TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
September 15, 2022
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, Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez, Treasurer Deborah Pocock, Police Chief Jim Pruitt, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were five members of the public physically in attendance, and 10 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize announced that this evening's public hearing was to receive comments regarding the proposed Fiscal Year 2023 budget amendment.

A. *FY 2023 Budget Amendment*

The floor was opened for public comments.

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

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

The public hearing was closed at 6:32 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors to be recognized nor any presentations to be heard.

PUBLIC COMMENTS FOR ITEMS NOT SUBJECT TO THE ADVERTISED PUBLIC HEARING: (3 MINUTES PER SPEAKER)

Cathy Fox, resident of the Town

Ms. Fox addressed the Town Council on behalf of the Cape Charles Memorial Library in her capacity as a member of the board of directors. (Please see attached.)

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

CONSENT AGENDA

A. Approval of Agenda Format
B. Approval of Minutes:
   i. August 18, 2022 Town Council Public Hearing & Regular Meeting
   ii. August 18, 2022 Town Council Executive Session
C. Approval of July 31, 2022 Financial Report

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to approve the consent agenda items as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:
There was no unfinished business for review.

NEW BUSINESS:

A. *Accessory Dwelling Unit Ordinance – Set Public Hearing:*
Planner/Zoning Administrator Katie Nunez stated that the Planning Commission discussed possible revisions to the ordinance to address Council's issues raised at the June 16, 2022 Town Council Regular Meeting. A proposed draft zoning text amendment was provided for Planning Commission's review at their September 6, 2022 Regular Meeting. After further edits were made, the Commission voted to forward the draft zoning text amendment to the Town Council along with the draft Accessory Dwelling Unit Safety Inspection Checklist & Affidavit for review and discussion.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to schedule a public hearing on October 20, 2022 regarding the proposed zoning text amendments to Sections 4.2(J), 2.9, and Article 3.

Councilman Follmer thanked everyone for their work on the text amendments then went on to express his frustration that several of the issues raised by Council had not been addressed. Council had requested that all definitions be made consistent with the State Building Code. Except for the definition of "kitchen," none of the other definitions were amended. There is a need for consistency and greater clarity. There were also previous issues with processes changing with staff turnover. It was Council's duty to protect the residents from inconsistencies caused by staff turnover. Having written procedures was necessary. He still felt that the definition of "kitchen" was broad and suggested adding more specific language including the requirement of a sink, refrigerator and some type of device for heating food.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to amend the definition of "kitchen" to read *"means a space within a structure designated for the preparation of food, that includes a sink, refrigerator, and a device for heating food."*

Vice Mayor Bennett stated that the definition of "kitchen" from the Building Code was verbatim to the proposed definition and added that he didn't think the verbiage "device for heating food" was good since this could be anything including sticks for an open fire. The Planning Commission, Council and staff had been working on this language for a long time and were now down to the weeds. He was happy with the proposed language recommended by the Commission.

Councilman Follmer amended his motion, which was seconded by Councilman Holloway, for the definition of "kitchen" to read *"means a space within a structure designated for cooking and preparation of food, which includes a sink and refrigerator."* The motion was approved by unanimous vote.

Mayor Dize called for a vote on the original motion to schedule a public hearing for October 20, 2022.

The motion to schedule a public hearing for October 20, 2022 regarding the proposed zoning text amendments to Sections 4.2(J), and Article 3 as recommended by the Planning Commission and Section 2.9 as amended by Council. The motion was approved by unanimous vote.

B. *Removal of Proffers from Several Parcels on Cassatt Parkway – Set Public Hearing:*
Katie Nunez stated that staff had been in conversation with the developer who is conducting due diligence relative to the purchase of 11.5 acres identified as Tax Map #90-19-A for potential work force housing. The proffers that cover this property, identified and referred to as the Keck Property Proffer Statement, were proving to be an impediment to move forward and Mr. Lance Marine, managing principal of Winmar Advisory, provided a letter outlining his project intentions.

Katie Nunez explained that on November 13, 2008, the Town agreed to conditionally rezone a portion of then Tax Map #90-3-A comprising 33.195 acres off of Old Cape Charles Road, commonly known as the Keck Property, with proffers. The proffers were accepted and recorded on December 31, 2008. Approximately 17.7 acres of unimproved land currently identified as Tax Map #90-30-A and zoned Residential Estate (RE), was deeded to the Town as unimproved land to be developed by the Town in the future in a manner that would best serve the interests of the Town. The remaining 15.6-acre portion was rezoned from RE to Residential-3.

Staff had spoken with our attorney to ascertain the process to remove or amend the proffers and advised that following an advertised public hearing and with concurrence from the current legal owners of the land affected by the proffers, the Town could amend and/or repeal the proffers. Based on conversations with the current property owners, all owners would be supportive of removing the proffers. The original property owners, the Kecks, who no longer resided in Cape Charles, stated that they would pose no objection to the removal of the proffers from all of the land originally covered by the proffers. If approved following the public hearing, a legal document would be drafted to repeal the Proffer Statement, and all associated mentions to said conditions of the Proffer Statement included in any subdivision plat subsequently approved and recorded.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to schedule a public hearing on October 20, 2022 regarding the removal of proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town. The motion was approved by unanimous vote.

C. *Deed of Dedication of Water/Sewer Utilities in Village L (Bay Creek):*
Katie Nunez stated that several new subdivisions had been approved, including Village L or Muirfield in the Bay Creek community, which had reached the stage of completion on the primary infrastructure work for water and sewer lines and roads, and requested the Town to accept the water and sewer components into the Town's system. There had been no established protocol and review process for this, so she worked with the developer, the water and sewer departments, and with assistance from the Town's attorney, three documents were developed to address this immediate request as well as to serve as a template for any future new subdivisions. The first document, the Deed of Dedication and Easement, would need to be accepted by the Town, signed and recorded in the Clerk of Courts records. This would also establish the date of the Town's acceptance of this infrastructure and the one-year warranty period. The second document was an affidavit by the developer attesting to the work and location of said work and that there were no outstanding mechanic's liens to said infrastructure. The third document was to "bridge the gap" between when the developer completed the infrastructure work and the time it took for the Town to accept said work. It would allow for any individual lots that had been sold within the subdivision to be able to commence with building permit application submittals and for the Town to be able to approve them conditionally. No Certificates of Occupancy would be able to be issued until the Deed of Dedication had been executed and recorded. This document needed to be executed by the Town, the developer, and the lot owner seeking the building permit.

Katie Nunez requested Council authorization for the town manager and the planning & zoning department to finalize the documents and execute them as warranted, specific for Village

L/Muirfield Subdivision in Bay Creek, as well as to utilize the documents as a template for all future subdivisions for acceptance of water and sewer utilities into the Town water and sewer systems.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to authorize the Town Manager and the Planning & Zoning Administrator to finalize the documents and execute as warranted, specific for Village L (Muirfield) Subdivision in Bay Creek, as well as to utilize the documents as a template for all future subdivisions for acceptance of water and sewer utilities into the Town Water and Sewer Systems. The motion was unanimously approved.

D. *PPEA Utility Consulting Services:*

Town Manager John Hozey stated that as authorized by Council on June 10, 2021, the Town contracted with NewGen Strategies & Solutions for consulting services in the amount if $92,120 to assist in evaluating proposals from Aqua Virginia and Virginia American Water (VAW) to acquire the Town's water and wastewater systems. The initial contract cost was invoiced back to the two proposers. Additional work was authorized on December 9, 2021, and March 4, 2022 in the amount of $10K, bringing the total contract value to $112,120. On January 13, 2022, Council made the decision to advance VAW to the next phase of the PPEA process. NewGen supported public forums, performed analysis of the fair market value of our systems, and provided advice for negotiations with VAW. The Town was now at a point to conclude negotiations and prepare a comprehensive agreement for Council's consideration, which would include the required filings with the State Corporation Commission to approve the sale and establish initial service rates, should Council choose to do so. NewGen proposed a $75K increase to the contract for additional services to accomplish this under tasks F and G. This increase was beyond the initial commitment of either proposer so would be funded by the Town. The FY 2023 budget included sufficient funding to cover this increase for now, but replenishment of these line items might be necessary during this year's mid-year budget adjustment. The issue of the Annexation Agreement still needed to be resolved and staff might move this work to the Town's attorney since he was familiar with the agreement.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to authorize the Town Manager to amend the contract with NewGen Strategies & Solutions for PPEA Utility Consulting Services in the amount of $75,000. The motion was approved by unanimous vote.

E. *Planning Commissioner Reappointment:*

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to reappoint Mr. William Stramm to the Planning Commission for another four-year term. The motion was approved by unanimous vote.

F. *Board of Zoning Appeals Member Reappointment:*

Councilwoman Holloway stated that she would abstain from voting on this issue due to her relationship with James Holloway.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to reappoint Mr. James Holloway to the Board of Zoning Appeals for another term. The motion was approved by majority vote with Councilwoman Holloway abstaining.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to reappoint Mr. James Holloway as the Board of Zoning Appeals representative to the Planning Commission. The motion was approved by majority vote with Councilwoman Holloway abstaining.

G. *Waste Collection and Disposal Services:*
John Hozey stated that on October 21, 2021, the Town of Cape Charles awarded a contract effective November 1, 2021 to P.W. Davis Disposal for all waste collection and disposal services for the Town. The contract was for one year with the option to renew for two additional years. The contract was written so future pricing would be based on the Consumer Price Index, which was 8.5% as of July 2022. This was the first of the two extensions covering the timeframe from November 1, 2022 through October 31, 2023. The cost for year two of the contract would be $18.93 per month representing an increase of about $15K over the amount budgeted for FY 2023. There was currently about $80K available in the Sanitation Fund Balance which would cover this increase. Staff requested Council approval of the first extension of the Waste Collection and Disposal Services contract and transferring the necessary amount from the Sanitation Fund Balance so as not to increase the rates to the users.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the first extension of the Waste Collection and Disposal Services contract with P. W. Davis Disposal from November 1, 2022 through October 31, 2023, and transferring the necessary amount from the Sanitation Fund Balance so as not to increase the rates to the users.

Councilman Follmer expressed his discomfort with the transfer of funds to subsidize rates. If we were to use the Sanitation Fund Balance to subsidize recycling or purchase new trash cans, he would consider it, but he did not feel the need to subsidize the rates as the majority of users and second homeowners would not need the subsidy.

Vice Mayor Bennett stated that past contracts included pricing for the additional years, but with this contract being tied to the consumer price index, future pricing was impossible to predict. He added that the amount in the Sanitation Fund Balance had been there for years and the purpose was to use it in this manner, so he had no problem transferring the funds to cover the increase.

There was much debate about the transfer from the Sanitation Fund Balance.

Mayor Dize called for a vote.

The motion was approved by majority vote with Councilman Follmer opposed.

H. *FY 2023 Budget Amendment:*
John Hozey began by noting a typographical correction of the Budget Account number on the spreadsheet – the account number for the Engineering Services Sewer item until the Utilities Fund should be 501-4502-3420, then went on to state that a number of projects were unable to be completed by the end of the last fiscal year due to supply chain issues, workforce, contractor and consultant complications or delays. A budget amendment was needed to complete or pay for the projects. Whenever a budget amendment was over 1% of the aggregate budget, a public hearing was required. The action this evening would be to schedule a public hearing.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to amend the Fiscal Year 2023 budget as discussed with the noted budget account correction, and make additional budget appropriation of $247,979.48. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS
John Hozey commented as follows: i) The Citizens for Central Park (CCP) game area upgrade plan was approved and moving forward. Part of the agreement required installing a fence in the southeast corner of the park. With events being held in the park allowing alcohol, CCP recommended installing fencing on all the corners of the park to help with the state's Alcohol and Beverage Control (ABC) requirements of roping or fencing around areas where alcohol was permitted. The Town's portion of the cost was about $6,200; ii) Cape Charles Main Street requested a letter be send to the

Northampton County Administrator regarding the Main Street designation signs to be installed along Stone Road, just past the 25 MPH signs. The letter would be sent on September 16th; iii) The Kings Creek Dredging Project was cancelled for this year and the Town was not notified. The project was supposed to begin the day after Labor Day. When no activity was seen the week after Labor Day, he inquired about the start date and was informed that due to the bids coming in extremely high, the project was postponed until next year; iv) He would be out of the office next week for his annual trip to Alaska to winterize his cabin and visit family. He would be gone from September 17th until September 24th but would be reachable if needed.

MAYOR AND COUNCIL COMMENTS

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

Councilman Grossman provided an update on the Kiptopeke Inn adding that he took a tour of the model apartment and had provided information to the school, Coastal Precast, and the Chesapeake Bay Bridge Tunnel recommending they also take a tour. There were currently 100 units available for rent.

Councilwoman Holloway commented as follows: i) Since Bill Stramm was in attendance this evening, she wanted to recognize him as the 2022 president of CCMS. Patsy Harris was the first vice president. There were also several other new board members, and she expressed her excitement with the new board; ii) The Fourth Annual Potluck Dinner during the last concert of the season was a success with 200 participants. She thanked the Town of Cape Charles and the CCP for helping to partially fund the event. It was a great ending to this year's concert series; iii) She asked about this year's ice cream social. John Hozey responded that the Ice Cream Social was scheduled for September 28th from 6:30 to 8:00 p.m. at the Strawberry Street Plaza and treats would be provided by Cowlick's Creamery. Information about the event would be going out soon; iv) CCMS received $40K from the Virginia Tourism ARPA funding and received approval to move forward. When the project details were submitted, the train project was rejected since the entire project could not be completed by the end of 2024. CCMS talked to representatives from Northampton County, and it was decided to use the ARPA funding for the downtown bathrooms and applying for the Northampton County Tourism Infrastructure Grant for funding on the train project.

Councilman Buchholz stated that he attended the September 14th Candidates' Night. A lot of questions were asked, and he did not think that most of the constituents understood how much time staff put forth on the numerous projects. Anytime anything was changed, it could involve staff from the planning & zoning and other departments as well as requiring legal assistance. Everyone needed to realize the extreme burden on the Town's staff. The term "low lying fruit" was used quite a bit last night, but there is no "low lying fruit." Council made the decisions, but staff enacted it. All the staff had done a tremendous job. The public works crew was understaffed but continually did an excellent job. Everything that had been accomplished by Katie Nunez in the short time she had been with the Town was phenomenal. Deborah Pocock did an incredible job and Libby Hume did so much with all the meetings and the unbelievable amount of work. He did not think the residents realized the sheer amount of work needed to be done. He commended all the staff and expressed his great appreciation for them all. Councilwoman Holloway added that she found it disconcerting that she was unable to express the multiple things being done at once. Councilwoman O'Brien stated that residents did not realize what was going on. Councilman Buchholz continued by stating that the Town utilized numerous avenues to communicate activities. Residents did not come to the meetings to stay informed of the issues. Half the items on the Candidates' Night agenda were items that had been in the works for over a year.

Mayor Dize commented as follows: i) He thanked the Historic District Civic League for holding the Candidates' Night. He was unable to attend but watched much of it online. He thanked Libby Hume for attending and streaming it to Facebook. He commented on Facebook that the Town budgeted for funding for numerous projects. This Town Council had taken great steps with the strategic plan and it was amazing what staff and the Council had accomplished. He hoped that when it was time for the next strategic planning sessions, that the public would attend the meetings and provide input; ii) He received a text on September 11th that the Town's flags were not half-staff. He apologized to the citizen and contacted the appropriate staff. There were circumstances involved but he assured everyone that it would not happen again.

Mayor Dize read the announcements adding the September 28th Ice Cream Social. Next month's announcements would be much longer since numerous meetings had just been scheduled for the next three months.

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 7:26 p.m.

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Mayor Dize

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Town Clerk

September 15, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing

Cathy Fox, Resident of the Town and Library Board Member
Good evening. My name is Cathy Fox, and I am here on behalf of the Cape Charles Memorial Library in my capacity as a member of the board of directors.

Did you know that September is Library Card Sign-up Month? This is a time when the American Library Association (ALA) and libraries nationwide join together to remind parents, students and community members that signing up for a library card is the first step towards lifelong learning. The Cape Charles Memorial Library is not only a lender of books, it's a gateway to technology for many residents and visitors. It's a training center for driver improvement courses, it's a place to exhibit art, a Wi-Fi hot spot, repository of Cape Charles' history, an early literacy center for preschoolers and a gathering place for people to relax, explore and learn.

Library Card Sign-up Month offers an opportunity to get involved with the Cape Charles Memorial Library and check out all the great services it offers your community. Here's a few ways you can celebrate and help spread the word about the joys of getting a library card.

Visit the Cape Charles Library to see what's new and take part in the celebration. Libraries across the country are participating. Do you have friends who don't have library cards? Invite them to sign up during September!

Many of you are seeking re-election or are campaigning for a new seat. Your political signs are a great way to citizens to proclaim their support for you. I have window and door signs to help you proclaim your support for the Cape Charles Memorial Library.

Please visit the Cape Charles Memorial Library and get your very own library card and make sure your kids, grandkids, nieces and nephews have the most important school supply of all – a library card! Help them get one this September and kick off the school year right.

Thank you.

TOWN COUNCIL
Work Session
Cape Charles Civic Center
September 15, 2022
Immediately Following the Public Hearing & Regular Meeting

At 7:33 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, present were Vice-Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Staff in attendance were Town Manager John Hozey, Project Manager Bob Panek, and Town Clerk Libby Hume. There were no members of the public in attendance.

ITEM FOR DISCUSSION:
Review Initial Plans and Concepts for FY 23 Capital Projects

John Hozey presented the initial concepts for the future municipal building and Mason Avenue bathroom facility, which included the conceptual site layout, layouts of the first and second floors of the municipal building, proposed exterior of the municipal building, layout and several exterior options for the Mason Avenue bathroom. He went on to state that the goal was to have a municipal building that would sustain future growth. The conceptual plans anticipated growth and included one additional staff person for each department. There was also an empty office for the future which could be used by the Mayor or Council member when needed. There were also other rooms that could be converted to offices if necessary. Bob Panek had been working with the architects and staff on the conceptual designs.

<u>Conceptual Site Plan</u>:
Project Manager Bob Panek explained the following: i) MSA just completed the land survey so the site plan would be adjusted accordingly; ii) The Town wanted to provide golf cart access to the new building, but Cassatt Parkway was 35 MPH and golf carts could not cross the road. It would be difficult to construct a golf cart path along Cassatt Parkway due to drainage ditches, etc. and VDOT had very stringent rules related to ditches. Staff was negotiating with the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) to obtain an easement to run a path along their property line to connect to the existing path on Old Cape Charles Road. The Town also needed to run utilities in the area and offered to include the infrastructure for the CCRSRI as well. The CCRSRI representatives were receptive to this and would bring the matter to their board of directors for a vote; iii) Pursuant to our zoning ordinance requirements for parking, the parking lot at the municipal building would need 84 spaces. About half of the spaces were associated with the assembly space (Council Chambers) with 112 seats, not including Council and staff. The current zoning ordinance required one space for every three seats in assembly space. The remaining 42 spaces were associated with office space, even though we would only have about 25 employees working there. Although we would not be using the assembly space during regular working hours, there was no accommodation for this. This requirement drove the size of the parking lot and best management practices (BMPs) for stormwater, which added significant costs, and there was currently no allowance in the zoning ordinance to offset the size of the parking lot for golf carts. The zoning ordinance required 66 square feet for a golf cart parking space and 162 square feet for a vehicle. We could reduce the parking lot by half if consideration could be made for golf carts.

John Hozey stated that when this issue was brought to the Planning Commission, there was no interest to amend the ordinance. Town Council had the authority to have the Planning Commission review and amend the ordinance. Cape Charles was a golf cart community and amending the zoning ordinance would benefit everyone, not just the Town.

Vice Mayor Bennett noted the wetlands on the property and asked whether the size of the wetlands could be increased instead of having to build BMPs. John Hozey responded that this had been discussed and was a possibility.

<u>First Floor & Second Floor:</u>
The proposed first floor space plan included the police department with a garage, armory, evidence room, restroom with a shower, and a small kitchenette. It also included the Council Chambers with 112 seats, not including the Council and staff at the dais, a small meeting room for executive sessions, another small kitchenette, and storage room to store extra tables and chairs. The first floor also had a men's and women's room, and the archive storage. The other departments currently in the Town Hall would be on the second floor.

John Hozey noted that there were about 90 people in the Civic Center last night for the Candidates' Night and it was packed with people blocking the exits and restroom. The proposed Council Chambers was not much larger than the Civic Center space and he wanted Council to be sure that the size would be sufficient to meet their needs.

There was discussion as follows: i) Councilman Follmer expressed his concern regarding security and controlled access to the offices, adding that the public could get on the elevator and go to any of the offices on the second floor. John Hozey noted that there were doors to the police department and clerk's office. Bob Panek added that when the public gets off the elevator on the second floor, there were two service counters overlooking the elevator – one at the finance department and one at the planning/zoning/building departments; ii) Councilman Buchholz asked about security cameras to be monitored by the police department. Bob Panek responded that there would be provisions for closed circuit cameras, and there would be card reader door access. After hours, the front door would be closed unless there was a meeting, and the elevator to the second floor would be shut off; iii) Councilwoman Holloway liked the egress from the Council Chambers to allow for easier exit from the room.

<u>Exterior:</u>
Councilwoman Holloway suggested an outdoor seating area for staff to take breaks, have lunch, etc.

John Hozey stated that there would be an area for outdoor seating, but the location had not yet been determined.

Bob Panek stated that the exterior material had not been determined yet but would be sympathetic to the harbor buildings and the Rosenwald School. It would probably have a band of brick on the bottom and around the central opening with siding. Initially a steel building was planned but with the addition of the second floor, it would be too difficult to work with a steel structure. John Hozey added that since the initial costs were reviewed, building materials and expenses had gone up significantly.

John Hozey referenced comments from last night's Candidates' Night about selling the Town Hall and other historic buildings stating that the Town would be giving away the historic character. That was not the case, since regardless of who owned a property, it would still be in the historic district and would have to follow the guidelines when renovated. Councilman Grossman added that the property would then be on the tax rolls.

Several Council members stated that they were pleased with the look of the building.

<u>Mason Avenue Restroom:</u>
The layout and three exterior options were reviewed. The Town provided the architects with a photograph of the old ferry terminal and three concepts were developed, but we were not limited to those three. Option 1 was designed with a look similar to the buildings along Mason Avenue; Option 2 was a look similar to a train station; and Option 3 was a look similar to the harbor bath house.

There was discussion as follows: i) Several of the Council members expressed their preference for Option 3 but suggested more of an overhang to look more like the municipal building and a train depot; ii) Councilwoman Holloway asked about the dimensions and the direction the building would face. Bob Panek was unsure of the exact dimensions but estimated it would be 35' or 40' by 25' with a central corridor and entry from both front and back. John Hozey added that the building would face east toward Strawberry Street Plaza. Bob Panek added that there were ADA access issues requiring an ADA sidewalk from Strawberry Street Plaza into the facility; iii) Councilwoman Holloway noted that the train car also needed ADA sidewalks and would be located on the south side (backside) of the buildings along Strawberry Street Plaza. Some coordination with the design teams for both projects would be necessary. Bob Panek stated that the ADA sidewalk on the south edge of the parking lot would go west from Strawberry Street Plaza and could continue past the restroom to the train car then turn south.

Beach Bathroom:
John Hozey recommended placing the beach bathroom project on hold for now. When reviewing the Town Priorities, the beach master plan needed to be moved up and would cover the entire beachfront, beach and dune management, phase 4 of the trail, etc. Everything regarding the beach needed to be done with one vision. He received some information from Councilwoman Holloway regarding the 2024 Northampton County Tourism Infrastructure Grant which could assist with some of the funding. More details about this grant opportunity would be shared as it became available. John Hozey added that with increasing costs for construction and materials, additional funding might be needed for the Mason Avenue restroom.

Councilman Grossman asked about the cost per square foot adding that the cost for the Northampton County school was about $450 per square foot. Bob Panek responded that the Town had been quoted about $300 per square foot.

Motion made by Councilman Buchholz, seconded by Councilwoman O'Brien, to adjourn the Town Council work session. The motion was approved by unanimous vote.

The joint work session was adjourned at 8:28 p.m.

Mayor Dize

Town Clerk

TOWN COUNCIL
Executive Session
Cape Charles Civic Center
September 15, 2022
Immediately Following the Work Session

At 8:37 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Executive Session 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 and Project Manager Bob Panek.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Negotiation Strategy for Potential Utility System Sale

There were no members of the public in attendance at this time.

Council went into executive session at 8:38 p.m.

Motion made by Councilman Buchholz, seconded by Councilman Follmer, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 9:49 p.m. There were no members of the public waiting to return to the meeting.

Certification, to the best of each member's knowledge, that (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: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

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

The Executive Session adjourned at 9:50 p.m.

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Mayor Dize

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Town Clerk