



TOWN COUNCIL
Public Hearings & Regular Meeting
Cape Charles Civic Center
November 19, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearings and Regular Meeting of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Treasurer Deborah Pocock, Community Relations Manager Jen Lewis, Chief Jim Pruitt and Town Clerk Libby Hume. There were six members of the public physically in attendance, and nine viewers on Facebook Live.

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

PUBLIC HEARINGS:

A. *USDA Rural Development Grant/Loan Application:*

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

B. *Fiscal Year 2021 Budget Amendment:*

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

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors to be recognized nor any presentations.

PUBLIC COMMENTS:

Dianne Davis, 601 Jefferson Avenue

Ms. Davis addressed Council regarding the following: i) She asked why she had to call the Town Hall in order to have her garbage picked up. Her garbage had not been picked up the last two weeks. As of today, her garbage will still be there. She called the Town Hall again this week and was informed that she needed to contact Davis Disposal to report the problem. Ms. Davis stated that she paid her garbage and utility bills on time every month and didn't think she should be the one to call Davis Disposal. If her garbage wouldn't be picked up, she was due a refund and the charge needed to be removed from her bill; ii) There was no place for children to play in the Town of Cape Charles, unless they were very young. At the Sea Breeze apartments, the boys were playing pole ball with the handicap signs. They hit the ball to a certain spot on the sign since there was no basketball court. The youth needed a place to play; iii) There was still a problem with people not picking up after their dogs. The 400-500 blocks of Fig Street were very popular. She saw some people walking two to three dogs and they had a special place to stop. She asked whether it would be possible to install a doggie poop station by the sewage pump station on Fig Street; iv) She requested signage to warn drivers of citizens and children with scooters, walking canes, etc., especially in the area from Myrtle Landing to Rayfields and Tim's convenience store, along with other areas. There were certain times, especially during the summer, when it was dangerous for the elderly and handicapped residents. Something needed to be done. She contacted VDOT and was told that the Town needed to make a request; and v) She thanked Council for forming the sidewalk committee and asked that the project be moved from the bottom of the list to a priority. She had been asking for sidewalks in certain areas of the Town since 1978 and she was still waiting. There was a lot happening in the Town, but certain areas were still neglected.

Kevin Shaffer, 631 Tazewell Avenue, Bayside Bike & Beach, LLC.

Mr. Shaffer stated that he established Bayside Bike and Beach LLC several months ago with the intention to start a home-based equipment rental business with delivery of the equipment to rental

properties. He had an exclusive agreement with Kim Starr of Chesapeake Properties. He also closed on two commercial lots on Stone Road with the intent to eventually grow his business. He and his wife planned to retire in Cape Charles. He applied for a Cape Charles business license and had been communicating with several members of the Town's staff and Council. He was told that his business didn't meet the requirements for a home-based business since it would increase commercial traffic on my street. He planned to start with about a dozen bikes and 20 beach chairs which would be delivered to the renters and would be using the alley behind his house for the deliveries. He asked for Council's consideration to approve his request. He was told by the zoning administrator that he would have to apply for a conditional use permit, but he respectfully disagreed that he didn't meet the requirements for a home-based business. He was trying to offer something to the community that would be beneficial to the Town.

L.D. Davis, 112 Peach Street

Ms. Davis addressed Council regarding Christmas lights and decorations. (Please see attached.)

There were no other comments to be heard nor any comments received in writing prior to the meeting or during the public comment period.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. October 8, 2020 Work Session
 - ii. October 15, 2020 Regular Meeting
 - iii. October 29, 2020 Work Session
 - iv. November 5, 2020 Work Session
- C. Approval of September 30, 2020 Financial Report

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

UNFINISHED BUSINESS:

- A. *FY 2021 Budget Amendment and Capital Asset Management Program:*

- i. *FY 2021 Budget Amendment – Resolution 20201119A*

Town Manager John Hozey stated the amended Fiscal Year (FY) 2021 budget resulted in a deficit of about \$224K, which was \$83K better than the budget adopted in May. During work sessions, Council had discussed methods to deal with this issue going forward. There were no surprises in the proposed budget amendment. All the figures had been previously reviewed by Council and it had been posted online.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20201119A Approving a Budget Amendment and Association Appropriations for FY 2021. Mayor Dize moved for adoption of Resolution 20200119A as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

- ii. *Capital Asset Management Program – Resolution 20201119B*

Town Manager John Hozey stated that this item was included in the public hearing because it was a new program. Resolution 20201119B only covered FY 2021. He noted a small change to the scope of work for the Central Park Gazebo project earmarked for FY 2022 adding the painting of the ceiling of the gazebo. There would be no change to the numbers.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20201119B to Amend and Adopt the Capital Asset Management Program and to increase the scope of work to add painting of the Central Park Gazebo to the project list for FY 2022. Mayor Dize moved for adoption of Resolution 20200119B as noticed and forewent

reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

Mayor Dize thanked John Hozey and Treasurer Deborah Pocock for their work on the budget amendment.

B. Fiscal Policies:

i. General Operating Reserve – Resolution 20201119C

Town Manager John Hozey stated that this was the first of several policies discussed by Council during the past several work sessions. This policy would establish a general operating reserve to meet cash flow requirements of the Town. It would not be used as a rainy-day fund or for anything else. John Hozey recommended approval of 20% of the Town's operating budget for the general operating reserve.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20201119C Establishing a General Operating Reserve as a Committee Portion of the Town's General Fund Balance. Mayor Dize moved for adoption of Resolution 20200119C as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

ii. Contingency Reserve – Resolution 20201119D

Town Manager John Hozey stated the contingency reserve was a step down from the cash reserves and he recommended establishing a goal of 10% of the Town's general operating budget as a desired minimum. If funds were transferred from this reserve, it needed to be accompanied with a plan to replenish the funds. John Hozey added that the intent for the next budget year was to fund it with \$250K. The Town would not be able to reach 10% the first year.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20201119D Establishing a Contingency Reserve as an Assigned Portion of the Town's General Fund Balance. Mayor Dize moved for adoption of Resolution 20200119D as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

iii. Establishment of Debt Service and Capital Improvement Funds – Resolution 20201119E

Town Manager John Hozey stated this item appeared on the surface as a general accounting resolution, but a policy document was embedded in the resolution as follows: i) The Debt Service Fund included the establishment of a debt service limit of 8% of revenues, and required the transfer of up to 8% every year to cover the Town's debt service; 2) The Capital Improvement Fund included the establishment of a commitment from Town Council to funding capital expenditures for the Town and required the transfer of a minimum of 6% of revenues each year.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20201119E Establishing a Debt Service Fund and Capital Improvement Fund as part of the Town's General Government Accounting System. Mayor Dize moved for adoption of Resolution 20200119E as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

iv. Strategic Revenue Program

Town Manager John Hozey stated the Strategic Revenue Program was to establish a commitment for i) to fully integrate revenue planning into all broader community strategic planning; ii) to ensure sufficient revenues were available to maintain balanced budgets in

perpetuity; iii) to formally commit to planned revenue increases over a six-year planning horizon; and iv) to facilitate public understanding of program rationale and to provide a long-term expectation of the public's future tax/fee burdens. The process to approve the Strategic Revenue Program would be handled similarly as the Capital Asset Management Program. The first step was to adopt the Strategic Revenue Program and commitments. The second step would be to officially adopt the program by resolution at a later date. The program would be reviewed during the strategic planning session in January.

There were no questions from Council.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the Strategic Revenue Program as presented. The motion was approved by unanimous vote.

NEW BUSINESS:

A. Planning Commissioner Reappointments:

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to re-appoint Mr. Dennis McCoy and Ms. Diane D'Amico to the Planning Commission for another four-year term. The motion was approved by unanimous vote.

B. Wetlands & Coastal Dune Board Member Reappointment:

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to re-appoint Mr. Russ Dunton to the Wetlands & Coastal Dune Board for another five-year term. The motion was approved by unanimous vote.

C. Appointment of Board of Zoning Appeals Member:

John Hozey stated that this was a unique situation where the Town received only one application for one vacancy on the Board of Zoning Appeals (BZA). With the Mayor's approval, the clerk circulated the candidate's application and resume to Council for their review and feedback. Input was received from the majority of Council agreeing to add this item to this evening's agenda to officially appoint Ms. Dolores Blackburn to the BZA.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to appoint Ms. Dolores Blackburn to the Board of Zoning Appeals to complete Mr. Wiegner's term which would expire on October 31, 2021. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) The Town was required to provide financial accounting to Northampton County for CARES Act funding specific to COVID-19. One of the things that were authorized was to provide grants to first responders such as the fire department. The County used a portion of their CARES Act funding to provide grants to all the fire companies in the County. Initially, the County did not include the Cape Charles Volunteer Fire Company (CCVFC), but recently approved a \$5K grant to CCVFC. He would like to match the County by making an additional \$5K to the CCVFC. He wanted to inform the Council of this planned expenditure to ensure there were no objections. The letter received from the CCVFC asked for a higher amount.

Councilman Buchholz asked whether anything was done for the police department for their extra burden. John Hozey responded that something was provided to each officer.

- 2) He received additional interest from Virginia American Water regarding the posted notice on the unsolicited proposal. He met with them and was notified earlier this week that they intended to submit a proposal by the November 30, 2020 deadline.

- 3) The Kevcor legal matter was moved to mediation which was scheduled for January 14, 2021.
- 4) He received a call today from Virginia Wildlife Resources (VWR) regarding the boat ramp agreement that expired. Council had agreed not to renew the agreement, however, VWR was concerned about maintaining ramps where the public could launch for free. VWR asked whether the Town would consider renewing the agreement. John Hozey told them that there were no guarantees to renew but asked VWR to put something on the table for Council consideration.
- 5) Northampton County was installing free bike repair stations around the County. He was contacted by the County Administrator offering to install one in Cape Charles. The station provided tools where bicyclists could make repairs to their bikes if necessary. It was felt that it would be a good addition, but a location needed to be determined.

There was some discussion and recommendations as follows: i) Councilman Buchholz stated that Cheriton had one in front of the DMV office and recommended the station be installed in the general vicinity of the proposed bike trail; ii) Councilman Grossman stated his expectation that a station would have been planned along the bike trail and suggested one at the parking lot by Rayfields. John Hozey noted that the Town did not own any property in that area; and iii) Councilman Buchholz recommended installing the station along the boardwalk at the beach. Council agreed that it would be a good location.

MAYOR AND COUNCIL COMMENTS

Councilman Follmer commented as follows: i) He had noticed that in recent months, a number of residents and businesses along Mason Avenue were placing food and water out for the feral cats. There were one to two places per block. He also noticed a significant increase in the feral cat population in the Mason Avenue area over the last couple of years. He was not sure of the regulations, but the Town needed to actively discourage this practice; and ii) Over the season, he heard the usual complaints regarding underage drivers of golf carts. The ability to use golf carts was a very popular selling point for Cape Charles. If this issue was not regulated, the privilege might have to be discontinued. There were rules in place but to most tourists a \$20 fine was nothing. He would like to see the Town explore the assessment of a harsher financial penalty to the owner or renter of a golf cart for allowing an underage individual to drive the golf cart. If a \$500 fine were assessed, word would spread, and we would have fewer kids driving golf carts.

Councilman Grossman commented as follows: i) He expressed his agreement with Ms. Dianne Davis regarding garbage pickup. His property was missed so he called Davis Disposal. Fortunately, the truck was still in the area and his garbage was picked up later that afternoon. If more people were having similar issues, there could be a reason for it, possibly new drivers. Councilman Follmer added that there were repeated incidents at his businesses; and ii) For those individuals in attendance or watching tonight's meeting, he wanted to clarify that Council did spend a lot of time in work sessions going through the various items approved. He wanted to make that statement, so the public didn't think Council was just rubber stamping the items.

Councilman Bannon stated that the annual VDOT street sweeping was being done in Town and asked if there was a way to get all cars off the streets to allow the sweeper to pass. The sweeper went around cars today. Could the residents be notified of the schedule somehow?

John Hozey stated that he had received several complaints about this issue. This year, VDOT's street sweeper wasn't working well and staff was worried that it wouldn't make it to Mason Avenue. There was an increasing amount of manual labor involved in this operation and it was difficult to predict when the sweeper would get to certain areas. The Public Works crew was trying to notify residents, but it was difficult to get to everyone. Staff would try to do better. The parts for the vacuum/franken-sweeper had been ordered and staff hoped to construct the machine next month. The Town would then be in control of street sweeping. The Town could distribute door hangers in the future once we were in control of the project.

Vice Mayor Bennett had no additional comments.

Councilwoman Holloway commented as follows: i) She thanked Councilman Grossman for bringing up the many work sessions that were held to review the documents approved earlier this evening; ii) She agreed with Councilman Follmer about the issue of golf carts and would like to schedule a meeting with the golf cart rental companies to try to get a policy on the table. She had a good view of Central Park from her house and had seen people flying through the park while children were learning to ride their bikes. Her guests had to move their luggage due to golf carts driving on the sidewalk. She asked John Hozey to get this item on a future agenda; and iii) To follow-up from last night, Council had to make some very difficult decisions and they didn't take the issue lightly. To clarify a couple of calls received by Cape Charles Main Street (CCMS), Festive Fridays was completely funded through sponsorships. Each business would be contacted to find out whether they wanted a refund, special marketing or to make their sponsorship a charitable donation. There were hard costs in the planning of Festive Fridays. The costs were kept to a minimum but there would be a loss. CCMS would try to obtain some funding from the County's tourism grant.

Councilman Buchholz commented as follows: i) He agreed about the golf cart issues but added that the rental companies placed stickers on the steering wheels of the golf carts and had policies in place. He also agreed that a \$20 fine was irrelevant; and ii) He started his business in his house until it got too big. He didn't see what the hold up was for Bayside Bikes. They were delivering the bikes and equipment so there would be no commercial traffic. He would like to see this request taken care of soon. The Town would see more home-based businesses with COVID. People were moving here. He would like to see this issue rectified. He agreed with Mr. Schaffer, that a conditional use permit should not be necessary. John Hozey added that this was the interpretation of the zoning administrator and a text amendment might be necessary.

Mayor Dize commented as follows: i) He expressed his agreement with Councilman Buchholz adding that if a text amendment was needed, it should be moved forward. No one would be going to Mr. Schaffer's house, so the businesses needed to be approved. The Town would probably see more requests for home-based businesses; ii) He thanked Vice Mayor Bennett for covering for him at last night's meeting; iii) He agreed that the issue of golf carts needed to be on a future work session agenda. It had been brought up several times in the past and he agreed that the issue of underage driving was more of a problem than just a \$20 fine; and iv) He expressed his appreciation to Councilman Grossman regarding his comments explaining the amount of time that went into reviewing the documents approved tonight. He took office two years ago and Council strived for policies like the ones approved tonight. He appreciated staff for getting us to this point. Policies were now in place to ensure a solid future for the Town.

Mayor Dize read the announcements. It was noted that the December 3, 2020 Town Council Work session had been canceled.

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

The meeting adjourned at 7:23 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
November 19, 2020 Town Council Regular Meeting**

L. D. Davis, 112 Peach Street

Good evening, Mr. Mayor and Council members,

Thank you for this opportunity to speak.

First....

Many residents and visitors walk through and spend a great deal of time in Central Park during the holiday season, enjoying the beautiful light display. With COVID limitations we will be seeing even more families strolling through the park.

Unfortunately, winds play havoc with the light displays. North winds blow across from Marina Village and down North Peach Street, across the park and tunnel down South Peach into the harbor. Mr. Mayor and Councilwoman Holloway, I know that you are aware of the ferocity of the winds and the damage they can do.

While the holiday lights in the Park are beautiful, they must be maintained on a very regular basis. Frequent re-staking and light bulb replacement is necessary. As a town we cannot just install light displays and hope that they last for the entire season – Mother Nature has different ideas. It is my hope that the Town can provide regular maintenance and that perhaps the Citizens for Central Park and surrounding residents can assist in alerting to outages and repairs that need to be made.

Times are tough and budgets are tight but a pass through the park by town staff after dark could provide a punch-out list for the following days' work.

Christmas displays that are not maintained reflect poorly on the town, its staff and residents.

Secondly.....

Should there be a contest this year for residential holiday decorations, would the Town please work on the marketing aspect of the contest. What date will the judging take place, how will winners be announced and please provide an explanation to all passersby what the large numbers in people's yards stand for. I lived for three before I found out that there was a contest and what large numbers in people's yard stood for during the Holidays. Let's make it simpler and have information readily available to all.
