



TOWN COUNCIL
Regular Meeting & Executive Session
October 21, 2021
Cape Charles Civic Center
6:30 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 August 31, 2021 Financial Report](#)
6. Unfinished Business:
 - A. None
7. New Business:
 - *A. [Citizens for Central Park Game Area Proposal](#)
 - *B. [Wetlands & Coastal Dune Board Member Reappointment](#)
 - *C. [World War I Memorial Plaque Relocation in Cape Charles Memorial Library](#)
 - *D. [Waste Collection & Disposal Contract Award](#)
 - *E. [Removal of Seat Belt Requirement for Golf Carts](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - November 2, 2021 – Town Offices Closed for Election Day
 - November 4, 2021 – Town Council Work Session (*if needed*)
 - November 11, 2021 – Town Offices Closed in Observance of Veterans' Day
 - November 18, 2021 – Town Council Regular Meeting
11. Motion to go into Closed Session

Code of Virginia § 2.2-3711, Paragraph 28: Discussion or consideration of information subject to exclusion in subdivision 11 of § 2.2-3705.6.

§ 2.2-3705.6, Subdivision 11.b.: Information provided by a private entity to a responsible public entity pursuant to the provisions of the Public-Private Education Facilities and Infrastructure ACT of 2002 (PPEA) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected.

Specifically: Consultant Presentation of PPEA Proposals

12. Members of the Public Requested to Leave the Room
13. Invite Members of the Public back into the Room and Motion to go into Open Session
14. Motion to Certify

Certification to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote.
15. Adjournment of Public Hearing, Regular Meeting and Executive Session



DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
August 19, 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 Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey, Zoning Administrator Katie Nunez, Project Manager Bob Panek, Police Chief Jim Pruitt, and Town Clerk Libby Hume. There were 17 members of the public physically in attendance, and 25 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 zoning ordinance text amendments to Section 3.14 General Business/Light Industrial H-1.

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

Motion made by Vice Mayor Bennett, 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.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors, presentations or recognitions.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Jane McKinley

Ms. McKinley addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Town Clerk Libby Hume read comments submitted in writing prior to the meeting from Bill Ballard. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. August 19, 2021 Town Council Regular Meeting
- C. Approval of July 31, 2021 Financial Report

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the Consent Agenda as presented.

Town Manager John Hozey stated that the town clerk had a letter to be read into the record regarding the August 19 Town Council meeting minutes.

Libby Hume read a letter received from Coastal Precast Systems, LLC clarifying comments made during the August 19 Town Council meeting. (Please see attached.)

Motion made by Councilman Follmer, seconded by Vice Mayor Bennett, to include this letter as part of the August 19, 2021 Town Council Regular Meeting minutes. The motion was approved by unanimous vote.

The motion for the Consent Agenda was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Zoning Ordinance Text Amendment – Section 3.14 General Business/Light Industrial H-1:*

John Hozey stated that this item was a continuation of discussion from the August 19 meeting where Council approved a number of zoning amendments. As a result of the public comment received, Council indicated further text amendments should be considered to address some of the concerns raised by the citizens providing comment. These changes could not be considered at the last meeting since they required a new process with public notice being given and another public hearing. The comments were sent back to the Planning Commission to hold another public hearing, to review the suggested changes and make their recommendation to Council. This was done on September 7. The staff report outlined the action taken and the language in green were the changes sent to the Commission by Council. The Commission was in agreement with Council's suggestions except additional changes were proposed as follows: i) In § 3.14.C.2 regarding the additional setback requirement. Rather than require the additional setback on all property boundaries, it would be required on all property boundaries except those that abut Industrial M-2 or General Business/Light Industrial H-1 zoned parcels; ii) In § 3.14.C.3, the word "storage" was removed to help alleviate any confusion since outdoor storage would be a by-right use in the district; and iii) In § 3.14.F.12, the language was changed to state that the Zoning Administrator may "grant exceptions" instead of "consider exceptions."

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adopt Ordinance 20210916 Adopting Text Amendments to Cape Charles Zoning Ordinance Section 3.24-General Business/Light Industrial H-1 as presented.

There was much discussion as follows: i) Councilwoman Holloway expressed her concern about not requiring the additional setback on all sides of the property adding that it did not make logical sense to make exceptions. There was much discussion regarding the additional setback, with the majority of Council speaking in favor of allowing exceptions for boundaries abutting other industrial zoned properties. The additional setbacks would be required for boundaries abutting all non-industrial zoned properties, such as the Department of Conservation and Recreation property and the Bay Creek Development; ii) Vice Mayor Bennett expressed his thoughts on § 3.14.B.18 related to outdoor storage. The language required a "visual screening device or wall at least seven feet high, and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall" and added that it seemed to be overly restrictive, especially since precast bridge components did not have a six-foot dimension in any direction. The numbers were minimums, but he could not see the Town requiring a 30' or higher wall being built, adding that it would be visually displeasing as well. Councilman Follmer added that he had been looking at large concrete components at the plant for as long as he had lived in Cape Charles and it had not been an issue. After further discussion, Vice Mayor Bennett suggested striking the language "and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall," adding that the product had been stored there for 40 years until it could be shipped. The building of a 30' wall in order to utilize the storage area to stack product was overly restrictive.

Vice Mayor Bennett amended the motion, seconded by Councilman Follmer, adding that the language in Section 3.24.B.18 “and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall” be stricken. The amended motion was approved by majority vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O’Brien, no.

Councilman Follmer asked about the striking of “by truck or rail between 11 p.m. and 5 a.m.” from § 3.14 F.11. Councilman Buchholz asked about the change in time from “between 11 p.m. and 5 a.m.” to “before 8 a.m. and after 9 p.m.” John Hozey replied that the change was made for consistency with the heavy industrial zone requirements. Councilman Buchholz added that, as the Town moved forward with the exercise to review the entire zoning ordinance, he hoped that other inconsistencies, such as the by-right uses in non-industrial zones be reviewed, since the clamming operation in the harbor zone was currently allowed to work well past 9 p.m.

Councilman Follmer noted a correction to Ms. McKinley’s earlier comment regarding the town manager’s approval of the clamming operation which was a by-right use in the harbor zone, so did not require approval.

Mayor Dize called for a vote on the motion regarding adoption of Ordinance 20210916. The motion was approved by majority vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, no; O’Brien, no.

B. Harbor Capital Plan Evaluation:

Project Manager Bob Panek stated that while a Harbor Master Plan had been approved by Council, there was no projection of future capital replacement requirements as the facilities age. This was an important tool for updating the projects in the Capital Asset Management Plan and for identifying potential grant opportunities. The Fiscal Year (FY) 2022 budget included \$20K for a Harbor capital plan evaluation but this amount was insufficient to cover the necessary scope of work. Staff worked with Langley & McDonald, the Town’s contractor for marine engineering services, on a proposed change order for a comprehensive evaluation in three parts: i) existing facilities; ii) future improvements; and iii) master plan update. The fees for each part were: \$40.1K for part one, \$13.0K for part two, and \$8.0K for part three. The fees for parts two and three were not included in this year’s budget. It was important to perform part one of the evaluation this fiscal year to establish a baseline of future capital expenditures necessary to preserve existing facilities. Parts two and three could be done later. An additional \$20.1K was needed to fund part one. The budget included \$36K to install steel pilings along the interior sections of floating docks C and D to reinforce the structure, however, this might be unnecessary with the recent addition of the inshore breakwater just west of the floating docks. It was prudent to defer this work pending the results of the capital plan evaluation, and the budgeted funds be reallocated as follows: \$20.1K for part one of the evaluation and the remaining \$15.9K for work down of the backlog of maintenance and repair at the Harbor. Cape Charles Yacht Center, the harbor management firm, concurred with this approach. The town manager had approval authority for professional services contracts up to \$30K, but this change order would exceed that value. Staff requested Council authorization for the town manager to execute a contract change order with Langley & McDonald in the amount of \$40,100 for part one of the Harbor Capital Plan Evaluation, and in the amount of \$21K for parts two and three as additional funding became available.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to authorize the town manager to execute a change order in the amount of \$20,100 for part one of the Harbor Capital Plan Evaluation by deferring the structure piling project and using the remaining \$15,900 to support the backlog of maintenance and repairs at the Harbor.

Councilman Grossman added that he was not prepared at this time to make a decision regarding the other parts of the plan as proposed.

Vice Mayor Bennett expressed his disagreement with Councilman Grossman's hesitancy regarding parts two and three since the projects would not be done without the available funding but added that he would not vote against the motion.

The motion was approved by unanimous vote.

C. *Contract Award for Architectural Services – Municipal Building:*

Bob Panek stated that a Request for Proposals (RFP) was issued on May 14, 2021 for architectural services for future office space. The RFP was structured in three phases:

Phase 1: Analysis of alternatives including: i) renovation of the current municipal building; ii) build-out of the third floor of the library building; iii) new construction on Town-owned property; and iv) a combination of renovation and new construction.

Phase 2: Plans, specification and bid packages for the selected renovation and/or construction alternative.

Phase 3: Oversight and inspection services for renovation and/or construction contracts.

Proposals were received from four firms and were evaluated by a panel consisting of the town manager, project manager, code official and Councilwoman O'Brien. Three firms advanced to the next stage for competitive negotiation of a specific scope of work and fee for Phase 1, and it was concluded that HBA provided the best value at a price of \$41,509. None of the proposals included a wetlands delineation and a Phase 1 environmental site assessment for the property under consideration for new construction, but it would be prudent to add these to the scope of work after an initial evaluation of the site. HBA estimated a cost ranging from \$2K-5K. It was premature to price Phases 2 and 3 at this time, but billing rates for the firms were similar. The town manager had approval authority for professional services contracts up to \$30K, but this award exceeded this authority. The FY 2022 budget included \$45K for an analysis of alternatives to address the deficiencies of the municipal building. Staff recommended Council authorization for the town manager to execute a contract with HBA initially in the amount of \$41,509 for architectural services for future office space, and up to \$45K to accommodate addition of a wetlands delineation and Phase 1 environmental site assessment.

There was discussion as follows: i) The site for potential new construction was by the radio tower and Rosenwald School. It was the only piece of Town-owned property large enough to accommodate the needs with water and sewer availability. A Phase 1 environmental site assessment was necessary to make sure the site would be appropriate; ii) If the municipal center and police department were moved to other locations, either the library or new construction, the current municipal building could be disposed of. If a new municipal complex was built, Council Chambers could also be included at the new site, and the Civic Center could be disposed of. The third floor of the library building, if found unfeasible for Town offices, could be sold separately from the library; iii) Councilman Follmer suggested an option to sell the library building and incorporate the library into the new municipal complex, adding that the library building, along with the lot behind it, was the most valuable property owned by the Town and its sale needed to be considered. Councilman Follmer added that if the Town was looking at options, he did not see the rationale of excluding the library building. John Hozey noted that this would significantly increase the scope and price of the evaluation. Councilwoman O'Brien added that the library was conveniently located within walking distance for anyone in the historic district. Mayor Dize stated that the option regarding the library relocation could be added later as a change order; iv) Bob Panek suggested moving forward with the contract as proposed. Obtaining an estimate for revenue from disposal of the library building and lot would be simple, but the proposed site might

not be large enough to accommodate the additional space necessary for the library. The contract could be awarded, and a change order negotiated to add an analysis of the property to determine if there was space to include the library; v) Councilman Grossman noted that the Town owned seven parcels along Randolph Avenue that could be used for this purpose. Councilwoman Holloway added that there was other Town-owned land available as well. Bob Panek stated that the proposed property was the only practical one. Councilman Buchholz added that the proposed property was physically located in the middle of Cape Charles.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to authorize the town manager to execute a contract with HBA in the amount of \$41,509 for architectural services for future office space, and up to \$45K for a wetlands delineation and Phase 1 environmental site assessment, with the intent that the town manager would bring his recommendation for amending the contract at a later date to address the library. The motion was approved by unanimous vote.

D. Board of Zoning Appeals Member Reappointments:

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to reappoint Mr. Pete Baumann and Ms. Dolores Blackburn to the Board of Zoning Appeals for another term. The motion was approved by unanimous vote.

E. Planning Commissioner Reappointment:

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to reappoint Mr. Kenneth Butta to the Planning Commission for another term. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The Citizens for Central Park (CCP) was a great steward of the facility recommending ongoing upgrades. CCP requested an upgrade to install an adult games area in the southeastern corner of the park. CCP would cover a significant portion of the cost, but the Town would also contribute. CCP realized that the Town could not make any decisions until spring 2022 for the FY 2023 budget but wanted to move forward with the project this fall. Even if the Council were to decide not to include any funding in FY 2023, any work done by CCP would be an improvement to the park. Unless Council objected, he would like to allow CCP to move forward with this project. Mayor Dize cited his objection and asked that this issue be placed on the October meeting agenda for Council review. Councilman Follmer expressed his agreement with Mayor Dize. Councilman Follmer added that Ms. Dianne Davis had repeatedly asked for an area with activities for older kids; ii) He informed Council that he had registered to attend the Virginia Municipal League Conference scheduled for October 3-5 and understood that Vice Mayor Bennett would also be attending; iii) Work was progressing with the consultant for the Private-Public Education Facilities and Infrastructure Act (PPEA) proposals relating to the potential utility acquisition. The information and comparisons were ready and would be presented to Council at an executive session following the October 21 regular meeting; iv) The Small Business Recovery Grant Program, which was being administered by Cape Charles Main Street (CCMS), was coming to a close, but there were still a lot of pending applications. Utility payments were added to the program last summer which opened several applications back up for additional funding. He requested an extension to the program to allow us to complete processing of the existing applications and for staff to complete the necessary reporting. The request was approved today extending our deadline to January 2022; v) He had reached out to Northampton County regarding the potential for a more equitable distribution of sales tax revenue and received a favorable response. He would be attending a meeting next week with the Mayor, Vice Mayor, and representatives from the County to discuss this possibility as well as some legislative priorities; vi) An Ice Cream Social for an informal get together for the Mayor and Council to mingle with residents was being scheduled for an upcoming evening. He suggested Thursday,

October 7th, which was a date set aside for a Council meeting, at 6:30 p.m. Chase's Soft Serve offered to host the event. The Mayor and Council could wear their Town shirts and name tags would be available for the residents; and vii) In the agreement with CCMS, they were required to present an annual report to Town Council. It was going to be scheduled for the October Council meeting, but he was made aware of the annual CCMS Rev-Up meeting where CCMS would be providing a broad-based briefing to the community regarding their plans and activities. In lieu of a formal presentation to Town Council, he suggested Council attend the Rev-Up meeting which was being scheduled for November 8th.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman stated that he was working on an RFP for the Comprehensive Plan review and an internal meeting was scheduled next week to review the draft RFP.

Councilwoman O'Brien commented as follows: i) She thanked everyone for approving the addition of the correspondence to correct the minutes related to Code Official Jeb Brady; ii) We needed to address the overnight fishing and camping on the fishing pier; iii) A big pile of mulch was still at the playground along with a lot of overgrown weeds, etc. She asked that these items be taken care of; and iv) She would be out of town on October 21 and unable to attend the meeting.

Vice Mayor Bennett commented as follows: i) He would like to change the golf cart regulations to remove the seat belt requirement for licensing. It was not a crisis, but he didn't want to forget this issue since many golf cart manufacturers did not install nor recommended installation of seat belts. He asked for consideration of this over the winter with a vote before next year's season; ii) He asked that the process be started to lower the speed limit from Cassatt Parkway to the hump to 25 MPH. He would also like to see the speed limit reduced on the street to the main entrance to Bay Creek. We had been told previously that VDOT was not in favor of a speed reduction on this road due to its use, but he had difficulty in seeing a difference with the use of this road and Route 184. VDOT did allow a golf cart crossing on this road; iii) He felt that Chief Pruitt was handling the issue with people sleeping on the pier. He thought that the pier was in relatively poor condition and sections of it needed to be looked at and possibly closed until it could be repaired. There were dangerous conditions on the pier; iv) There was an innocuous comment in last week's Town Manager's Report to Council. The line in the Public Works Department Report stated "removed plaque at library to another location." The plaque was a memorial to the Cape Charles soldiers who were killed during World War I. It was displayed in the Memorial Library, which used to be in this building (Civic Center) but was moved to the current building when the library was relocated. This issue was discussed some time ago and he was pretty vocal about it at the time. It was a shame that this plaque was moved to the vault. History could be hidden and ignored but could not be changed. John Hozey stated that this issue was voted upon by the Library Board. Mayor Dize added that it had already been discussed by the Town Council which voted against relocating the plaque. When Council made a decision on an issue, it should be brought back to Council for further review and this Council might vote another way. Councilwoman O'Brien stated that the reason the Library Board voted to relocate the plaque was that the plaque specifically referred to "colored" soldiers and added that if it had referred to any other vulnerable group, it would be a different discussion. Councilwoman O'Brien went on to state that it was important to note that the plaque was not being removed from the building but relocated into the history room. Mayor Dize asked that this issue be added to the October Council meeting agenda.

Councilwoman Holloway commented on the following: i) She asked for a follow-up on the clam operations and comments received. She saw the activity on Sunday night and felt that the residents deserved more information. John Hozey explained it well, but the work seemed to be occurring during times other than we were told. When the activity was disruptive in such a way to the community, the Town had a right to put standards in place. Light was shining up on the residences on Mason Avenue and it was unfair to those residents. The clamming operator was not doing what they said they were going to do. Councilman Follmer added that the operations had been occurring

every day for the last two weeks; ii) Last Thursday, she, Councilman Buchholz, Karen Zamorski and Bill Stramm attended the Coastal Virginia Chamber of Commerce Salute to COVID Heroes event in Virginia Beach to accept the award for CCMS. It was a great honor for Cape Charles, and she thanked Mayor Dize for nominating CCMS. It was a great ceremony. Everyone worked hard on the grant program and CCMS was among some outstanding honorees. She was working on a press release with photographs; iii) Cape Charles was being featured on Virginia FOUND airing this Friday night on PBS. She and Mayor Dize spent some time with Dave Parker in June 2019 on the series which he was pitching to PBS. The series was picked up by WHRO and the Cape Charles episode would be airing on September 17 at 8:30 p.m. The series was also picked up by the Washington DC affiliate. She added that Dave Parker stayed at her inn while he was filming; iv) She was receiving quite a few questions regarding the transient occupancy tax (TOT) change in January from people wanting guidance on how to manage the TOT collection and reporting. She asked that Treasurer Deborah Pocock provide information to the owners of inns, hotels and vacation rentals related to TOT and guidelines for reporting and tracking by room; vi) She thanked CCP for another wonderful summer concert series. The crowds were incredible, and it was so exciting to see everyone enjoying the space, and the margaritas. LoveFest was probably one of the largest events she had seen in Central Park. She had some great drone photos. It was wonderful to end the season with the U.S. Air Force band; vii) Mr. Wilcox was in attendance earlier but had left the meeting. She wanted to acknowledge him for volunteering his time working with CCMS members Ken Butta and Patsy Harris on work force development. Mr. Wilcox had previous experience in this area and was making great strides with the high school and community college. Lack of a work force was a monumental problem and many of the Town's businesses have had to close during the week. As Council, we needed to support the businesses and the workforce development effort; and viii) CCMS received a grant from Northampton County and were still working to put in the new golf cart path. It was good to see that people were still using the current path until the new one could be installed.

Councilman Follmer thanked Councilwoman Holloway for bringing up the issue with the clamming operation. The issues were generating a lot of ill will towards the owner of the property.

Councilman Buchholz did not have any additional comments.

Mayor Dize thanked CCP and CCMS for all their efforts, adding that due to his job, he had not been able to attend any of the concerts in Central Park, but he had seen pictures and heard that everyone had a great time.

Mayor Dize read the announcements.

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

The meeting adjourned at 7:57 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
September 16, 2021 Town Council Public Hearing & Regular Meeting**

#5 – Public Comments

Jane McKinley

I am very concerned with the direction this town is moving in. My concern was validated over the past couple of days when I had friends visiting. We walked all over town, including along Mason Ave, during different times of the day and night.

On the first night they were here, after enjoying a nighttime walk on the beach, we ended up at the pier around 9:30 and emerged to continue our walk along Mason. My friends, as well as I, were shocked to be assaulted by noise and an offensive light shining up onto a large crane, creating light pollution which blocked out the nighttime sky. A large tractor trailer was parked with its headlights shining across Mason onto the buildings on Mason and into a balcony where a poor couple was sitting trying to enjoy the evening. Its engine was idling, releasing emissions into the atmosphere. When they asked me what was happening, I didn't have an answer other than to say that I understood there was a new clam operation that had been approved by the town manager for operating on Thursdays (this was a Monday). Subsequently, one of the workers told me that this operation runs every night. Obviously, I haven't kept up with updates. Either that, or this business is taking liberties.

The next day, my friends stopped in at Gull Hummock, and I chose to wait outside where I took a seat at one of the high tables. Looking out, I saw an industrial wasteland (my friend called it a blight) and was reminded of having witnessed earlier in the day an eighteen-wheeler driving down Mason loaded with huge tires and containers.

Proceeding down the walkway, we landed at Kelly's where, once again, we sat outside to, instead of bees buzzing and birds singing, we listened to the sound of engines running and the banging of large equipment. Needless to say, this recent experience supports my concerns that Cape Charles is coming to value industry over the quality of life that was once an important priority. The community that I fell in love with and moved into with the plans that it would become my forever home is changing.

In spite of being a proud owner of a beautiful historical home, all of the wonderful friends that I've made, the beauty of the beach and park and the fun shopping experiences, I must say that I am facing a personal quandary in regard to what is happening to this town. Unfortunately, if it continues to move in the direction it appears to be going, it may not be my "forever home" forever.

I implore you to take this seriously and make decisions in support of the town's residents *(end of allotted three minutes)*

Bill Ballard

Dear Mayor Dize, Council Members, and Mr. Hozey:

The vote has been taken and the rezoning of Parcel 90-8-1A1 and the redefinition of Section 3.14 of the zoning ordinance covering GBI-H1 have both been passed. I disagree with the decision but

accept it as a product of the way town council form of government works. Despite accepting the outcome, I find myself pondering the actions.

My thoughts repeatedly return to the question of why this action happened without Cape Charles benefiting from it. The facts do not add up to me and I am compelled to ask you for answers.

Regardless of the merits or demerits of the rezoning or the redefinition of the ordinance, there are certain facts the town had before it prior to the application for either action.

1. Cape Charles faces a difficult financial situation.
2. Coastal Precast enjoys a tax discount.
3. The council recently passed a significant real estate tax increase affecting all homeowners in the town, in effect subsidizing the plant.
4. The aquifer that supplies Cape Charles is threatened. Coastal Precast uses more water than any other single user in town. They do not pay for this resource.
5. Coastal Precast has removed hundreds of trees, none of which can be replaced, perhaps in violation of the tree ordinance that regulates the rest of the town.
6. Coastal Precast wanted the land to be able to bid on multi-million-dollar projects.
7. The land is valueless to them without rezoning and redefining the ordinance.

With these facts as background, WHY for Heaven's sake, did the town not negotiate some proffers from Coastal Precast as conditions for the rezoning changes?

Mr. Hozey and Mr. Bennett met multiple times with the seller. Why didn't they address the tax discount and other issues in those meetings?

Why is Coastal Precast allowed to continue to drain the aquifer that is the most limiting factor in the growth of Cape Charles? What proposals regarding water did they ask from Coastal Precast as conditions of the rezoning?

Why did these men not demand an end to the removal of trees, or at least some mitigation or replanting, as a condition of the rezoning? Despite now requiring permits for removal, more trees have disappeared on the already owned site adjacent to their plant and nothing has been done to mitigate the removal of trees adjacent to the Natural Area Preserve.

There are many other issues that could have been addressed but there seems to have been no interest. It appears the only goal was to rush this through. Why? What was the urgency? Why didn't the Council reject the application in favor of recasting it with requirements to better benefit the town? Why couldn't this sale be delayed until after completion of the comprehensive plan? *(end of allotted three minutes)*

Sincerely,
Bill Ballard

Letter from Coastal Precast Systems, LLC re: comments made at the August 19 Town Council Meeting – read into the record by Town Clerk Libby Hume. Approved by Council to include in the August 19, 2021 Town Council Regular Meeting Minutes



COASTAL PRECAST SYSTEMS, LLC

MANUFACTURER OF QUALITY CONCRETE

1316 Yacht Drive • Chesapeake, VA 23320 • 757-545-5215 • Fax 757-545-6296

August 23, 2021

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

Attn: Mr. John Hozey

RE: Clarification on CPS Comments During Town Council Meeting on 8/19

Dear Mr. Hozey,

On August 19th at the regular town council meeting, CPS representatives made an erroneous statement regarding receipt of approval to remove some trees and brush to make room for additional required storage on its M-2 zoned heavy industrial property. Mr. Paul Ogorchock stated Jeb Brady, Code Official for the Town of Cape Charles, gave us verbal permission to remove some trees. This statement was based on incorrect information from internal meetings and documentation received from the previous owner. At no time did Mr. Brady provide CPS authorization to cut trees. We wish to petition the council to strike our statement from the official minutes or amend to state as such.

We did seek Mr. Brady's help early on for guidance on the permitting process for the new tunnel lining manufacturing building. During this time-period, COVID guidelines made it challenging to seek information regarding requirements for development of the property. We faced hurdles reaching out to other officials for this purpose, however, Mr. Brady was very helpful during this difficult time.

We appreciate all the support from the town people and its staff. We are doing the best we can to be a good neighbor and look forward to all our future endeavors with the town. If you have further questions or concerns, please contact me at any time.

Sincerely,
Coastal Precast Systems, LLC

Gary Shrieves

cc: Paul Ogorchock
Brandon Mowrey



Page 1 – Cash Position

- The ARPA funds were transferred to a new money market account from the operating account.

Page 2 – Revenue vs. Expenditures

- \$35,424 was received from the state for the PPTRA property tax reductions. The percentage credit per dollar of assessed value will be calculated in October in preparation for the 2021 tax bills, which will go out by Oct 31st.
- .5% share of the Meals tax will be transferred to the capital fund #110 quarterly for the present time.
- The debt service fund revenue will be transferred quarterly until a preferred method of tracking is discovered.

Page 3 – Capital Projects

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

Page 4 – Tax Collection Rate

- This page will return after the 2021 property tax bills have been mailed.

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.
- Cape Charles Yacht Center uses cash basis accounting, and the town uses accrual. The August and July revenue numbers were converted to show accrual basis for FY22 and will be so going forward.
- All tourism-based revenue indicates a strong recovery from COVID 19 effects and new growth.
- Budget amounts were added for reference.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
August 31, 2021

<u>Cash on Hand</u>	<u>7/31/2021</u>	<u>8/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$672,417	\$274,937	-\$397,480
Atlantic Union Bank Money Market Account	\$2,550,368	\$2,550,429	\$61
LGIP Account 1 - Unrestricted	\$104,231	\$104,236	\$5
LGIP Account 2 - Unrestricted	\$295,487	\$295,504	\$17
Total Cash On Hand	\$3,622,502	\$3,225,106	\$0

<u>Restricted and Reserved Cash Balances</u>	<u>7/31/2021</u>	<u>8/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,640,472	\$1,640,486	\$14
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	\$5,863	\$6,094	\$232
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,586	\$3
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	\$0	\$528,620	\$528,620
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$0	\$0	\$0
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$0	\$0	\$0
Total Cash Held in Reserve	\$1,954,949	\$2,483,818	\$528,869
Total Cash - All Accounts	\$5,577,451	\$5,708,924	\$131,472

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

August 31, 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	\$261,437	\$321,226	\$473,775	\$152,549	\$3,536,507	13.40%
EXPENDITURES	\$168,420	\$440,439	\$445,061	\$4,622	\$3,536,507	12.58%
NET	\$93,018	(119,213)	\$28,714	\$147,927	\$0	
GENERAL Capital						
REVENUE	\$0	\$0	\$0	\$0	\$1,197,762	0.00%
EXPENDITURES	\$0	\$0	\$0	\$0	\$1,197,762	0.00%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$0	\$0	\$0	\$258,614	0.00%
EXPENDITURES	\$0	\$76,119	\$71,072	-\$5,047	\$258,614	27.48%
NET	\$0	(\$76,119)	(\$71,072)	\$5,047	\$0	
GENERAL Special Operations						
REVENUE	\$9,096	\$0	\$28,862	\$28,862	\$948,115	3.04%
EXPENDITURES	\$26,442	\$0	\$51,172	\$51,172	\$948,115	5.40%
NET	(\$17,346)	\$0	(\$22,310)	(\$22,310)	\$0	

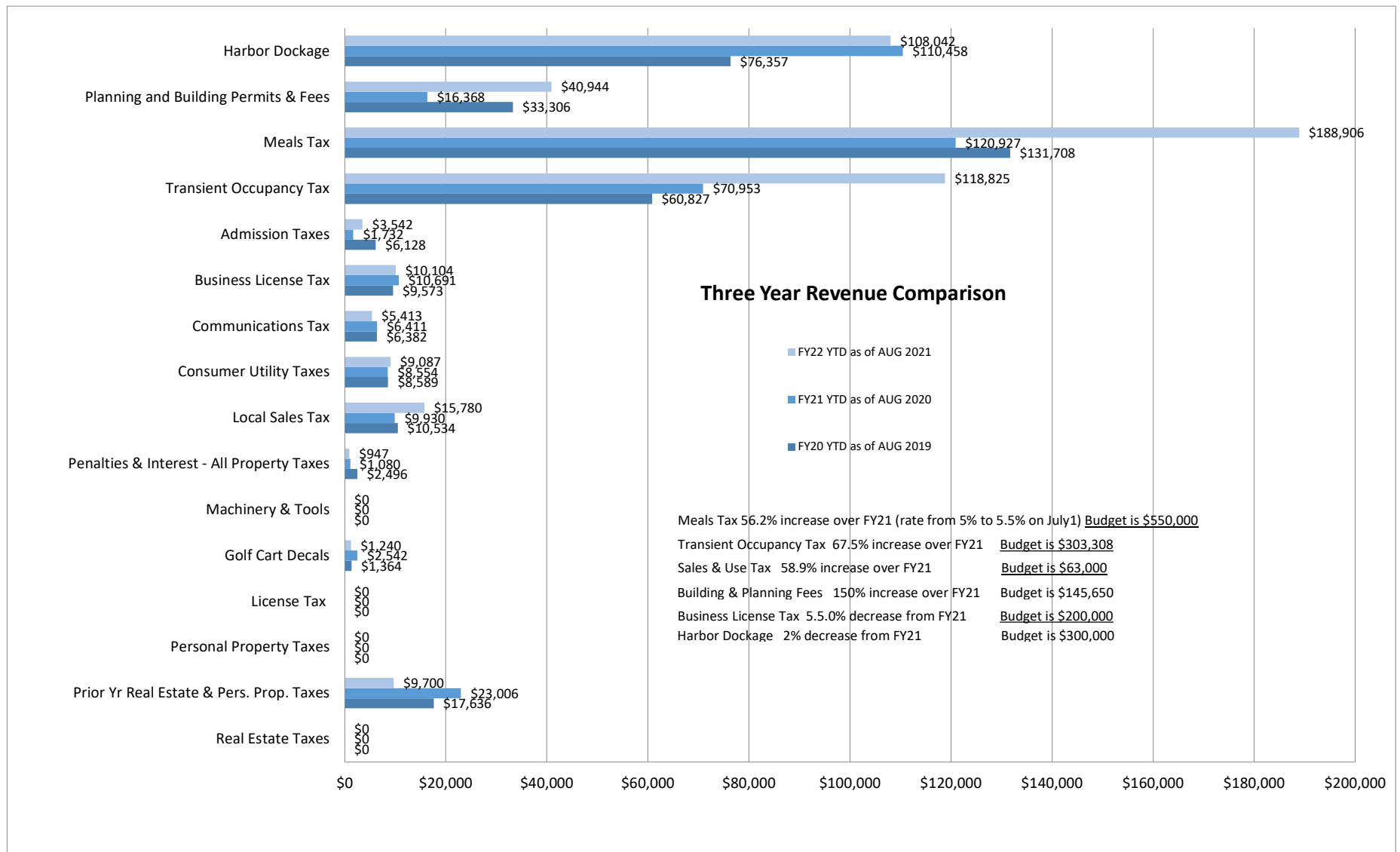
MUNICIPAL CORPORATION OF CAPE CHARLES

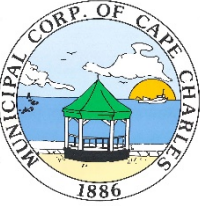
TREASURER'S REPORT

August 31, 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	\$149,166	\$312,028	\$335,583	\$23,555	\$1,825,021	18.39%
EXPENDITURES - Operating (less facility fees rsrvd)	\$59,274	\$157,078	\$112,481	-\$44,597	\$993,224	11.32%
NET	\$89,892	\$154,950	\$223,102	\$68,152	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$104,751	0.00%
REVENUE - FACILITY FEES	\$42,400	\$42,400	\$95,400	\$53,000	\$254,400	37.50%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	\$42,400	\$86,734	\$137,914	\$51,179	\$936,548	14.73%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$44,334)	(\$42,514)	\$1,821	(\$831,797)	
HARBOR						
REVENUE - Operating	\$113,426	\$327,608	\$250,620	-\$76,987	\$833,500	30.07%
EXPENDITURES - Operating	\$81,721	\$224,882	\$195,022	-\$29,860	\$772,500	25.25%
NET	\$31,705	\$102,726	\$55,598	(\$47,128)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$0	\$0	\$102,657	0.00%
EXPENDED - Capital Projects, Debt Svc	\$1,800	\$67,814	\$33,094	-\$34,720	\$163,657	20.22%
TOWN CONTRIB. & PENDING GRANTS	(\$1,800)	(\$67,814)	(\$33,094)	\$34,720	(\$61,000)	
SANITATION						
REVENUE	\$20,086	\$33,608	\$40,569	\$6,961	\$390,595	10.39%
EXPENDITURES	\$18,426	\$34,795	\$32,831	-\$1,964	\$390,595	8.41%
NET	\$1,660	(\$1,187)	\$7,738	\$8,925	\$0	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Approval of Family Game Area for Central Park		AGENDA DATE October 21, 2021
	SUBJECT/PROPOSAL/REQUEST: Approve concept for family game area for Central Park		ITEM NUMBER: 7A
	ATTACHMENTS: Presentation of proposed improvements		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Citizens for Central Park (CCP) have long been the driving force behind the development and continued improvement of the Town's Central Park. CCP conducts fundraising efforts throughout the year and accepts donations for ongoing park amenities. The CCP Board has been a proactive partner with the Town through the years, working to coordinate, develop, and help fund improvements. But with that said, Central Park is still a Town park and a Town responsibility. Therefore, the Town Council retains authority over final decisions regarding the park.

ITEM SPECIFICS:

Central Park has come a long way over the last 20 years. Through CCP's leadership, the park has seen continuous upgrades and is now very nearly built out. One of the last remaining areas still available for improvement is the south-east corner of the park, along Plum Street.

Since there has already been significant investment made in the children's playground on the north side of the park, CCP felt the south-east corner could be developed for older children and adults, creating a family recreation area (see attached presentation). As with other park projects, CCP wants to partner with the Town to fund this latest enhancement.

The total cost of the project is estimated at just over \$27,000. CCP proposes to fund approximately \$21,000 with the Town funding about \$6,000. CCP understands that the Town has not budgeted for this project yet and therefore cannot commit to our portion right now. The Town portion would go through the normal budget request cycle as part of the FY23 budget development next spring.

However, CCP would like permission to move forward with their portion of the project immediately. The Fall season is the best time of year to do much of this work. If the Town were to ultimately deny the request for its portion, the improvements put in by CCP now would still be an acceptable standalone project.

RECOMMENDATION:

Staff feels CCP has taken care to exercise great diligence in its continued planning for the park and that the proposed improvement is a welcome compliment to the rest of the park. Additionally, CCP made every effort to take ongoing maintenance into consideration in the design. Lastly, with CCP covering over 75% of the cost, this amounts to a significant value to the Town. For all these reasons, staff supports CCP's request for design approval and immediate construction of their portion of the work.



Proposed 2021-2022 Central Park Improvements

CCP History & Background

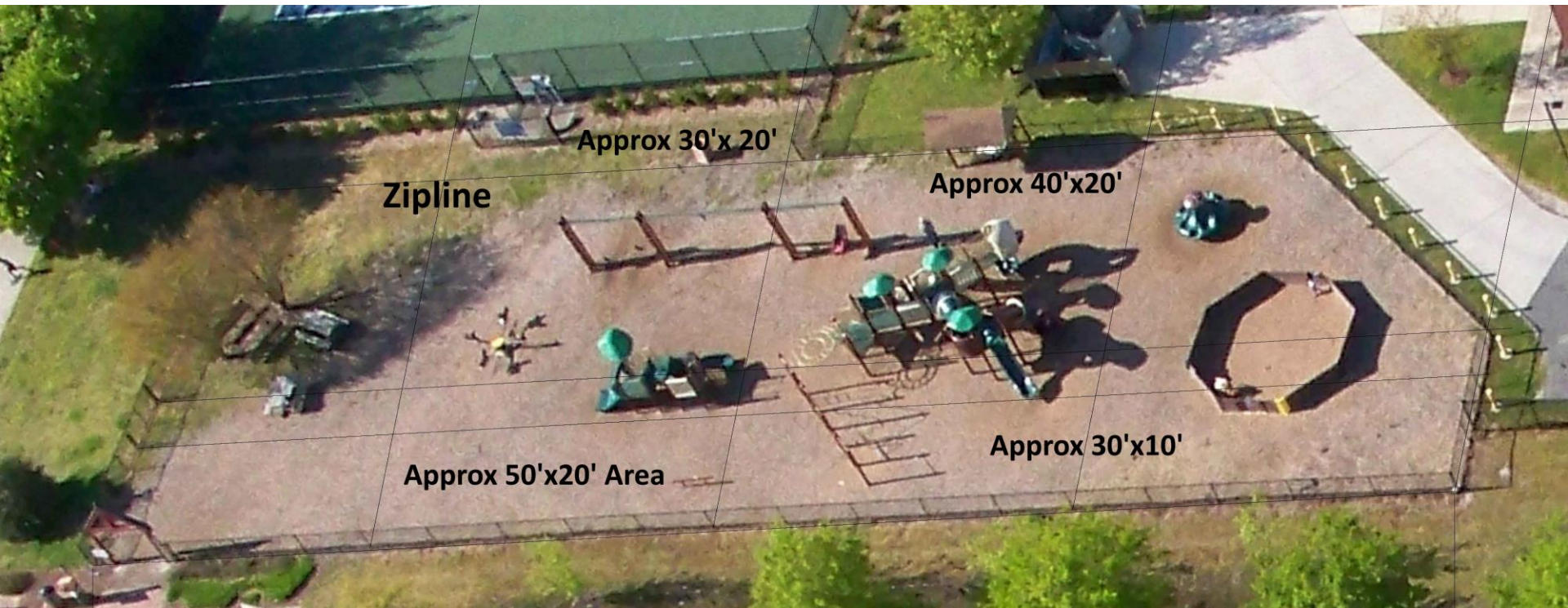
- CCP founded in 2000; Virginia Corporation; 501 (c)(3) Non-Profit
- CCP was the driving force behind conversion of the former High School's Athletic Field into the public Park envisioned by William Scott when laying out the Town of Cape Charles in 1883.
- The Women's Club of Cape Charles raised \$40,000 and invested hundreds of volunteer hours in building *Cape Kids*, the Children's Playground in the Park in 2002.
- The construction of Central Park was completed and the Park was formally dedicated in 2010.
- CCP continues today as a 100% volunteer member organization with its insurance, NCCC membership and a P.O. Box as its only fixed operating costs. Annual budget - \$50,000.

History & Background - Continued

- CCP volunteers have invested thousands of hours over the past 20+ years in building and/or raising more than \$200,000 for the gazebo, pergola, restrooms, lamplights, upgrades & improvements to the children's playground, trees, benches and picnic tables.
- A large portion of the cost of the Park's 116 trees was donated by private individuals as Memorials to friends and family, along with the picnic tables and benches added two years ago.
- CCP hosted the first Harbor for the Arts Summer Concert in the Park in 2013, and with support from the town it annually raises the \$25,000 needed to host the largest and most successful annual summer concert program on the Virginia eastern shore.

Cape Kids Children's Playground

- Over the past 20 years a number of *Cape Kids* Playground attractions have aged and been removed, and some have not replaced.
- In 2015 CCP raised approximately \$30,000 toward the \$50,000 cost of replacing all of the wooden playground units.
- More recently, CCP received \$10,000 from Paul & Maria Henderson to improve the Children's Playground and we raised an additional \$6,000 via Facebook.
- The Zip-Line was replaced in 2021 thru a 50-50 cost split with the town and a GaGa Ball Game Pit was purchased and installed by CCP volunteers.



Zipline

Approx 30'x 20'

Approx 40'x20'

Approx 50'x20' Area

Approx 30'x10'

Proposed Playground Improvements

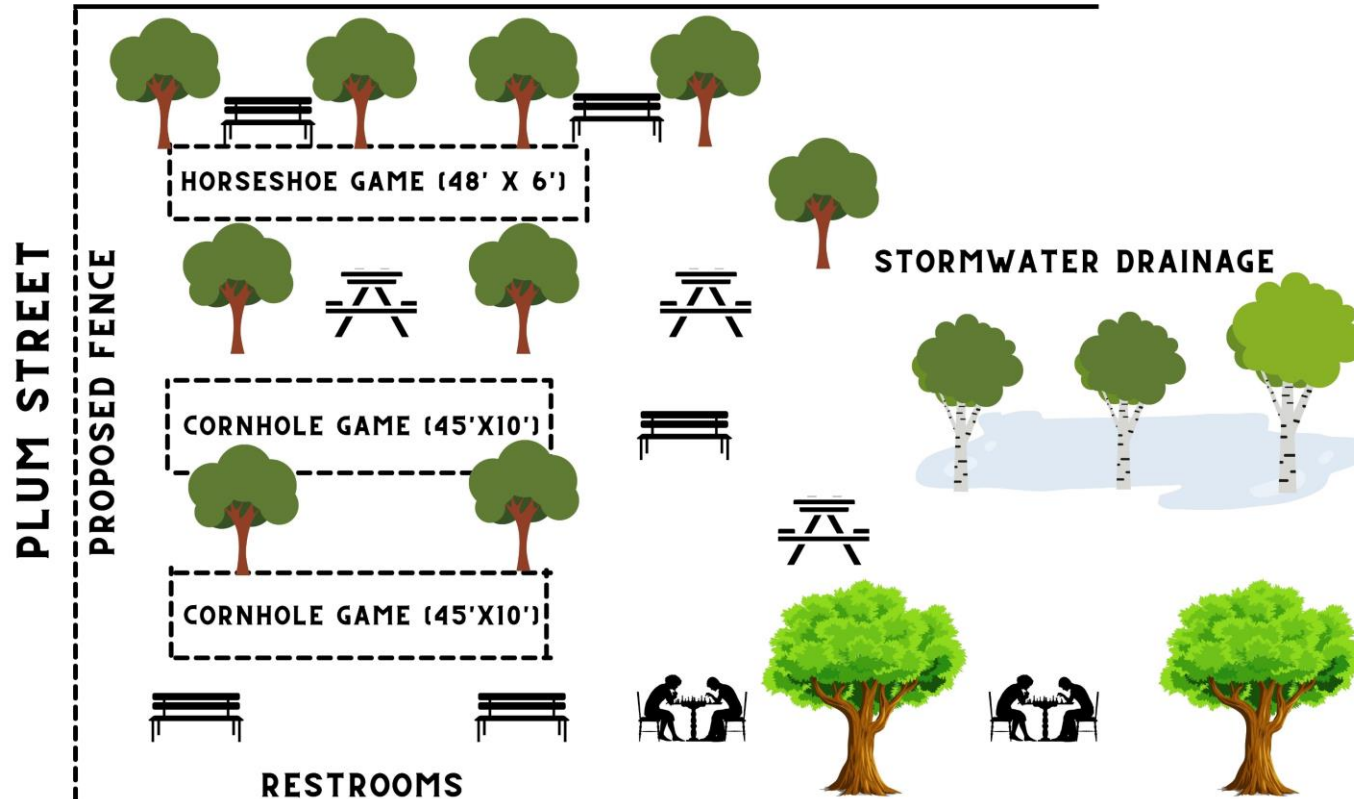
Using funds remaining from the Henderson family donation and funds raised from CCP's Margarita sales and concert related donations over the past few years, CCP is proposing to spend \$10,000 to purchase and install a Climbing Wall and sensory type playground activities.



Proposed New Family Game Area

- Almost all of the Park's 5-acres are in use at sometime during the year, except for the southeastern corner on Plum Street bordered at the south by the Tazewell Ave backyard alley and north by the Park's Restrooms.
- Useable area is about 75' x 75' , with land sloping toward the west as part of the Park's stormwater retention design. Four River Birch trees were planted in the swale two-years ago to help absorb the stormwater.
- CCP would like to create a Family Game Area with shade trees, benches and picnic tables in this corner area.

TAZEWELL AVE. HOMES, ALLEY & FENCE



ACTUALS



PROPOSED FAMILY GAME AREA

Concrete Games On Concrete Pads



Two-Phase Shared Cost

Family Game Area Improvements - Estimated Costs

Item	#	Cost	Total
Horseshoe Game	1	1,000	1,000
Concrete Chess/Checkers table sets	2	1,372	2,744
Picnic Tables - red cedar	3	1,000	3,000
Benches - Oak, 80"	5	826	4,130
Cornhole games - concrete	2	1,280	2,560
6 Concrete platforms			3,260
Repair sprinkler system			500
Fence along sidewalk	75 ft	3,000	3,000
Shade Trees	11	625	6,875
Total Est Costs			<u>\$27,069</u>

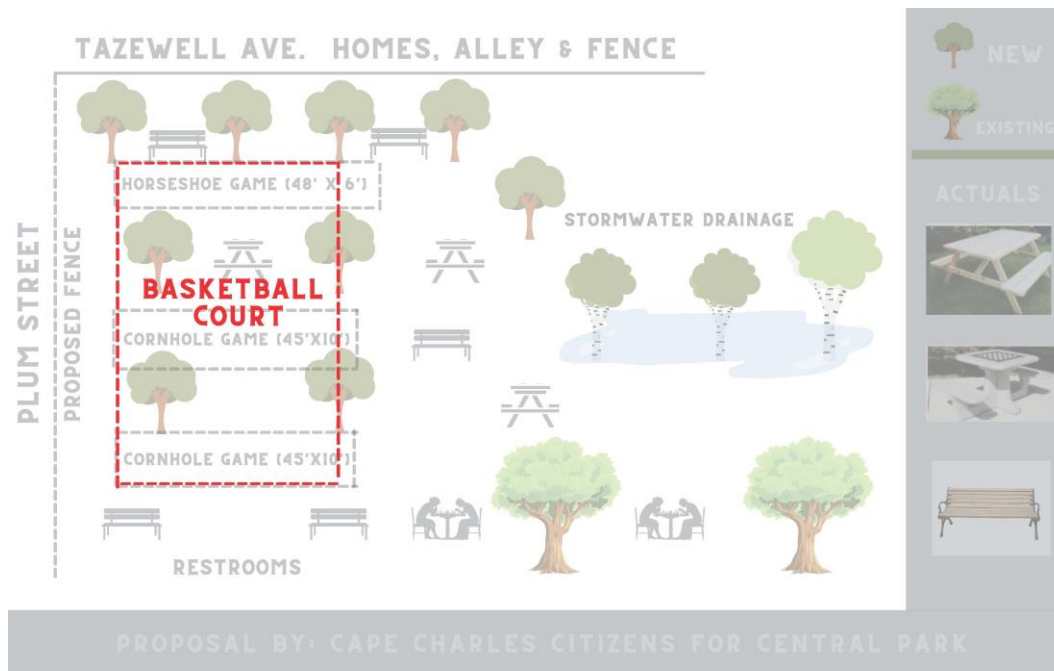
CCP Phase 2021-22

#	Cost	Total
2	1,372	2,744
3	1,000	3,000
3	826	2,478
2	1,280	2,560
		3,260
		500
11	625	6,875
		<u>\$21,417</u>

Town 2022-23

#	Cost	Total
1	1,000	1,000
2	826	1,652
75 ft	3,000	3,000
		<u>\$5,652</u>

Considered Basketball Court



Comments & Recommendations

- Basketball Court:
 - Youth in Cape Charles and the surrounding area would benefit from a basketball court, and CCP seriously considered this amenity;
 - But the residential area next to this Park corner was not considered appropriate for such an active noisy game;
 - A BB court would also take up almost all of an area that could otherwise serve a larger more diverse family games need;
 - CCP therefore decided to not propose such a use in the Park
- Proposed Park Improvements; CCP seeking Council concurrence on:
 - Playground Improvements this Fall (approx. \$10,000 cost fully funded by CCP)
 - Family Games Area in southeast corner to start in November (approx. \$27,000 cost fully funded by CCP), with 2nd Phase \$6,000 Town contribution in 2022 Summer-Fall

CCP Would Like to Thank the
Mayors and Town Councilpersons
Who Over the Past 20 Years Have
Supported the Concepts and Efforts
That Have Helped Us to Create the
Cape Charles Central Park
That Was Planned Back in 1883

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Wetlands and Coastal Dune Board Member		AGENDA DATE: October 21, 2021
	SUBJECT/PROPOSAL/REQUEST: Reappointment of a member to the Wetlands and Coastal Dune Board		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

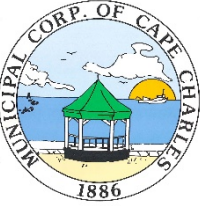
The Wetlands and Coastal Dune Board reviews applications for certain activities in wetlands and dune areas. The Boards meets as needed and consists of five members each serving five-year terms.

DISCUSSION:

Mr. Bill Prickett currently serves on the Wetlands Board and his term will be expiring on November 12, 2021. Mr. Prickett expressed his interest in continuing his service on the Board for another term.

RECOMMENDATION:

Staff recommends Council reappoint Mr. Bill Prickett to the Wetlands and Coastal Dune Board for another term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: World War I Memorial Plaque Relocation in Cape Charles Memorial Library		AGENDA DATE October 21, 2021
	SUBJECT/PROPOSAL/REQUEST: WWI Memorial Plaque Relocation within the Cape Charles Memorial Library		ITEM NUMBER: 7C
	ATTACHMENTS: Teaching Piece		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Ann Rutledge, Library Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Northampton Memorial Library was dedicated in the memory of the soldiers who were lost during World War I. The plaque has been displayed in the library building for 94 years. When the current Cape Charles Memorial Library was relocated to Mason Avenue, the plaque was moved as well, and it has been displayed in the front of the building since that time.

In 2019, a Library Board Member referenced the Code of Virginia which stated that memorials could not be moved and requested that the WWI Memorial Plaque be moved back to the Civic Center building. At their June 20, 2019 meeting, the Town Council discussed an item to obtain a legal opinion regarding this issue. The Town Council voted not to pursue a legal opinion and reached a consensus that the plaque should remain at the library.

Since that time, the Library Board's concerns continued regarding the names being segregated on the plaque. At their August 14, 2019 meeting, the Library Board voted to relocate the plaque to the History Room. A request was submitted to the town manager, but due to time restraints of the public works crew, the plaque had not been moved as requested.

ITEM SPECIFICS:

At the Library Board's persistence, Library Manager Ann Rutledge brought the issue back up during a recent department head meeting. Afterwards, the public works manager moved the plaque into the History Room. This action was included in the Public Works weekly report to Council and was brought up by Vice Mayor Bennett during his comments at the September 16, 2021 Town Council Regular Meeting. After some discussion, it was agreed that this item would be placed on the October 21 Council meeting agenda for further discussion.

RECOMMENDATION:

The Library Board requests Council approval to display the World War I Memorial Plaque in the Library's History Room.

Memorial Library Teaching Piece

As Americans, we view public libraries as places of equal access to information for all. Through much of the twentieth century, however, African Americans were denied access to public libraries or allowed admittance only to separate and smaller buildings and collections. The public library—idealized as a democratic place of learning and sanctuary, where the life of the mind was more important than the color of skin—was not a haven for all.

When this World War I plaque was originally dedicated in 1927, Cape Charles was a very different place. The 32 founding members of the Cape Charles Memorial Library were believed to be forward thinkers. They founded a library in a sleepy southern railroad town, dedicating it to the casualties of War World I, and listing Whites and Colored on *one* plaque, albeit separated. The presentation of war fatalities listed first, white soldiers whose lives were given to the cause, and second a separate and almost subordinate appearing listing of “colored” lives lost in the same venture. A reader could, today, think perhaps that it was an intentional casting of some lives as more important than others. In the final analysis, it is merely suggestive of the way it was at the time. Social mores and the laws of the day supported this type of separation. Like most public libraries and other facilities in the United States, racial segregation laws denied African Americans admittance. The families of the African Americans who were listed in the Colored section were not allowed inside the library to see their loved ones’ names memorialized on the plaque. The *Brown v. Board of Education* Supreme Court decision of 1954 and the passage of the Civil Right Acts 10 years later mandated access to public facilities across the county. The Cape Charles Memorial Library, however, continued to deny access to African

Americans well into the 1970s. This blind spot in our history was long overdue for a reexamination.

Petitions to remove the memorial plaque from the library divided the community in Cape Charles in recent years. The tragedy in Charlottesville, Virginia in August, 2017 highlighted the urgency for our community to take action and address the thorn in our library's chronicle. The plaque, while a historical piece of the library's centennial story, was not in keeping with the values of inclusion and diversity in 2019. Removal of the plaque would serve only one purpose, to bury history, pretend that it never happened or that good-thinking Americans never thought the way the presentation suggests. We know that to be incorrect, and we also know that although the last 50 plus years has brought about vast improvements in race relations, we still see issues raised which let us know that there remains work to be done in this area.

On August 14, 2019, the Board Members of the Cape Charles Memorial Library voted to move the plaque to the history room of the library to serve as a learning tool in keeping with the spirit of the library's mission. The Library Board is proud to present this plaque together with this learning tool to enlighten those persons who view them, and to ignite the curiosity of learners to delve in the Library's expanded holdings to form their own opinions.

Today, the Cape Charles Memorial Library is open to all.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Waste Collection Services Contract Award		AGENDA DATE: October 21, 2021
	SUBJECT/PROPOSAL/REQUEST: Award contract for Waste Collection and Disposal Services		ITEM NUMBER: 7D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Lockwood, Public Works Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

An Invitation for Bids for Waste Collection and Disposal Services was advertised on September 9, 2021, with a bid submittal deadline of October 5, 2021. No bids were received. The deadline was extended to October 13, 2021, and 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 the current service provider with a contract expiration of October 31, 2021.

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
- 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 \$17.45 per container; a \$0.77 increase over current contract.

Because this increase would be taking place midway through the budget year, the Sanitation Fund does not have sufficient funds budgeted to cover the increase for the remainder of this fiscal year. However, the Sanitation Fund has a Fund Balance of \$89,911 which can cover this shortfall (approximately \$12,320). Next fiscal year, trash rates would be increased to cover actual costs.

Alternate Bid: The IFB also included submitting a price for twice a week pickup from May through September. This would not include Mason Ave, where pick up would remain once per week. This alternate was requested by the short-term rental (STR) owners in town.

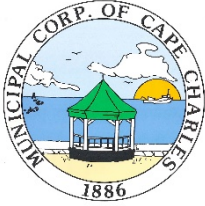
The Alternate bid price came in at \$23,00 per container during the months twice per week pick up occurred.

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

RECOMMENDATION:

Staff does not recommend award of the alternate bid at this time. There has been some discussion about the STR businesses picking up the additional cost for this service, but no agreement has been worked out as of this time. If a satisfactory arrangement can be reached before next May, we will come back for an amendment to the contract.

Staff therefore recommends award of this contract for the Base Bid only, 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: Removing seatbelt requirements for golf carts		AGENDA DATE October 21, 2021
	SUBJECT/PROPOSAL/REQUEST: Approve Ordinance 20211021, removing the seatbelt requirement for golf cart annual inspections		ITEM NUMBER: 7E
	ATTACHMENTS: Club Car Letter, Ordinance 20211021		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town regulates the inspection of golf carts through local ordinance, which includes certain safety equipment. Every golf cart operating in town must be inspected every year to get a Town sticker or face a fine. One of the requirements in our local ordinance is for all golf carts to have safety seatbelts.

ITEM SPECIFICS:

Vice Mayor Bennett has requested Council consideration of removing the seatbelt requirement from the annual golf cart inspection. His concern was that seatbelts could be harmful when used on a golf cart during a rollover without proper rollover protective systems. See the attached letter from Club Car.

Note, there is no current requirement for anyone to use seatbelts on golf carts in Cape Charles, only that each golf cart be equipped with seatbelts, providing the occupants with the option for their use.

RECOMMENDATION:

Staff is conflicted on the merits of this proposal. While occupants of a golf cart using a seatbelt might be more susceptible to injury during a rollover, it is also important to weigh the potential risks of other hazards as well.

It seems very unlikely that an adult would choose to wear a seat belt while operating a golf cart in Cape Charles. Therefore, the odds of someone sustaining additional injury in a rollover is probably small. However, many visitors to town have small children and rent golf carts. These small children are susceptible to injury by sliding or falling off a moving golf cart, especially from the back seat during a turn. This is frequently witnessed in town.

If the inspection requirement for seatbelts on golf carts were removed, rental companies would stop installing them, thus eliminating an option for a parent to secure their children when operating a golf cart in Cape Charles.

In staff's opinion, the odds are likely higher for an unrestrained child to be injured on a golf cart, than they are for someone to experience a rollover while wearing a seatbelt. Staff therefore recommends careful consideration of all the risks when deciding this matter.



Club Car, LLC
PO Box 204658
Augusta Georgia 30917
Tel (706) 863-3000
Toll free (800) 227-0739
Fax: (706) 228-2778
www.ClubCar.com

February 4, 2020

To Whom It May Concern:

Club Car does not offer, or recommend, the use of seat belts on our vehicles without Rollover Protective Systems (ROPS).

Golf, utility and passenger vehicles, when initially manufactured and shipped, have no occupant protection (i.e. roll bar, rigid roof, etc.) from a possible vehicle rollover. Occupants belted to a seat in a rollover situation would be more susceptible to injury.

Club Car offers certified ROPS cabs as accessories for many Club Car vehicles. When ROPS are installed on a Club Car vehicle, it provides additional occupant protection from rollover and seat belts can be utilized. When ROPS are not installed, seat belts should not be used.

Driving utility and passenger vehicles at slow factory governed speeds (19 mph maximum) over short distances does not constitute an undue safety risk when operated per posted operating instructions. Per the posted operating instructions on each vehicle, all occupants should "hold on in the moving vehicle" to the handhold provided as standard equipment on each vehicle.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Stewart", with a long horizontal stroke extending to the right.

Geoff Stewart
Director Product Safety
Club Car, LLC

ORDINANCE 20211021

ADOPTING REVISIONS TO CAPE CHARLES TOWN CODE ARTICLE III.A, SECTION 42-51

WHEREAS, the Cape Charles Town Code is a compilation of ordinances enacted by the Cape Charles Town Council and periodic revisions are required to reflect policy initiatives, conform to new federal or state law, and to recognize changes in organizational structure, etc.; and

WHEREAS, Section 42-51 of the Cape Charles Town Code outlines the requirement for golf carts to obtain an annual safety inspection covering the following safety equipment:

1. Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise
2. Windshield wipers if equipped with a permanent windshield
3. Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed drivers's seat
4. All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks
5. Speed governor if gasoline powered
6. Safety lap belts
7. Slow moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia (1950) as amended
8. Proof of insurance is required; and

WHEREAS, although the safety lap belts are required equipment, the use of the belts are optional; and

WHEREAS, at their October 21, 2021 regular meeting, the Cape Charles Town Council considered the removal of the safety lap belt requirement after reviewing a letter from Club Car, LLC's product safety director which stated that "Club Car does not offer, or recommend, the use of seat belts on our vehicles without Rollover Protective Systems" adding that "occupants belted to a seat in a rollover situation would be more susceptible to injury" and "all occupants should 'hold on in the moving vehicle' to the handhold provided as standard equipment on each vehicle."

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 21st day of October 2021, that Cape Charles Town Code Article III.A – Golf Carts, Section 42-51 – Town inspection and safety equipment be revised per the attached, removing safety lap belts list of required equipment, to become effective immediately.

Adopted by the Town Council of Cape Charles on October 21, 2021.

By: _____
Mayor

ATTEST:

Town Clerk

Sec. 42-51. - Town inspection and safety equipment.

Golf carts shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an inspection station approved by the Town of Cape Charles. Such safety inspection shall only cover the following items:

- (1) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise.
- (2) Windshield wipers if equipped with permanent windshield.
- (3) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
- (4) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
- (5) Speed governor if gasoline powered.
- (6) Slow moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia (1950) as amended.
- (7) Proof of insurance is required.