

**TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
November 18, 2021
6:30 PM**

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Vice Mayor Bennett was not in attendance. Also, in attendance were Town Manager John Hozey, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 8 members of the public physically in attendance, and 13 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize opened the public hearing for comments relating to the conveyance of a portion of tax parcel 83A3-A-14 to the Cape Charles Rosenwald School Restoration Initiative.

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

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

The public hearing portion of the meeting closed at 6:32 p.m.

Mayor Dize asked that item 4A – Board of Zoning Appeals Semi-Annual Report be removed from the agenda. Town Manager John Hozey stated that this item would be rescheduled for the December meeting.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to remove item 4A from the agenda. The motion was approved by unanimous vote.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors, presentations or recognitions.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Dianne Davis

Ms. Davis addressed Council regarding the safety of the residents at Myrtle Landing when travelling around Town with their scooters, wheelchairs, canes, etc., the need for a basketball court, and sidewalks. (Please see attached.)

Herb Thom

Mr. Thom addressed Council as follows: i) He thanked John Hozey for the sidewalks being repaired. John Hozey interjected that VDOT started working on the sidewalks on November 9th and would be working through Thanksgiving; ii) He commended John Hozey for doing a good job. Things needed to be on a time schedule for the Council; iii) There was nothing in the zoning ordinance providing guidance regarding walkways from the sidewalks to the steps of houses and whether permits were needed; iv) The Town subscribed to the preventive maintenance Code of Virginia, but the house at 400 Randolph Avenue was exposed to weather without windows, rotting floors, etc. The Town should require a substantial roof and the windows and doors being boarded up; v) Coastal Precast

Systems beginning work at 5:00 a.m. He thought there was a rule that work couldn't begin until 6:00 a.m.; and vi) He would be back next month to get a timeline to resolve these issues.

There were no additional comments received in writing prior to the meeting.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. October 21, 2021 Town Council Regular Meeting & Executive Session
- C. Approval of September 30, 2021 Financial Report
- D. Scheduling of Public Hearings for December 16, 2021:
 - i. 602 Tazewell Avenue – Conditional Use Permit – Accessory Dwelling Unit
 - ii. 206A Jefferson Avenue – Conditional Use Permit – Accessory Dwelling Unit
 - iii. 325 Madison Avenue – Conditional Use Permit – Accessory Dwelling Unit
 - iv. 654 Monroe Avenue – Conditional Use Permit – Accessory Dwelling Unit
 - v. 410 Harbor Ave/100 Madison Ave – Conditional Use Permit – Accessory Dwelling Unit
 - vi. 4 Lots on Randolph Avenue – Conditional Use Permit – Mini Golf
 - vii. 219 Mason Avenue – Conditional Use Permit – 5 Residential Units above First Floor Commercial

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to remove Item 6D from the Consent Agenda for separate discussion, and approving the balance of the Consent Agenda as presented. The motion was approved by unanimous vote.

Councilman Grossman stated that he wanted to make sure that the staff reports for each item under 6D captured what the actual Planning Commission recommendations were since a number of them included conditions. Town Manager John Hozey stated that the reports would include all conditions recommended by the Commission.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the scheduling of a public hearing on December 16, 2021 for the items under 6D. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Atlantic Union Bank Line of Credit Renewal:*

John Hozey stated that since 2011, the Town of Cape Charles had maintained a \$500K line of credit for working capital. The Town had not needed to use the credit line, but it would be prudent to extend the account for another year to have an emergency safety net in place. All disbursements must be approved by the Town Council.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20211118 Authorizing the Renewal of the Line of Credit with Atlantic Union Bank in the amount of \$500K. Mayor Dize moved for adoption of Resolution 20211118 as noticed and forewent reading of the Resolution. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

B. *Wetlands & Coastal Dune Board Member Reappointment:*

John Hozey stated that Ms. Ann Hayward Walker currently served on the Wetlands & Coastal Dune Board, and her term expired on November 12, 2021. Ms. Walker expressed her interest in continuing her service on the Board for another term.

Motion made by Councilman Follmer, seconded by Councilman Buchholz, to reappoint Ms. Ann Hayward Walker to the Wetlands & Coastal Dune Board for another term. The motion was approved by unanimous vote.

C. *Property Conveyance to Cape Charles Rosenwald School Restoration Initiative:*

John Hozey stated that on March 4, 2021, Council was briefed on the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) request to convey a portion of tax parcel 83A3-A-14 so that they were better able to redevelop their existing property for fund raising and other community events. Parcel 14 was currently leased to South Port Investors, LLC until 2036 but South Port was supportive of CCRSRI and had committed to terminating the lease if the portion of the parcel was conveyed. The Town would gain immediate access to usable portions of the parcel. The delay in bringing this item back to Council was the need for a survey, which was included in the agenda packet. A public hearing, as required by Code of Virginia § 15.2-1800, was held earlier this evening with no comments received. Such conveyance must be made by an ordinance with a three-fourths affirmative vote of all members elected to Council which meant that a unanimous vote was needed.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20211118 approving the conveyance of a portion of tax parcel 83A3-A-14 to the Cape Charles Rosenwald School Restoration Initiative. Mayor Dize moved for adoption of Ordinance 20211118 as noticed and forewent reading of the Ordinance. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

D. *Cape Charles Yacht Center Reorganization – Consent to Assignment of Contract:*

John Hozey stated that the Cape Charles Yacht Center harbor management agreement ran through December 31, 2023, unless extended in writing by mutual consent. On the advice of their accountant, Cape Charles Yacht Center, LLC decided to establish one umbrella operating company as an S-Corp called Cape Charles Marine Services, Inc. under which they would operate all of their business dealings in Cape Charles. The new S-Corp was established in September. Since this change represented a legally different entity from the company originally contracted by the Town, Council was required to approve the assignment of the contract to the new entity. There would be no change in the management structure, personnel, or the ownership structure of the new business, nor would there be any change to the existing operations.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Consent to Assignment of the Town Harbor Management Agreement to Cape Charles Marine Services, Inc. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The Town had been waiting a long time to obtain VDOT approval of several projects: 1) approval received for the Trail at Peach Street. The consultant was working to get the bid documents completed so the project could be advertised; 2) Considerable comments were received for the parking on Mason Avenue. The consultant turned the comments around within two days and submitted it back to VDOT. We were rapidly losing our window of opportunity to get this project completed before the 2022 season; ii) He had been working with Human Resources Manager Jodi Outland updating the personnel manual. There were a lot of updates so it was impractical to present a document showing the tracked changes. The draft manual would be provided to Council next week to allow two weeks for review. Please submit any questions or comments to him by December 8th. Jodi Outland would compile all questions and comments and provide a response to Council. The manual would be on the December 16th meeting agenda for approval. Councilman Grossman commented that he had not seen personnel policies come to Council

for approval in the past. Town Clerk Libby Hume stated that the last time the personnel policies were completely updated was in 2014 and none of the current members in attendance this evening were on Council; iii) A budget review work session would be scheduled following the December 16th regular meeting. He was hopeful that the September numbers would be available by that time; iv) An executive session needed to be scheduled for board interviews. He asked Council to provide their availability to the clerk for an evening just for interviews. The first Thursday in December was reserved for an executive session to interview the Public-Private Education Facilities Infrastructure Act (PPEA) proposers; v) Staff was trying to organize the Dropping of the Crab Pot, which was the Mayor's baby. Staff intended to follow the Mayor's vision but the entire vision would not be realized this year. We would do as much as possible, but he asked the Mayor to update his Facebook posting notifying the public that; vi) The Small Business Recovery Assistance Grant was incredibly successful. The number of businesses applying for the grant exceeded the expected number and there was not enough funding to satisfy all the current applications. No more applications were being accepted but we were about \$85K short in funding. He requested an official budget amendment from the Department of Housing and Community Development (DHCD) earlier today, as encouraged by the DHCD. We were awaiting a response; vii) The Historic District Design Guidelines project consultant was doing a good job. Due to the complexity of the work and holidays, we were about a month behind schedule, but things were going well; viii) VDOT was in town working on the sidewalk project. Their goal was to have the project completed by Thanksgiving. Please let him know if an area was missed; ix) As things moved forward, he would like to get back to holding joint public hearings with the Planning Commission for non-controversial applications and projects. The process demanded a considerable amount of staff time and joint hearings would help streamline the process for the public as well.

MAYOR AND COUNCIL COMMENTS

Councilman Buchholz commented on the following: i) He reiterated Ms. Dianne Davis' comments and added that citizens could go to the VDOT website and report their concerns. Citizens could assist the Town in getting crosswalks and signage installed, similar to the approval of the speed limit reduction on Stone Road after a public outcry. John Hozey corrected Councilman Buchholz's statement about VDOT's website, adding that it was actually a call center whose phone number was 800-367-7623. Councilman Buchholz suggested distributing information to the Myrtle Landing residents providing them with the phone number. There was much discussion regarding this issue. Councilwoman Holloway added that she, Karen Zamorski and John Hozey met with a VDOT representative who specifically stated that the Town could make a recommendation, but it was best if residents called the call center. John Hozey noted that Council had adopted a resolution, but VDOT claimed they did not receive it. Libby Hume added that she recently resubmitted the request; ii) He commended the public works/utilities crew for their response to the sewer issue at The Shanty. Staff worked over the weekend to complete the repairs; iii) He congratulated Councilwoman O'Brien on her election win.

Councilwoman Holloway commented on the following: i) She congratulated Councilwoman O'Brien; ii) Festive Fridays would begin next Friday, November 26th, and would be held every Friday except Christmas Eve. Volunteers were needed; iii) She was the Cape Charles representative on the Eastern Shore of Virginia Tourism Commission (ESVTC). The ESVTC met this week and were focusing on the American Rescue Plan Act (ARPA) money specifically earmarked for tourism. Northampton County would get \$100K to spend over two years. The ESVTC discussed the possibility of working with Accomack County, which would receive \$267K, on plans to benefit both counties. The overall feeling was that the planning could wait to see what infrastructure was needed.

Councilwoman O'Brien commented as follows: i) She was happy to see the public works crew working on the fishing pier today; ii) She thanked the people of Cape Charles for allowing her to stay in office.

Councilman Grossman commented as follows: i) He attended the Virginia Governor's housing conference in Norfolk. He obtained a lot of information and heard that it was very difficult for rural areas, like Cape Charles, to bring in housing. He would forward his notes to Council; ii) The Accomack-Northampton County Regional Housing Survey was just completed. Two meetings were held, one in each county and only 2 to 6 people attended. There was very low citizen participation. 340 responses were received out of a population of 15K. 16 business and about 2 dozen landlord responses were received. The next meeting was scheduled for December 6th and determination would be made on whether there was adequate information to move forward. Councilwoman Holloway stated that she wanted to attend but it was very difficult for her and most people to attend in August. She suggested virtual meetings in the future which would allow more people to participate. The Eastern Shore Community College held some virtual sessions via Zoom and had good participation.

Councilman Follmer commented as follows: i) He also congratulated Councilwoman O'Brien; ii) He thanked John Hozey and staff but raised concern of Festive Fridays and the transition of the Town's parking lot along Mason Avenue to a boat storage area. He encouraged the Town to have the boats moved; iii) He agreed to move back to joint public hearings with the Planning Commission to help streamline the application process; iv) He received complaints regarding the state of the landscaping in Town. He wanted to look toward next spring to look at the Browder Hite contract to ensure things were in place. We needed participation from the merchants on Mason Avenue regarding their expectations and what would be performed by the Town and by the merchants.

Mayor Dize commented as follows: i) He also congratulated Councilwoman O'Brien; ii) He thanked Mr. Herb Thom for running for Council, adding that the Town was always in need of citizens to serve on the boards and commission. There would be another election in November 2022. We had a lot of smart people in this Town, and he would like them to be more involved. He expressed his appreciation for those currently serving on Council, the boards and commission; iii) He met with Julie Pruitt, the new assistant to the town manager, to discuss the Dropping of the Crab Pot, and he understood that there was not much money in the budget for events this year. He was excited to have the event back this year.

Mayor Dize read the announcements and wished everyone a happy Thanksgiving.

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

The Public Hearing & Regular Meeting adjourned at 7:19 p.m.

Mayor Dize

Town Clerk

Comments & Information Provided in Writing
November 18, 2021 Town Council Public Hearing & Regular Meeting

#5 – Public Comments

Dianne Davis

Good evening, Mr. Mayor, members of the Town Council, Town Clerk and Town Manager. I am Dianne Davis of 601 Jefferson Avenue – resident.

I have just a few concerns.

As you enter Cape Charles you will usually pass Myrtle Landing (used to be called Heritage Acres) where you have people living there that use scooters, some in wheelchairs, some using canes, and others walking down our streets and avenues. When you get to the intersection of Fig Street and Randolph Avenue they have to cross to go to the pharmacy or downtown. This is quite dangerous especially for them in the summer. I mentioned this in the early spring with hopes that something could be done for their safety – signage plus crosswalk. We are still waiting. There have been times when I actually got out of my car to make sure that people have gotten across the street safely.

I just do not understand our priorities. We can get a golf cart path so that people can get to the brewery safely, we can get no parking signs at the private school which should have been done for when the students are arriving and being picked up each day. We stopped the citizens in that area from parking anytime that the school is in session.

If you got to the beach front you will see a cross walk plus you will see signage for walking. What is wrong with this picture?

Last but not least, there is space at the park for a basketball court whether it is a half-court or a full court. Now to say put it over the hump carries me back to the 50's and 60's when the town put our school over the hump behind the dump pile because they did not want the school that educated African Americans in the main part of the town. Hopefully, you have disregarded that thought which was mentioned at the last council meeting.

Sidewalks, please just be honest and state your feelings because this conversation goes back to 1978. If this is not a priority, please tell me and I will stop mentioning it.

It is not VDOT, it is the town of Cape Charles that make these decisions.

Thanks for listening.

September 2021 Treasurer's Report

Page 1 – Cash Position

- The Facility Fees were transferred from the money market account at First Atlantic Bank to a new Virginia Investment Pool Liquidity Account.

Page 2 – Revenue vs. Expenditures

- Meals tax revenue was allocated and transferred to the capital projects fund.
- Revenue was transferred from the general fund to the debt service general fund and the harbor fund.

Page 3 – Capital Projects

- No activity year to date, will return for a future report.

Page 4 – Tax Collection Rate

- The 2021 tax bills were mailed out on November 3rd. This report will return next month.

Page 5 – Tax Revenue Trends

- Business license due date was extended in FY 2021, which may cause collections for July-September 2021 to be lower than in 2020.
- Meals tax, sales and use tax and transient occupancy taxes average 50% higher than year to date September 2020.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
September 30, 2021

Cash on Hand	8/31/2021	9/30/2021	Increase/ (Decrease)
Atlantic Union Bank Checking Account	\$274,937	\$804,045	\$529,108
Atlantic Union Bank Money Market Account	\$2,550,429	\$2,021,864	-\$528,565
LGIP Account 1 - Unrestricted	\$104,236	\$104,241	\$5
LGIP Account 2 - Unrestricted	\$295,504	\$295,520	\$16
Total Cash On Hand	\$3,225,106	\$3,225,670	\$564

Restricted and Reserved Cash Balances	8/31/2021	9/30/2021	Increase/ (Decrease)
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,640,486	\$0	-\$1,640,485
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$6,094	\$6,365	\$271
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,586	\$257,587	\$1
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,898	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Atlantic Union Money Market # ARPA CRF #5847	\$528,620	\$528,633	\$13
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$0	\$1,735,885	\$1,735,885
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$0	\$0	\$0
Total Cash Held in Reserve	\$2,483,818	\$2,579,503	\$95,685
Total Cash - All Accounts	\$5,708,924	\$5,805,173	\$96,249

DEBT SERVICE

Net Debt as of Current Reporting Month End \$6,540,495
(Excludes USDA vehicle and equipment loans)

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

September 30, 2021

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$221,908	\$432,750	\$697,133	\$264,383	\$3,536,507	19.71%
EXPENDITURES	\$373,099	\$648,563	\$816,213	\$167,650	\$3,536,507	23.08%
NET	(\$151,191)	(215,812)	(\$119,079)	\$96,733	\$0	
GENERAL Capital						
REVENUE	\$26,410	\$0	\$26,410	\$26,410	\$1,197,762	2.20%
EXPENDITURES	\$848	\$0	\$848	\$848	\$1,197,762	0.07%
NET	\$25,562	\$0	\$25,562	\$25,562	\$0	
GENERAL Debt Service						
REVENUE	\$104,166	\$70,737	\$104,166	\$33,428	\$258,614	40.28%
EXPENDITURES	\$33,094	\$70,737	\$104,166	\$33,428	\$258,614	40.28%
NET	\$71,072	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$52,480	\$0	\$81,342	\$81,342	\$948,115	8.58%
EXPENDITURES	\$70,251	\$0	\$121,423	\$121,423	\$948,115	12.81%
NET	(\$17,771)	\$0	(\$40,081)	(\$40,081)	\$0	

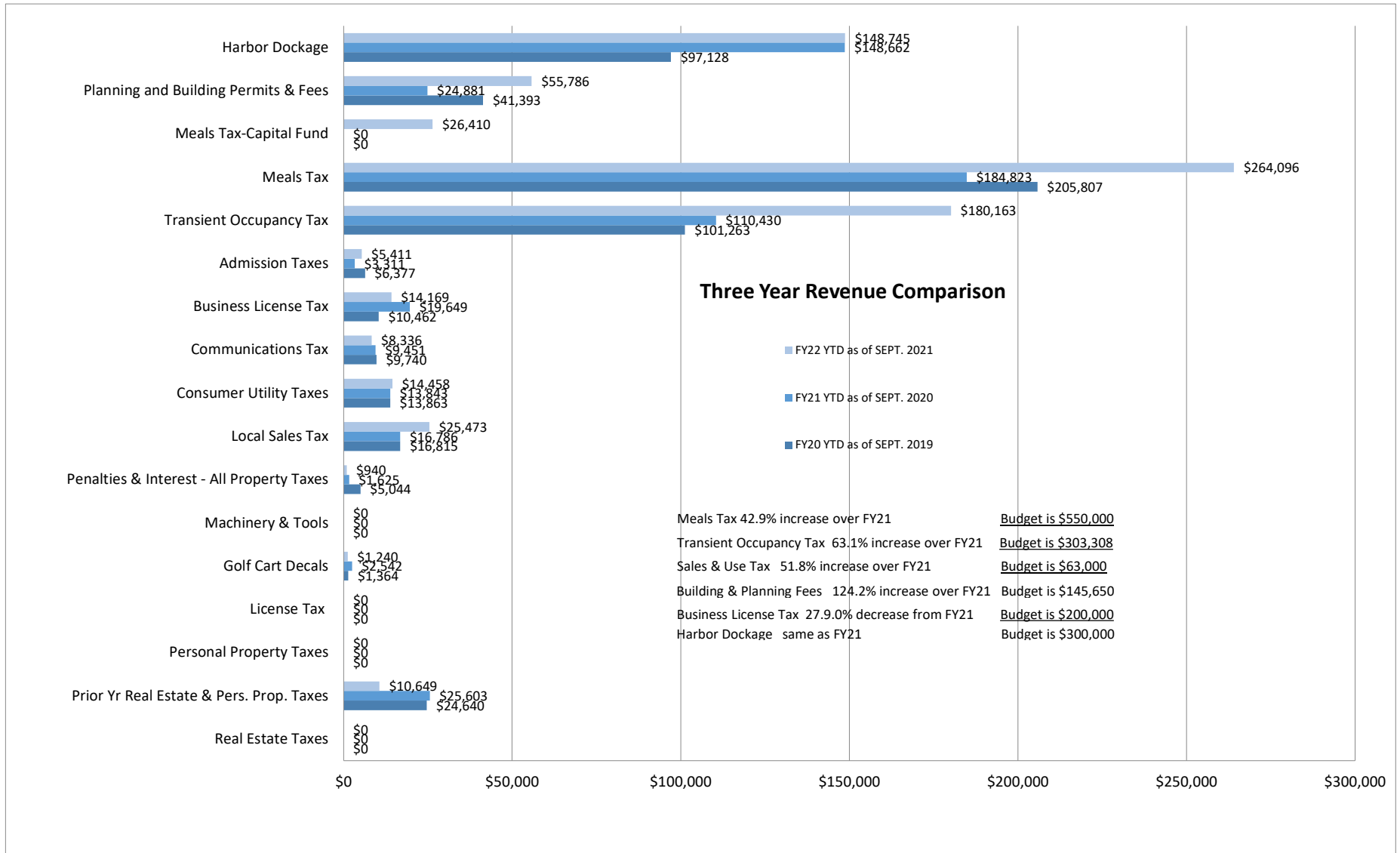
MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

September 30, 2021

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$155,162	\$460,681	\$400,179	-\$60,502	\$1,825,021	21.93%
EXPENDITURES - Operating (less facility fees rsrvd)	\$70,599	\$240,181	\$136,813	-\$103,368	\$993,224	13.77%
NET	\$84,563	\$220,500	\$263,367	\$42,867	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$0	\$90,566	\$90,566	\$104,751	86.46%
REVENUE - FACILITY FEES	\$21,200	\$53,000	\$116,600	\$63,600	\$254,400	45.83%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	\$21,200	\$97,334	\$207,166	\$109,832	\$936,548	22.12%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$44,334)	\$0	\$44,334	(\$831,797)	
HARBOR						
REVENUE - Operating	\$106,025	\$443,246	\$323,552	-\$119,694	\$833,500	38.82%
EXPENDITURES - Operating	\$83,521	\$306,079	\$195,022	-\$111,056	\$772,500	25.25%
NET	\$22,504	\$137,167	\$128,530	(\$8,638)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$33,094	\$0	\$33,094	\$33,094	\$102,657	32.24%
EXPENDED - Capital Projects, Debt Svc	\$0	\$94,314	\$33,094	-\$61,220	\$163,657	20.22%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$94,314)	\$0	\$94,314	(\$61,000)	
SANITATION						
REVENUE	\$20,654	\$50,531	\$61,223	\$10,692	\$390,595	15.67%
EXPENDITURES	\$18,551	\$53,184	\$51,382	-\$1,802	\$390,595	13.15%
NET	\$2,103	(\$2,653)	\$9,841	\$12,493	\$0	



RESOLUTION 20211118

**AUTHORIZING THE RENEWAL
OF THE LINE OF CREDIT WITH ATLANTIC UNION BANK**

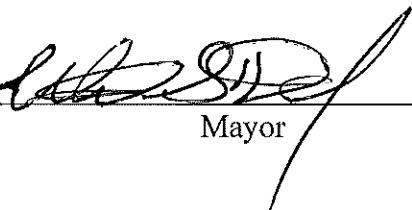
WHEREAS, the Town of Cape Charles has carried a line of credit with Atlantic Union Bank, formerly known as Union Bank, since 2011; and

WHEREAS, the Town Council of the Town of Cape Charles desires to continue this line of credit; and

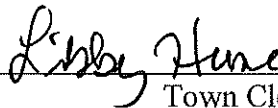
WHEREAS, Union Bank has offered the Town of Cape Charles a \$500,000 unsecured line of credit with a variable interest rate of Prime plus 0.5%, with a floor of 3.75%; now

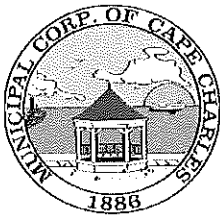
THEREFORE BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, this 18th day of November 2021, to authorize Mayor Dize to execute the loan documentation to renew the unsecured line of credit for \$500,000 with Atlantic Union Bank. In the event the Mayor is unavailable to sign the documents, both the Vice Mayor and Town Manager would be required to sign. The credit line would be available for use as determined and authorized by the Town Council of the Town of Cape Charles.

Adopted by the Town Council of the Town of Cape Charles on November 18, 2021.

By: 
Mayor

ATTEST:


Town Clerk



*Municipal Corp. of
Cape Charles*

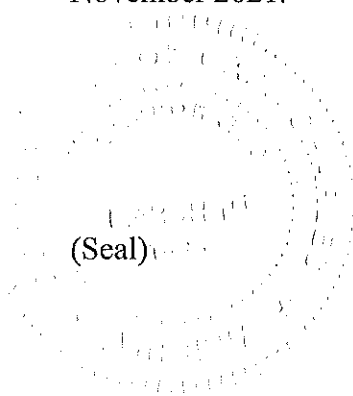
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

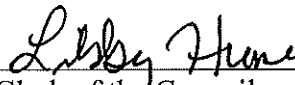
1. A meeting of the Council of the Town (the "Council") was duly called and held on November 18, 2021 (the "Meeting"). Attached hereto is a true, correct and complete copy of Resolution 20211118 (the "Resolution") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
2. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

Member Name	Present	Absent	Yes	Voting	
				No	Abstaining
William Dize, Mayor	X				
Steve Bennett		X			
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O'Brien	X		X		

3. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of November 2021.




Clerk of the Council
Town of Cape Charles, Virginia

ORDINANCE 20211118

CONVEYANCE OF A PORTION OF TAX PARCEL 83A3-A-14

WHEREAS, the Cape Charles Rosenwald School Restoration Initiative, Inc. (CCRSRI) currently owns real property known as Tax Parcel 83A4-A-23 ("Parcel 23"); and

WHEREAS, CCRSRI has requested that the Town of Cape Charles convey a portion of Tax Parcel 83A3-A-14 ("Parcel 14") adjacent to Parcel 23 so that CCRSRI may better develop its property for fund raising and community events; and

WHEREAS, Southport Investors, LLC, has agreed to termination of its existing lease of Parcel 14 should the Town agree to the conveyance to CCRSRI; and

WHEREAS, CCRSRI has requested that the portion of Parcel 14 to be conveyed be incorporated into Parcel 23; and

WHEREAS, CCRSRI has committed to make available for wetlands mitigation a reasonable area of the portion of Parcel 14 to be conveyed, should that become necessary for future expansion of public facilities on the remainder of Parcel 14; and

WHEREAS, the lease termination and subdivision of Parcel 14 will allow the portions of the property retained by the Town to be available for future expansion of public facilities; and

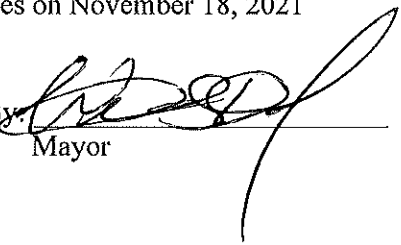
WHEREAS, a public hearing was held on November 18, 2021; and

WHEREAS, the Town Council of Cape Charles finds that the subdivision of Parcel 14 and conveyance of a portion of the property to CCRSRI will have significant public benefits; now

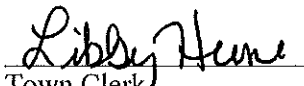
THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles this 18th day of November 2021 that:

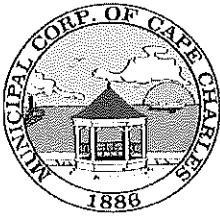
1. Lot 4 of Parcel 14, as specified on the attached proposed subdivision plat, be conveyed at no cost to CCRSRI, subject to:
 - a. Termination of the lease of Parcel 14 by Southport Investors, LLC.
 - b. Availability of a reasonable area of Lot 4 for wetlands mitigation, should that become necessary for future expansion of public facilities on the remainder of Parcel 14, such remainder being Lots 1, 2, and 3 as shown on the subdivision plat.
2. The Mayor be authorized to execute the conveyance of Lot 4 to CCRSRI.
3. The staff of the Town of Cape Charles be authorized to execute such documents and take such actions as are necessary or proper to complete the conveyance of the property substantially in accordance with the foregoing terms.

Adopted by the Town Council of Cape Charles on November 18, 2021

By: 
Mayor

ATTEST:


Town Clerk



*Municipal Corp. of
Cape Charles*

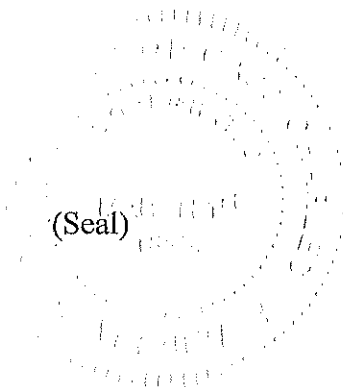
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

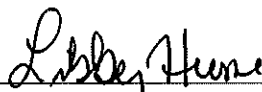
1. A meeting of the Council of the Town (the "Council") was duly called and held on November 18, 2021 (the "Meeting"). Attached hereto is a true, correct and complete copy of Ordinance 20211118 (the "Ordinance") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
2. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X		X		
Steve Bennett		X			
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O'Brien	X		X		

3. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of November 2021.





Clerk of the Council
Town of Cape Charles, Virginia



TOWN COUNCIL
Work Session
Cape Charles Civic Center
November 18, 2021

Immediately Following the Public Hearing & Regular Meeting

At 7:26 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Vice Mayor Bennett was not in attendance. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There was one member of the public in attendance.

WORK SESSION DISCUSSION:

Community Strategic Plan Report Card:

Town Manager John Hozey began by reviewing the Community Strategic Plan Report Card – 2021, explaining that the items shown in yellow had been completed and the grayed-out items were delayed. The initial strategic plan was for six years, but almost 50% of the items had been completed within eight months. The report card would be published for public review.

There were no comments regarding the report card.

Community Strategic Planning Survey:

John Hozey stated that the survey was updated with input provided by Councilwoman Holloway and distributed the updated version. John Hozey went on to explain that the questions were straight forward and the request for name, address and contact information was to help determine the respondent’s standing in the community.

Council reviewed the draft survey by question and numerous changes were made. There was discussion regarding the number and types of questions and the potential of additional surveys in order to keep them short and precise, focusing on a few strategic areas. Concern was also expressed regarding the number of recent surveys from various organizations.

John Hozey would rework the survey as discussed and provide it for Council review again prior to it being published. Council’s immediate response was needed in order for hard copies to be included in the November utility bills which would be mailed early next week. The electronic version would also go out next week.

Legislative Priorities:

John Hozey explained that there were two sections in the Code of Virginia that addressed the issue of wrongful demolition and enforcement, but only provided recourse for counties. Council reviewed the two sections (§§ 15.2-744 and 15.2-819) with staff’s requested changes. There was some discussion regarding the Town’s request to change the sections to allow all cities and towns to also have the ability of enforcement versus just asking for the Town of Cape Charles to have this ability. Typically, each locality would petition their representative(s) requesting changes pertaining to that locality. Council recommended that John Hozey contact Delegate Bloxom’s office for guidance. There was a general consensus among Council to move forward with a request to Delegate Bloxom to submit a bill requesting the proposed changes, either for all localities in the Commonwealth or just Cape Charles.

John Hozey added the following: i) No other legislative issues were received from staff or Council; ii) Northampton County’s 2022 General Assembly Priorities were included for informational purposes

only; iii) He, Treasurer Deborah Pocock and Councilman Follmer met with County Administrator Charlie Kolakowski, and Supervisors Coker and Leatherbury regarding our revenue sharing request. Mr. Kolakowski was taking it to the Board, and we hoped for a favorable response.

Councilman Grossman stated that Zoning Administrator Katie Nunez was looking into penalties in the zoning ordinance and the possibility of changing penalties from a misdemeanor to a civil penalty which would provide the Town with more flexibility. Ms. Nunez was researching the Code of Virginia to determine whether the Town was permitted to do so or whether we would have to petition the General Assembly for permission. John Hozey stated that he would check with the attorney adding that his understanding was that it would be okay for the Town to make this change as long as the penalties did not exceed the highest misdemeanor.

Canonie Master Lease:

John Hozey stated that the Canonie master lease was being removed from this evening's work session agenda. This would be brought back to Council at a later date.

John Hozey added that, on a personal note, he planned to take some additional time off after the Grand Illumination weekend to help his mother.

Mayor Dize stated that he would be out of town the first week of January and would be unavailable for one evening the week of December 16th for his company's staff party across the bay.

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

The meeting adjourned at 9:09 p.m.

Mayor Dize

Town Clerk