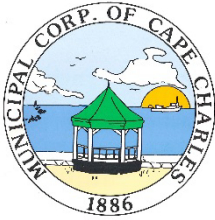


TOWN COUNCIL
Public Hearings & Regular Meeting
November 21, 2024
Cape Charles Civic Center
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Recognition of Visitors / Presentations / Recognitions
 - A. None
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of September 30, 2024 Financial Report](#)
6. Unfinished Business:
 - A. None
7. New Business:
 - *A. [Short-Term Rental Regulations](#)
 - *B. [Waste Collection and Disposal Services Contract Award](#)
 - *C. [December 19, 2024 Town Council Meeting Time Change Resolution](#)
 - *D. [Appointment of Town Council Representative to the Library Board](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - November 27, 2024 – Town offices closing at noon for Thanksgiving Holiday
 - November 28-29, 2024 – Town offices closed for Thanksgiving Holiday
 - December 5, 2024 – Town Council Executive Session
 - December 12, 2024 – Town Council Executive Session *tentative*
 - December 19, 2024 – Town Council Regular Meeting
11. Adjournment



DRAFT
TOWN COUNCIL
Public Input Session
Cape Charles Civic Center
October 3, 2024
6:00 p.m.

At 6:00 p.m., Mayor Adam Charney, having established a quorum, called to order the Town Council Public Input Session related to the Beachfront Master Plan. In addition to Mayor Charney, present were Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwoman Holloway. Councilman Butta was out of the country and unable to attend. There was one vacancy on the Council. Also in attendance were Ricky Wiatt from VHB, the Town's consultant for this project, Town Manager John Hozey, Town Clerk Libby Hume, Zoning Enforcement Officer Jack Steinmayer, Public Works Manager Ralph Bowen and Police Officers Juana Diaz and Jordan Yee. There were 42 members of the public physically in attendance and 50 viewers on Facebook.

Mayor Charney welcomed the members of the public in attendance adding that Council would be receiving public input on the Beachfront Master Plan.

Town Manager John Hozey stated that Councilman Butta was out of the county with no reliable internet so was unable to participate electronically but would review the video of tonight's meeting. Tonight would be a listening session for the Town Council to get more information about what the public thought about the conceptual plan. Ricky Wiatt from the Town's consulting firm was in attendance to provide an overview of the plan, then the floor would be opened for public comment. Microphones would be passed around for the speakers and he asked that attendees wait until they were given a microphone before speaking. Please provide your name and address when speaking.

Ricky Wiatt informed the attendees that he was a landscape architect currently residing in Mathews County. He was a practicing architect for 20 years and had been with VHB for 10 years. He had worked on the Rail to Trail project in Richmond and the first 4 miles would be coming soon on the Eastern Shore. Neville Reynolds, one of the principals of VHB, had been involved with the Cape Charles beachfront for many decades. Mr. Wiatt went on to review the slides from the Virtual Meeting Room, adding that he would take the comments received this evening to refine the document. (Please see attached.) About 400 responses were received from the Community Survey with the top 5 requested items being 1) restrooms; 2) outdoor showers; 3) enhanced ADA access; 4) shade; and 5) boardwalk. The responses about vendors was split almost 50/50 regarding whether they should be concentrated in one area or spread out along the beachfront.

Mr. Wiatt went on to state that about 152 comments were received from the Virtual Meeting Room with about 50% of responses from full-time residents, 29 residents of Northampton County, 3 property owners living outside of town, and 13 residing outside of Northampton County. We were here this evening to listen to any additional comments.

John Hozey stated that he read every comment and also provided all comments to the Town Council. Generally speaking, the majority of the responders did not approve of the concept as currently designed. Many thought that the plan overreached and was a little too aggressive and detracted from the small-town, quaint atmosphere. We heard you. Council would take it all into consideration. He appreciated everyone who took the time to submit comments. They were well thought out.

Councilman Grossman stated that there were 67 pages of comments and asked if the comments could be broken down into categories such as parking, dunes, etc. Councilwoman Holloway agreed that it would be helpful to have the comments grouped and would provide Council some focus, so the work

session moved in a good direction. She realized that it would be labor intensive but would be beneficial for the overall discussion.

Mayor Charney opened the floor for comments asking that attendees please refrain from applause, boos, etc.

Paul Chandler, resident

Mr. Chandler stated that the Town paid \$99K for VHB to produce this plan encompassing 6 documents which were placed in a Virtual Meeting Room. VHB Sent out a survey in April and he asked why the Town didn't send out the survey.

John Hozey responded that VHB brought a lot of expertise on the subject and knew the best way to structure the survey, get it out, and compile the data, etc. The Town did not have enough staff to get this all done.

Mr. Chandler stated that he as well as others would have assisted the Town and offered to help with the comments. He submitted a Freedom of Information Act Request (FOIA) for the survey results this week and performed a full analysis on the results. Nobody wanted this plan, and the parking made him laugh. 15 people asked for perpendicular parking and that was what was on the plan. The maximum number of outlooks requested was 3 and we had 5 on the plan. Out of 400 responses, 3 people asked for benches and 1 person asked for shade, and we had pergolas, flat areas, etc. It was crazy. His house would get hit by blowing sand because of this plan. The top 3 responses were restrooms, ADA access and maintenance of what was already there. On the plan, we had 1 handicap access on Jefferson although people wanted to have access to the beach. He felt this information would be useful to set the temperature of the discussion this evening.

Liz Pruitt, resident

Ms. Pruitt asked about the process from the survey to the master plan and whether there was any weighting of responses based on residency status such as full-time residents' responses versus those who visited occasionally.

John Hozey stated that he put together a committee of stakeholders who met with the consultant to review the survey responses. The responses from the full-time and part-time residents weighed more heavily than the others. The survey was not the only source of information, as information was provided from our experts related to science involved with wave action, wind, erosion rates of dunes, etc. Everything was taken into consideration. It took several months with rough concepts shared with the Council to get their blessing. After all of that, VHB put the plan together for the Virtual Meeting Room.

Ms. Pruitt asked if there had been a constraint analysis, considerations for permitting costs, the environmental impact, and infringement on the property owners.

Ricky Wiatt stated that analyses had been done, adding that the next step would be to discuss phasing, grants, and sustainability. The focus of work was on the right-of-way and the beachfront. No adjustments were made to private property. A plan needed to be approved before we would recommend phases.

Ms. Pruitt went on to state that when the Town asked for public input then produced something that was not in line with the input, it showed a lack of transparency. There was no process here that she could see, and she did not think the people here wanted it. She saw in the survey where people were willing to walk 4 blocks to get to the beach. That meant that the first 4 blocks were used for beach parking. The full-time residents in the area would like to be able to park in front of their homes. This was considered the historic district and residents had to ask permission to do anything other than to

change a light bulb. The beach abutted the historic district, and the plan was not compatible with the historic district.

Susan Carrigan, resident

Ms. Carrigan stated that she remembered when the surveys went out but asked how the Beachfront Master Plan went out. She had 2 neighbors who came here on weekends that had not heard about it.

John Hozey stated that it had been announced at many public meetings, on the website, Facebook, and the Gazette.

Ms. Carrigan added that in order to make a correct list of comments, someone needed to go through the comments and count the number related to parking, bathrooms, etc. Every single thing needed to be compared, or something would be missed, and it was not going to be fair. Ms. Carrigan offered her assistance.

Erin Harvey, resident

Mr. Harvey stated that he had lived in Cape Charles since 2006 on the corner of Randolph & Peach. It sounded like the general consensus of the plan was similar to his. It appeared that the plan was paving paradise. We had plazas at the north end of Peach, the south end of Peach, Strawberry Street Plaza and Central Park. All these beautiful plazas were nice, but the beach was something entirely different. We had other places for sidewalks and plazas, just not the beach. It was nice to have the beach and the uneven, unmanicured cut throughs through the dunes. He had specific issues with extending the breakwater and adding more. It seemed counterproductive in his mind. He kite surfed, played volleyball, flew over the beach to see the people along the beach. Everyone was squeezed together on the waterfront. The new breakwater would actually shorten the waterfront and add more sand to the back area. There was always space on the back side of the beach, but the waterfront got crowded. He appreciated seeing the volleyball courts in the plan, but they needed to be aligned and not by the sidewalk. They just needed a couple of poles in the sand by the dunes. He liked the dog beach and added that bike racks would be nice to go along with the golf carts.

Odessa Sullivan, resident

Ms. Sullivan stated that her grandfather bought their property in 1944, and her family was still living there. She had seen lots of changes in Cape Charles. She liked the simplicity of the beach. The kids and parents loved it. We all loved the simplicity. Overkill was what she saw in the plan. We were a small town with a very small beach. Years ago, we had a meeting and the beach came up. We did not want Virginia Beach or Ocean City. We did not want people selling chairs or umbrellas. We just wanted to enjoy our beach. She had also spoken to visitors who came to Cape Charles, and they all told her they would like to leave the beach as it was.

Laura Weigand, resident & business owner

Ms. Weigand stated that she liked the words overkill, simplicity and natural. She agreed that ADA access and bathrooms were needed, but she did not know where most of the plan became such a huge thing from the survey responses received. It was not what she imagined for Cape Charles and our small-town feel. One thing to revisit is the parking. A simple way to remedy the parking issue would be to issue 1 or 2 permits per household that could be used anywhere. Have kiosks in other areas for people to purchase parking permits. If visitors had more than 2 vehicles, they could go to the kiosk and buy a permit for any number of days. It would raise revenue for the town to offset some costs. Full-time residents would have free passes for parking. She felt this would alleviate some of the problems with parking.

Lori Blewitt, part-time resident

Ms. Blewitt stated that she was a part-time resident for 30+ years and loved Cape Charles. She came here because it was so quaint with a wonderful beach. Some of the articles that she had read in

newspapers and magazines stated that Cape Charles was a great place. She never saw them write that anything needed to be fixed in Cape Charles. They said that Cape Charles was unique. We could use another lifejacket stand, ADA compliant bathrooms, etc. Nowhere in the plan did it say what it would cost to make all these improvements, and once done, how to pay for it. How many more staff members would it take to maintain it and how many contractors would have to be hired? The historical society took their time to clean up the Neptune statue and the overgrown sidewalks. Some friends told her that 50 years ago, there were no dunes. If someone wanted to look at the water, they could walk to see it. Please do not bring these expensive paving ideas to our sweet little town.

John Hozey stated that we were not far enough along in the design to obtain cost estimates. Once we decided what we wanted to do, we would talk about cost estimates, look at grants to help with the cost and plan for future years in the capital budget. This would be a multi-year process, but we first needed to decide what we wanted to do.

Councilman Grossman added that this project would not automatically go to the #1 spot on the capital improvements list. There were other projects on the list that needed to be prioritized.

Linda Hitchings, resident

Ms. Hitchings stated that she was fairly new to the town. She moved from Goochland County after the storm several years ago. She would be disappointed if Cape Charles became an Ocean City or Virginia Beach. She was amazed that we did not have an estimate of the cost. While in Goochland County, a new school was built and she helped with it. They knew the estimated cost when they go the plans. She could not believe that the Town did not have an idea of the cost for this. Ms. Hitchings added that she would hate to see the Town changed. People came here because of the beach, and it was nice seeing all the small children.

Clayton Newman, resident

Mr. Newman stated that he was a full-time resident and had been coming here for over 30 years ever since his mother moved here. He lived one block from the beach pavilion. His understanding of the plan was that the Town would get feedback tonight and address some real issues. He heard people speak against the plan, then say that yes, we needed parking, restrooms, ADA access, etc. ADA access was not just for the handicapped but for our aging population. His mother could use something to hold onto when going to the beach. He used to sit in the gazebo and watch the sunsets. He agreed that the plan was grandiose, but it was just a start. When you went to a restaurant and got the menu, you did not say that you did not want it because you could not eat everything. Did we need 30 picnic tables at the LOVE sign? Certainly not. We were all friendly and spoke to each other, then we came into this meeting where there was so much vitriol. He did not see anyone on the Town Council with their own agenda. This plan was years away, maybe even a decade. Some people were thinking that it was happening tomorrow. This was step 1 of a multi-step process. He loved the beach but would not say it was perfect. He loved walking on the beach, playing volleyball, etc. Currently, people wondered how to park which was chaos. There was a lack of parking due to the end-to-end food trucks. There was nothing quaint about that. Maybe have a concentrated place with electrical for food trucks so there would be no need for generators. Possibly a shade area with seats and tables. The Town was asking people to be a part of the process. He expected this meeting to be overflowing with people, but others were out there enjoying the sunset or walking the beach instead. He advised everyone to remain a part of the process and not vilify each other. Look at the plan as a menu, where we could choose the items that we wanted at the beach.

Mark Usry, resident

Mr. Usry stated that he came to Cape Charles for the first time in 1996 and had seen lots of changes and appreciated most of them. He saw the plans as inspirational with things that made sense. It was a combination of ideas that we could pick and choose from. We could see the visuals and work

together to make the beach better. A little shade would be nice. As Clayton Newman said, look at it as a menu.

Sam Jones, resident

Mr. Jones stated that he had been coming to Cape Charles since 2015 and moved here permanently in 2021. He agreed with many of the comments this evening and loved the word simplicity. Master Plans were not menus. Council needed to look at what had been presented up to this point, listen to the feedback and take that information and create a broader list of options or subset of plans to get a master plan. He agreed with John Hozey that we needed a good plan before we looked at funding.

Councilman Buchholz stated that the Town had a Master Plan done for the Harbor in 2008. That changed numerous times with new Councils wanting to go in a different direction.

Ms. Odessa Sullivan apologized to anyone if she gave them the impression that she did not want anything done at the beach. She did, but wanted it kept small and simple. Everything changed from day to day, year to year. There had been lots of changes in Cape Charles over the years – some she liked, and some she did not like. Please just do not give us too much.

Mr. Erin Harvey said that ADA access was a nice idea, but everything needed to be in balance. It was too much to have an ADA pad at every opening. It would be nice to add a ramp to the fishing pier which would be an easy fix. Currently, our beach toward the flagpole, LOVE sign, and fishing pier was the busier end of the beach. The north end was the quieter end. People could choose which end to go to. A bathroom at the north end would be nice, but he asked that the rest of the blocks remain unchanged. We needed to focus on the busy end by Mason Avenue, the flagpole, etc. Give people the choice regarding where they wanted to go.

There were no other comments to be heard.

John Hozey stated that the comment was made that the Town had spent money with VHB. That was true. The Town put out a request for proposals and VHB was selected based on quality, not price, but it turned out that VHB was the cheapest one. We had been using VHB for months. They had a team with expertise that the Town staff did not possess. There was value in that expertise. VHB had been working with the Town Council, the committee, etc. but the work was not done. The next step was for Town Council to meet in work session in a few weeks to review the feedback received. The comments would be narrowed down prior to the work session.

Councilman Grossman suggested each Council member provide a list of topics such as dune management, parking, etc. to the town manager.

Vice Mayor Bennett stated that parking was an issue and came up big time related to short-term rentals and now this. We had plans to study parking but needed to look at parking for the entire town. We needed a parking study. Whether it be part of this plan or not, it needed to encompass the entire town. We could not solve the parking issues for the summer until we addressed the remainder of the year.

Councilman Grossman asked where VHB's engagement ended.

John Hozey stated that phase 1 ended with the final publishing of the beach master plan and Council approval of the plan. Phase 2, the design work, would begin after Council decided how to fund the project.

Councilman Grossman stated that we needed to talk about the subsequent steps at the work session. We needed to talk through a number of iterations in order to finalize various concepts to get to the final master plan.

John Hozey stated that a menu was a good analogy. We were still at the menu stage, picking out what we wanted to see.

Councilwoman Holloway stated that the October 23rd work session was open to the public to come out and listen. If anyone had any more comments, send them to Libby Hume and she would share them with the Council. Council was doing this for the citizens and the Town Council were citizens as well. If you had something that was not covered tonight, Council wanted to hear it.

Ricky Wiatt stated that it helped to have an explanation. At the last meeting where the plan was presented to the Town Council, Council's input was received and the plan was modified before it was published in the Virtual Meeting Room. He appreciated Councilwoman Holloway's comment inviting the public to attend the next work session. Bay Avenue was a really wide road with excess pavement. We were trying to reduce that. This point was explained during the last work session, but not in the documentation that was published.

Ms. Susan Carrigan stated that we had the layout and suggestions of ideas that might fit Cape Charles. Paul Chandler had mentioned the 5 things that were most important. If we chose those 5 items to move forward, could we not hire a contractor to implement the plan? Was a third party necessary?

John Hozey responded that a design was needed. Once Town Council approved the plan and broke it down into pieces, each piece needed to be designed.

Ricky Wiatt added that there was also the necessary permitting through the Department of Environmental Quality, State of Virginia, US Army Corps of Engineers, etc.

John Hozey went on to state that permits were also needed from VDOT, and VHB would assist in getting the permits and finding grants to help pay for it. The Town solicited Phases 1 and 2 when we went out for bids, but only awarded Phase 1. We could award Phase 2 to VHB if we could agree on a price. If we could not, we would go back out for bids.

Mayor Charney thanked everyone for coming and stated that the next work session was scheduled for October 23rd, beginning at 6:00 p.m.

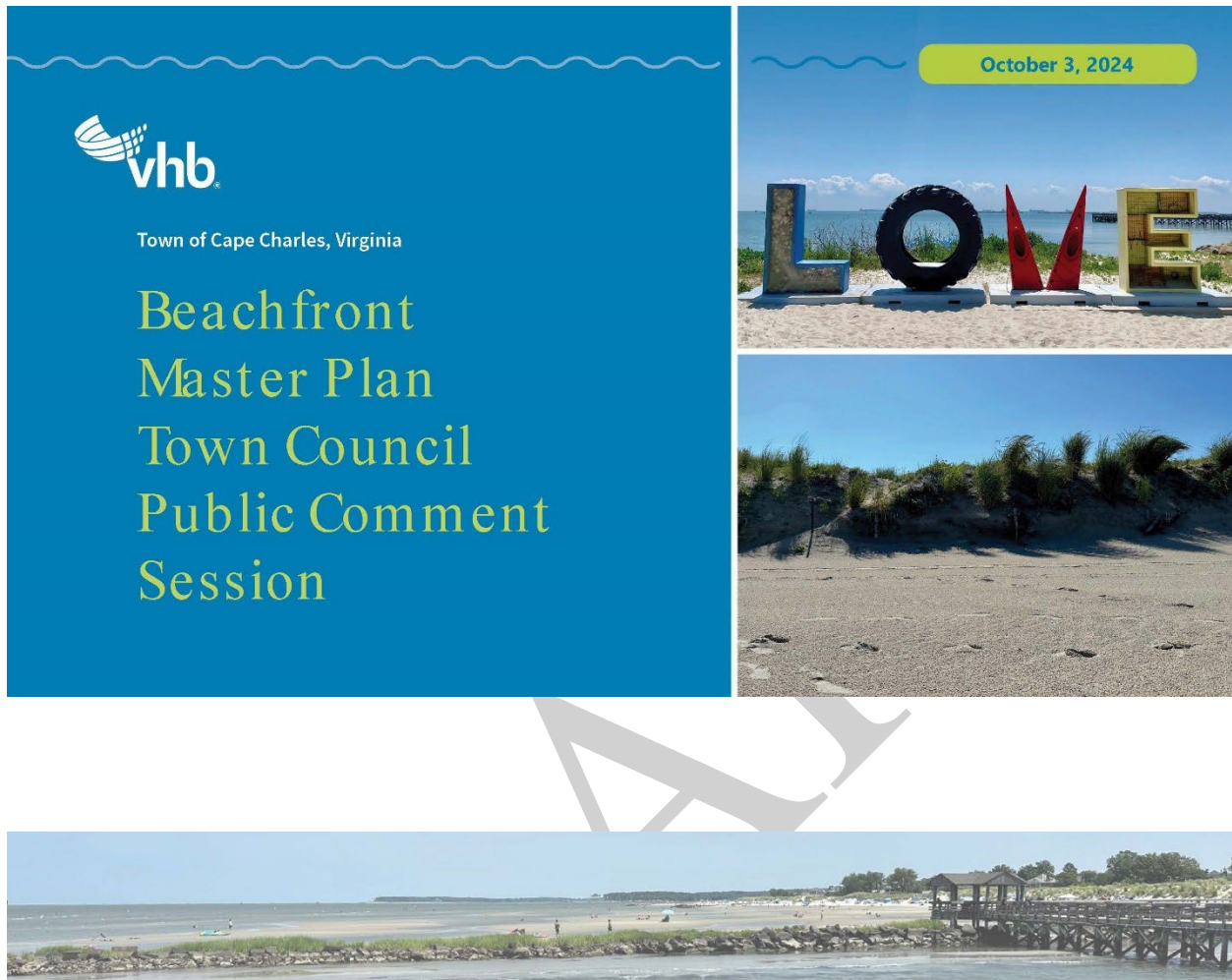
Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adjourn the Town Council Town Hall Meeting. The motion was approved by unanimous vote.

The Town Hall Meeting was adjourned at 7:11 p.m.

Mayor Adam Charney

Town Clerk

**10/3/2024 Town Council Public Input Session
Items Provided in Writing**



Beachfront Master Planning Committee

Adam Charney, Mayor/Town Council

Bill Prickett, Citizens for Central Park

John Schoeneck, Wetlands Board

Bob Panek, Yacht Club and CIP Manager

Claudette Lajoie, CC Civic League

Ralph Bowen, Public Works Manager

Gerry Taylor, Main Street

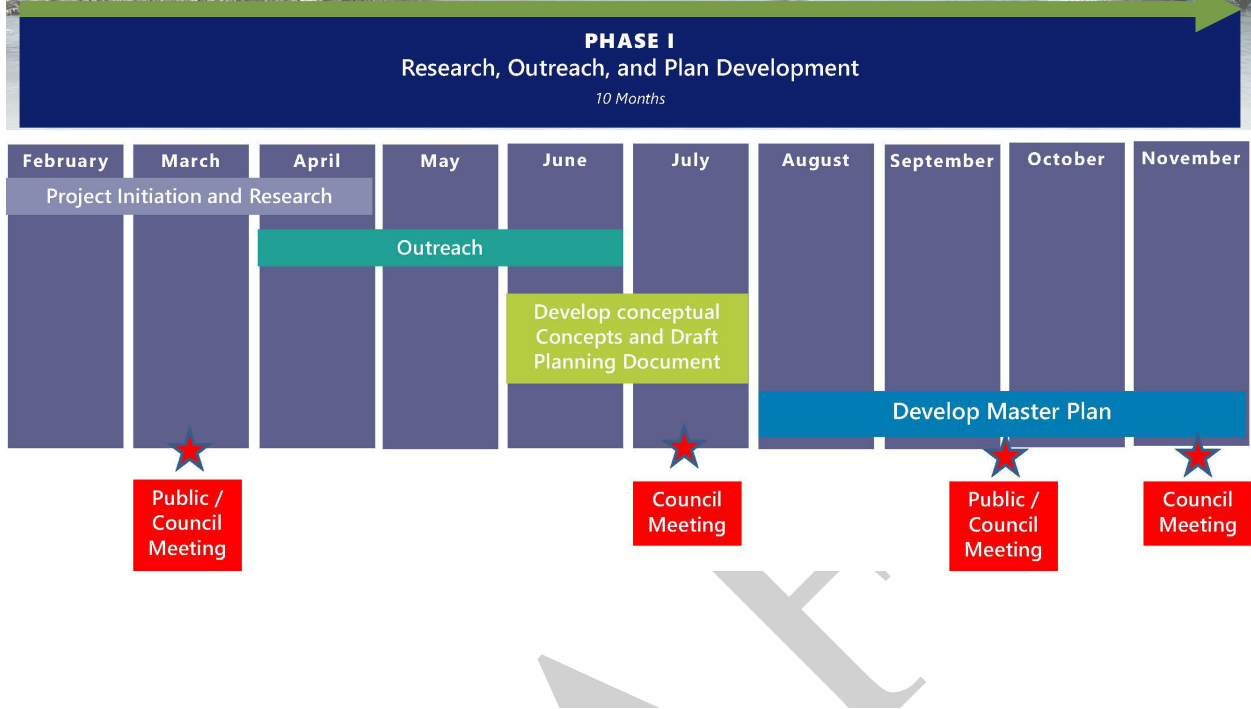
John Hozey, Town Manager

Understanding of the Project

- ✓ Enhance the beach
- ✓ Promote economic development
- ✓ Improve accessibility
- ✓ Reinvigorate recreation opportunities
- ✓ Reevaluate existing infrastructure



Beachfront Master Plan Schedule



Community Survey

- Paper copy with Utility Bills – Week of 3/25
- Online Version – Posted Live – 3/27/24
- Deadline – 4/30/24

- Full-time resident living within t... 164
- Resides in Northampton County... 59
- Owns property within the Town ... 137
- Resides outside Northampton C... 30



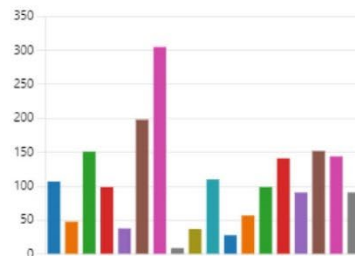
<https://www.townofnorthampton.com>

Community Survey

19. Please select your top five Beachfront Attractions or Amenities from the following:

[More Details](#)

Picnic area	107
Grills	48
Shade	151
Seating	99
Venue Space	38
Outdoor Showers	198
Restrooms	305
Lockers	9
Lighting	37
Overlook	110
Private Cabanas	28
Sports Areas	57
Pet-Friendly Area	99
Quiet Areas for Relaxation	141
Existing Sculptures	91
Enhanced ADA Access	152
Boardwalk	144



Communications – Key Take Aways

- Top 5 Desired Beachfront Attractions / Amenities
 - Restrooms
 - Outdoor Showers
 - Shade
 - Enhanced ADA Access
 - Boardwalk
- Beach's General Size and Character
 - 73% said it was "Just Right"
- Dune's General Size
 - 68% said it was "Just Right"
- Vendors to be in one central location or spread out along Bay Avenue
 - One Central Location 51% / Spread Out 49%



<http://town.cc/TownAdmin>

Communications



Engaging the Public



CAPE CHARLES
Beachfront Master Plan
MASTERPLAN

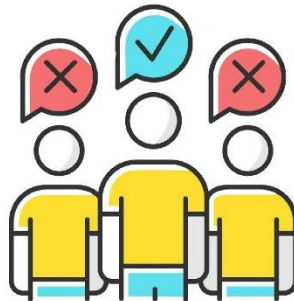


- Full-time resident living within t... 80
- Resides in Northampton County... 29
- Owns property within the Town ... 32
- Resides outside Northampton C... 13



154 Total Responses
8/27/24 – 10/3/24

CAPE CHARLES
Beachfront Master Plan
MASTERPLAN



154 Total Responses
8/27/24 – 10/3/24

CAPE CHARLES
Beachfront Master Plan
MASTERPLAN



**PUBLIC COMMENTS
NOW BEING ACCEPTED**



Next Step:
Council Work
Session – 10/23/24



Comments received via email from Full-Time Residents:

From: Lauren I Sisson <laurenis@comcast.net>
Sent: Sunday, September 15, 2024 2:05 PM
To: Libby Hume <clerk@capecharles.org>
Subject: Beach Master Plan Question and Comment

Hello,
Please explain the percentage of existing dunes that would be impacted or eliminated by this project.

If it is more than 0% please explain the justification of that destruction.

Our address is 11 Park Row Unit D. We have been residents for only about 2 weeks but we fell in love with the natural beauty of the beach and the small town feel.

Best regards,
Lauren

From: Pat Tinkelman <ptink1960@yahoo.com>
Sent: Sunday, September 22, 2024 9:04 AM
To: Libby Hume <clerk@capecharles.org>
Subject: Beachfront master plan

Comment on proposed plant: this plan is way more than a small town like Cape Charles needs! What we need are more bathrooms along Bay and some foot showers and maybe a small shaded area but not this grand plan. I love the small town feel of our town and I think this would change that drastically.

Thank you.
Pat Tinkleman
123 Saratoga Place
Full time resident

From: MARYBETH EYE <mizzmb@aol.com>
Sent: Friday, September 27, 2024 3:09 PM
To: Libby Hume
Subject: Beachfront Master Plan

Thoughts on the Beachfront Master Plan

Mary Beth Eye
106 Monroe Avenue
Cape Charles
Full-time resident living within the corporate limits of Cape Charles

We need more and better bathrooms, bathroom attendants who will keep them clean and in order and simple showers/foot washing stations. Some shade at two or three spots on the beach along with some seating would be nice. We need ADA-compliant ways to get from the street to the boardwalk, and from the boardwalk to the beach.

We don't need pavilions, palm trees, hardscaping, and recreational activities. The beach is small enough when it has not been replenished in the winter that at high tide there is barely enough room for the people who are there and all of the tents and umbrellas and cabanas that they bring; adding more stuff to the beach only makes it smaller. We are a small town with a small beach, and people appreciate the small town feel. We are not nor I hope do we desire to be Virginia Beach; our beach should not look like Virginia Beach.

I have worked in retail stores for several years in Cape Charles. At least once a day, and usually more, visitors, ask where they can find the LOVE sign. It should stay where it is at the end of Mason Avenue. The bay backdrop is nice and it is easily accessible from people already on Mason Avenue as well as the beach.

Comments received via email from Non Residents:

From: lapjrs <lapjrs@aol.com>
Sent: Sunday, September 8, 2024 10:23 AM
To: Libby Hume
Subject: FW: Beachfront Master plan resending

Adding:
Linda Pappas
Full time resident of Cape Charles, not in Historic District. **(NORTHAMPTON COUNTY RESIDENT)**
Own home: 2123 Arlington Chase Rd, Cape Charles, VA 23310

Please consider this the entire email submission
Thanks Linda Pappas.

----- Original message -----
From: lapjrs <lapjrs@aol.com>
Date: 9/8/24 10:20 AM (GMT-05:00)
To: clerk@capecharles.org
Subject: Beachfront Master plan

Too much! We don't need all that hardscape taking over.

Update will be onerous and expensive given shifting sands.

Keeping the charm of Cape Charles is important as well.

Lower the Dunes, make the existing entrances more clear and accessible (level) and add showers (cold) and real bathrooms.

Put the brick (hardscape) centered around the Love sign area and keep the noise and people with the Food trucks at that space.

Let's not become a Cape Charles Disney World.

Sent: Sunday, September 8, 2024 3:00 PM
To: Libby Hume; capecharlesmirror@gmail.com
Subject: Cape Charles Beach Masterplan

As someone who has cherished Cape Charles since my childhood, I feel deeply compelled to speak out against the proposed beachfront master plan. My parents first brought me here in 1997, and I've watched this special place evolve over the years. Cape Charles has always held a unique charm—a blend of natural beauty, rich history, and a tight-knit local community that makes it unlike any other coastal town. I've spent countless hours here as a local who calls this place home.

The beachfront has seen its fair share of change, but nothing as sweeping and irreversible as this proposal. This new master plan threatens to rip away everything our town stands for. The delicate balance between progress and preservation is at risk, and I fear this plan will tip us over the edge. What makes Cape Charles so extraordinary is its sense of authenticity. It's a place where both locals and visitors alike can feel the heartbeat of a genuine coastal town, where the sunsets over the dunes are magical, and the environment feels untouched.

For me, as a professional photographer who conducts about five sessions a week down at our beach, I've been privileged to capture the natural beauty of the dunes, the soft golden light, and the joy on families' faces as they interact with the untouched charm of the area. This is what draws people here— not commercialization or overdevelopment. This plan would fundamentally alter what makes Cape Charles so special, stripping away that timeless beauty in favor of something much less authentic.

Beyond the visual impact, the environmental toll concerns me the most. The dunes are a fragile, precious ecosystem. They serve as a natural barrier, protect wildlife, and contribute to the overall health of the shoreline. Disrupting this ecosystem could have devastating consequences not only for the environment but also for our future generations. Once the dunes are gone, they're gone for good.

What's even more disheartening is that changes like these have a tendency to push locals further and further away from the town they love. Cape Charles thrives on tourism, but it's the locals who keep the town alive long after the tourists have left. We are the ones who stay here year-round, who attend the town meetings, who raise our families here, volunteer, and who support local businesses even when the streets aren't bustling with visitors. This plan doesn't just impact the aesthetics of the beach; it threatens the very soul of our community. If we continue down this path, the charm that brought so many people here—including my own family—will be lost.

I urge the town council to reconsider this beachfront master plan and to listen to the voices of those who have lived here, loved here, and invested in the future of Cape Charles. The charm of this town is irreplaceable, and we need to cherish it, not pave over it in the name of progress. Our town's future depends on preserving its past and protecting its environment, not on creating a version of Cape Charles that caters only to short-term interests. Let's keep the locals at the heart of this town, because when tourist season dries up for the year, we are still here, standing strong and invested in this place we call home.

Rachel Stevens
Owner | Photographer
Cape Charles VA, 23310
Direct: 443.274.8119
baysidegatheringco.com | Facebook | Instagram
Address: 3353 Sherwood Gate, Cape Charles, VA 23310
Work in Cape Charles

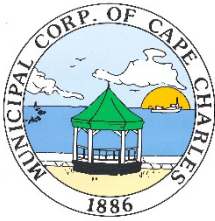
From: Tanya O'Connor <salaam13@gmail.com>
Sent: Thursday, September 12, 2024 2:15 PM
To: Libby Hume
Cc: capecharlesmirror@gmail.com
Subject: Feedback on Beachfront Master Plan

Full Name: Tanya O'Connor
Address: 31246 Latimer Bluff Rd., Cape Charles, VA 23310
Relationship to Town: Full-time resident in Northampton County but I live outside the corporate limits and I am a frequent visitor to Cape Charles beach (my friend and I swim and paddleboard there 3x/week).

4. Comments:

The upgrades mentioned in the Beachfront Master Plan seem to prioritize adding urban-style infrastructure that could detract from the natural charm and simplicity of the Cape Charles beachfront. Instead of extensive construction, it would be more beneficial to focus on essential amenities that enhance the visitor experience while preserving the area's natural beauty. Simple facilities like bathrooms and a wash-off area would serve the practical needs of beachgoers without disrupting the natural environment or the laid-back vibe that makes Cape Charles special.

Thanks,
Tanya



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
October 17, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Public Hearing and Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. There was one vacant position on the Council. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Marion Sofield, Police Chief Jim Pruitt, Planner/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer and Town Clerk Libby Hume. There were 29 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:

A. Zoning Map Amendment Application 2024-01 – 711 Tazewell Avenue

Mark Usry, resident

Mr. Usry asked Council to consider the precedent which would be set in zoning if the zoning map amendment was approved. Once the door was opened to make exceptions, you would have to do it for others as well.

Ed Wells, resident

Mr. Wells expressed his agreement with Mr. Usry adding that he was opposed to any type of commercial activity in the Historic District residential area. He concluded by asking whether an attorney was consulted about this spot zoning issue.

Jo Bronson, resident

Ms. Bronson stated that she was not in favor of changing the zoning of the Fig Street Inn. (Please see attached.)

Dennis Saidat, resident

Mr. Saidat voiced his opposition to changing the zoning due to the fact that it would not be advantageous to the community to change the zoning to commercial. It would change the whole structure of the community since all the surrounding properties were residential. The former medical building was now zoned as residential. Parking would become a terrible issue if any type of commercial activity was added. We were very limited in parking and the overflow parking for short-term rentals was along Tazewell. The initial application for a bike rental company was not covered under the Commercial-Residential (CR) zoning so it would need a special use permit. Once the zoning was changed to CR, it would stay that way and would set a precedent for others.

Bruce Evans, resident

Mr. Evans stated that his property was a four-plex and in his block on Tazewell Avenue, there were 34 rooms for rent in one block. If the zoning were changed, it would set a precedent that the Town would regret forever. He was totally opposed to rezoning the property. His opinion had nothing to do with the property owners who were good friends and good neighbors.

Town Clerk Libby Hume read an email submitted by Walter Bronson. (Please see attached.)

B. *Real Property Transactions Required to Connect New Wells to the Water Treatment Plant Under the Post-closing and Franchise Agreements with Virginia American Water*

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

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. *Recognition of Employee Significant Anniversary*

Mayor Charney congratulated Library Manager Sharon Silvey for celebrating 15 years of service with the Town of Cape Charles on October 26, 2024. The certificate of appreciation was presented to Town Manager John Hozey as Ms. Silvey was unable to attend the meeting.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Town Clerk Libby Hume read comments submitted by Mr. Raffaele Allen. (Please see attached.)

Councilman Grossman asked that Mr. Allen's comments be emailed to the Town Council since the letter could not be read in its entirety due to the three-minute time constraint.

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. September 19, 2024 Town Council Regular Meeting
 - ii. September 19, 2024 Town Council Executive Session
- C. Approval of July 31, 2024 and August 31, 2024 Financial Reports

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to approve the Consent Agenda as amended. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Zoning Map Amendment Application – 711 Tazewell Avenue:*

Planner/Zoning Administrator Katie Nunez stated that a Zoning Map Amendment application was received from Donna Onley-Kohler and Gregory Kohler to conditionally rezone 711 Tazewell Avenue/302 Fig Street (Tax Map # 83A4-2-A, 83A4-2-J, 83A4-2-I), also known as the Fig Street Inn, from Residential-1 (R-1) to Commercial Residential (CR) with proffers to limit the commercial activity of said proposed rezoning. The property had a current Conditional Use Permit for a Bed & Breakfast. A public hearing was held by the Planning Commission on August 6, 2024. Due to discussions and comments raised at the public hearing, the applicants submitted a revised proffer statement and explanation document to the Planning Commission which was discussed at their September 3, 2024. After much discussion, the Planning Commission voted to recommend approval of the conditional rezoning for Lot A (Tax Parcel #83A4-2-A) which was the lot housing the Fig Street Inn building, with the amended proffers. The Planning Commission vote passed by majority vote with Commissioner /Councilman Grossman opposed.

There was much discussion regarding the following: i) This application could be considered for a conditional use permit (CUP) since bike shops were not permitted in the R-1 district as a CUP. Bike shops were permitted by CUP in the CR district; ii) existing commercial properties in the area were Wendell Distributing Company, Cape Charles Custom Carts, and Meatland. Wendell's was in the R-1 district and was a pre-existing business prior to zoning. The Meatland/Cape Charles Custom Carts property was zoned Commercial-2 (C-2); iii) The Town had precedent of not allowing commercial use into the residential area and it would open up a can of worms by allowing this.

The applicants, Donna and Greg Kohler, were invited to speak.

Donna Kohler stated that they just wanted to rent bicycles to the public and in order to do so, they were following the Town's procedures. The concerns addressed this evening were not from their adjacent neighbors and one directly adjacent neighbor spoke in favor of the application. She wanted to clarify that the 34 rooms for rent were in the 600 block of Tazewell and the Fig Street Inn was not in the 600 block, and issues from the 600 block should not be used as justification for this application. She understood that approval of this application would set a precedent and hoped that anyone wanting to do something like this from their house would follow the correct process. They would still follow all the residential guidelines for changes to their property, by maintaining the residential look for anything on the lot. They just asked the Town about bike rentals and were told that they would have to apply for a rezoning to CR in order to open a bike shop. They were thinking about their children and providing them an opportunity to start a low-impact business. They had already spent about \$3K with the Town to get to this point.

Greg Kohler stated that the Fig Street Inn was the prime example of what should be in the CR district, adding that they were sandwiched between two big commercial lots – Meatland and Wendell's.

Vice Mayor Bennett stated that he found this to be a phenomenal process that a simple request to offer bike rentals resulted in a 70-page packet with the only resolution being rezoning. He did not have issues with a bike rental business or gift shop, but he did have issues with rezoning. He could not believe that the Town could not work with the Kohlers to do this. There must be something that could be done that would be easier and less contentious.

There was further discussion as follows: i) This could not be accomplished as a Home Occupation, since a Home Occupation was meant to be low-key with no commercial activity occurring on the property; ii) Katie Nunez stated that the Town Council could amend the zoning ordinance text to add bike rentals as a CUP in the R-1 district. This would allow any property in the R-1 district to apply for a CUP to open a bike rental shop. Council needed to consider the impact to all in the R-1 district and to be mindful of the time taken to amend the zoning ordinance; iii) Katie Nunez added that each zoning application was reviewed individually and the Town had allowed other zoning changes to occur in the R-1 district. One was approved last year for Hotel Cape Charles, changing the zoning of the lot behind the hotel from R-1 to Commercial-1 (C-1).

Motion made by Councilman Grossman, seconded by Councilman Butta, to deny the zoning map amendment application for all three parcels.

Councilman Grossman explained the basis for his motion stating the use was not consistent as set out in our Comprehensive Plan. The Comprehensive Plan showed no thought about growing commercial uses in this area, and the time to think about growing this area for commercial use was during the Comprehensive Plan development. It was not our intent to grow commercial development in this area. By allowing the zoning change to CR, it would allow the conversion of the inn to any of the by-right or CUP uses allowed in the CR district. If approved, this would also impact the Future Land Use Map and Historic District residential functions. Councilman

Grossman concluded by stating that for these reasons, he could not support the rezoning of these properties.

Katie Nunez added that the applicants had the ability to withdraw their application prior to the vote since any negative vote could not be brought back for consideration for a 12-month period.

Donna Kohler stated that she heard Councilman Grossman but wanted to bring up the discussion from Monday evening about short-term rentals (STR) which was a major concern of the citizens of Cape Charles and the number one priority of the Town. Councilman Grossman stated that the Town's intent was not to grow businesses in the residential areas. STRs were businesses. She and Councilwoman Holloway owned bed & breakfasts (B&Bs) which were a different level of business than an STR. B&Bs were required to provide off-street parking and the owners had to live on the property. They had to have lots of inspections and fire control systems. She had been operating her B&B for 14 years. Using the argument that the Town's intent was not to grow businesses in the residential areas, STRs could not be a by-right use. B&Bs had to go through a lot of hoops to be a legitimate business to operate in the Town, but currently anyone could operate an STR. Precedent was being set for that now. If Council was leaning toward allowing STRs as a by-right use in the R-1 district, she asked Council to reconsider the motion and allow bike rentals on their property.

Mayor Charney stated that there was a motion on the table to be voted upon and asked the Kohlers if they wanted to withdraw their application prior to the vote.

Donna Kohler thanked Katie Nunez, Jack Steinmayer and Traci Outten for walking them through the process, and advised Council that they were withdrawing their application.

B. *FY 2025 Budget Amendment – Cape Charles Volunteer Fire Company Grant:*

John Hozey stated that as part of the Fiscal Year (FY) 2025 budget process, Council committed to provide \$250K in matching funds to the Cape Charles Volunteer Fire Company (CCVFC) to help them procure a new fire engine. The funding was not appropriated in the FY 2025 budget because it was anticipated that it would take CCVFC several years to procure a new fire engine. However, CCVFC had an unexpected opportunity to procure a fire engine on short notice. At the September 19, 2024 regular meeting there was a consensus of Town Council indicating the desire to move forward to provide the funds to the CCVFC. In order to provide the funds, an amendment to the FY 2025 budget was necessary. The proposed budget amendment would appropriate the required \$250K from the General Fund undesignated fund balance and increase the Town's FY 2025 support of the CCVFC from \$50K to \$300K. The additional \$250K would be used to purchase the new fire engine.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the proposed budget amendment appropriating an additional \$250K for the Cape Charles Volunteer Fire Company. The motion was approved by unanimous vote.

C. *Real Property Transactions Required to Connect New Wells to the Water Plant:*

John Hozey stated that as part of the public utilities sale to Virginia American Water (VAW), the plans and specifications for a pipeline to connect two new wells to the water treatment plant were transferred to VAW for construction. The post-closing agreement specified that the Town would complete the following real property transactions necessary to construct the pipelines: i) easement from Canolie Atlantic Company on railroad property to be assigned to VAW; ii) easement from the Virginia Port Authority on the dredge spoils site to be assigned to VAW; iii) easement to VAW on Town property adjacent to the wells site; iv) conveyance of a small parcel from Bay Creek Development to the Town, and then conveyance of the same to VAW. Staff worked with all parties involved and our attorney to arrange the transactions and prepare the documentation. The acceptance of the two easements and assignment to VAW could be done by

resolution. The grant of an easement on Town property to VAW needed to be done by an ordinance. Acceptance of the fee simple parcel conveyance from Bay Creek Development and conveyance from the Town to VAW must be done by an ordinance. The required public hearing was held earlier this evening. The vote required a majority of the total Town Council, or four positive votes.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Resolution 20241017A Approving the Acceptance and Assignment of Certain Easements Related to the Sale of the Town of Cape Charles Waterworks System and Wastewater System to Virginia American Water Company. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

Motion made by Councilman Grossman, seconded by Councilman Butta, to adopt Ordinance 20241017A Granting Easement on Tax Parcel 90-19-B to Virginia American Water Company. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20241017B Accepting Conveyance of a Portion of Tax Parcel 90-30-P11 From Bay Creek Development, LLC and Conveying Such Property to Virginia American Water Company. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

D. Depository Accounts Bank Change:

John Hozey stated that earlier this year, Taylor Bank announced that they were building a branch in Cape Charles on the east end of Mason Avenue. As a result, the Town reached out to them to see how their services compared to Atlantic Union Bank. In addition to the convenience of a bank just two blocks away, and wanting to support local businesses, Taylor Bank offered significant financial advantages over our current bank. Taylor Bank also arranged for a representative from their Onancock branch to come to us to provide services until the Cape Charles branch opens. Our monthly fees could be reduced significantly and our fund on deposit could earn a greater interest income. Resolution 20241017B would authorize the move of the Town's banking to Taylor Bank and provide the documentation required to set up the accounts.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Resolution 20241017B to Move the Municipal Corporation of Cape Charles' Depository Accounts to Taylor Bank. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

E. Reappointment of Planning Commissioners:

John Hozey stated that the terms of Commissioners Bill Ashworth and Ian McDonald would be expiring on October 31, 2024. Mr. Ashworth was appointed in December 2022 and Mr. McDonald was appointed in June 2024. Both were appointed to complete the unexpired terms of former Commissioners and have expressed interest in continuing their service on the Commission.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to reappoint Mr. Bill Ashworth and Mr. Ian McDonald to the Planning Commission for a full four-year term. The motion was approved by unanimous vote.

F. Reappointment of Board of Zoning Appeals Member:

John Hozey stated that Laura Weigand was appointed to the Board of Zoning Appeals (BZA) in January 2022 to complete the unexpired term of a former BZA member. Her term would be expiring on October 31, 2024, and she had expressed interest in continuing her service on the BZA for another term.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to reappoint Ms. Laura Weigand to the Board of Zoning Appeals for a full five-year term. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) He attended the Virginia Municipal League Conference this week along with the Mayor and all the Council members. It was a good networking opportunity.
- ii) He hired Courtney Neale as the new assistant to the town manager/events coordinator, and she started this afternoon.
- iii) He received the first status report from Baker Tilley, the firm contracted for the town manager recruitment. Over 9K direct mailings were sent out in less than a week, and six applicants had already responded. He would be receiving regular status reports. He added that he was scheduled to retire mid-May 2025 and hoped to have someone in place by April so there would be a one-month overlap. We still had plenty of time to do this well.
- iv) The interviews for the harbor positions were going well and he hoped to make a decision within the next two weeks.
- v) The Beachfront Master Plan work session was scheduled for next Wednesday, October 23rd.
- vi) A special meeting was scheduled for Thursday, November 7th, to fill the Town Council vacancy. A work session was scheduled after the special meeting to discuss the 2024 citizen survey. He asked Council to submit any questions to him in preparation for the work session. An executive session also might be necessary.

Mayor Charney stated that he would not be able to attend the November 7th meeting.

MAYOR AND COUNCIL COMMENTS

Councilwoman Holloway asked whether the town manager recruitment documents would be on the website. John Hozey responded that they were on the website on the Employment page.

There were no additional comments.

Mayor Charney read the announcements.

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

The Regular Meeting adjourned at 7:14 p.m.

Mayor Charney

Town Clerk

**October 17, 2024 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Jo Bronson, resident

I want to express my opinion related to the request of Fig Street Inn to change their zoning designation from R-1 to CR.

After reviewing the documents submitted by the Applicant, I am not in favor of changing the zoning for this lot for the following reasons:

1. It is absolutely not necessary. Modify the applicant's existing special use or conditional permit to add a bicycle rental usage to their existing land use. They may want to request a special use permit to operate a gift shop on their property as well.
2. Every single residential use structure in Cape Charles is zoned R-1, including residential homes, STR businesses, the Bay Haven Inn, and the Alyssa House Inn. The only exception is the Northampton Inn which is inexplicably zoned Harbor District and the Bay Charles building at 102 Randolph Ave.
3. Every surrounding lot of the Fig Street Inn is zoned R-1. Any commercial CR lot in proximity of the subject parcel is used as an actual commercial use (pharmacy, golf cart rental, beverage distributor, etc), not residential use.
4. Allowing a residential use business to change zoning from Residential R-1 to Commercial CR will open the door for any one of the STR businesses peppered through the residential areas to change to CR at will. This is not advantageous to anyone.

Again, it is absolutely not necessary to change the zoning. Grant the applicant a special use or conditional permit for the bicycle rental and gift shop and leave zoning alone... retain the zoning for the adjacent neighbors, and retain the zoning to eliminate the precedent that would be set for every other R-1 residential property currently used as an STR business in this town.

Jo Bronson
515 Tazewell Avenue

Walter Bronson, resident

Mayor and Council
Town of Cape Charles
RE: Zoning Map Amendment (ZMA) 2024-01

Mayor and Council,

I am strongly in opposition to rezoning the Fig St. Inn from R-1 Residential to CR Commercial Residential. I certainly appreciate the Fig Street Inn, it is a well-run business that is beneficial to the community without causing undue hardship to its neighbors. I also do not object to the Inn being permitted to offer bicycles for rent on the property, which would be a small incidental accessory use. However, rezoning of the property, even with the proffers would still allow:

- Beauty and Barber Shops
- Clothing Stores
- Day Spas
- Florists
- Gift Shops
- Offices
- Real Estate Sales,

And Conditional Uses including:

- Bakeries
- Cake and Coffee Shops
- Conference Centers

These are not uses that belong in a Residential Zone. The Town has spent a lot of time and money to establish appropriate zones within the Town. Certain exceptions should always be considered. The uses as listed above, would go well beyond that, however.

A Conditional Use to allow the bicycle rental would be a more appropriate manner of allowing the requested use change. I do not understand why rezoning is being proposed as the more appropriate alternative. At the very least the proffers should include every other use permitted, conditional or not, in the CR Zone. Even then, it is the wrong way to go about this change.

Rezoning to permit retail type establishments in the residential area of the Historic District is just wrong. Those uses belong in the commercial district on Mason Avenue, not on Fig Street. If we permit this lot to be rezoned, what is to prevent any other lot along Fig or perhaps anywhere in the R-1 from being rezoned? How could you even deny them based on the precedent this would set?

Please send this application back to the Planning Commission to approach this as a Conditional Use for bicycle rental or rezoned with increased proffers to eliminate all other potential uses.

It is the right thing to do for the neighbors, the traffic on Fig St., and the R-1 Zone in general.

Sincerely,
Walter Bronson

Raffaele Allen, resident

Dear Mayor, Members of the Town Council and Mr. Hozey,

I am writing to express my concerns about the proposed regulation limiting short-term rental occupancy to two persons per bedroom. While I understand the importance of maintaining order and safety in our community, I believe this proposal will have unintended consequences that could severely impact our local economy, residents, and homeowners.

Our town thrives as a family-oriented vacation destination, with the vast majority of visitors being families seeking to enjoy our unique environment. A strict two-person-per-bedroom limit would be overly restrictive and out of touch with the very nature of our vacation market, where multi-generational families and multiple families often travel together. This policy would drastically reduce the availability, affordability, and attractiveness of short-term rental properties in Cape Charles, as many families would find it impractical or impossible to rent in compliance with such a rule.

I would like to highlight a few key points:

1. **Research Shows Better Alternatives:** I have investigated how some other localities have balanced rental occupancy while addressing concerns about overcrowding. Several towns have adopted a "2-person per bedroom" maximum with an additional allowance of 2-3 persons, accounting for bunk rooms commonly used by multi-family vacationers and/or larger families. Another approach that has proven effective is permitting one room in the rental as a designated bunk room, while still capping the other bedrooms at a 2-person occupancy. These solutions strike a balance by preventing overcrowding while still accommodating for larger groups that frequent our market. I urge you to consider these alternative models instead of imposing a one-size-fits-all restriction.
2. **Age Restriction is Impractical and Overly Limiting:** I understand that the council intends to exclude children aged 5 or younger from the occupancy count as an attempt to allow for bunk rooms. However, this age limit is far too restrictive to address the reality of family travel, where older children—including teenagers—commonly share a bunk room, and even adult couples are willing to share these spaces for the sake of affordability. Limiting this to children under 5 overlooks how families travel and use short-term rental spaces. Furthermore, enforcing this rule will be difficult and costly for the town, potentially requiring additional staffing, which only adds to the financial burden. Worse yet, it risks turning full-time residents into self-appointed enforcers, potentially creating an unwelcoming and hostile environment for vacationers and vacation homeowners.
3. **Impact on the Local Economy:** Our local businesses, including retail stores and restaurants, depend heavily on tourism and vacationers our towns one true economy. By restricting the number of guests who can stay in short-term rentals, fewer families will be able to book stays, which will reduce the number of visitors to our town. This decrease in foot traffic will directly impact the few shops and restaurants we have, leading to a significant downturn in their revenue and the possible shuttering of these establishments. The ripple effect will also affect town and county revenue, as both rental taxes and sales taxes will decline. (3 minute timer up)



Planning Commission and Town Council

**Joint Public Hearing
Cape Charles Civic Center
October 21, 2024
6:00pm**

At 6:00p.m., on October 21st, 2024, Councilman Paul Grossman, filling in for Chairman Bill Stramm, having established a quorum, called to order the Joint Public Hearing for the Planning Commission. Also present were Commissioners Bill Ashworth, Jim Holloway, Ian McDonald, and Libby Wright. Commissioners Bill Stramm and Shannon Smith were not in attendance.

At 6:02p.m., Mayor Adam Charney, having established a quorum called to order the Joint Public Hearing for the Town Council. Also present were Councilwomen Tammy Holloway, Councilman Andy Buchholz, Councilman Paul Grossman, and Councilman Ken Butta. Vice-Mayor Steve Bennett was not in attendance.

Town staff in attendance were Town Manager John Hozey, Planning/Zoning Administrator and Subdivision Agent Katie Nunez, Planning/Zoning Assistant – Preservation & Zoning Administrator Tracy Outten, Zoning Compliance Officer Jack Steinmayer, Assistant Treasurer Adrian Oei, and Finance Clerk Ryan Silvey.

After establishing both quorums, a moment of silence was observed, followed by the recitation of the pledge of allegiance.

Following the pledge of allegiance, Councilman Grossman asked for a motion to approve the agenda format as presented, motion was made by Commissioner Holloway and seconded by Commissioner McDonald. It was approved by unanimous consent.

After the approval of the agenda format, Planning/Zoning Administrator Katie Nunez presented the staff presentation on the proposed Short-Term Rental (STR) ordinance amendments. (See attached)

Once Ms. Nunez finished the staff presentation, Councilman Grossman opened the Public Hearing.

Once the Public Hearing was opened, the first member of the public to speak was Donna Kohler, who presides at 711 Tazewell Avenue. Mrs. Kohler believes that STRs should follow the same stringent Conditional Use Permit (CUP) processes as Bed and Breakfasts, rather than allowing them as a by-right use.

After Mrs. Kohler, the next to speak was Walt Bronson from 515 Tazewell Avenue. Mr. Bronson concurred with Mrs. Kohler in that STRs should go through the CUP process. He also addressed the ongoing parking issues within the Residential-1 district. He mentioned that under the current Zoning Ordinance tourist homes are required to have one off-street parking space available, which up to this point has not been enforced. Mr. Brunson believes that we should retain this aspect of the Zoning Ordinance as it would help limit the total number of cars per STR. Furthermore, he mentioned that instead of limiting STRs to 5 per owner, it should be a lower number. Finally, Mr. Brunson spoke on the transient occupancy tax vs monthly payments from companies like VRBO/Airbnb.

Speaking next was Elise McMath located at 304 Tazewell Avenue. She expressed uncertainty about why the public is just seeing the STR ordinance proposals now when they are almost finalized instead of earlier in the process. She also wanted to know why they are going to be allowed as a by-right use instead of a conditional one. Furthermore, she wondered who was truly going to benefit from STRs as not every homeowner within Cape Charles was looking for a way to increase their property values. She further questioned if approving STRs was truly going to be beneficial for Cape Charles, as allowing STRs as a by-right use would drive up housing costs and make it harder for young families to afford to live in town, knowing that the Town has been looking for ways to increase the number of young families that reside in Cape Charles.

Following Elise was Ed Wells from 202 Strawberry Street. Mr. Wells mentioned that STRs in Cape Charles have been around for roughly 8 years, so why has it taken so long to see this information? Furthermore, he wanted to know about business insurance requirements.

Laura Weigand from 623 Madison Avenue was next. She mentioned that this was a good first step for the Town to take regarding STRs. She wanted to know what is considered a good response time from the police, town, or neighbor if a violation is noticed. Furthermore, she believes that there should be some sort of parking permit that every rental needs to receive. Finally, she agreed with Mr. Wells in that all STRs should have business insurance, and this insurance should readily available both on the premises and online to provide assurance to the neighbors that the correct insurance was received.

Mark Usry from 117 Strawberry Street spoke next. He believed this was a good start. However, he had concerns about the lack of off-street parking that was not included or addressed in the staff presentation. He believes that every STR that is designated by Town should have one designated parking space in front of their property, in order to limit a free for all when it comes to parking. Finally, he wanted some clarification on the 24/7 violation response vs longer type violations.

George Proto from 607 Pine Street followed. He also believed that this was a good start for the Town, and he concurred with those before him that STRs should go through the CUP process instead of being a by-right use. Furthermore, he believes that if a noise violation is observed that the police chief or police in general should be the ones to enforce that. He also spoke on that if a violation is observed and reported there needs to be more of a graduating scale with violations instead of an all or nothing approach that the Town seemed to be taking.

His wife, Nancy Proto also of 607 Pine Street was next to be heard. She mentioned that she had some confusion on the parking requirements as it didn't seem to be addressed. She also wanted to know about the consequences of the violations – such as noise violations that are tenant driven and not owner driven.

Finally, the last public commenter to be heard was Marlene Cree from Blue Heron Realty. She believes that the suggestions of a graduating violation response would be a good one and should be conducted by the necessary personnel be it Town staff or police. Along with this, a financial penalty should be imposed vs outright stripping the permit if it is not a severe violation. She also mentioned that by-right would be better than following the CUP process as the number of public hearings that would be heard would be unsustainable for Town staff and the Commissioners. Finally, she wanted to see the ages that don't count against occupancy be raised from 5 to 10-12 years of age.

After Marlene Cree finished her comments, Planning/Zoning Assistant – Preservation & Zoning Administrator Tracy Outten read the comments that staff received from those who could not make it to the meeting. The following residents submitted comments; Kerry Shackelford (527 Jefferson Avenue), Raffaele Allen (504 Plum Street), Joseph Williams (515 Mason Avenue), Bonnie Moore (206 Madison Avenue), Christopher Stahl (209 Tazewell Avenue), and Andrew Lessner (404 Jefferson Avenue).

At approximately 7:02p.m., seeing as there were no more comments from those in attendance, Councilman Grossman asked for a motion to close the public hearing, Commissioner Holloway made the motion, which was seconded by Commissioner McDonald. It was approved with unanimous consent.

At 7:02p.m., after the Planning Commission closed the Public Hearings, Mayor Charney asked for a motion to dismiss the Town Council, the motion was made by Councilman Buchholz, this was seconded by Councilwomen Tammy Holloway. It was approved with unanimous consent.

Once Town Council and members of the public left, the Planning Commission opened their meeting.

Councilman Grossman asked for a motion to accept ZTA 2024-01 with discussion for potential amendments to each section. Commissioner Ashworth made the motion, it was seconded by Commissioner Jim Holloway and was accepted with unanimous consent.

Once the motion was accepted, the Planning Commission began going through the proposed short term rental ordinance amendment.

The Planning Commission had one minor change to Section 2.9, as the packet they had received mentioned reference 4.15, this was incorrect, it should have said 4.12.

There were no changes to Article III.

After getting through Article III, Councilman Grossman asked the Planning Commission if everyone was comfortable allowing STRs as a by-right use in the districts that were mentioned within the proposed short term rental ordinance amendment; everyone agreed. Before moving on to address Article IV, Commissioner Holloway wanted to know if it was worth having a one-year trial period of having STRs as a by-right use. After a year, the Planning Commission would gather and vote on whether or not to leave STRs as a by-right use or change over to follow the Conditional Use Permitting process.

Once the Planning Commission reached Article IV – General Regulations Applicable to All Districts, they went section by section and the following decisions were made on the subsets of this article.

Section 4.12 (A) Purpose and Intent, Items #1 – 4: Fine as written.

Section 4.12 (B) Permitting Requirements:

(1): Fine as written

(2), Items a-g: Fine as written

However, when reaching item (2) (F), there was discussion by the Planning Commission on whether or not to leave the phrasing “publicly available” in. Commissioner McDonald believes that the only people who should have access to this information are the Town and Police. Commissioner Ashworth agreed with this sentiment.

Councilman Grossman asked for a motion to remove the phrasing “publicly available” from B.2.F. Commissioner McDonald made the motion which was seconded by Commissioner Ashworth. When the vote was made on the motion, it did not receive majority vote and failed to pass.

(3): Fine as written

(4): Fine as written

(5): Fine as written

(6): Fine as written

(7): Fine as written

Section 4.12 (C) Additional Requirements

(1): Fine as written

(2): Fine as written

(3): Fine as written

(4): Fine as written

(5): Fine as written

Once reaching section (5) deliberations began amongst the Planning Commissioners on whether or not those five years of age or younger was an acceptable age to exclude against the occupancy count or should it be higher. Commissioner McDonald expressed some concern as to how the Town was going to manage this. Commissioner Wright suggested that perhaps 16 was a good age as it would also address the parking concerns. Town Manager Hozey then pushed back and mentioned that even though 16-year-olds do not have the legal ability to drive without a parent, many of them do drive golf carts. Commissioner Holloway wondered why there was a restriction in the first place, as Cape Charles was trying to attract younger families, placing an age restriction would turn families away from the Town.

After deliberations, Commissioner McDonald believed it would be best to change the phrasing to 12 and under, in order to be less restrictive.

Councilman Grossman wanted a motion to increase to age limit to exclude children 12 and under from counting against the total occupancy. Commissioner McDonald made the motion, and the motion was seconded by Commissioner Wright.

Ms. Nunez then clarified for the Planning Commission that by accepting this motion it would allow an unlimited number of children 12 years of age and younger on the premises.

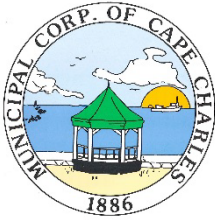
After hearing this clarification, the motion was then withdrawn by Commissioner McDonald.

After talking about the occupancy age, it was 8:00p.m., and the Planning Commission agreed to pause discussion until the October 30th, 2024, Special Meeting.

Councilman Grossman called for a motion to dismiss the Planning Commission until October 30th. Motion was made by Commissioner Holloway and was seconded by Commissioner Wright and McDonald. It was approved by unanimous consent.

Chairman Stramm

Planning/Zoning Assistant



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
October 23, 2024
6:00 p.m.

At 6:00 p.m., Mayor Adam Charney, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Charney, present were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Vice Mayor Bennett was out town and unable to attend. There was one vacancy on the Council. Also in attendance were Ricky Wiatt from VHB, the Town's consultant for this project, Town Manager John Hozey, Public Works Manager Ralph Bowen and Town Clerk Libby Hume. There were 12 members of the public in attendance.

Mayor Charney stated that the item for discussion this evening was the Beachfront master Plan.

Town Manager John Hozey stated that a fair number of comments were received at the public input session. He thanked Councilmen Grossman and Butta for their analyses of the comments received from the Virtual Meeting Room. He did a quick overview to pull out general level approval or disapproval on most mentioned items. Of the 150 comments received, about 75% were mostly opposed to the Beachfront Master Plan, 8% mostly approved it, and 17% wanted changes. There were 5 main areas: Pavilions/Plazas/Hardscapes, Restrooms/Showers, Handicapped Accessibility, Parking, and Dunes. (Please see attached.) Parking was more difficult to evaluate. 23% of the comments stated that parking needed to be addressed.

John Hozey went on to briefly review the concepts that were in the Virtual Meeting Room following changes made by the Town Council at the July work session. (Please see attached.) He then asked for Council's comments.

Councilman Buchholz commented as follows: i) VHB did a great job, but he personally thought it was too much. It had some good parts, like the bump-outs, and provided more direct access to the beach versus the ramps that we currently had; ii) He was not in favor of the big area in the center, adding that events should be held in Central Park, not at the beach. It was not what we needed; iii) He liked the food trucks being away from the residences and the shaded sitting area, but the number could be reduced; iv) more ADA mats were needed, not just for wheelchairs, but to help our older residents and visitors.

Councilwoman Holloway commented as follows: i) She did not think we were far off on parking. At first she was opposed to pull-in parking on the east side and parallel parking on the west side. Councilman Buchholz agreed; ii) The ramps where the ADA mats would be located should be where the ADA parking spots were. Overall, she did not want the area to look like it was all parking; iii) Keep the rustic feel of the beach; iv) Start with 1 accessible area and do it well on the north end with facilities to support accessibility in the area; v) Bathrooms on the north and south ends. Nothing elaborate. Something clean and easy to maintain. It was difficult for staff to keep up with everything currently; vi) Shower/rinse-off stations would be nice at each entrance/exit point. People do look for that when visiting beaches; vii) It would be nice to have water fountains throughout the area as well; viii) She liked the idea of a designated food truck area. We could provide electricity to eliminate the generators; ix) 4 to 5 picnic tables would be good. She did not have a solution for shade. It would be really nice to have something, but the wind on the beach was significant; x) She was confused about the real story of the dunes, and she suggested a work session focused just on dune management. We needed to review the data and find the real answer. It was important for our beach

to continue; xi) She did not think the LOVE sign should be moved and felt strongly about that. Councilman Buchholz agreed.

Mayor Charney commented as follows: i) He agreed that the LOVE sign needed to remain at its current location but made more accessible; ii) We made it a point that the dunes needed to be an educational piece and that was not done. That was why there was so much confusion. We needed to explain why things were being done – mention the height and protection they provide. It was very important to provide the explanations; iii) Everyone wanted bathrooms on the north and south ends of the beach, with ADA accessibility; iv) We all agreed that additional parking was needed but we needed to look at it again. He liked the idea of having more spaces but agreed that it needed to be on the west side.

Councilman Butta commented as follows: i) He agreed that restrooms were needed on both the north and south ends but suggested the north end restroom be on Jefferson versus Washington as a better location. The south end restroom should be larger than the north end since the south end would be a busier area; ii) Would like water fountains by both restrooms; iii) He was okay with showers/foot wash areas at each entrance/exit, but he would also be fine with just one in the center area; iv) ADA parking needed to be at the entrance(s) to the ADA access(es); v) He agreed that the information related to dunes needed to be presented differently; vi) Remove the Monroe Plaza and possible even the expansion of the Randolph Plaza area. He wanted to leave the rustic, old timey look. Plazas were not needed at each entrance; vii) Lower and stabilize the dunes; viii) Need to delineate the parking spaces on the west side which was now a free-for-all. Golf cart parking spaces should also be delineated on the west side. The east side should have parallel parking.

Councilman Grossman commented as follows: i) He agreed about the misunderstanding about the dunes and wondered how much of the previous dune management plan was factored into this plan. The dunes needed to be protected but he was unsure of the configuration, amount of vegetation, etc.; ii) He did not want any walls; iii) There needed to be some discussion about the beach berms and breakwaters and their purpose; iv) He liked bathrooms on both the north and south ends of the beach and liked Councilman Butta's idea of moving the north end bathroom to Jefferson; v) He was good with cold outdoor showers and foot washing/rinsing stations. He added that some showers had the ability to also include water fountains; vi) Accessibility ramps were needed in several areas, possibly one at each end and one in the middle. He would like to start with only 1 ADA mat; vii) Parking – parallel on the east side and on the west side, we should alternate between golf carts and cars, as well as adding ADA spaces; viii) Cut back on the plazas and pavilions. We did not need flexible gathering places or seating. Perhaps some pergolas with tables and chairs. Outdoor lighting was unnecessary; ix) Keep the LOVE at its current location. Small events could be held in that area with tents brought in as needed; x) Food trucks could have designated spaces on the north and south ends. He did not like the amount of area being taken away from the fishing pier for the trucks; xi) He was not in favor of a dog beach; xii) We should not make any changes to the boardwalk; xiii) He would be okay with 1 volleyball area.

There was discussion regarding the Virtual Meeting Room: i) Mayor Charney stated that when the plan was updated, it needed to be phone and tablet friendly for viewing; ii) Councilwoman Holloway suggested a PDF version as well and having printed copies available at the Town Hall; iii) John Hozey stated that there were printed copies of the last plan but they were on letter-sized paper, not ledger-sized. There was too much detail to view the plan on a cell phone; iv) Councilwoman Holloway stated that when viewing the Virtual Meeting Room during the meeting, she thought it was cool. Unfortunately, when using a tablet or cell phone, the user could not maneuver throughout the presentation. We had to be realistic about how the residents were accessing the information that we were sharing; v) John Hozey commented that we might not want to do the Virtual Meeting Room again.

Discussion followed by item and area.

Bathrooms: There was a desire to have bathrooms at both the north and south ends of the beach. He liked Councilman Butta's idea to move the north bathroom to Jefferson Avenue since it was more central and would be good for the ADA bathroom, ADA access and parking. He asked for a poll of Council. There was a consensus to move the north bathroom to Jefferson and this location also having the ADA bathroom and access.

Councilwoman Holloway stated that ADA access was needed at the south end as well. John Hozey stated that we hold off the south end ADA access for now as it could hinder other plans. He noted that he heard someone suggest starting with one. Councilwoman Holloway added that if we were only doing 1 ADA mat, we also needed some stopping places for people to rest, such as picnic tables, etc. Some may not need to go the entire way to the beach. Just getting to the beach was exciting for her mother, not actually going on to the sand.

Councilman Grossman stated that the ADA access on the north end needed to be similar to the existing one at Mason. John Hozey responded that one of the thoughts was to change the elevation so ramps would not be needed. Councilman Grossman stated that he was not in favor of changing the elevation.

Councilwoman Holloway suggested making the bathrooms unisex, as the forward-looking way to go. She suggested 2 unisex bathrooms at the north end. Ricky Wiatt stated that we were still at the master plan stage where we just needed to identify that we wanted a bathroom. When we got to the architectural stage, we would decide on the details. Mr. Wiatt added that when investing in plumbing, electrical, roofing, etc., there was more economy in doing more. Councilman Butta agreed that it would cost more to add 2 more bathrooms later than having 4 from the beginning.

John Hozey noted the results of the April survey related to vendors. We asked the question of the preference to have vendors in 1 location or spread out. The response was about 50/50, so Council would be the tiebreaker. He asked whether Council would like a small vendor area at Jefferson. There was discussion as follows: i) Councilman Butta was not in favor of a vendor area at Jefferson, noting that it would be an added expense; ii) Councilwoman Holloway stated that the south end was the central point for the main areas and vendors at this location would not impact as many residents. She recommended keeping the south end as the hub of activity. Councilmen Buchholz, Butta and Grossman agreed; iii) Councilman Grossman preferred the removal of the seating, food truck area, pergola, chairs, etc. from the Jefferson location stating that they were not needed there.

John Hozey stated that he heard that people appreciated the Tazewell overlook to watch the sunsets. This might be good to add to the Jefferson area. We asked about the number of overlooks in the April survey. The majority of respondents stated they wanted more than 1 overlook. Councilman Grossman stated that he would like overlooks at Tazewell and Monroe. Councilwoman Holloway asked if the pavilion at Randolph could be built out to be used as another overlook. The pavilion was already in place and currently used as a bandstand at events.

John Hozey asked if there was a need to have anything at Madison. The consensus was no.

John Hozey asked if anything was needed at Monroe. Councilman Buchholz stated that there used to be an overlook at Monroe, adding that he liked the bump-outs at each street which would provide good areas for people to see the sunsets. John Hozey stated that something could be added that was more rustic.

Ricky Wiatt explained the reasoning for doing the plazas versus overlooks. Plazas opened up the nodes into a wider fan-shaped area. The recommended buildings served as wind breaks. He heard

about our storage needs so some of the buildings could be used for storage. Not every building in the plan had a purpose but the sand traveled north to south so the buildings were put there as wind breaks. Also, some of the plan was put in thinking about the shoulder season and what the spaces could potentially be used for in the fall, such as for weddings, gathering spaces, etc. Councilwoman Holloway noted that she did not want this to be an event space adding that the beach was not the place for events to which Councilman Grossman agreed.

John Hozey asked if the Monroe Plaza was removed, where would the volleyball courts go. Councilman Grossman stated that they remain at the current location and suggested that only 1 was needed. Councilman Buchholz stated that volleyball was popular and during the summer, 2 courts were needed. Councilwoman Holloway noted that the orientation of the courts needed to be turned. Councilman Butta suggested starting with 1 court and adding another if needed. John Hozey noted that we would have 1 volleyball court at Monroe turning the orientation to north/south.

John Hozey stated that he heard that Randolph was a place to view sunsets. What else? Councilwoman Holloway suggested maybe 2 tables with chairs and asked if there would be a ramp to make the pavilion accessible to everyone as we were an aging community. There was some debate regarding the need for seating in addition to those in the pavilion. It was agreed to reduce the size of the plan shown on page 9 of the slides removing everything except for possible built-in seating

John Hozey asked about the Mason Plaza, the main components of which were restrooms, vending area, the LOVE sign, some seating and shade. In the April Survey, respondents wanted restrooms, outdoor showers, shade, and ADA access.

Ricky Wiatt explained that item 6 (slide 8) was depicted to be long to serve as a windbreak and could be used as a storage area. It had a solid back wall with seating underneath the roof. Item 2 was placed in its location to serve as a buffer from the pump station.

There was much debate about this area with several Council wanting to eliminate item 6 and move the bathrooms to item 2. It was also agreed that separate changing rooms were unnecessary. People could use the bathrooms to change clothes. John Hozey noted that if item 6 was eliminated it would also eliminate the wind break making maintenance much more difficult. A retaining wall was discussed but would not have the strength of a building with 4 corners. It was mentioned that a mural could be painted on the building. A suggestion was made to reduce the size of the building (item 6) and add "wings" to provide an additional wind break. The building could be used as storage and a place for the beach attendants to get out of the sun.

Councilman Grossman stated that item #1 (flexible gathering space) should be removed; #2 should be the bathroom; the front lane should be removed from #3 (food truck area); #4 (shade pergolas with food court) should be reduced; #7 (evergreen screening) should be removed; #9 (dog beach) should be removed; #10 (continuous wall) should be removed; #13 (food courtyard) should be reduced; and #14 (planting bed) should be removed.

Ricky Wiatt stated that the area identified as the dog beach was also a nice area to launch kayaks. John Hozey added that there would be relaxed rules in this area which could also be used for other purposes.

It was suggested that the food truck area be moved to #14 with a pergola and food court. Different types of shade were discussed with an agreement on pergolas.

Parking: John Hozey stated that Bay Avenue was extra wide and not utilized properly. The design removed the median which was currently wasted space. The road was narrowed to gain more usable space for the promenade. There was discussion as follows: i) Councilman Butta stated that it would

be a major cost to redo the entire road and what would be gained by doing this. A lot of people felt that the median provided some safety in crossing the road. John Hozey responded that there were grants available for roads. Parking was an issue in Town with very few opportunities to develop parking in the historic district. Some people thought we would get the railroad property and build a parking lot there, but people would not walk that far to get to the beach. If we did not take advantage of this space we would not be working in the best interest of the town. Need to look at efficiency; ii) Councilman Buchholz stated that the more he thought about it, this plan would get cars off the side streets and could help alleviate parking in those other areas. John Hozey added that this could be used for overflow short-term rental parking as well; iii) Councilman Buchholz did not want all this parking in front of residences, preferring parallel parking in front of the houses and pull-in parking on the beach side. Councilwoman Holloway agreed; iv) Crosswalks were also needed. Ricky Wiatt stated that standard crossings were about 24'. Bay Avenue's width was 60' from curb to curb. VHB proposed raised crosswalks which would also slow traffic down. They also proposed longer and wider spaces to accommodate longer vehicles. They proposed perpendicular parking versus angled because if the spaces were angled, people would have to pull out and continue going in the same direction that they were headed. If they wanted to go the other way, they would have to drive through the neighborhood; v) Councilman Grossman preferred to leave the road and boardwalk as is rather than using the current boardwalk as the maintenance strip and extending the sidewalk which could cost much more money than just moving the maintenance strip to the west over the dunes. This was all just too much for him; vi) Ricky Wiatt stated that if the Town was looking for grants, some of these items needed be done. Just striping crosswalks would not qualify. Councilwoman Holloway expressed her agreement with raised crosswalks but not removing the current boardwalk.

Dunes: John Hozey stated that the dunes were there to protect infrastructure (road and walkway) and to protect our man-made beach. The last 2 slides showed what would happen during a 100-year storm on the north and south ends of the beach. This was what we were designing for. The existing sidewalk was at a 6' elevation. In order to protect it from storms, it needed to be at an 11' elevation. At that height, most people walking on the boardwalk could see over the dunes. There would be vegetation on the east side to maintain a natural look, and sand fence on the west side of the boardwalk. We had to decide what we wanted, then we had to maintain it. There was discussion as follows: i) Without the maintenance strip, our public works crew would not be able to keep up with the maintenance and sand removal. There was suggestions of asking a citizen group to assist. Councilwoman Holloway stated that funding needed to be budgeted to maintain the beach and we had to commit to do it. John Hozey agreed. We needed to invest in the right equipment so the crew could do what was needed; ii) John Hozey went on to state that the dunes were a sand reservoir to help us replenish the beach. They were a wind block to keep sand from blowing off the beach. They provided physical protection of infrastructure – the road and sidewalk. They did not provide any storm surge protection, and our storm drains worked in reverse during storms. The water comes up through the drains into the streets; iii) The sand needed to be collected when it blew. That was the intent of designing the continuous wall to trap the sand along the sidewalk. Then equipment could go alongside the wall to remove the sand. Councilman Grossman asked if we could do this without a physical wall. Public Works Manager Ralph Bowen stated that we currently could not do anything because of the condition of the seawall. We have to scrape it off the sidewalk with smaller equipment and shovels. They could not use heavy equipment because some areas were hollow and the equipment would fall through as it had in the past. They scraped it off the ground and hauled it back to the beach in a Gator. After it was dumped, it would have to be spread out. The process was extremely time-consuming and labor intensive; iv) Bob Panek added that the existing sidewalk was in very bad shape. The Town replaced about 25% 5 years ago. The ramps to the pavilion did not meet ADA specifications. He would hate for the equipment to fall through the sidewalk since it was a wooden bulkhead below it; v) John Hozey added that we constantly received complaints about the steps because we could not keep them clean of sand. That was another reason we were addressing the elevation. There was some discussion comparing the elevation of the east and west sides of Bay Avenue. Bob Panek noted that the east side was about 1' higher than the west side. John Hozey stated

that since the sidewalk needed to be replaced anyway, the elevation did not matter. The Town would still have the costs, and we needed to make it safer and more convenient for everyone; vi) Councilwoman Holloway stated that benches were needed along the boardwalk. John Hozey responded that the continuous wall served that purpose and also helped with maintenance. Ricky Wiatt added that the height of the wall was about 18" which was about the size of a seat; vii) The width of the boardwalk was discussed. The current boardwalk was 12' wide compared to the Washington Avenue sidewalk with a width of 10'. Ricky Wiatt explained the reasoning for the wider boardwalk was so that it could accommodate a 10' x 10' tent. On a 12' sidewalk, people would not be able to walk by a 10' x 10' tent. It also provided more space to accommodate both pedestrians and bicyclists.

John Hozey asked if there was a consensus for a maintenance area with continuous wall/sea wall and boardwalk roughly the same size as the current one, with potential elevation if it made sense to possibly eliminate steps. There was no objection.

Councilwoman Holloway asked if the boardwalk could continue down Bay Avenue around the curve to Mason Avenue. John Hozey stated that the current design stopped the boardwalk at the vendor area.

Breakwaters: John Hozey stated that the purpose of the breakwaters was to slow erosion and allow the beach to collect behind it. Ricky Wiatt added that the beach structure was directly related to the width of the breakwater. The beach could grow with a wider breakwater.

Councilman Grossman preferred the beach at its current size. Councilwoman Holloway stated that it was worth looking into to see what we would gain and how it would fit into our phased plan. Ricky Wiatt noted that the breakwater would not be the first thing to do. John Hozey stated that once the plan was decided upon, we would look at costs and phases. The majority of Council was okay with keeping the plans for the breakwater in the plan.

Councilwoman Holloway stated that an overview/summary of the breakwaters and dunes was needed. It needed to be in a simple, digestible format to help everyone understand their purpose and what was necessary. She also asked that all the documents be included in the minutes along with Councilman Butta's summary.

Councilman Grossman noted that the jetty would have to be addressed at some time as well. Bob Panek stated that it was evaluated several years ago as part of the harbor protection study. It was determined that at that time, that it was not necessary for harbor protection, but protection from sand was not part of the study.

Summary of some of the decisions made:

Bathrooms: There would be bathrooms at both the north and south ends of the beach, preferably unisex. The north bathroom was moved to Jefferson and would have the ADA bathroom, ADA access and parking. Mason Avenue bathroom would be moved to #2.

Volleyball Court: There would be 1 volleyball court to start with at Monroe with a north/south orientation.

Mason Plaza: The LOVE sign would remain here. The bathroom would be moved to #2. Food/vendor area moved to #14 preferably.

Parking: Parallel on the east side and pull-in on the west side with spaces for cars and golf carts.

Boardwalk: Maintenance area to be built west of the current sidewalk with a seawall which would provide seating along the boardwalk. The boardwalk would be the same size as the current one with potential elevation to possibly eliminate steps.

Dunes: Try to maintain at 11' to protect against 100-year storm surge. Maintenance area on the east side of the dunes. Vegetation to be planted on the east side and sand fence on the west side.

Crosswalks: Okay as raised crosswalks to slow traffic

John Hozey asked how much time it would take to update the conceptual plan. Ricky Wiatt stated that he would get back to John Hozey after he was back in his office. Mr. Wiatt was hopeful that more members of the public would attend the next meeting to see the presentation, which would help them understand the plan.

Councilman Butta asked for another work session for Council before putting the plan back out to the public.

John Hozey thanked Council for the direction given which was enough to work on.

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

The Town Hall Meeting was adjourned at 8:18 p.m.

Mayor Adam Charney

Town Clerk

Beachfront Master Plan Comment Summary

October 23, 2024

150 multi-topic comments offered

- 112 (75%) – mostly opposed the full plan
 - 12 (8%) – mostly approved of the full plan
 - 26 (17%) – Liked the plan with certain changes
-

Pavillons/Plazas/Hardscapes

- 105 (70%) – Felt this part of the design went too far; negatively impacted our character
- 18 (12%) – liked this part of the design as presented

Restrooms/showers

- 66 (44%) – Supported upgraded restrooms/showers as presented
- 6 (.04%) – Did not support any change to current situation
- 4 (.03%) – Supported restrooms/showers, but less than what was proposed

Handicapped Accessibility

- 52 (35%) – Supported the improved access
- 3 (.02%) – Felt there needs to be more access than proposed

Parking

- 34 (23%) – Agreed parking needed to be addressed, but did not like parts of the plan
- 25 (17%) – Agreed parking needed to be addressed, and liked the proposed plan
- 16 (11%) – Did not want to see any change to the current parking

Dunes

- 24 (16%) – Agreed the dunes needed to be addressed
- 24 (16%) – Wanted the dunes to be left alone
- 21 (14%) – Expressed interest in the dunes, but either needed more information or didn't express an opinion one way or the other

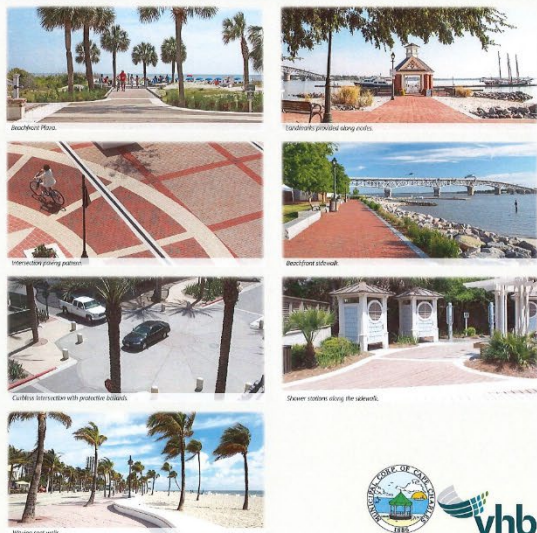
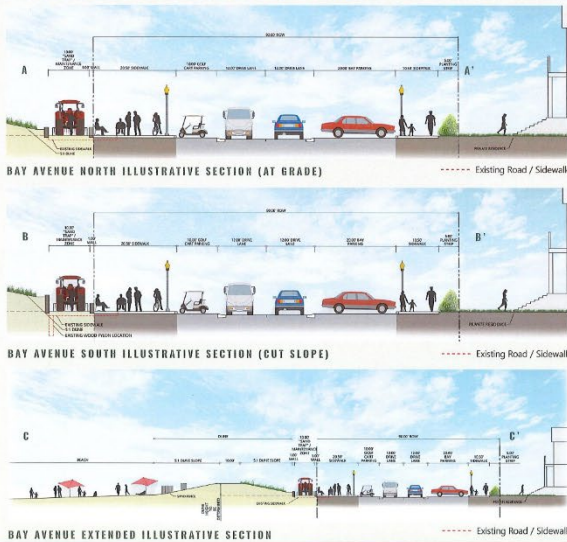
CAPE CHARLES Beachfront Master Plan MASTERPLAN



CAPE CHARLES Beachfront Master Plan MASTERPLAN

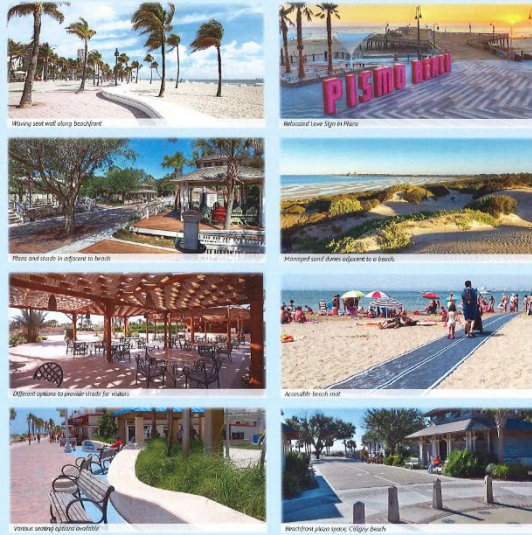


CAPE CHARLES MASTERPLAN EXHIBITS

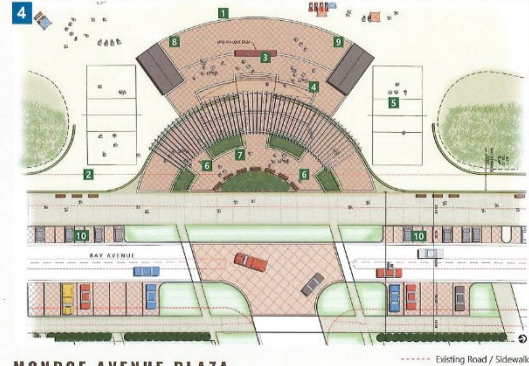


CAPE CHARLES Beachfront Master Plan MASTERPLAN

PRECEDENT IMAGES



MONROE AVENUE PLAZA



MONROE AVENUE PLAZA

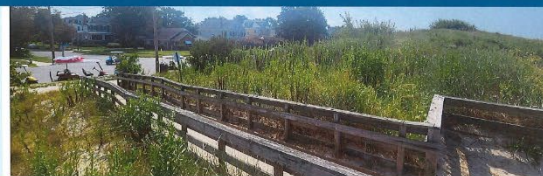
Monroe Avenue is an important artery through Cape Charles, connecting the beachfront with Central Park. Its central location makes it a convenient node for residents of Cape Charles, serving as a gathering space for the community.

- 1 Relocated Virginia LOVE Sign
- 2 Continuous wall to block sand
- 3 Flexible Gathering Spaces
- 4 Improved beach accessibility
- 5 Volleyball Courts
- 6 Greenspace
- 7 Abundant seating
- 8 Staff / Beach Attendants
- 9 Storage
- 10 Parallel automobile parking or 90 degrees golf cart parking

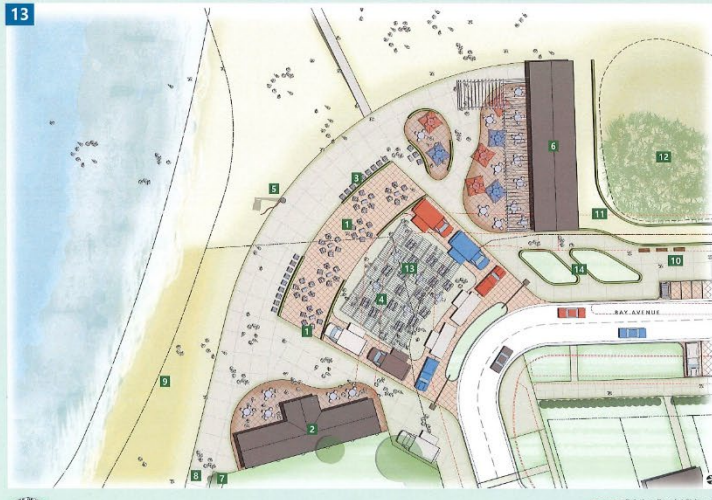


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CAPE CHARLES Beachfront Master Plan MASTERPLAN



CAPE CHARLES MASTERPLAN EXHIBITS



- 1 Flexible Gathering Space
- 2 Covered Pavilion with Seating
- 3 Food Trucks Lane with Controlled Access
- 4 Shade Pergolas
- 5 American Flag Pole
- 6 Restrooms / Showers / Storage Area
- 7 Evergreen screening
- 8 Beach / Plaza Access to the East
- 9 Dog Beach
- 10 Continuous Wall
- 11 Maintenance Strip
- 12 Dune
- 13 Food Courtyard
- 14 Planting bed



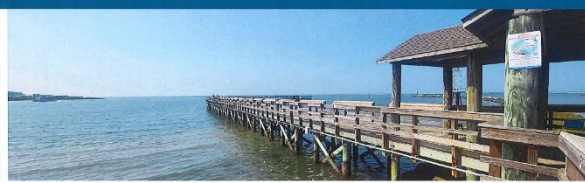
Shade structure, fire grates and outdoor dining



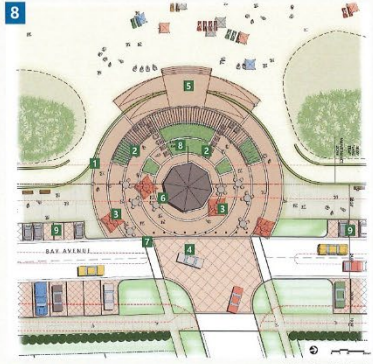
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CAPE CHARLES Beachfront Master Plan MASTERPLAN



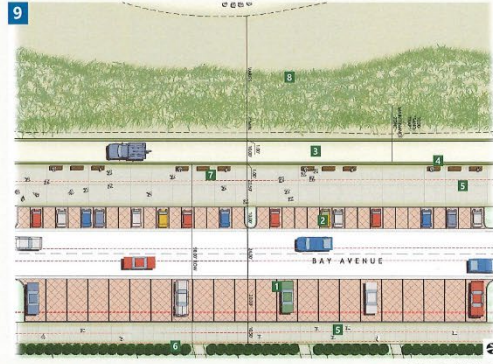
CAPE CHARLES MASTERPLAN EXHIBITS



RANDOLPH AVE PLAZA

The historical Gazebo on Bay Avenue is a beloved place of gathering for Cape Charles residents. This new plaza expands this gathering space, allowing the Gazebo to be at the heart of it all.

- 1 > Shade pergolas
- 2 > Abundant seating
- 3 > Outdoor eating tables
- 4 > Flush Curb Intersection
- 5 > Beach access ramp / stairs
- 6 > Preserved Gazebo
- 7 > Bollards
- 8 > Planting bed
- 9 > Parallel automobile parking or 90 degrees golf cart parking



BAY AVENUE EXHIBIT

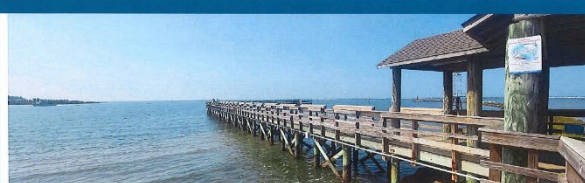
The straight walls with the wide, comfortable sidewalks make it an enjoyable space, with more space provided for the dunes and beach.

- 1 > Bay Parking
- 2 > Parallel Parking
- 3 > 10' Maintenance Strip
- 4 > Continuous wall to block sand
- 5 > Sidewalk
- 6 > Evergreen Screening
- 7 > Bench Seating
- 8 > Dune

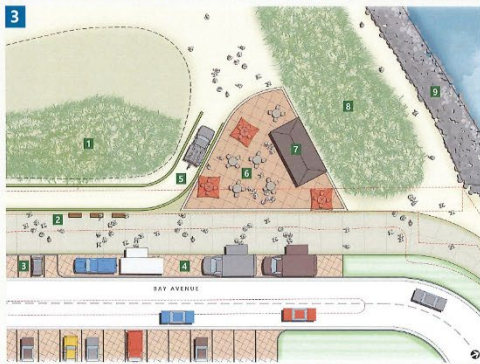


vhb 9

CAPE CHARLES Beachfront Master Plan MASTERPLAN



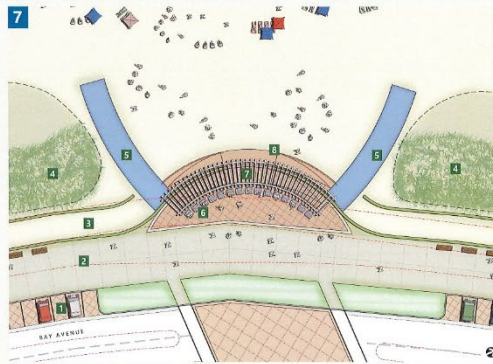
CAPE CHARLES MASTERPLAN EXHIBITS



WASHINGTON AVE PLAZA

The northern plaza adjacent to Washington Avenue should provide shade, outdoor seating and the opportunity for food trucks for visitors to the beach.

- 1 > Dune
- 2 > Bench Seating
- 3 > Golf Cart Parking
- 4 > Food Truck Plaza
- 5 > 10' Maintenance Strip
- 6 > Abundant Seating
- 7 > Restroom / Storage
- 8 > Existing Dune
- 9 > Existing Breakwater



JEFFERSON AVE PLAZA

The plaza at Jefferson Avenue will feature ADA ramps to get over the continuous sand wall, as well as ADA accessibility mats to allow everyone to visit and enjoy the beach.

- 1 > Golf Cart Parking
- 2 > Sidewalk
- 3 > 10' Maintenance Strip
- 4 > Dune
- 5 > ADA Accessibility Mats
- 6 > Adirondack Chairs
- 7 > Shade Pergola
- 8 > ADA Ramps



vhb 10

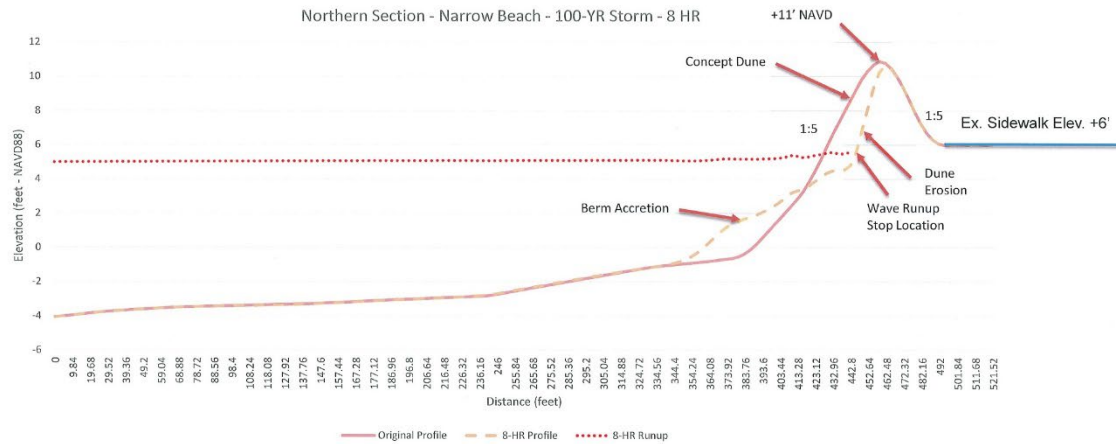
[illegible]

+ 165 Additional Total Spaces



11

CSHORE Output – 100-YR Storm

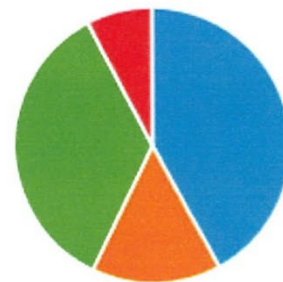


Community Survey

36. Please choose the closest that applies to you:

[More Details](#)

- Full-time resident living within t... 164
- Resides in Northampton County... 59
- Owns property within the Town ... 137
- Resides outside Northampton C... 30



<http://tiny.cc/TownAdmin>

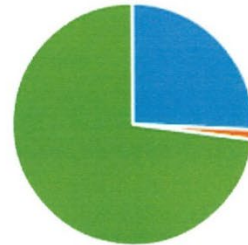
Community Survey

. What is your opinion of the beach's general size and character?

[More Details](#)

 Insights

	Too small	99
	Too large	5
	Just right	281



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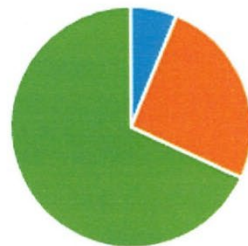
Community Survey

What is your opinion of the dune's general size?

[More Details](#)

 Insights

	Too Small	24
	Too Large	98
	Just right	261



<http://tiny.cc/TownAdmin>

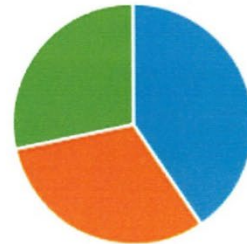
Community Survey

Currently, there is only one overlook at the dunes. Should there be more?

[More Details](#)

 Insights

● Yes	156
● No	120
● Unsure	109



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Community Survey

19. Please select your top five Beachfront Attractions or Amenities from the following:

[More Details](#)

● Picnic area	107
● Grills	48
● Shade	151
● Seating	99
● Venue Space	38
● Outdoor Showers	198
● Restrooms	305
● Lockers	9
● Lighting	37
● Overlook	110
● Private Cabanas	28
● Sports Areas	57
● Pet-Friendly Area	99
● Quiet Areas for Relaxation	141
● Existing Sculptures	91
● Enhanced ADA Access	152
● Boardwalk	144

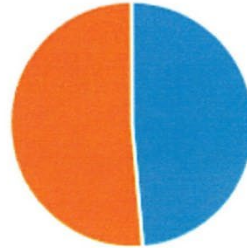


Community Survey

20. Would you prefer for vendors to be in one central location or spread out along Bay Avenue?

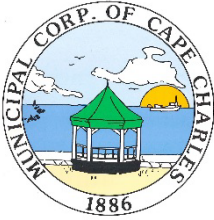
[More Details](#)

● One central location	186
● Spread out	196



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The complete file of Virtual Meeting Room comments will be attached in the final published set of minutes.



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
November 7, 2024
6:00 PM

At approximately 6:00 p.m. Vice Mayor Steve Bennett, having established a quorum, called to order the Special Meeting of the Cape Charles Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Mayor Charney was out of town and unable to attend. There was one vacant position on the Council. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Marion Sofield, Planner/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer and Town Clerk Libby Hume. There were 7 members of the public physically in attendance, and 12 viewers on Facebook.

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

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER REGARDING AGENDA ITEMS ONLY)

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

ORDER OF BUSINESS:

A. *Petition to the Court to Make Interim Appointment to Fill a Vacancy on the Town Council:*

John Hozey stated that after the resignation of Councilman Follmer, the Town Council had 45 days to appoint an individual to complete the unexpired term. Since it was approximately two months until the November 5th general election, a discussion was held regarding the timing of the appointment and our legal firm was notified. In accordance with Code of Virginia § 24.2-228(A), a consensus was reached to wait until after the election and request the Court to appoint the non-incumbent Town Council candidate who received the most votes as an interim Council member until December 31, 2024. The newly elected Council would take office on January 1, 2025. Also, since the Town did not have an attorney on staff, Council needed to authorize Michael Sterling, or contracted attorney, to sign the petition and related documents on behalf of the Town Council and to file the petition with the Court. Tara Ashworth was the non-incumbent candidate receiving the most votes.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to file a petition with the Northampton County Circuit Court to appoint Tara Ashworth as an interim member of the Town Council and to authorize Michael Sterling of Wood Rogers Vandeventer Black to sign the petition and related documentation on behalf of the Town Council and to file the petition with the Court. The motion was approved by unanimous vote.

John Hozey added that the Clerk would update the Petition and Order and forward it to Michael Sterling to complete and file with the Court. Once the Judge signed the order to make the appointment Tara Ashworth would have to go to the courthouse to be sworn in. Her term on Council would begin upon her being sworn in.

B. *Contract Award for Inner Harbor Bulkhead Rehabilitation, Phase 3:*

John Hozey stated that the Fiscal Year (FY) 2025 budget included \$221,537 for the Inner Harbor Bulkhead Rehabilitation, Phase 3 project. Of that amount, 75%, or \$166,153, was funded by the Aid to Local Ports grant from the Virginia Port Authority. The first two phases were completed last fiscal year. An Invitation for Bids was issued on September 16, 2024 and four bids were received. The low bid from Bay Coastal Contracting was \$168,417. Langley & McDonald, our

consulting firm, evaluated the experience of Bay Coastal Contracting and recommended the award. The current project estimate was \$168,417 for construction, \$10,400 for engineering/administration, and \$8,941 for a 5% contingency, totaling \$187,758.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the contract award to Bay Coastal Contracting in the amount of \$168,417, along with the engineering and administration of \$10,400, and 5% contingency of \$8,941 for a total of \$187,758. The motion was approved by unanimous vote.

C. Resolution of Intent – Zoning Text Amendment 2024-01 – Adding and Amending Sections to Address Short-Term Rentals:

John Hozey stated the next two items were housekeeping items, then proceeded to explain that Code of Virginia § 15.2-2285(A)(7) required that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner of the landowner's authorized agent. § 15.2-2285(B) provided that no zoning ordinance shall be amended or reenacted unless the governing body had referred the amendment or reenactment to the local planning commission for its recommendation. The Town had been working on the short-term rental regulations for some time, but a resolution of intent was necessary in order to complete the process.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution of Intent 20241107A Proposed Zoning Text Amendment 2024-01 Application from Town of Cape Charles to Add a New Section Creating a Short-Term Rental Zoning Ordinance and Amend Certain Sections of the Zoning Ordinance to Address Short-Term Rentals. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

D. Resolution of Intent - Zoning Text Amendment 2024-02 – Amending the Cape Charles Zoning Ordinance:

John Hozey stated that this item was the same as the last one, but for the review and update of the entire zoning ordinance.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Resolution 20241107B Initiate and Refer to the Planning Commission Certain Proposed Amendments of the Cape Charles Zoning Ordinance Text Amendment 2024-02 Application from the Town of Cape Charles to Amend Wholly the Cape Charles Zoning Ordinance. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey asked Council whether they would be able to start the December 19, 2024 meeting at 5:00 p.m. The Northampton County Clerk of the Circuit Court was only available at 5:00 p.m. for the swearing in of the newly elected Council. If okay with Council, a resolution would be brought forward at the November 21, 2024 regular meeting to change the start time of the December meeting.

The Council members were good with the 5:00 p.m. start time for the December 19th meeting.

MAYOR AND COUNCIL COMMENTS

Councilman Buchholz thanked everyone for his reelection and went on to state that there were a lot of great candidates who ran for Council. It was a very close race. He congratulated Tara Ashworth and Clayton Newman for their elections. He invited the candidates who were not elected to jump in and serve on one of the Town's boards.

Vice Mayor Bennett stated that the Rosenwald School was undergoing significant renovations after they received their grant. Most of the windows were reinstalled this week and the building looked great. He suggested that everyone drive by to see the progress made on the restoration.

Councilwoman Holloway announced that Dock Dogs was this weekend and invited everyone to attend.

There were no additional comments.

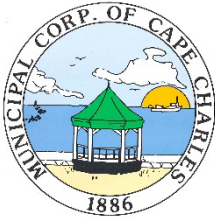
Vice Mayor Bennett read the announcements.

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

The Regular Meeting adjourned at 6:12 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
November 7, 2024
Immediately Following the Regular Meeting

At 6:13 p.m. Vice Mayor Steve Bennett, having established a quorum, called to order the Special Meeting of the Cape Charles Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Mayor Charney was out of town and unable to attend. There was one vacant position on the Council. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Marion Sofield, Planner/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer and Town Clerk Libby Hume. There were 7 members of the public physically in attendance.

Vice Mayor Bennett stated that the items for discussion were the 2024 community survey and recent decisions and possible associated zoning code changes.

A. *2024 Draft Community Strategic Plan Citizen Survey:*

John Hozey stated that it was time for the 2024 citizen survey. A draft of this year's survey was included in the agenda packet and the 2023 survey was distributed this evening. The plan was to get the survey finalized and distributed with the November trash billing. There would also be an electronic version. Both versions would have a due date in early January. The first 8 questions were the same every year to help track the demographics and trends.

Councilwoman Holloway asked if another question could be added, after question #5, asking the responder their age and provide age ranges. This was not currently asked and would be helpful to know. Councilman Buchholz agreed. John Hozey stated that it would be good to start collecting this data.

Councilwoman Holloway noted that question #7 regarding public services was too generic. She reviewed Ms. McMath's comments that were emailed to Council and made some notes. Maybe we could list the various departments. John Hozey agreed that it would be a good compromise.

Question #9: i) Councilwoman Holloway suggested changing it to have responders rank the items from 1 to 5 in importance, with 1 being the least important and 5 being the most important, adding that she felt that ranking would provide a better result since we needed to know the importance versus agreement to the statements. The other Council members agreed; ii) The fourth statement was changed to "*Continuation of the existing Historic District street pattern into the Harbor area should be considered;*" iii) The fifth item was added to state "*A percentage of affordable housing should be factored in.*"

Question #10: There was much discussion about this question. Councilman Butta suggested listing some items from the Strategic Plan Appendix A – Comprehensive Plan Summary of Objectives and Strategies and have the responders check 5 items that they would prefer the Town focus upon. Councilwoman Holloway agreed, adding that it was best to provide choices for the responders to choose from. Council proceeded to review the list on Appendix A and chose the following to include on the survey: encourage workforce housing; seek healthy balance of residents & tourists; promote and expand business; enhance walkability; increase parking; promote coastal resiliency, and create multi-use recreation field.

Question #11: Councilwoman Holloway suggested having the responders rank the communication options and suggested adding e-Notifications to the list. Councilman Grossman agreed, adding that having them circled just provided numbers.

It was suggested that the statement at the bottom of the survey, related to the electronic version, be moved to the top of the survey since responders needed to know about the electronic version and where to find it before they began completing the hard copy version.

John Hozey stated that he would make the changes discussed this evening and get the survey back out to Council for review.

B. *Discussion of Recent Zoning Decisions & Possible Associated Zoning Code Changes:*

John Hozey stated that there had been two instances where the Board of Zoning Appeals (BZA) created unintended consequences in the form of a precedent. The BZA should have focused on the process, but they weighed in on the work done rather than the process.

First Appeal: The appellant did not come to Town asking about the process to perform work on their house. When the Town found out about the work, a violation was issued because the process was not followed. The BZA shifted the authority to decide whether a review by the zoning administrator was needed.

There was discussion as follows: i) Vice Mayor Bennett stated that we did not want citizens deciding to approve their work but he felt the list of fees were onerous and the costs prohibitive, so residents began making their own choices for work needing to be done on their homes; ii) John Hozey agreed that the applicant was trying to avoid paying the fee and read the ordinance themselves. The fees charged by the Town were substantially similar to other jurisdictions. We only had so much staff available for this so there should be a fee, and our fees were not outrageous; iii) Councilwoman Holloway felt that citizens did not do this intentionally and she felt that we stopped giving warnings and jumped immediately into reprimanding or penalizing our citizens. The small town character and charm reflected how we treated each other. When a resident wanted to follow the process correctly and they found the amount of the fees were more than the repair, they no longer wanted to do the necessary maintenance or repairs. She asked whether the Town had a system for notifying residents in violation. John Hozey stated that there was no way to warn an individual if they did not come in to inquire about the process. If they came in, staff would be able to explain the process and the individual would pay a review fee, not a penalty; iv) Councilman Buchholz noted that the 2 resolutions of intent which were adopted earlier this evening should have been done over a year ago. We all slip up so if someone did some work on their house without prior review by staff, we needed to bring them in to go over the process and guide them, then assess a review fee, not a penalty; v) Councilman Grossman stated that this conversation needed to come back to the reason why every change needed to go through the zoning administrator and asked why citizens could not perform simple repairs to their homes. He passed around photos of his shed which was behind the Town Hall. Under one of the window sills, the wood was rotting. The left side was the same about 5 years ago. He cut out the rotten wood, replaced it and painted it. Did this have to go through an approval cycle for him to make the repair? It should not. It was not clear to him why everything needed to go to zoning. Did we expect a pane of glass to have to go through an approval cycle? He did not think so. He added that the procedural steps needed to be written into the ordinance. Councilwoman Holloway agreed, adding that making everything go through zoning, discouraged the residents from doing anything. Councilman Grossman suggested a list of repair items that would be permitted without zoning approval and include the process if the resident was caught changing materials, etc.; vi) Councilman Grossman stated that the zoning ordinance needed to be changed for clarification (#2 on John Hozey's memo – attached). The current language in the zoning ordinance did not state that everything needed to go through the zoning administrator. If we were going to require

all external work to go through the zoning process for approval, we needed to make it crystal clear. John Hozey agreed and stated that staff would develop a list of items that did and did not require zoning approval and bring it back for Council review; v) Katie Nunez stated that the fees could be reexamined and added that her department encouraged everyone to put as much into their application as possible to reduce the amount of fees. She asked for specific examples of repeated fees so she could review it. She asked for direction regarding the fees and/or tiers, adding that the penalty fee was imposed last year due to the increasing number of after-the-fact approvals. Why would anyone want to ask for permission to do anything in advance if they could do the work, then ask for an after-the-fact approved if they got caught. Why have a Historic District Review Board if prior approval was not necessary?

Second Appeal: The appellant had a bus parked on a vacant lot. The Town had tried not to have vehicles parked on vacant lots, but the BZA's decision now allowed it. Perhaps the Town could allow parking on vacant lots as long as the vehicles were registered and with appropriate screening to limit visibility from the street. The Town did not want a junk yard within the town limits.

There was discussion as follows: i) Vice Mayor Bennett expressed his opposition to allow any type of vehicle to be parked on vacant lots; ii) John Hozey stated that the Town had an ordinance that an RV could not be parked on the street; iii) Councilman Grossman stated that he had 2 lots, and he parked his golf cart on the second lot. John Hozey stated that parking was permitted as an accessory use for a developed property. Councilman Grossman noted that his second lot was considered a vacant lot as it had not been developed. Katie Nunez explained that Councilman Grossman's 2 lots had common ownership, adding that the subject lot of the appeal was separated from the appellant's other lot by an alley which was a public road; iv) Councilman Buchholz stated his opinion that as long as the vehicle was registered, with a current state inspection which would determine whether it was operational, the property owner should be able to park their vehicle on the lot. Vehicles owned by other parties should not be allowed. He added that in his opinion, two lots with an alley between them should be considered as adjacent. We were being too restrictive. John Hozey agreed that, since the Town had a parking issue, if the owner of a vacant lot wanted to park their own, currently registered vehicle, on the lot, it would be permissible; v) Katie Nunez noted that we currently restricted parking in front yards. John Hozey stated that we could add a set back for parking on vacant lots for vehicles registered, inspected and owned by the property owner. Councilman Grossman and Councilwoman Holloway expressed their support of this.

John Hozey stated that staff would draft a text amendment clarifying parking and zoning administrator reviews and present it for Council review.

Councilman Butta stated that if the BZA was granting multiple variances for the same issues, then we needed to review and change the ordinance. Katie Nunez added that the BZA was not being inundated with variance requests. She provided an annual report of all BZA actions to the Town Council, If Council saw something repeatedly, then they could direct the Planning Commission to change the ordinance.

Councilman Grossman asked that the resolution be brought forward along with the recommendations so Council could direct the Planning Commission to make the necessary changes.

There was no further discussion.

John Hozey stated that as a Dillon rule state, we only had the authority granted to us by the state. In zoning, if a use was not expressly authorized, it was prohibited. The BZA may have

misunderstood this, and we could not have that type of confusion. He would have this clarified in the ordinance as well.

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

The Town Hall Meeting was adjourned at 7:29 p.m.

Mayor Adam Charney

Town Clerk

DRAFT

11/7/2024 Town Council Work Session Handouts



DRAFT

DRAFT

Community Strategic Plan Citizen Survey - 2024

1. Please choose the closest one that applies to you:

- ☐ Full-time resident living within the corporate limits of Cape Charles
- ☐ Full-time resident within the town limits, who also owns additional property within the town limits
- ☐ Resides in Northampton County but outside the corporate limits of Cape Charles
- ☐ Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town
- ☐ Resides outside Northampton County but a frequent visitor to Cape Charles

2. How long have you lived or owned property in Cape Charles? _____ N/A

3. Do you own a business in Cape Charles? Yes ☐ No ☐

4. Are you employed? Circle the closest one that applies:

Full time part time retired between jobs prefer not to answer

5. Is your employment based primarily from your home? Yes ☐ No ☐ N/A

6. Do you think Town public services are appropriate for a community of our size?

Yes ☐ No ☐ (Please feel free to attach comments)

7. Are you satisfied with the quality of Town public services?

Yes ☐ No ☐ (Please feel free to attach comments)

8. Do you feel the Town has maintained or improved its small-town character in recent years?

Yes ☐ No ☐ (Please feel free to attach comments)

9. The currently vacant railroad property north and east of the harbor has captured the imagination of residents for many years. The issues surrounding clear title to this property that have hampered development are now close to being resolved. As a result, formal planning to guide potential development in this area is ripe for discussion. Please indicate your opinion on the following statements from 1 to 5 (with 1 meaning the least agreement and 5 being the strongest agreement).

- ☐ Development of this area should strive to diversify our economy beyond tourism as much as possible (though it should not detract from existing tourism)

- _____ The character of the current historic district and Mason Avenue should be replicated into this area where appropriate
- _____ Open space, parks, or recreational areas should be included
- _____ Continuation of the existing street pattern to the south should be considered
- _____ ?? _____ ??

What other ideas or concepts should be considered in the development of this area:

10. Other than the topic above, what will be the most pressing issue or need for the Town in 2025?

11. What tools do you use to stay in touch with town happenings? Circle all that apply:

- Facebook posts Gazette Nixle Town website Weekly staff reports Word of mouth
- Watch meetings on Facebook Newspapers CC Happenings Mirror
- Other _____

12. Your Name: _____

Street Address: _____

Email Address: _____

Note: anonymous surveys cannot be counted

May we contact you regarding this survey? Yes _____ No _____

Responses are due back to Town Hall no later than 2:00 pm, January 10, 2025
Surveys may be dropped off, mailed (2 Plum St), or scanned and emailed to Clerk@capecharles.org
 An [electronic version](#) of this survey is also available on the Town's website

DRAFT

Page 2 of 2

Community Strategic Plan

Appendix A **Cape Charles Comprehensive Plan Summary of** **Objectives and Strategies**

A) Housing

- 1 Pursue additional supply and diversity of housing
- 2 Encourage workforce housing
- 3 Participate in Housing Finance Programs
- 4 Promote manufactured housing
- 5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
- 2 Attract families with children
- 3 Strengthen household economic wellbeing
- 4 Promote and expand business
- 5 Promote diverse economic benefits for the harbor
- 6 Expand local manufacturing base
- 7 Promote traditional water based economic activities
- 8 Study chains of activities
- 9 Identify placemaking opportunities
- 10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
- 2 Enhance walkability
- 3 Maintain safe golf cart operations
- 4 Increase parking
- 5 Identify and maintain alleys and easements
- 6 Promote affordable public transportation
- 7 Complete multi-use path between historic district, harbor, and Bay Creek
- 8 Intergrade harbor area with other trail/path networks
- 9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate I&I to sewer

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Memorandum



From: John Hozey, Town Manager
Date: November 7, 2024
To: Town Council
RE: Recent BZA Precedents

On October 8, 2024, the Board of Zoning Appeals (BZA) met to hear appeals of two recent Zoning Administrator (ZA) decisions. One was regarding work done to a home at 204 Bay Avenue without receiving a prior zoning clearance. The other was a challenge to the determination that vehicles cannot be stored on vacant lots, specifically in the 500 block of Madison Avenue. The BZA approved both appeals, and in doing so potentially created undesired precedents.

The Town has three options when BZA appeal decisions create unwanted precedents:

1. Appeal the BZA decisions to the Circuit Court
2. Change the Zoning Ordinances to clarify the Council's intent regarding these matters
3. Do nothing and allow the precedents to stand

After consultation with the Town's attorney, I recommend option #2 regarding both decisions.

In the matter of the first appeal regarding the prosecution of work without appropriate advance review; the BZA did not focus on the correct issue, a procedural question. They instead focused on the merits of whether that specific work required HDRB review or not (typically the Zoning Administrator's decision). But in this case, the ZA never got the chance to rule on whether this work required HDRB review, because the applicant never came to the Town to ask for the ZA's interpretation.

Had the applicant followed our procedure and requested a zoning clearance in advance of the work, the ZA, after having the opportunity to review all the information, would have likely agreed that HDRB action was not required, and that the work could have been approved administratively.

But in this case, the applicant reviewed the ordinances on his own and decided unilaterally that the Town did not need to be contacted about this work. When the ZA was notified after the fact that the work had been done, and not knowing exactly what that work entailed, she issued a violation for not getting a zoning clearance before starting the work. It was that violation of procedure (not the question of minor work) that the applicant appealed to the BZA.

The Town Council has vested the authority to determine what is, or what is not, minor work in the ZA, not in the applicant. But by focusing on the work being done rather than the process not being followed, the BZA approval inadvertently vested that authority in the applicant; essentially upholding his right to work on his home based solely on his own interpretation of the ordinances.

The BZA simply got this one wrong; and as a result, any enforcement regarding work done in the historic district without first obtaining a zoning clearance has been suspended pending clarification of this issue with the Town Council.

If it is the Council's intent to allow each individual applicant to decide whether a zoning review is required or not, then no action is required. But if the Council still wants the ZA to make this determination, clarifying language needs to be inserted into the ordinances to remove any ambiguity. Once this clarification is made to these ordinances, it will nullify any unfortunate precedent the BZA may have inadvertently created in this case.

In the matter of the second appeal regarding the ability to store parked cars on vacant lots, the BZA reviewed the ordinances associated with this issue, and based primarily on their interpretation of the definition of parking lots in the ordinance, overruled the Zoning Administrator and approved the appeal.

Unlike the first appeal described above, the BZA focused on the correct issues and made the call as they saw fit. But this ruling creates a problem for the Town in that it is in contradiction to many other similar enforcement actions the Town has historically taken that were never appealed. Since the Zoning Administrator assumed her role, there have been 6 other similar cases of parking on vacant lots which were eventually cured as a result of a violation, resulting in the removal of the offending vehicles. This BZA ruling however, will stop all future similar enforcement actions.

Since parking has become an important topic of conversation recently, Town Council direction on this matter is requested. If the Council has no concern regarding the appearance of vehicles being stored on vacant lots in the historic district, then no action is required. But if the Council has any concerns with how this might impact the charm of the historic district, and perhaps would like to discuss some side rails or parameters regarding this issue, guidance is needed and clarifying language must be inserted into the ordinance describing the Council's intent.

One additional item also needs clarification, as it pertains to the assertion that in a Dillon Rule state, actions or uses not specifically authorized by zoning are prohibited. During deliberations of this appeal, some BZA members may have been under the mistaken impression that the opposite was true; that unless prohibited, uses are authorized. This is something that all BZA members must get right, and so if we are making text amendments to clarify other intentions, we should also clarify this important pretext of zoning.

September 2024 Treasurer's Report

Page 1 – Cash Position

- Due to the sale of the utilities, it is no longer necessary to hold our facility fees in reserve in a separate account. We plan to draw this account down into our other Virginia Investment Pool Liquidity account.
- Our unassigned VIP earned \$52,796 in September, a return of 5.29%. Although interest rates have declined since September, returns on this account will continue to provide the town with significant revenue.

Page 2 – Revenues vs. Expenditures

- A progress payment of \$4,750 was made to Langley & McDonald for work on the rehabilitation of the inner harbor bulkhead.
- The public utilities fund shows monthly revenue of \$20,400. This amount is comprised of investment. This revenue will likely be accrued to the General Fund when legacy utility accounts are drawn down.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
September 30, 2024

<u>Cash on Hand</u>	<u>8/30/2024</u>	<u>9/30/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$332,221	\$53,950	-\$278,271
Atlantic Union Bank Money Market Account	\$699,827	\$927,092	\$227,265
LGIP Account 1 - 0565 - Unrestricted	\$115,808	\$116,310	\$502
LGIP Account 2 - 0195 - Unrestricted	\$337,977	\$339,572	\$1,595
Virginia Investment Pool Liquidity Unassigned - 5003	\$12,162,477	\$12,215,273	\$52,796
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,073,966	\$1,082,052	\$8,086
Total Cash On Hand	\$14,722,276	\$14,734,249	\$11,973

<u>Restricted and Reserved Cash Balances</u>	<u>8/30/2024</u>	<u>9/30/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,120	\$30,120	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$15,029	\$15,132	\$103
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,836,861	\$3,853,516	\$16,655
Total Cash Held in Reserve	\$3,893,572	\$3,910,330	\$16,758

Total Cash - All Accounts	\$18,615,848	\$18,644,579	\$28,731
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MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
September 30, 2024

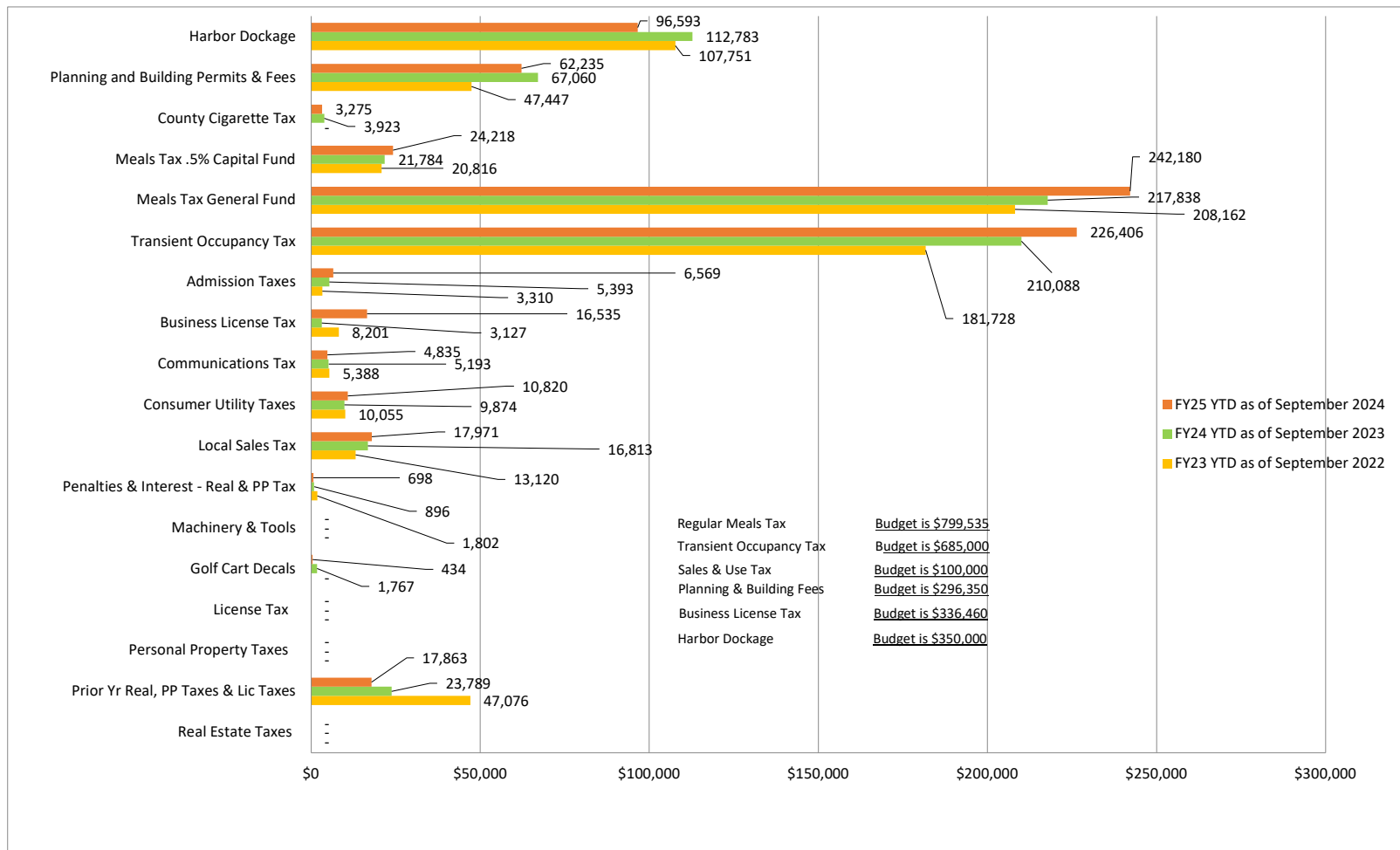
REVENUE VS. EXPENDITURES

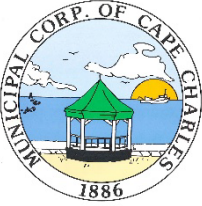
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY25</u>
GENERAL Fund				
REVENUE	\$337,500	\$1,241,233	\$5,124,101	24.22%
EXPENDITURES	\$277,038	\$1,263,516	\$5,124,101	24.66%
NET	\$60,462	(\$22,283)	\$0	
GENERAL Capital Fund				
REVENUE	\$10,403	\$125,354	\$10,790,806	1.16%
EXPENDITURES	\$274	\$3,169	\$10,790,806	0.03%
NET	\$10,129	\$122,185	\$0	
GENERAL Debt Service Fund				
REVENUE	\$0	\$0	\$25,121	0.00%
EXPENDITURES	\$0	\$5,146	\$25,121	20.48%
NET	\$0	(\$5,146)	\$0	
GENERAL Special Activities Fund				
REVENUE	\$15,000	\$15,435	\$25,500	60.53%
EXPENDITURES	\$15,000	\$16,650	\$25,500	65.30%
NET	\$0	(\$1,215)	\$0	
PUBLIC UTILITIES Fund				
REVENUE	\$20,400	\$58,028	\$9,576,514	0.61%
EXPENDITURES	\$3,120	\$25,159	\$9,576,514	0.26%
NET	\$17,280	\$32,869	\$0	
HARBOR Fund				
REVENUE	\$56,904	\$322,383	\$1,162,576	27.73%
EXPENDITURES	\$53,382	\$299,725	\$1,162,576	25.78%
NET	\$3,522	\$22,657	\$0	
SANITATION Fund				
REVENUE	\$28,853	\$86,637	\$345,884	25.05%
EXPENDITURES	\$27,881	\$81,948	\$345,884	23.69%
NET	\$972	\$4,689	\$0	

FY 25 Capital Improvement Project Tracking Report

As of:
9/30/2024

	<u>FY25 Status or Start Date</u>	<u>% of Current Year Budget</u>	<u>FY25 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY25 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Completed in FY24</u>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Municipal Space Replacement	<u>In Process</u>	0%	\$ 3,250,000	\$ -	\$ -	\$ -	\$ -	\$ -	3,250,000
Welcome Center Design & Construction	<u>In Process</u>	0%	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	750,000
Library Upgrade & Condoization	<u>In Process</u>	1%	\$ 250,000	\$ 2,895	\$ -	\$ -	\$ -	\$ 2,895	247,105
Beachfront Revitalization	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	45,000
Beach Restroom/Bathhouse	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	45,000
Sidewalk Infill	<u>Pending</u>	1%	\$ 50,000	\$ 274	\$ -	\$ -	\$ -	\$ 274	49,726
Mason Ave. Electrical	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	40,000
Subtotal			\$ 4,430,000.00	\$ 3,169	\$ -	\$ -	\$ -	\$ 3,169	\$ 4,426,831
Harbor Fund									
Inner Harbor Bulkhead Rehab, Phase 3	<u>Pending</u>	2%	\$ 221,537	\$ 4,750	\$ -	\$ -	\$ -	\$ 4,750	216,787
Fixed Dock Rehab	<u>Pending</u>	6%	\$ 20,000	\$ 1,287	\$ -	\$ -	\$ -	\$ 1,287	18,713
Replace Boardwalk With Concrete	<u>Pending</u>	0%	\$ 43,000	\$ -	\$ -	\$ -	\$ -	\$ -	43,000
Subtotal			\$ 284,537	\$ 6,037	\$ -	\$ -	\$ -	\$ 6,037	\$ 278,500
TOTAL			\$ 4,714,537	\$ 9,206	\$ -	\$ -	\$ -	\$ 9,206	\$ 4,705,331



 TOWN OF CAPE CHARLES	AGENDA TITLE: Short Term Rental Regulations		AGENDA DATE November 21, 2024
	SUBJECT/PROPOSAL/REQUEST: ZTA 2024-01: Short Term Rental Zoning Ordinance		ITEM NUMBER: 7A
	ATTACHMENTS: Proposed Short Term Rental Ordinance with Planning Commission Recommendation Shown; Ordinance 20241121		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning Director & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

The Cape Charles Town Council and Planning Commission held a joint public hearing on Monday, October 21, 2024 on Zoning Text Amendment (ZTA) 2024-01 – Short Term Rental Zoning Ordinance. The proposed zoning ordinance is seeking to amend the zoning ordinance as follows:

- Add in the Definitions section a definition of “Operator” and “Short-term Rental” and delete “Dwelling, Seasonal”
- Add to the following Zoning Districts a by-right Accessory Use of “Short-Term Rental in accordance with Section 4.15”:
 - Residential-1
 - Residential-2
 - Residential-3
 - Commercial-Residential
 - Commercial-1
 - Commercial-2
 - Commercial-3
 - Harbor District
- Amend Section 3.16 Bay Crossing Planned Unit Development (Bay Crossing PUD) by adding the text in black bold font & underlined to Item B. Permitted Uses: The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District **except short-term rentals,** and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.
- Amend Section 4.2 Exceptions to the Regulations, Section 4.2. J – Accessory Dwellings, Item #2- Occupancy Characteristics by deleting “**a. Transient Occupancy (also referred to as Short Term Rentals [STRs]) means any person(s) who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.**” and amending under Length of Stay as new first sentence “***Accessory Dwelling Units may not be rented as a short-term rental.***”
- Amend Section 4.5 Off-Street Parking and Loading Standards, Section 4.5 (B) (3) (a) (9) – the Table on Minimum Parking Space Requirements by deleting under Item 9 “**other temporary residences renting by the day or week**”
- Adding new section 4.12 SHORT-TERM RENTAL REGULATIONS
 - A. Purpose and Intent Section
 - B. Permitting Requirements
 - C. Additional Requirements
 - D. Inspections
 - E. Violations

A staff presentation on the proposed Zoning Text Amendment was provided. The staff report from this joint public hearing provided the background on the development of this proposed zoning text amendment.

STAFF ANALYSIS – REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

Housing Objectives & Strategies – Page 47

Item 5. Address the impacts of short-term rentals (STR) on the existing housing stock.

- a. Develop and maintain a Town inventory of short-term rental units in collaboration with local real estate/property management groups. Identify whether rentals are located within the Historic District or Bay Creek Planned Unit Development area.*
- b. Coordinate with stakeholders to identify how and when short-term rental units are used.*

Economy Objectives and Strategies – Page 54

Item 1. Seek a healthy balance between year-round residents, tourists, and second homeowners in Cape Charles.

- a. Develop short-term rental (STR) regulations to help protect the quality of life for year-round residents.*

PUBLIC HEARING

The following public comments were received at the joint public hearing:

- Donna Kohler of 711 Tazewell Avenue - believes that STRs should follow the same stringent Conditional Use Permit (CUP) processes as Bed and Breakfasts, rather than allowing them as a by-right use;
- Walt Bronson of 515 Tazewell Avenue - concurred with Mrs. Kohler in that STRs should go through the CUP process; he also addressed the ongoing parking issues within the Residential-1 district. He mentioned that under the current Zoning Ordinance tourist homes are required to have one off-street parking space available, which up to this point has not been enforced. Mr. Brunson believes that we should retain this aspect of the Zoning Ordinance as it would help limit the total number of cars per STR. Furthermore, he mentioned that instead of limiting STRs to 5 per owner, it should be a lower number. Lastly, he spoke on the transient occupancy tax vs monthly payments from companies like VRBO/Airbnb.
- Elise McMath of 304 Tazewell Avenue – she questioned why the public is just seeing the STR ordinance proposals now when they are almost finalized instead of earlier in the process. She also wanted to know why they are going to be allowed as a by-right use instead of a conditional one. Furthermore, she wondered who was truly going to benefit from STRs as not every homeowner within Cape Charles was looking for a way to increase their property values. She further questioned if approving STRs was truly going to be beneficial for Cape Charles, as allowing STRs as a by-right use would drive up housing costs and make it harder for young families to afford to live in town, knowing that the Town has been looking for ways to increase the number of young families that reside in Cape Charles.
- Ed Wells of 202 Strawberry Street - STRs in Cape Charles have been around for roughly 8 years, so why has it taken so long to see this information. He also felt that there should be business insurance requirements as part of this ordinance.
- Laura Weigand of 623 Madison Avenue - this was a good first step for the Town to take regarding STRs. She wanted to know what is considered a good response time from the police, town, or neighbor if a violation is noticed. Furthermore, she believes that there should be some sort of parking permit that every rental needs to receive. Finally, she agreed with Mr. Wells in that all STRs should have business insurance, and this insurance should readily be available both on the premises and online to provide assurance to the neighbors that the correct insurance was received.
- Mark Usry of 17 Strawberry Street - this ordinance was a good start. However, he had concerns about the lack of off-street parking that was not included or addressed in the staff presentation. He believes that every STR that is designated by the Town should have one designated parking space in front of their property, in order to limit a free for all when it comes to parking. Finally, he wanted some clarification on the 24/7 violation response vs longer type violations.
- George Proto of 607 Pine Street - this ordinance was a good start for the Town, and he concurred with those before him that STRs should go through the CUP process instead of being a by-right use.

Furthermore, he believes that if a noise violation is observed that the police chief or police in general should be the ones to enforce that. He also felt that if a violation is observed and reported there needs to be more of a graduating scale with violations instead of an all or nothing approach that the Town seemed to be taking.

- Nancy Proto of 607 Pine Street - she had some confusion on the parking requirements as it didn't seem to be addressed. She also wanted to know about the consequences of the violations – such as noise violations that are tenant driven and not owner driven.
- Marlene Cree of Blue Heron Realty - the suggestions of a graduating violation response would be a good one and should be conducted by the necessary personnel - Town staff or police. Along with this, a financial penalty should be imposed vs outright stripping the permit if it is not a severe violation. She also mentioned that by-right would be better than following the CUP process as the number of public hearings that would be heard would be unsustainable for Town staff and the Commissioners. Finally, she wanted to see the ages that don't count against occupancy be raised from 5 to 10-12 years of age.

Written comments were received and read into the records from Kerry Shackelford (527 Jefferson Avenue), Raffaele Allen (504 Plum Street), Joseph Williams (515 Mason Avenue), Bonnie Moore (206 Madison Avenue), Christopher Stahl (209 Tazewell Avenue), and Andrew Lessner (404 Jefferson Avenue).

The public hearing was closed at 7:02 p.m. and the Town Council departed the meeting and the Planning Commission commenced their deliberations on a recommendation on the proposed zoning ordinance. The Planning Commission adjourned this meeting at 8:00 p.m. and reconvened on Wednesday, October 31, 2024 to conclude its deliberations.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Ashworth made the motion to recommend Zoning Text Amendment 2024-01 as presented with discussion for potential amendments to each section and was seconded by Commissioner Holloway.

The following changes were offered and accepted following discussion by the Planning Commission as part of their recommendation.”

- *For each of the Zoning District Regulations, change the wording “1) Short Term Rental in accordance with Section 4.15 to 4.12*
- *In the new section 4.12 (B) Permitting Requirements, Item (f) remove the phrase “which will be publicly available” so that the section reads: “Contact information for a 24 hour/7 day a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner’s and operator’s agent.”*
- *In the new section 4.12 (C) Additional Requirements, Item (5), change as noted: “Occupancy: Excluding children ~~five~~ twelve (12) years of age or younger, there shall be no more than two lodgers per bedroom; with the maximum number of overnight lodgers per dwelling being no greater than ten.”*
- *In the new section 4.12 (E) Violations, Item (1) (f), add as shown: “Other non-STR applicable town zoning violations.”*

The motion, with amendments, was recommended by the Planning Commission.

ADDITIONAL STAFF REPORT

I am concerned that the third bullet above dealing with Occupancy is in conflict with the current zoning definition of “Bedroom”, which, as you may recall, is pulled directly from the Building Code and it reads as follows:

” BEDROOM is a room or space within a structure intended for sleeping. Requirements include:

- *A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft. per occupant.*
 - *Access to a bathroom without crossing another bedroom.*
 - *Every bedroom must have access to natural ventilation and have a permanent heat source.*

- *Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- *Ceiling height must be no less than 7 feet”.*

Under the implementation considerations of this proposed ordinance, Code Official Jeb Brady will be establishing a Building Occupancy # in compliance with the Building Code for each property proposing to operate a Short Term Rental and then a Short Term Rental Occupancy # will be established in compliance with the requirements of this zoning ordinance and it will not be appropriate to have an STR Occupancy # greater than the Building Occupancy #. There are two items that need to be addressed:

1. It is not clear in the current draft that there is a Building Occupancy rate first established by the Code Official in compliance with the Building Code and establishes the requirements for the use of the property as a residence. Any proposed STR Occupancy limits through this ordinance can be stricter than the established Building Occupancy rate but cannot exceed it on an individual property basis.
2. With the understanding of the issue in Item 1 above, then then bullet in the proposed ordinance dealing with Occupancy has the potential of creating conflict with the Building Occupancy # without some language indicating that it can not exceed the Building Occupancy #.

Staff is prepared to provide examples of the applications of the BEDROOM Definition to a Short Term Rental property and work through the application of the proposed STR Occupancy language to that same property and possible solutions, as needed.

TOWN COUNCIL DISCUSSION AND ACTION:

Town Council has the following actions available to them:

1. Accept Zoning Text Amendment 2024-01 Short Term Rental Zoning Ordinance as presented without accepting the recommended changes from the Planning Commission.
2. Accept Zoning Text Amendment 2024-01 Short Term Rental Zoning Ordinance with the recommended changes from the Planning Commission as follows:
 - a. *For each of the Zoning District Regulations, change the wording “1) Short Term Rental in accordance with Section ~~4.15~~ to **4.12***
 - b. *In the new section 4.12 (B) Permitting Requirements, Item (f) remove the phrase “**which will be publicly available**” so that the section reads: “Contact information for a 24 hour/7 day a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner’s and operator’s agent.”*
 - c. *In the new section 4.12 (C) Additional Requirements, Item (5), change as noted: “Occupancy: Excluding children ~~five~~ **twelve (12)** years of age or younger, there shall be no more than two lodgers per bedroom; with the maximum number of overnight lodgers per dwelling being no greater than ten.”*
 - d. *In the new section 4.12 (E) Violations, Item (1) (f), add as shown: “Other **non-STR** applicable town zoning violations.”*
3. Accept Zoning Text Amendment 2024-01 Short Term Rental Zoning Ordinance with all, some or none of the Planning Commission recommendations and any additional amendments that the Town Council have proposed.
4. Table Zoning Text Amendment 2024-01 Short Term Rental Zoning Ordinance to receive additional information or suggested language considerations from staff as requested by Town Council; or
5. Deny the Zoning Text Amendment 2024-01 Short Term Rental Zoning Ordinance in its entirety.

Staff is prepared to assist in the development of any motion for Town Council’s consideration, as needed.



**Proposed Short Term Rental Ordinance Amendment
For Joint Public Hearing with Town Council and Planning Commission
October 21, 2024 & with Planning Commission Recommendation of 10/30/2024**

DOCUMENT LEGEND

Deletions of current zoning ordinance text are shown as "~~Black Strike-thru~~"

Addition of whole sections or paragraph of zoning text are shown as "*Black Italic*"

Additions of a word or words to a sentence are shown as "*Black Italic Underline*"

Planning Commission Recommendation: RED UNDERLINE or STRIKETHROUGH for additions and deletions

TOWN OF CAPE CHARLES ZONING ORDINANCE

ARTICLE II - GENERAL PROVISIONS

Section 2.9 Definitions

~~Delete "Dwelling Seasonal is a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year."~~

Add "Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity."

Add "Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. This does not include a hotel, motel or bed and breakfast.

Zoning: Article III District Regulations

Section 3.2 Residential District R-1

Add new Section 3.2. D Accessory Uses.

- 1. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.3 Residential Mixed District R-2

In Section 3.3.D Accessory Uses.

- 1. Add 6. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.4 Residential Multi-Family District R-3

In Section 3.4.D Accessory Uses.

- 1. Add 9. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.5 Commercial Residential CR

Add new Section 3.5.D Accessory Uses.

- 1. Short-term Rental in accordance with Section 4.~~15-12~~**



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Section 3.6 Commercial District C-1

In Section 3.6.H Accessory Uses

- 1. Add 4. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.7 Commercial District C-2

Add new Section 3.7.D Accessory Uses

- 1. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.8 Commercial District C-3

Add new Section 3.8.C Accessory Uses

- 2. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.9 Harbor District

Add new Section 3.9.F Accessory Uses

- 1. Short-term Rental in accordance with Section 4.~~15-12~~**

Section 3.16 Bay Crossing Planned Unit Development (Bay Crossing PUD)

Add to:

B. Permitted Uses. The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District ***except short-term rentals***, and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.

Zoning: Article IV General Regulations Applicable to All Districts

Section 4.2 Exceptions to the Regulations:

Section 4.2.J Accessory Dwellings

#2. Occupancy characteristics

DELETE: ~~a. Transient Occupancy (also referred to as Short Term Rentals [STRs]) means any person(s) who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.~~



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Planning Commission Recommendation: **RED UNDERLINE or STRIKETHROUGH for additions and deletions**

Amend by adding: *a. ~~b.~~ Length of stay – Accessory Dwelling Units may not be rented as a short-term rental.* An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater). Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested in writing.

Section 4.5 Off-Street Parking and Loading Standards

Section 4.5 (B) (3) (a) (9) – the Table on Minimum Parking Space Requirements

Amend by deleting: 9. Bed and breakfasts, ~~other temporary residences renting by the day or week~~

ADD New Section: 4.12 Short-Term Rental (STR) Regulations

A. Purpose and intent

1. The purpose and intent of this section is to regulate Short-term rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per Article III.

2. The regulations for short-term rentals are designed to accommodate an STR owner's and operator's limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.

3. This Section is intended to work in tandem with the town's business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.

4. Owners and operators are allowed a one-year grace period, from the date Zoning Ordinance No. 20241121A is adopted, to come into compliance. However, this grace period is not



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Planning Commission Recommendation: **RED UNDERLINE or STRIKETHROUGH for additions and deletions**

intended to limit or change existing rules and regulations, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

B. Permitting Requirements

- 1. A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code Chapter 18, Article II by the Finance Department.**
- 2. A short-term rental unit shall not be operated until a Short-Term Rental (STR) zoning permit is issued by the Planning Department. The application for a zoning permit will require, as a minimum, the following:**
 - a. Name of owner and operator of the short-term rental property**
 - b. Address of the short-term rental property**
 - c. Town business license number**
 - d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a short-term rental**
 - e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information**
 - f. Contact information, ~~which will be publicly available~~, for a 24 hour/7 day a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent**
 - g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association**
- 3. Short-term rental zoning permits will be valid for one year and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.**
- 4. Any change to information on the short-term rental zoning permit application will require notification to the Planning Department within 10 business days.**



**Proposed Short Term Rental Ordinance Amendment
For Joint Public Hearing with Town Council and Planning Commission
October 21, 2024 & with Planning Commission Recommendation of 10/30/2024**

DOCUMENT LEGEND

Deletions of current zoning ordinance text are shown as "~~Black Strike-thru~~"

Addition of whole sections or paragraph of zoning text are shown as "***Black Italic***"

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Planning Commission Recommendation: **RED UNDERLINE or STRIKETHROUGH for additions and deletions**

5. Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within 20 business days.

6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five short-term rental units within the entire town.

7. An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

C. Additional Requirements

1. Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with Town Code Chapter 18, Article V.

1. Short-term rentals are only permitted in those districts as specified in Article III.

3. Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.

4. Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.

5. Occupancy: Excluding children ~~five~~ **twelve (12)** years of age or younger, there shall be no more than two lodgers per bedroom; with the maximum number of overnight lodgers per dwelling being no greater than ten.

Occupancy of greater than 10 lodgers per STR may be approved through a Conditional Use Permit, provided the structure possesses more than five qualifying bedrooms, the property can accommodate sufficient off-street parking, and the property meets any other life safety requirements as may reasonably be required for such higher occupancy.



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The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.

6. The business license and emergency information must be conspicuously posted inside each rental, including the 24/7 contact information for the STR responsible party.

7. Signage is to comply with Article IV, Section 4.1.

8. Refuse requirements: one- and two-bedroom dwelling units used as short-term rental units will require one trash receptacle; three or more-bedroom units will require two receptacles, or more as may be required by a Conditional Use Permit. Owners and operators are required to maintain the receptacles so that they do not overflow.

9. Lodgers and their guests will be required to observe noise requirements contained in Town Code Chapter 20, Article I, Section 20-3.

10. Safety Equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.

11. Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the Administrator (town) be construed as abrogating, nullifying or invalidating any other provision of Federal, State or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.

D. Inspections

1. An initial inspection will be required for all short-term rentals in accordance with Town Code Chapter 8, Section 8-4.

2. An annual re-inspection by the Code Official or designee is required when filing for a short-term rental business license renewal.

3. The Building Code Official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in



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accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.

E. Violations

1. A Short-Term Rental (STR) zoning permit may be denied for any of the following violations:

- a. Failure to obtain/maintain a town business license**
- b. Failure to pay all town real property taxes**
- c. Failure to pay all business taxes from the prior year**
- d. Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three months or more**
- e. Falsifying town forms or applications**
- f. Other applicable ~~non-STR~~ town zoning violations**
- g. Failure to provide responsive actions to issues raised to the 24/7 contacts, as determined through town investigations**
- h. Two or more violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice**
- i. Two or more violations of occupancy limits within the same calendar year, that are not cured following reasonable notice**

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and 24 hours pass without resolution of the violation.

Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

Violations may be investigated by the Town Manager, Treasurer, Zoning Administrator, Building Code Official, Police Chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the Zoning Administrator.

2. An owner or operator, whose Short-Term Rental (STR) zoning permit has been denied pursuant to this Section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.



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3. Before the denial of Short-Term Rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit.

The notice of permit denial under the provisions of the section shall contain:

- a. A description of the violations constituting the basis of the denial, suspension or revocation;***
- b. If applicable, a statement of acts necessary to correct the violation(s): and***
- c. A statement that the owner may have a right to appeal the notice of a permit denial within 30 days in accordance with Code of Virginia Section 15.2-2311 (A) and that the decision of permit denial shall be final and unappealable if not appealed within 30 days.***

ORDINANCE 20241121

AMENDING CAPE CHARLES ZONING ORDINANCE TO ADD IN A NEW SECTION IN ARTICLE IV CREATING SHORT TERM RENTAL ZONING ORDINANCE AND AMEND CERTAIN SECTIONS OF THE ZONING ORDINANCE TO ADDRESS SHORT TERM RENTALS

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc; and

WHEREAS the proposed text amendments establish a new section in Article IV creating a Short Term Rental Zoning Ordinance and amending certain sections of the zoning ordinance to include definitions associated with Short Term Rentals, designate which zoning districts that Short Term Rentals are allowed to be a by-right use; and correct internal references relative to Short Term Rentals; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, joint public hearings were held by the Planning Commission and Town Council on October 21, 2024, and the Planning Commission reviewed and deliberated the proposed zoning ordinance amendment, and approved by majority vote, making recommendation for Town Council approval with revisions to the zoning ordinance amendment (as attached);

NOW, THEREFORE, BE IT RESOLVED that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Ordinance be revised as shown in the attached, as may be amended by Council, to become effective immediately.

Adopted by the Town Council of the Town of Cape Charles on November 21, 2024.

By: _____
Mayor Charney

Attest:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Waste Collection and Disposal Services Contract Award		AGENDA DATE: November 21, 2024
	SUBJECT/PROPOSAL/REQUEST: Award contract for Waste Collection and Disposal Services		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume for Ralph Bowen, Public Works Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

An Invitation for Bids for Waste Collection and Disposal Services was advertised on October 17, 2024, with a bid submittal deadline of November 7, 2024. One bid was received.

DISCUSSION:

The one responsive bidder was Davis Disposal Co., Inc., Mr. Michael W. Davis of Craddockville, VA. Davis Disposal Co., Inc. is our current service provider.

The request for proposal required the contractor to provide/supply the following:

Base Bid: Once a week collection and disposal of solid waste from approximately 1,200, 96-gallon containers supplied by the town and a maximum of two additional bags of solid waste per container for a total of about 120 gallons per container.

Additionally, the contractor will provide and service at the public works yard:

- a. One eight-yard container (increased from one six-yard dumpster in last contract)
- b. Three eight-yard cardboard recycling containers
- c. A sufficient number of eight-yard containers to accommodate collection of about five tons of solid waste per week from municipal trash cans. This waste will be collected by Town employees. Alternatively, the contractor may position a trash truck at the Public Works Yard for this purpose.

These additional services will not be separately priced. They will be included in the per unit bid price for collection and disposal.

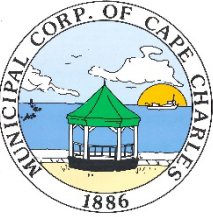
The Base bid price came in at \$19.52 per container which is the same as our current contract. The price for the two dumpsters behind the library are \$300.00 for the four-yard recycling dumpster, and \$326.00 for the eight-yard dumpster.

The numbers have been reviewed by the Treasurer and Assistant Treasurer and it appears that we have sufficient funds budgeted in both the Sanitation and Harbor Funds to cover the increase for the remainder of this fiscal year.

The total contract is for one year with three one-year renewal options.

RECOMMENDATION:

Staff recommends award of this contract, and requests authorization for the Town Manager to execute the contract with Davis Disposal Co., Inc. for waste collection and disposal services as outlined.

 TOWN OF CAPE CHARLES	AGENDA TITLE: December Town Council Meeting Time Change		AGENDA DATE: November 21, 2024
	SUBJECT/PROPOSAL/REQUEST: Time Change for December 19, 2024 Town Council meeting		ITEM NUMBER: 7C
	ATTACHMENTS: Resolution 20241121		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Pursuant to § 15.2-1416 of the Code of Virginia, if the governing body wishes to change the location, day and/or time of their regular meetings, the governing body must pass a resolution as to such future meeting day, place or time. The resolution must be posted and published in the newspaper at least seven days prior to the first such meeting.

DISCUSSION:

Town elections were held on November 5, 2024 for three Council seats. The terms for the three Council seats will begin January 1, 2025.

For previous elections, the Town has requested the Northampton County Circuit Court Clerk to attend the December Town Council meeting to officially swear in the new Council members. Ms. Traci Johnson, the Northampton County Circuit Court Clerk, has a conflict with the Council meeting 6:00 p.m. start schedule, but provided an alternate time of 5:00 p.m. for the swearing in ceremony. Council was polled at their November 7 special meeting and agreed on a time change for the December 19 regular meeting.

RECOMMENDATION:

Staff recommends adoption of Resolution 20241121 to change the start time of the December 19, 2024 Town Council Regular Meeting to 5:00 p.m. by roll call vote.

RESOLUTION 20241121

**CHANGING THE TIME OF DECEMBER 19, 2024 CAPE CHARLES
TOWN COUNCIL REGULAR MEETING**

WHEREAS, the Cape Charles Town Council Resolution 20231116B, adopted on the 16th day of November 2023, set the time of the regular meetings of the Cape Charles Town Council at 6:00 p.m.; and

WHEREAS, Town elections were held on November 5, 2024 for three Council seats for terms beginning January 1, 2025; and

WHEREAS, for previous elections, the Town has requested that the Northampton County Clerk of the Circuit Court attend the December Town Council Meeting to officially swear in the new Council members, unfortunately, the Circuit Court Clerk has a conflict with the 6:00 p.m. start time, and proposed an alternate time of 5:00 p.m.; and

WHEREAS, the Council was polled about changing the time of the December 19, 2024 regular meeting and agreed on the time change of the meeting to 5:00 p.m.; and

WHEREAS, pursuant to § 15.2-1416 of the Code of Virginia, the governing body must pass a resolution to change the location, day and/or time of their regular meeting, which must be posted and published in the newspaper at least seven days prior to the meeting; now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, as required by § 15.2-1416 of the Code of Virginia, that the December 19, 2024 Cape Charles Town Council Regular Meeting will begin at 5:00 p.m. at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, VA 23310.

Adopted by the Town Council of Cape Charles on November 21, 2024.

By: _____
Mayor

ATTEST:

Town Clerk



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Town Council Representative to Library Board

AGENDA DATE
November 21, 2024

SUBJECT/PROPOSAL/REQUEST: Appointment of Town Council Representative to the Library Board

ITEM NUMBER:
7D

ATTACHMENTS: None

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Libby Hume

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

A number of the Town's Boards and the Planning Commission include a representative from the Town Council.

The Library Board oversees the Cape Charles Memorial Library and consists of seven members, including the Town Council representative, and meets on a monthly basis. The members serve four-year terms.

ITEM SPECIFICS:

Former Councilman Andrew Follmer was the Town Council representative to the Library Board until his resignation effective August 31, 2024. Another representative from Council should be named to serve on the Library Board.

The Town held elections on November 5, 2024 for three Council seats. At their November 7th Special Meeting, the Town Council voted to file a Petition with the Northampton County Circuit Court requesting the interim appointment of Tara Ashworth, the non-incumbent candidate receiving the highest number of votes, to fill the vacancy on the Town Council until the end of the current term expiring on December 31, 2024. Ms. Ashworth is also a current member of the Library Board and could perform a dual role until the appointment of a new member to this Board.

RECOMMENDATION:

Staff recommends Council discussion, and, if deemed appropriate, the appointment of Tara Ashworth as the Council representative to the Library Board to become effective after the Northampton County Circuit Court's appointment of Ms. Ashworth as the interim Town Council member.