work session needed to be scheduled with the Planning Commission regarding the comprehensive plan and zoning review in February. The contract with the consultant was signed over the holidays. The consultant was available on February 1, 2, and 4, and February 7 through 10. Individual schedules were discussed, and Council agreed on February 2 beginning at 6:00 p.m. for the joint work session.
- On February 3, a work session was scheduled for the annual review of employee benefits. This needed to be done prior to budget preparations.
- Town Hall meetings regarding the PPEA process were scheduled for February 16 and 19, with the regular meeting on February 17.
- John Hozey stated that the strategic plan work session had yet to be scheduled, but a Town Hall meeting was needed first. With all the other Town Hall meetings scheduled, he did not want to overload the public.

Councilman Follmer stated the following: i) He thought we ran out of time last year when working on the budget, and there had been no time for focus groups, etc. It would be nice to have at least one more week; ii) In the near term, the top priority was the PPEA process; iii) He suggested that the strategic plan be updated on a two-year cycle, especially this time, due to the other priorities. Other topics needing to be prioritized were accessory dwelling units (ADU), short-term vacation rentals, and parking. Although it was important to keep the strategic plan as a living document, he believed most residents felt that the issues related to ADUs, parking and short-term rentals as more important. John Hozey agreed with Councilman Follmer, adding that the survey results showed that the majority of respondents who had read the strategic plan, overwhelmingly approved of it. Having a two-year cycle for the strategic plan would help considerably. Councilwomen Holloway and O'Brien expressed their agreement with the two-year cycle for the strategic plan. Councilwoman Holloway added that a public meeting was still necessary to present the survey responses; iv) Councilman Follmer reiterated his thoughts regarding forming committees to help address some of the issues to help leverage John Hozey's time. Committees could do the work behind the scenes for an item already on the plate. John Hozey commented that if it was on a topic that he was already working on, Council committees could help, but if it was not a topic that he was working on, committee work would add to his workload.

There was further discussion regarding committees: i) Councilman Follmer did not think much work would be necessary regarding ADUs. Councilman Grossman added that the Planning Commission would be reviewing ADUs and he had been looking at what other communities were doing and would be presenting his findings to the Planning Commission; ii) Councilwoman Holloway felt that work was needed regarding boat and trailer parking but did not know if it would be feasible to start working on it until the Town had an alternate solution for boat and

trailer storage; iii) John Hozey stated that if he had a voice regarding the next project, it would be short-term rentals. Councilman Follmer commented that it was a bigger issue and would love to see it be the next item to tackle. Councilwoman Holloway added that the issue of short-term rentals came up quite often in the recent Cape Charles Main Street survey. John Hozey stated that Julie Pruitt was working on the survey comments and short-term rentals came up more often as affecting the small-town feel, more so than the concrete plant.

John Hozey went on to state that there was an extraordinary amount of work involved regarding the PPEA proposals over the next could of months and this issue would dominate most of his time. He did not want to commit to anything else until we got past the PPEA items. He hoped that by April or May, we would be far enough along in the budget process that the issue of short-term rentals could be addressed.

4. *Briefing on Small Business Recovery Grant Status:*

John Hozey stated that the program was a great success and a lot of people were helped. The grant was coming to a close and the group was trying to finalize all the paperwork and the audit was being performed. One of the items in the audit was to address perceived conflicts of interest. John Hozey went on to explain the issue of perceived conflicts of interest and the process involved. Although it was not deemed to be an issue during the grant process, it was determined that the Town had five cases of perceived conflicts of interest - three with members of the Town Council who were also business owners and two with town employees with family members who were business owners. The Town Council set up the grant program and delegated control to a program management team. None of the cited individuals were directly involved in the approval of the five grant applications. The process to resolve this situation was explained and the grant process for the five applications would be restarted, beginning with public disclosures which would be posted on the Town's website.

It was noted that Department of Housing and Community Development (DHCD) put together the COVID relief grant program very quickly and when the grant first became available, much of the documentation still referred to the Community Development Block Grant. There was much confusion at the beginning since the process was still under development and it had been modified throughout the grant term.

John Hozey informed Council that he had requested another extension as there were still a number of applications needing review. The current expiration was January 21, 2022, but the Town was awaiting additional funding from DHCD to complete the current applications so the grant could not be closed out by that date.

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

The meeting adjourned at 8:52 p.m.

Councilman Andy Buchholz

Town Clerk