



TOWN COUNCIL
Public Hearing, Regular Meeting
& Executive Session
August 20, 2020
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. Public Hearing:
 - A. [Application Submittal to the Virginia Department of Housing and Community Development \(DHCD\) for grant funding from the Community Development Block Grant \(CDBG\) Virginia Funding Opportunities for COVID-19 Response.](#)
4. Close Public Hearing
5. Recognition of Visitors / Presentations / Recognitions
 - A. Joint Industrial Development Authority Update – John Burdiss, Charlie Kolakowski, Bill Parr
 - B. YMCA Presentation
 - C. Southwest Mason Ave Development and Dock Update – Eyre Baldwin
 - *D. [Cape Charles Central Park 10-Year Anniversary Proclamation](#)
6. Public Comments (3 minutes per speaker)
7. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of June 30, 2020 Financial Report](#)
8. Unfinished Business:
 - A. None
9. New Business:
 - *A. [Appeal of Historic District Review Board Decision – 648 Monroe Avenue](#)
 - *B. [Virginia Department of Housing and Community Development Community Development Block Grant Resolution](#)
10. Town Manager Comments
11. Mayor & Council Comments (5 minutes per speaker)
12. Announcements
 - September 3, 2020 – Town Council Special Meeting & Work Session
 - September 7, 2020 – Town Offices Closed in Observance of Labor Day
 - September 17, 2020 – Town Council Regular Meeting & Work Session
13. Recess to Closed Session

Code of Virginia § 2.2-3711-A, Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Specifically: Update on Legal Matter

14. Return to Open Session

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

The Town of Cape Charles will hold a public hearing on Thursday, August 20, 2020, at 6:30 p.m. in the Cape Charles Civic Center located at 500 Tazewell Avenue, Cape Charles, Virginia.

The subject of the public hearing is to solicit public input on the following:

The Cape Charles Town Council intends to submit an application to the Virginia Department of Housing and Community Development for grant funding from the Community Development Block Grant (CDBG) Virginia Funding Opportunities for COVID-19 Response.

The Cape Charles Small Business Recovery Assistance CDBG grant applications will include the following activities: rent/mortgage relief; re-opening expenses; and training and administrative expenses. The draft CDBG applications will be presented for comment along with information on projected beneficiaries, including the number of businesses to benefit from the proposed project. Businesses in the project area are encouraged to attend. For additional information, please contact the Town Clerk at clerk@capecharles.org or at (757) 331-3259, ext. 10.

Comments and grievances can be submitted in writing to Cape Charles Town Clerk at 2 Plum Street, Cape Charles, VA 23310 or via email to clerk@capecharles.org until August 20th by 4:00 p.m.

If you plan to attend and have any special needs requirements, please call the Town Clerk at the number listed above by August 17th so appropriate arrangements can be made.

PROCLAMATION 20200820

**CAPE CHARLES CENTRAL PARK 10TH ANNIVERSARY –
SEPTEMBER 5, 2020**

WHEREAS, the Town of Cape Charles and the Citizens for Central Park, a volunteer organization focused on improving Central Park, worked together on plans for the park which was constructed with funding assistance from the Transportation Enhancement Program Grant; and

WHEREAS, the Cape Charles Central Park dedication ceremony was held ten years ago on September 5, 2010 after years of planning and construction; and

WHEREAS, since the Central Park dedication, the Citizens for Central Park have continued to improve the Park by spearheading numerous projects such as the construction of the restroom facility, improved landscaping including over 56 new trees, upgrades to the electrical infrastructure, replacement of memorial trees as needed, the sale and placement of memorial bricks, new child-friendly and safe playground equipment, the creation and posting of signage listing the names of the playground equipment donors, creation and posting of signage listing the names of the donors of the memorial trees in Central Park, introduction and management of the Grand Illumination Celebrations from 2010 until 2018 when the event was transferred to the Town, the regular purchase of Christmas lights, additional park lamplights, and the presentation of over 57 free summer concerts since 2012; and

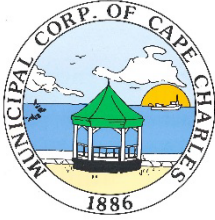
WHEREAS, through their fundraising efforts, the Citizens of Central Park has contributed \$191,170 towards the improvements to Central Park since 2010.

NOW, THEREFORE, the Town Council of Cape Charles hereby proclaims September 5, 2020 as a day of celebration to recognize the 10th Anniversary of Cape Charles Central Park and to applaud the Citizens for Central Park for their continued efforts to improve this valuable asset.

Adopted by the Town Council of Cape Charles on this 20th day of August 2020.

Mayor William “Smitty” Dize

ATTEST: _____
Clerk of the Council



DRAFT
TOWN COUNCIL
Regular Meeting & Executive Session
Cape Charles Civic Center
July 16, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting and Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Capital Projects Manager Bob Panek, Town Planner Allyson Finchum, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were eight members of the public physically in attendance, and 18 viewers on Facebook Live.

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

PUBLIC COMMENTS:

John Coker, Canonie Atlantic Board of Directors and Northampton County District 1 Supervisor

Mr. Coker addressed Council regarding Rail to Trail wanting to make it clear to the Council that the Canonie Board fully supported the healthy living trail along Route 13 and had been talking about this for a number of years. The Canonie Board was looking to have a trail from the Chesapeake Bay Bridge Tunnel to Hallwood, and if successful, it would be the longest trail in Virginia. The Canonie Board was currently negotiating with the Dahlgren Railroad Heritage Trail Foundation to manage this trail and working with the Virginia Department of Transportation to define what the healthy living trail would look like. It was expected that a nice trail map would be available soon. The Canonie Board was also contacted by Maryland asking to extend the trail to Pocomoke City. It was common knowledge that the Canonie Board was trying to sell the Cape Charles railroad yard so they could no longer offer to have the trail to the waterfront as originally planned. The trailhead was now planned to be near Rayfield’s Pharmacy since there was plenty of space and sidewalks to the other areas of the Town as well as a 25 MPH speed limit. He and Jim Outland were available this evening to answer any questions.

Town Clerk Libby Hume read comments received prior to the meeting from Ms. Karen Jolly Davis. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. June 18, 2020 Special Meeting
 - ii. July 2, 2020 Public Hearing, Special Meeting & Executive Session
- C. Approval of May 31, 2020 Financial Report

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

UNFINISHED BUSINESS:

- A. *Rail to Trail Bicycle and Pedestrian Project Resolution:*

Town Manager John Hozey stated that the minutes from the December 2018 meeting were reviewed and they showed that the information provided at that time was explicit that the Town would incur the costs for maintenance outside of the town. The only significant changes were i)

the trail was to originally cross Route 13 at Stone Road, but had been changed to cross at the location of the planned traffic light and then up to Stone Road; and ii) the funding source had changed but there was still no match required from the town. Other than those changes, the plan was consistent with the prior approval.

There was some discussion about part of the trail going into Cheriton. Although a trail into Cheriton was not part of this plan, Mr. Coker informed Council that another SMART SCALE project was approved to bring a trail from Cheriton to Route 13 and things should happen in about two to three years.

There was further discussion as follows: i) Councilman Bannon stated that if the Canonic Board and Board of Supervisors were supportive of the trail, was there any possibility of getting any funding assistance from them for the maintenance of the trail? Mr. Coker reiterated that the railroad was not going to be in control of the trail, but the Dahlgren Railroad Heritage Trail Foundation might be able to assist. The Town needed to sit down with them and negotiate. Mr. Coker added that The Nature Conservancy was also looking for people to take over the second portion of the trail; ii) The current language committed the Town to ownership and maintenance of this phase of the trail, but there was nothing in the agreement preventing further negotiations about this issue; and iii) Vice Mayor Bennett thanked Libby Hume and Bob Panek for providing the information from October 2018 to refresh Council's memories regarding this item.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, adopt Resolution 20200716 Rail-to-Trail Multi Use Path as presented.

Mayor Dize read the Resolution into the record.

The motion was approved by majority vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, no; Grossman, yes; Holloway, yes.

Councilman Grossman added that i) The Memorandum of Agreement (MOA) outlined that the Town would name at least one representative to serve on the working group and he didn't recall that Council appointed anyone in this capacity; and ii) Bob Panek's suggestion regarding amending the MOA to update it for the current status was necessary. Both these items should be done at a future meeting. John Hozey stated that he would contact the Accomack-Northampton Planning District Commission to find out when the working group would be developed and begin their work, adding that the MOA could be amended to update the funding source. The important items of the MOA didn't change.

B. *Appointment of Zoning Administrator:*

John Hozey explained that, as stated in § 2.4.1 of the Cape Charles Zoning Ordinance, Town Council needed to appoint a zoning administrator to serve under the direction of the town manager. When advertising for the planner position, one of the requirements was for zoning administration experience. Allyson Finchum, the new planner, had extensive experience as zoning administrator and planner, and was recommended for appointment as the Town's zoning administrator.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to appoint Allyson Finchum as zoning administrator. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- i) General COVID-19 Update – He unfortunately had been following bad data on the Virginia Department of Health site which showed the numbers trending down since July 1. He recently discovered that the exact opposite was happening. Cases were level in most of the state except for the Hampton Roads area which was experiencing increases in the number of cases. Because of that sharp increase and the closeness of the Hampton Roads cities, just across the bridge, he

was keeping the Town under phase 2 operations until the numbers leveled off. There had been no problems in getting business done. A new call box was installed at the Town Hall to allow the public easier access to staff and services. At his press conference earlier this week, the Governor took a moderate approach, focusing more on regions and stepping up enforcement with more inspections. Contact tracing showed the majority of cases among those in the 20-29 age range largely due to social events and people not following precautions. He had heard that three businesses in Virginia Beach had lost their licenses due to safety violations.

Councilwoman Holloway asked whether the playground was opened or closed. John Hozey responded that under the Governor's phase 2 operations, playgrounds remained closed. The Governor's phase 3 orders didn't include any guidance on playgrounds, so the Cape Charles playground remained closed.

Vice Mayor Bennett added that he went to a site where you could search by zip code and the 23310 zip code showed 32 total cases. Councilwoman Holloway stated although the numbers in our area were low, our visitors were coming from other areas, especially Hampton Roads.

- ii) In the past, the Town routinely sprayed for mosquitoes and had only one provider. A second provider contacted him expressing his interest in performing this service. Prior to going out for bids for mosquito spraying, he wanted Council's input on whether it should be continued or not. No one from the public had requested the Town to spray for mosquitoes, but a number of residents asked the Town not to spray their properties and unfortunately, the spraying contractor could not skip properties. If the Town didn't have a mosquito problem, due to dry weather, should the Town continue to spray for mosquitoes? This wasn't something he would normally ask Council, but he was still too new in the area to know the mosquito trends.

Mayor Dize and Councilman Bannon preferred to continue spraying stating that the mosquitoes would get bad. Councilmen Buchholz and Follmer stated that, as long as there had been no complaints and the weather was dry, the Town could wait to spray which would save some money. Councilman Holloway stated that if the Town could avoid spraying, for environmental reasons, she would prefer not to spray.

- iii) Poseidon Water Sports currently rented jet skis, kayaks and paddle boards at the Town Harbor and many of their renters were leaving the equipment at the beachfront versus returning it to the Harbor. The owner of Poseidon Water Sports was interested in possibly starting another company to rent kayaks and paddle boards at the beach which would require setting up and storing equipment on the beach which was currently prohibited by the Town Code. If Council was open to this type of business, it would require an ordinance change.

There was discussion as follows: i) There had been another company that rented out kayaks and other equipment in the past, but the Town's rules were ignored. If the Town permitted one such business, others would ask to set up other types of businesses; and ii) Councilman Follmer suggested Poseidon Water Sports charge a security deposit to ensure return of the equipment to the Harbor. Other members of Council were in agreement with this resolution.

- iv) Northampton County Administrator Charlie Kolakowski contacted John Hozey to notify him that the Joint Industrial Development Authority (JIDA) wanted to change their name to the Economic Development Authority and that the County was developing a small business grant program using some of the CARE money. They were asking the incorporated towns to provide 20% of their CARE money for the program as well. John Hozey stated that he was not in favor of providing any of the Town's CARE funding for this purpose and asked for Council's input.

There was discussion as follows: i) Cape Charles had more businesses than other towns; ii) Cape Charles already contributed more money with transient occupancy taxes, meals and sales tax, etc. The amount contributed by Cape Charles versus other towns was lopsided; iii) The grant program being developed by the Town and Cape Charles Main Street (CCMS) using funding from the Department of Housing and Community Development (DHCD) Community Development Block

Grant (CDBG) would provide better benefits to the businesses in the Town; and iv) There was a general consensus not to participate in the County's grant program.

Mayor Dize noted that John Burdiss was the Town's representative on the JIDA. He had been mayor for two years and had not heard any updates from Mr. Burdiss. Libby Hume offered to reach out to Mr. Burdiss to have him attend a future Council meeting to provide an update.

- v) During the budget process, he had recommended reviewing the Fiscal Year (FY) 2021 budget in September for a possible budget amendment. The date was picked arbitrarily due to September being the beginning of the second quarter. If the review was done in September, the Town would only have data through July. He suggested delaying the review until October when we would have data for July and August as well as fiscal year-end 2020. Council agreed that it would be more efficient to delay the review until October.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows: i) He welcomed Allyson Finchum and added that during the months when the Town was without a planner, two employees, Jeb Brady and Tracy Outten, stepped up and went above and beyond to help the department; ii) He had brought up the issue of affordable housing in the past and had recently spoken with Charlie Kolakowski and found out that DHCD would be finalizing the grants on July 22 and the Town might be able to get grant funding for a study on affordable housing.

Councilwoman Holloway comments as follows: i) CCMS was working closely with the Town on the DHCD CDBG grant which had been submitted. She was confident that the Town would be awarded the grant. Two public hearings were needed, and John Hozey was taking care of those; and ii) The CCMS designation application was on the Governor's desk for approval.

Councilman Buchholz gave kudos to Councilwoman Holloway for her relentless effort to get the porta potty unit for the business district. It had taken a couple of years but it was now in place.

Vice Mayor Bennett and Councilmen Bannon and Follmer had no additional comments.

Mayor Dize commented as follows: i) He thanked Councilman Grossman for volunteering as planner for the last several months. Councilman Grossman kept things running smoothly with the help of staff; ii) He welcomed Allyson Finchum to the Town; and iii) He thanked CCMS for putting together the reception for the Virginia Living Magazine winners. It was impressive that 27 businesses in Cape Charles won awards. A lot of people invested a lot of time and money in this Town it was special to see the awards given out. Councilwoman Holloway thanked the volunteers who helped with the event.

Mayor Dize read the announcements.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, calling for a short recess before going into executive session. The motion was approved by unanimous vote.

The meeting recessed at 7:05 p.m. Staff, with the exception of John Hozey and Bob Panek, and the members of the public left the meeting. Also, in attendance for a portion of the meeting were Messrs. Clifton Parker, John Aulbach, Daniel Hingley and Brent Hutchinson from Aqua Virginia.

At 7:16 p.m. Mayor Dize called the meeting back to order.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended 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: Discussion of unsolicited proposal from AQUA Virginia, Inc. to acquire the water and wastewater utility system assets of the town, to include negotiations regarding operational, financial, and capital implications, as well as impacts on current and future utility rates.

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

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: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

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

The meeting adjourned at 9:31 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
July 16, 2020 Town Council Regular Meeting**

Karen Jolly Davis, 5 Randolph Avenue
To the Town Council:

I live at 5 Randolph Ave. near Bay. This summer, the sidewalks are a river of young families streaming to and from the beach. Every day, troops of young parents haul wagons full of toys, chairs and tents for their day in the sun. I enjoy the daily parade, and am amazed by the number of people on our beach.

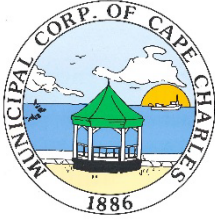
However, since the demographics of our town have suddenly changed, we need to look at our emergency plans to see if they match the needs of our population.

In the summer months, we have many hundreds of small children in town. In an emergency, we would need to have resources for all those children--appropriate food, diapers, etc. Rescuing hundreds of toddlers and infants may have totally different parameters than the ones we have established for the safety of our full time, older, population.

Also, the public works crews need to be especially vigilant about cleaning the beaches. Chad already found one diaper buried in the sand. God forbid there should be more.

When the water gets very warm this summer, the possibility of massive fecal contamination rises, as even one baby poop leaking from a wet diaper (and there could be many) could breed quickly. If the beach is closed due to ecoli, we will get a bad reputation. Nobody wants to put their children in contaminated water.

In closing, our public safety policies and procedures should focus on the needs of infants and small children, because we suddenly have hoards of them.



DRAFT
TOWN COUNCIL
Public Hearing, Special Meeting,
Work Session & Executive Session
Cape Charles Civic Center
August 6, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing, Special Meeting, Work Session and Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Capital Projects Manager Bob Panek, Treasurer Deborah Pocock, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were four members of the public physically in attendance, and 21 viewers on Facebook Live.

PUBLIC HEARING COMMENTS:

A. Filing of USDA Rural Development application for financial assistance to purchase equipment

There were no comments to be heard nor any written comments received prior to or during the public hearing.

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

PUBLIC COMMENTS (REGARDING AGENDA ITEMS ONLY):

L.D. Davis, 112 Peach Street

Ms. Davis addressed Council regarding Phase 3 of the Community Trail. (Please see attached.)

There were no other comments to be heard nor any written comments received prior to or during the public comments period.

SPECIAL MEETING ORDER OF BUSINESS:

A. *USDA Rural Development Application:*

Treasurer Deborah Pocock stated that at the May 28, 2020 meeting, Town Council approved the fiscal year 2020-2021 budget which included several capital projects to be funded with USDA Rural Development grants and loans. Identified projects were i) a new police vehicle including outfitting; ii) permit software for the code enforcement department to replace an obsolete system; iii) grounds maintenance equipment which would allow staff to perform grounds maintenance duties in-house versus the work being contracted out; iv) a portable ADA-equipped restroom trailer; v) a video surveillance system; vi) remote read water meters – starter setup; and vii) a replacement pickup truck for the water plant. Two applications would be submitted, the first was available for funding this summer for general fund projects and the second application for water projects, if approved, would be awarded after September 30, 2020. The grant proceeds would total \$78,026 and the loan proceeds would total \$144,905. The closing documents had been received for the first application with a 2.25% interest rate. Council must adopt a resolution authorizing the town manager to execute the necessary documents.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Resolution 20200806 to facilitate obtaining financial assistance from the USDA Rural Development for the purchase of equipment. Mayor Dize moved for adoption of Resolution 20200806 as noticed and forewent reading of the Resolution. The motion was approved by unanimous

vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS:

Town Manager John Hozey commented as follows: i) He introduced Police Officers Andrew Spencer and Mike Charlton who were in attendance, adding that he neglected to introduce the two officers, Will Garrett and Tommy Lynch, who were in attendance at the last meeting. Mayor Dize thanked Officers Spencer and Charlton for their service; ii) The Town fared fairly well during the storm event though the track took the storm right over us. The only damage was that a tree fell on the fence around the tennis court. This fence would be an ongoing problem with the screens acting like sails. Public Works was pressuring for other options which would allow the wind to go through. This is an item that needs to be addressed; iii) He gave a shout out to the Police and Public Works Departments for the great job preparing for the storm. We ran through all three phases of the Incident Operations Plan (IOP) with Phase 1 on Monday preparing for the incident, Phase 2 on Tuesday with the actual incident and Phase 3 was the cleaning afterwards on Tuesday afternoon, Wednesday and today; iv) COVID-19 Update – We were still in Phase 2 of the COVID IOP. He was monitoring cases and saw a downward trend across the bay. It was still relatively high so he would monitor it for another week; v) Virginia issued new temporary standards with employer requirements regarding employees coming back to work under COVID-19. The requirements include mandatory training. Jodi Outland developed a program and we have 30 days to get everyone trained; vi) He would like to streamline some of the public processes. It currently takes forever for residents and business owners to get things done. In the past, Council and the Planning Commission held joint public hearings with votes taken on the same night for non-controversial issues. If a project was controversial, the process would be handled differently. Unless Council objected, he would like start holding joint public hearings again. He understood that in the past, the Council went to the Planning Commission meeting for the public hearings. The first joint public hearing with the Planning Commission would be at their September meeting. There was no objection from Council. The Planning Commission would discuss the application at their meeting following the public hearing and provide their recommendation to Council for action at the regular Council meeting in September; vii) He wanted to publicly recognize Bay Creek and Cape Marine Services who decided to do something special to recognize all Town employees by providing a free meal to all employees. He thanked them for doing this; viii) When the beach plan was developed it was planned until Labor Day, but it was noted that there would be people attending the beach after Labor Day. Unless Council wanted to close the beach after Labor Day, the cleaning contract would have to be extended and the beach attendants would have to continue until the end of September at an additional cost of about \$8,500, which had not been budgeted. The numbers would be adjusted at the October budget review; ix) He received notice about the second round of funding from the CARES Act. He reached out to Northampton County but had not heard back. He hoped to see additional funding to assist with costs for the revised beach plan; x) The people building the new YMCA requested an opportunity at the next meeting to address Council regarding their plans; xi) He would like to take the day off tomorrow as his household goods were being delivered. He would be available by phone, text and email; and xii) His wife had a windfall of time off from work so he would like to take some time off in September to travel to visit his kids and grandchildren. He would be out from September 9 to September 23 and would not be here for the September Council regular meeting.

MAYOR & COUNCIL COMMENTS:

Councilman Grossman noted that the Town was cleaned up almost immediately after the storm passed. It was good to have a heads up regarding trash collection being moved to another day.

Councilman Bannon stated that one of his trees fell in a neighbor's yard. Friends and neighbors saw the tree and got out their chainsaw and removed it to the street within an hour. The public works crew arrived this morning with a forklift and removed everything. The neighbors all helped, then the public works crew came in and did a fantastic job. Councilman Bannon added that it would have been good to have had a street sweeper to help with the clean up.

Councilwoman Holloway commented as follows: i) She heard officially that Cape Charles Main Street (CCMS) was awarded the \$10K WanderLove marketing grant from the Virginia Tourism Corporation; ii) CCMS and the Town submitted the Virginia Department of Housing and Community Development Community Development Block Grant application for COVID-19 relief for the business community. The funds could stretch to assist businesses outside the Town limits since Northampton County did not apply, but Cape Charles' businesses take priority. She appreciated the Town Council agreeing to the public hearing on August 13. We should find out about the decision after the second public hearing which was scheduled for August 20; iii) The Rebuild Virginia grant, up to \$15K, was available for all Virginia businesses that were forced to close for the pandemic; and iv) The National Main Street grant came out and all businesses could apply for funding assistance as well. There was a lot of much needed assistance out there to help with rent or mortgage relief, utilities, and all other COVID-19 expenses.

Vice Mayor Bennett and Councilmen Buchholz and Follmer had no additional comments.

Mayor Dize commented as follows: i) He appreciated all staff who helped clean up after the storm. They always did a good job; ii) He was disturbed by an issue that happened over the past couple of weeks with a trailer parked in a property owner's yard for a catering business. We couldn't even get boat trailers off the streets and these property owners were told by staff that they couldn't park their trailer in their own yard to make a living. They had to move the trailer to Cheriton. Staff was doing their job, but the regulation needed to be revisited.

There was some discussion regarding this issue as follows: i) If an exception was made for one individual, the Town would have to do the same for all; ii) This could not have been handled as an exception under the emergency order since the order did not give the town manager the authority to change zoning ordinances; iii) It was noted that the confectionary business was permitted to operate out of the individual's house for a number of years but the products had to be delivered. Customers were not permitted to come to the house to pick up the products; and iv) In order to allow these types of businesses, the law would have to be changed.

Motion made by Councilman Buchholz, seconded by Councilman Bannon, for a short recess before going into the work session. The motion was approved by unanimous vote.

The work session was called to order at 6:56 p.m.

WORK SESSION ORDER OF BUSINESS/DISCUSSION:

A. *Community Trail Phase 3:*

Capital Projects Manager Bob Panek updated Council regarding Phase 3 of the Community Trail project as follows: i) Bids were received in November 2019 but the low bid was 24% more than the engineer's estimate and exceeded the Town's budget by about \$100K. No contract was awarded; ii) Council requested the project be reevaluated to reduce costs. The value engineering effort began with Land Studio in March 2020 and potential changes were shared with adjacent property owners with no input received. Cost reduction of about \$80K was identified; iii) Potential changes were the deletion of four up-lights from the median, simplified median plantings, deletion of the driveway apron and gutter on the south side of Mason Avenue, clarification of the jellyfish filtration configuration, change in the pedestrian lighting mix on Peach Street, and deletion of two light poles at the park entrance on Peach Street; iv) The update estimate for the base and alternate was \$909,972 and the Town's match would be \$201,994; v) There was no funding included in the FY 2021 budget; vi) It was a better bidding climate now if Council opted to rebid the project. The project could be delayed a year, but there was no guarantee whether the bidding climate would remain the same and it was likely to be more competitive. The longer the project was delayed, the more it could jeopardize the grant funding. He received inquiries from VDOT asking whether the Town intended to proceed with Phase 4 engineering; vii) It was an unfortunate series of events due to the delay in execution of the contract last year due to the high bids and with the current budget constraints due to the pandemic; viii) A delay in Phase 3 most likely would not affect the Phase 3 grant funding, but if we didn't move forward, the federal authorization would be withdrawn and the Town would have

to start over to obtain authorization which would result in additional staff time, consultant time, VDOT time and more money; and x) Options for Council's consideration were: 1) limit the work to Randolph to Mason Avenues; 2) Update the plans, submit them to VDOT for approval, and advertise the invitation for bids with a commitment to fund the project in October should sufficient resources be available; 3) Update the plans and defer construction for another year; 4) Abandon Phase 3 in favor of smaller improvements such as sidewalks, curbs and gutters; and 5) Abandon the Trail Plan and forgo about \$1.7M in grant funding.

John Hozey stated that he wanted to get a sense from the Council regarding how strongly they felt about this project. If Council opted to move forward, Bob Panek could get things updated to get it ready to rebid. If there was a consensus to not move forward, there was no sense in spending any more time on it.

There was discussion as follows: i) Councilwoman Holloway stated that this was an important project especially for walkability and with the overall comprehensive plan. She was concerned about the financial commitment in these uncertain times. Some difficult choices were made in the last quarter and everyone made sacrifices; ii) Councilman Bannon agreed with Councilwoman Holloway and added that the Town had been working on the trail project for a long time and he would like to see it finished. It was an important project and he would not object to an increase in the tax rate; iii) Mayor Dize agreed that a lot of effort had been put into the trail project and this would be the next step. He knew the budget was tight but the sidewalks in this section of Town were terrible. The project would improve the entire area. He asked John Hozey and Deborah Pocock to provide direction regarding financing; iv) John Hozey stated that he had not seen the numbers but suggested a possible delay of one year. By doing that, the Town would have to obtain federal authorization again. He did not know what the budget would look like in October, but the budget was already \$300K short just in operations. That would have to be made up and \$200K more to fund the trail. In his opinion, it would be irresponsible to do this at this time; v) Bob Panek added that the grant was a reimbursable grant and the Town would have to pay the invoices and submit for reimbursement. Mobilization would be a large amount at the beginning. If Council opted to move forward with rebidding, the plans could be submitted to VDOT in August and it would take about 30 days for their approval. A 30-day bid would be advertised for an estimated construction completion in May; vi) There was an option for construction to begin in the fall which would be better; vii) Bob Panek recommended moving forward to have Land Studio update the plans and cost estimate since their cost was included in the budget. The Town would submit the plans to VDOT after the FY 2022 budget had been approved so the match could be included. There would be added expense but he did not think there would be an issue with obtaining federal authorization; viii) Mayor Dize expressed his concern that if the Town didn't move forward the funding could be reallocated to other projects. Councilman Holloway added that the CDBG grant for COVID-19 assistance was initially funding used for sidewalks and other improvements; ix) Vice Mayor Bennett noted that the Town had a line of credit and asked whether that could be used for the match. Deborah Pocock stated that would require a monthly payment which was not budgeted but she would check on it; and x) Councilman Grossman noted that one of the slides showed that notification was sent to the adjacent property owners with no input received and added that we had a comment earlier this evening. Bob Panek responded that Ms. Davis was not an adjacent property owner since she lived on a different block.

A general consensus was reached to have Land Studio update the plans and estimates with a new schedule planning for construction to begin in the fall of 2021.

B. *Parking on Mason Avenue:*

John Hozey stated that there had been a disconnect between discussions about the Mason Avenue parking situation and what VDOT would approve. He wasn't sure why VDOT was not consulted but it was a failure of Town staff and the consultant.

Bob Panek added that Land Studio was not involved in the original plan which was done in-house with the assistance of a surveyor. That was the plan submitted to VDOT. Land Studio became

involved after we received notification from VDOT with conditions and request for additional information.

Mayor Dize stated that when he stepped in as interim town manager, he was told that that plans had been submitted but comments were received from VDOT requiring an engineering stamp. That was when it was referred to Land Studio.

There was much discussion regarding this issue, the miscommunication and misunderstanding. i) Councilman Grossman stated that he had a staff report with emails from Chris Isdell with VDOT's input. He would work on compiling the specifics of the project to help determine when the issues occurred; ii) Mayor Dize expressed his concern with the loss of 60+ spaces and asked why the parking stalls needed to be so much longer than initially planned. He asked for an explanation from VDOT; iii) John Hozey would continue to research the issue but wanted to provide Council an update of what was recently discovered; iv) Bob Panek explained that he and John Hozey had been looking into the issue and the input from VDOT was that with the required length of the parking stalls, parallel parking would not be permitted on the south side of Mason Avenue due to the lack of space. He went on to state that if you went down Mason Avenue now, some vehicles stuck out into the travel lane. VDOT was requiring the extra length to accommodate these vehicles. VDOT's main concern was safety; v) There was some discussion about the possibility of labeling the angled spaces for compact cars only and requiring longer vehicles and trucks to park on the south side; vi) Vice Mayor Bennett stated that the situation would be worse with pull-in angle parking with vehicles backing into the travel lane with no visibility; vii) John Hozey stated that more research was needed; viii) Vice Mayor Bennett asked to see the documentation that was provided to VDOT and the response received from VDOT; ix) Councilwoman Holloway stated that she felt the Town was misguided along the way. The Town had a lot of input from the community and businesses. Town staff, CCMS, the Planning Commission and volunteers put a lot of work into the plan. If we had to start over, we needed to go back to that group to help with the plan; x) Mayor Dize stated that this project had spanned four town managers – Brent Manuel, Larry DiRe, himself and John Hozey, and needed to be resolved; xi) John Hozey stated that he did not want to cast blame on people who weren't here and added that this was what happened when you didn't have a project manager who was responsible, knew the processes and had the time and capacity to do the work. Sometimes staff became overwhelmed with other duties and things got dropped. Typically, the town manager was not the project manager, but the town manager managed the person doing it; xii) Council reviewed the options. Vice Mayor Bennett suggested option #4 which was to pursue a traffic study to make Mason and Randolph Avenues one-way streets. John Hozey stated that he had contacted VDOT regarding the one-way option but VDOT was not in favor of this option. Councilwoman Holloway added that it would help eliminate the problem with Randolph Avenue being too narrow for two-way traffic and asked if we received information from VDOT that the one-way option was not worth pursuing, why was it on the slide; xiii) Councilman Follmer commented that we were getting ahead of ourselves and more research was needed. He agreed that the initial group needed to be re-engaged. There had been a lot of public discussion and consensus and the public was very passionate about this. Feedback needed to be provided to the stakeholders; and xiv) John Hozey stated that further discussion was premature. He would contact VDOT to ask if they could provide us with past communications, but he wasn't sure if they would be forthcoming. He and staff had a lot of work to do to determine what happened and how to move forward. He would work on a message to the public and try to engage VDOT to try to find out what they had regarding this issue.

C. *Interim Wayfinding Signs:*

John Hozey stated that he had discovered similar issues to those on the Mason Avenue parking. The people working on the project left. He asked Bob Panek to handle the project and found out that the developed plans did not meet VDOT standards. The project would have to start over which would be very time-consuming. The current wayfinding signs were embarrassingly bad, and Bob Panek worked up an interim solution. The Town was limited to VDOT's current rules. The existing signage was developed prior to the current rules and were grandfathered until

replacement. We were now limited to only three messages per sign. The signs would be done in-house for about \$3K and could be installed fairly soon. The clean and straight-forward proof was received and included in this evening's packet.

There was discussion as follows: i) Councilman Grossman stated that the proof looked good and was fine with moving forward; ii) Councilwoman Holloway stated that CCMS was never told that there couldn't be more than three items per sign. They were told that they could replace the signs with the same information. Also, something needed to be done about the businesses with their own signs at Fig Street and Stone Road. How could we permit one business to monopolize the intersection? She stated that she was sure that The Shanty would like to have their own sign with an arrow, but they couldn't do it. How did the Town move forward to address this? John Hozey stated that he would look into the issue; iii) Vice Mayor Bennett asked whether we could install more than five signs since the content was being limited. John Hozey explained that we could only replace existing signs; iv) Councilman Buchholz added that the content specifications for the signage was based on the miles per hour of the street; and v) Council was in consensus to replace the existing signage as discussed.

D. November and December Council Meetings:

Mayor Dize stated that over the past two years, it had been difficult to get everyone together to meet in November and December and he stressed the importance of having a full Council to make decisions together as a complete government body. Mayor Dize went on to state that he had reached out to each Council member regarding revising the meeting schedule over the holidays and he developed a number of options as result of the feedback received. Mayor Dize reviewed the options. Depending on the consensus, action would be taken at the next regular meeting.

John Hozey explained that changes to regular meetings had to be done by resolution. Staff could not prepare a resolution for this evening since we didn't know which option would be chosen.

There was some discussion regarding the proposed changes and the general consensus of Council was to leave the current meeting schedule as is.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, calling for a short recess before going into executive session. The motion was approved by unanimous vote.

The meeting recessed at 7:57 p.m. Staff, with the exception of John Hozey, and the members of the public left the meeting.

At 8:10 p.m. Mayor Dize called the meeting back to order.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended 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.

Paragraph 29: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Discussion and negotiation of a Harbor Management Agreement with the Cape Charles Yacht Center, to include scope items such as operations, minor maintenance, and marketing; the potential leasing of Town harbor infrastructure; and compensation scenarios involving the use of public funds.

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Specifically: Update on Pending Legal Matter

Motion made by Vice Mayor Bennett, seconded by , Councilman Grossman, to return to open session. The motion was approved by unanimous vote.

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: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to adjourn the Town Council Public Hearing, Special Meeting, Work Session and Executive Session. The motion was approved by unanimous vote.

The meeting was adjourned at 8:40 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
August 6, 2020 Town Council Public Hearing, Special Meeting & Work Session**

L.D. Davis, 112 Peach Street

Thank you Mayor and Council Members for this opportunity to speak.

In August of 2017, before this body, Phase 3 of the Community Trail discussions were had. A Public Input Session was scheduled followed on August 31, 2017. It should be noted that Phase 3 of the Community Trail is a mixed use block with adjacent homes, apartment, retail and restaurant spaces. One of the topics that was brought forward at the Public Input Session was the number of lights that were to be installed and the need to reduce that number. Subsequent discussions brought the number of lights down by a few fixtures.

Fast forward to tonight – if you will look at page 4 of the Community Trail Phase 3 Potential Changes & Way Ahead document you will find that the current design calls for 11 single light poles, the proposed change calls for 4 single light poles and 3 twin poles. The proposed change only reduces the number of lights by 1 light.

Today I walked the 300 block of Mason Avenue, a mixed use block, which is approximately the same amount of linear feet as the Phase 3 Community Trail project and there are only 5 light fixtures. I continued my walk and traversed the 200 block of Mason Avenue, a mixed use block, and found that there were only 9 light fixtures. It should be noted that the 200 block of Mason is approximately an additional 100+ feet longer than the 300 block and the Phase 3 Community Trail project.

Perhaps the thought process regarding lighting is that Phase 2 & Phase 3 of the Community Trail need to match but common sense should prevail as there is no possible way to view both of these projects, from anywhere in town at the same time.

Currently the Phase 3 Community Trail has 3 street lights and given that I have lived at the corner of Peach and Randolph since 2016 I can promise you that guests and locals have been able to find their vehicles at night.

Yes, Mr. Mayor and Council Members – I am like a dog with a bone on this particular issue. The amount of lighting proposed for this project is absurd and I implore you to make the necessary changes and save the town money.

Again, thank you for your time,
L.D. Davis

Community Trail Phase 3 Presentation

Community Trail, Phase 3
Potential Changes & Way
Ahead

Overview

- Community Trail Plan approved by Council in 2007.
 - Phase 1 – Central Park
 - Phase 2 – North Peach Street & Washington Avenue
 - Phase 3 – South Peach Street
 - Phase 4 – Bay Avenue
 - Future Phases – TBD
- Funded 80% by VDOT Transportation Alternatives Program (Federal money) and 20% Town match.
- No funding included in FY 2021 budget for Phase 3 construction.

2

Overview of Phase 3

- Peach Street, between Randolph & Mason:
 - Wide sidewalks & parallel parking (11 spaces)
 - Pull in diagonal parking median (18 spaces)
 - Pedestrian and median lighting
 - ADA access to sidewalk on south side of Mason
 - Two ADA parking spaces at NW corner of Peach & Mason
- Peach Street entrance to Central Park:
 - One way exit from alley to improve safety
 - Semi-pervious parking area
 - Pedestrian lighting

3

Previous Construction Bids

- Base Bid was Randolph - Mason; Bid Alternate was Park entrance.
- Two bids received in November 2019.
- Low bid was 24% more than engineer's estimate.
- Exceeded Town's budget by about \$100K.
- Low bidder disqualified for failure to timely submit DBE materials.
- Other bid was over \$100K more.
- No contract award.

4

Reevaluation

- Council requested the project be reevaluated for cost reduction.
- Value engineering effort started with Land Studio in March.
- Potential changes shared with adjacent property owners; no input.
- Coordinated with the two general contractors and vendors.
- Identified about \$80K of cost reduction.

5

Potential Changes

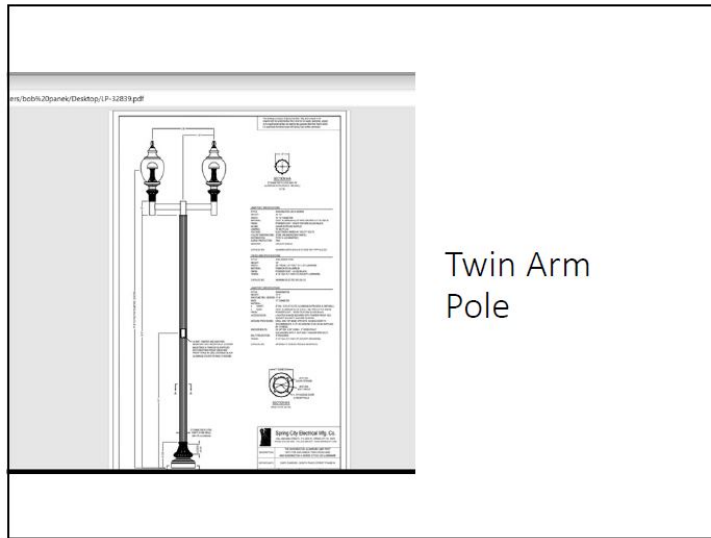
• Delete 4 up-lights from median	\$ 4,000
• Simplify median plantings	3,000
• Delete driveway apron & gutter, south side Mason	3,000
• Clarify Jellyfish filtration configuration	40,000
• Change pedestrian lighting mix on Peach	<u>15,000</u>
Total Base Bid	\$65,000
• Delete two light poles at park entrance (Bid Alt)	<u>\$15,000</u>
Total Estimated Savings	\$80,000

6

Pedestrian Lighting Mix on Peach

- Current - 11
 - 4 single poles on east side
 - 3 single poles on west side
 - 4 single poles on median
 - All 10' high
- Proposed – 7
 - 2 single poles on east side, 12' high
 - 2 single poles on west side, 12' high
 - 3 twin arm poles on median, 15' high
- Improves photometrics and reduces cost.

7



Twin Arm Pole

8

Updated Estimate

	<u>Base</u>	<u>Base & Alt</u>
Low Bid	\$722,226	\$809,299
Changes	<u>- 65,000</u>	<u>- 80,000</u>
	657,226	729,299
Contingency (5%)	32,861	36,465
ANEC pole relocation	10,000	10,000
CE&I (VDOT/LS, 15%)	105,013	116,365
VDOT Admin. (2%)	<u>16,102</u>	<u>17,843</u>
Total	\$821,202	\$909,972

9

Town Match

	<u>Base</u>	<u>Base & Alt</u>
Updated Estimate	\$821,202	\$909,972
LS ineligible cost	<u>- 25,000</u>	<u>- 25,000</u>
	\$796,202	\$884,972
Match Percentage	x <u>0.2</u>	x <u>0.2</u>
	\$159,240	\$176,994
Plus LS	<u>+ 25,000</u>	<u>+ 25,000</u>
	\$184,240	\$201,994

10

Additional Potential Savings

- Better bidding climate? ~ \$35,000
- Oil tank contingent costs ~ \$22,000
- These may occur in project execution; can't be reflected in estimate.

11

Timing

- Construction must start NLT early January to complete in May.
- Contract award – December
- Award recommendation to VDOT – November
- Bid opening – October
- Advertise IFB – September
- Revisions to VDOT for approval – August

12

Options for Consideration

- Limit work to Randolph – Mason.
- Update plans, submit to VDOT for approval, advertise IFB.
 - Land Studio contracted to do this.
 - IFB needs to be advertised before post-season budget review.
 - Commitment to fund in October should sufficient resources be available.
- Update plans and defer construction another year.
- Abandon Phase 3 project in favor of smaller improvements.
 - Sidewalks, curbs & gutters.
 - No parking median, lighting, landscaping.
 - Don't use TAP?
- Abandon Trail Plan.
 - Forgo about \$1.7M in TAP grants.

13

Mason Avenue Parking

August 6, 2020

1

Mason Avenue Now

- Approximately 48' curb to curb
- North side back-in diagonal parking spaces:
(60 degrees) - 16' deep (21' diagonal)
- Two drive lanes – 22'
- South side parallel parking spaces – 10'
- Back-in diagonal parking was implemented to increase the number of spaces over the previous parallel parking scheme

2

Council Direction

- Ad hoc parking committee recommended back-in diagonal spaces on north side be changed to pull-in diagonal (45 degree) spaces
- Blocks affected – Harbor to Peach
- Also recommended parallel spaces, Bay to Harbor and Peach to Fig
- Council approved recommendations
- Staff submitted planned layout to VDOT for review
(Harbor to Pine diagonal mysteriously got dropped from submission)

3

VDOT Direction

- Pull-in diagonal acceptable given low speed limit and commercial area
- But spaces must be 21' deep (29' diagonal) to accommodate 17' design vehicle - Town's proposal was 16'
- Parking space depth of 21', plus two drive lanes of 22' = 43'
- Leaves only 5' on south side. Inadequate for parallel parking spaces. Minimum is 9'; 10' preferable due to high curb.
- Pull-in diagonal can be implemented on north side, but only if parallel on south side is eliminated
- 48' works for back-in diagonal, but not for pull-in with parallel spaces on south side

4

Diagonal Spaces on North Side

<u>Block</u>	<u>Now</u>	<u>45 Pull In</u>	<u>Change</u>
Harbor to Pine	23	20	-3
Pine to Strawberry	37	30	-7
Strawberry to Peach	18	13	-5
		Total	-15

5

Parallel Spaces on South Side

<u>Block</u>	<u>Now</u>	<u>45 Pull In</u>	<u>Change</u>
Harbor to Pine	21	0	-21
Pine to Strawberry	15	0	-15
Strawberry to Peach	12	0	-12
		Total	-48

6

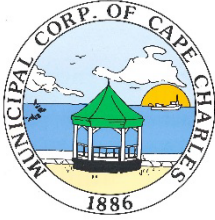
ze3

Options

- 1) Keep as is; lose no spaces
- 2) Implement pull-in diagonal; lose 63 spaces
- 3) Return to parallel both north and south sides; lose about 20 spaces
- 4) Pursue a traffic study to see if it is possible to make Mason Ave one way; this could allow pull-in parking but would still eliminate 15 spaces

7

DRAFT



DRAFT
TOWN COUNCIL
Public Hearing
Cape Charles Civic Center
August 13, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Planner Allyson Finchum, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were three members of the public physically in attendance, and seven viewers on Facebook Live.

PUBLIC HEARING COMMENTS:

- A. Application Submittal to the Virginia Department of Housing and Community Development for grant funding from the Community Development Block Grant Virginia Funding Opportunities for COVID-19 Response. Input is requested on COVID-19 Relief funding needs for use in our community.

Town Clerk Libby Hume read comments received via email from Gary Williams, Abigail Piliero and Barbara Wivell, Roxanne Ward, Meredith Lusk, Cristina Carollo, Nansey Cardone, and Jawn Dolph expressing their support of the grant application. (Please see attached.)

There were no comments to be heard nor any other written comments received prior to or during the public hearing.

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

The meeting was adjourned at 6:37 p.m.

Mayor Dize

Town Clerk

**Comments Provided in Writing
August 13, 2020 Town Council Public Hearing**

Gary L. Williams, Bay View Engraving & Art Glass Studio

Subject: CDBG Grant Hearing

I, Gary L. Williams, DBA Bay View Engraving and Art Glass Studio am writing in support of the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG Covid 19 Recovery Grant.

Bay View engraving and Art Glass Studio was impacted significantly during the pandemic and a grant to support things like COVID reopening supplies, rent rebate, etc...will be of great assistance. Without this assistance I do not know how much longer I can continue to operate and serve the Cape Charles Community and the greater Eastern Shore of Virginia populace.

Sincerely,
Gary L. Williams

Abigail Piliero and Barbara Wivell, Seagrass Floral & Apothecary

Subject: CDBG RECOVERY GRANT - SEAGRASS FLORAL

We, both owners of Seagrass Floral Studio LLC in Cape Charles, VA, are writing in support of the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG COVID 19 Recovery Grant.

Having been in business since May 7th, 2015, we have witnessed Cape Charles blossom into such a prosperous town. We are a small family owned business run by women and love what we do with our services for the great people of our town and surrounding towns. With that being said, Seagrass Floral was impacted significantly during the pandemic from losing our biggest source of revenue (weddings and events) as well as being closed for months. A grant to support things like COVID reopening supplies, rent rebate, payroll as well as operating costs, etc...will be of great assistance.

Sincerely,
Abi Piliero
Barbara Wivell

Roxanne Ward, Buoy 56

Subject: COVID 19 Recovery Grant

Good afternoon,
My name is Roxane Ward and I own Buoy 56. We are a small woman owned and operated micro-business in town. I am writing in total support of the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG COVID 19 Recovery Grant.

Buoy 56 has been and is still being impacted significantly during the pandemic. A grant to support COVID reopening supplies, and other required necessities is much needed and will be of great assistance.

Thank you for your time and attention to my comments,
Roxane Ward
Buoy 56

Meredith Lusk, Moonrise Jewelry, Inc.

Subject: Statement for tonight's public hearing

My name is Meredith Lusk and I am the owner of Moonrise Jewelry. I am writing today in support of the the Town of Cape Charles and Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG COVID 19 Recovery Grant.

I have been in business for 15 years, and my business has been located in Cape Charles for the past nine. Like most businesses, we were impacted significantly during the pandemic and a grant to support things like COVID reopening supplies, rent rebate, etc. would be of great assistance as we adapt to keep our business running into the future. Thank you very much considering my comments in support of the DHCD Covid 19 Recovery Grant.

Meredith Lusk
Founder / Designer

Cristina Carollo, Ambrogia Caffè & Enoteca

Subject: CDBG recovery grant

I Cristina Carollo of Ambrogia Caffè & Enoteca am writing in support of the the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG COVID 19 Recovery Grant.

Ambrogia Caffè & Enoteca was impacted significantly during the pandemic and a grant to support things like COVID reopening supplies, rent rebate, etc...will be of great assistance.

Sincerely,
Cristina Carollo

Nansey Cardone, Love Letter, LLC

I am writing this letter on behalf of Love Letters LLC and I am in support of the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development (DHCH) CDBG COVID 19 Recovery Grant.

Love Letters LLC was impacted significantly during the pandemic and a grant to support things like COVID reopening supplies, rent rebate, merchandise, salaries, etc...will be of great assistance.

Sincerely,
Nansey Cardone
Owner

Jawn Dolph, Hotel Cape Charles

Subject: CDBG Recovery grant public hearing

We at the Hotel Cape Charles are writing in support of the Town of Cape Charles/Cape Charles Main Street applying for the grant provided by the Department of Housing and Community Development's (DHCD) CDBG COVID 19 Recovery Grant.

The Hotel Cape Charles was impacted significantly during the pandemic and a grant to support things like COVID reopening supplies, mortgage, rebate, additional staffing needed to comply with operation standards and will be of great assistance.

Jawn Dolph
General Manager

June 2020 Treasurer's Report

Page 1 – Cash Position

- The SNAP (2013 PNC loan) account was closed as all planned projects have been completed, and \$593,341 was transferred to the operating account.

Page 2 – Revenue vs. Expenditures

- These are not the final year end totals. Staff has until the end of September to enter late invoices and receive late grant revenue to be counted in fiscal year 2020. Some May and June revenue received by August 12th was accrued and included in this report but was not included in the tax revenue chart. The tax revenue chart shows the month revenue was received, not earned.
- General Fund – Despite the COVID-19 negative effect on revenue, it appears at this time that enough expenditures were cut or deferred that the Town will end the year just a bit in the black. It is significant that the CARES Act Grant award will cover the additional expenses for PPE and other measures to keep citizens and staff safe. As of June 30, the amount expended was \$19,000.
- Utilities Fund – The utilities fund ends the year in fine shape, although the amounts are not yet final.
- Harbor Fund – Some year end accruals must be performed, but the harbor should just break even after the \$352,872.07 that was budgeted from the General Fund balance for capital projects and debt service is transferred.
- Sanitation Fund shows a loss of \$4,919 for the year. The tipping fees at the landfill increased, causing a \$3,000 overage in rates through the year and shipping for the new trash cans was not budgeted. The Sanitation Fund balance is well able to absorb the shortfall.

Page 3 – Capital Projects

- \$37,453 was reclassified from water department repairs to capital project for the replacement of the water softener system at the water plant.
- \$29,415 was reclassified from water department repairs to capital project for a realignment of the water main that serves Cape Charles Brewery.
- \$2,390 was paid to land studio for the Mason Avenue striping project.
- \$9,000 was expended for a pit cover for the Mason Avenue pump station for odor reduction.
- \$2,559 was paid for the Inner Harbor Rehab project.

Page 4 – Tax Collection Rate

- The 2019 supplemental tax bills were sent out near the end of June. Staff waited a few weeks for COVID-19 impact to lessen before mailing them out and gave an August 5th due date.

Page 5 – Tax Revenue Trends

- June-earned Meals and Transient Occupancy taxes received in July will not be reported until July in this table.
- These growing tax revenue streams were at the following percentage compared to 2019 revenue from April-June:
Meals tax 45% Business Licenses 48% Transient Occupancy 22%
Harbor dockage had an 18% increase Local Sales & Use tax saw no change

The net decrease over these three months in 2019 in the general fund for these taxes was \$140,000. The FY2020 budget shortfall for these general fund line items was \$270,000.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
June 30, 2020

<u>Cash on Hand</u>	<u>5/31/2020</u>	<u>6/30/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$528,544	\$1,238,142	\$709,598
Atlantic Union Bank Money Market Account	\$825,498	\$825,836	\$339
LGIP Account 1 - Unrestricted	\$104,030	\$104,066	\$36
LGIP Account 2 - Unrestricted	\$299,205	\$299,319	\$114
PNC SNAP Account - no longer restricted	\$544,367	\$0	-\$544,367
PNC SNAP Account Interest	\$48,973	\$0	-\$48,973
Total Cash On Hand	\$2,350,617	\$2,467,363	\$116,746

<u>Restricted and Reserved Cash Balances</u>	<u>5/31/2020</u>	<u>6/30/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,071,616	\$1,078,911	\$7,295
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$31,454	\$31,454	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$2,757	\$2,792	\$35
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,581	\$257,582	\$1
Wells Fargo 2010 Debt Service pass through account #300	\$2,897	\$2,897	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Total Cash Held in Reserve	\$1,367,497	\$1,374,829	\$7,332
Total Cash - All Accounts	\$3,718,114	\$3,842,192	\$124,078

DEBT SERVICE

Net Debt as of Current Reporting Month End \$7,208,668
(Excludes USDA vehicle and equipment loans)

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

June 30, 2020

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 FY19</u>
GENERAL						
REVENUE - Operating	\$85,146	\$3,285,150	\$2,821,676	\$82,421.34	\$3,580,706	78.80%
EXPENDED - Operating	\$207,992	\$2,394,864	\$2,394,324	-\$539.58	\$2,805,563	85.34%
NET	(122,846)	890,286	427,352	(462,935)	775,143	
REVENUE - CAPITAL GRANTS & LOANS	0	408,572	27,042	(381,530)	813,867	3.32%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	31,756	31,756	366,926	335,170	1,589,010	23.09%
TRANSFER TO HARBOR TO TRUE UP FUND						
BALANCE	0	0	1,953,072	1,953,072	0	
TOWN CONTRIB. & PENDING GRANTS	(31,756)	139,004	(2,292,956)	(2,431,960)	(775,143)	
PUBLIC UTILITIES						
REVENUE - Operating	141,524	1,645,183	1,705,075	59,892	1,689,134	100.94%
EXPENDED - Operating	105,786	779,539	878,577	99,038	1,146,690	76.62%
NET	35,737	865,644	826,498	(39,146)	542,444	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	0	271,464	227,867	(43,596)	169,600	134.36%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	0	797,850	711,199	(86,651)	712,044	99.88%
TOWN CONTRIB. & PENDING GRANTS	0	(526,386)	(483,331)	43,055	(542,444)	
HARBOR						
REVENUE - Operating	143,184	715,241	668,739	(46,503)	1,060,080	63.08%
EXPENDED - Operating	71,433	679,041	626,442	(52,599)	692,473	90.46%
NET	71,751	36,201	42,297	6,096	367,607	
REVENUE - GRANTS & LOANS	38,597	227,501	251,397	23,896	375,765	66.90%
TRANSFERRED FM GEN FUND TO TRUE UP FUND BALANCE AS OF JUNE 30 2019	0	0	1,953,072	1,953,072	0	
EXPENDED - Capital Projects, Debt Svc	2,559	1,144,650	643,152	(501,498)	743,372	86.52%
TOWN CONTRIB. & PENDING GRANTS	36,038	(917,149)	1,561,316	525,394	(367,607)	
SANITATION			(349,459)			
REVENUE & BUDGETED FUND BALANCE						
TRANSFER	16,424	198,016	213,852	15,836	214,546	99.68%
EXPENDED	17,105	200,327	218,771	18,443	214,546	101.97%
NET	(682)	(2,311)	(4,919)	(2,607)	0	

FY 2020 Capital Improvement Project Tracking Report

As of:

6/30/2020

	Status or Start Date	Percent of Completion	FY20 Budgeted	FY20 QTR 1 Expended	FY20 QTR 2 Expended	FY20 QTR 3 Expended	FY20 QTR 4 Expended	FY20 YTD Expended	(Over)/Under Budget
General Fund									
Wayfinding Signs	Reduced scope, in process	89%	\$ 30,000	\$ -	\$ -	\$ -	\$ 26,747	\$ 26,747	\$ 3,253
Parking lot Improvements	Complete	105%	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,455	\$ 10,455	\$ (455)
Repair Exterior of Library Building Phase 2	Complete	100%	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000	\$ -
Library Upper Floor office study and prep; ADA entrances, water damage repair and ventilation at Municipal Center, cost overrun for library exterior work, \$31,655.	Library exterior excess, remainder pending Sand was moved vs. added	18%	\$ 172,000	\$ 31,655	\$ -	\$ -	\$ -	\$ 31,655	\$ 140,345
Beach Sand Replenishment	100%		\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Fishing Pier Upgrade Phase 1	Used beach maint. funds	100%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Storm Drain CCTV & Mapping	Complete	100%	\$ 30,000	\$ -	\$ 11,846	\$ 20,188	\$ -	\$ 32,034	\$ (2,034)
Multi- Use Trail phase 2 closeout	Completed FY19, but sidewalk was damaged	0%	\$ 200,000	\$ 5,000	\$ -	\$ -	\$ -	\$ 5,000	\$ 195,000
Multi- Use Trail phase 3 Eng/Construction	Engineering	2%	\$ 750,000	\$ -	\$ 4,749	\$ 6,795	\$ -	\$ 11,543	\$ 738,457
Mason Avenue Re-striping	Engineering	16%	\$ 15,000	\$ -	\$ -	\$ -	\$ 2,390	\$ 2,390	\$ 12,610
FY19 Rebuild Entrance to Tazewell Alley & Park Row	Complete	100%	\$ 10,930	\$ 10,929	\$ -	\$ -	\$ 130	\$ 11,060	\$ (130)
Park Playground Fence, reclassified from repairs	Complete	100%	\$ 9,360	\$ -	\$ -	\$ -	\$ 9,360	\$ 9,360	\$ -
Portable Restroom - Grant of \$25,000	Complete	100%	\$ -	\$ -	\$ -	\$ -	\$ 26,150	\$ 26,150	\$ (26,150)
subtotal			\$ 1,307,290	\$ 97,584	\$ 16,594	\$ 26,983	\$ 75,232	\$ 216,394	\$ 1,090,896
Water Fund									
No projects budgeted, but these arose:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replace water softener system	100%	100%	\$ -	\$ -	\$ -	\$ -	\$ 37,453	\$ 37,453.00	\$ (37,453)
Additional work to water main to CC Brewery	100%	100%	\$ -	\$ -	\$ -	\$ -	\$ 29,415	\$ 29,414.66	\$ (29,415)
subtotal			\$ -	\$ -	\$ -	\$ -	\$ 66,868	\$ 66,868	\$ (66,868)
Sewer Fund									
4 New Mixers (Upgrades)	Complete	100%	\$ 30,000	\$ -	\$ 32,034	\$ -	\$ -	\$ 32,033.96	\$ (2,034)
Odor Reduction at Mason & Bay Ave	Complete	100%	\$ 13,000	\$ -	\$ -	\$ -	\$ 9,000	\$ 9,000.00	\$ 4,000
Washington Ave Pump Station Upgrade Phase I - electrical	Deferred	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
subtotal			\$ 73,000	\$ -	\$ 32,034	\$ -	\$ 9,000	\$ 41,034	\$ 31,966
Harbor Fund									
Inner Harbor Rehab.	Carry forward into FY21	80%	\$ 253,000	\$ 15,475	\$ 5,825	\$ 60,552	\$ 68,692	\$ 150,545	\$ 102,455
In-shore Breakwater/Wave Attenuator	Complete	100%	\$ 500,000	\$ 24,250	\$ 2,240	\$ 149,084	\$ 199,046	\$ 374,619	\$ 125,381
Wi-Fi Upgrade & Server	Server complete, WiFi in process	45%	\$ 7,500	\$ -	\$ 1,019	\$ 2,389	\$ -	\$ 3,408	\$ 4,092
Shade Sail	Deferred	0%	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,000
Fuel Pump Repair/Upgrade from FY19 FWD	Complete	100%	\$ 12,745	\$ 12,745	\$ -	\$ -	\$ -	\$ 12,745	\$ (0)
subtotal			\$ 781,245	\$ 52,470	\$ 9,084	\$ 212,025	\$ 267,738	\$ 541,317	\$ 239,928
Sanitation Fund									
Trash Can Replacements	Shipping costs not budgeted	100%	\$ 10,042	\$ -	\$ -	\$ 11,858	\$ -	\$ 11,857.64	\$ (1,816)
subtotal			\$ 10,042	\$ -	\$ -	\$ 11,858	\$ -	\$ 11,858	\$ (1,816)
TOTAL			\$ 2,171,576	\$ 150,055	\$ 57,712	\$ 250,865	\$ 418,838	\$ 877,470	\$ 1,294,106

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
June 30, 2020

YTD 2019 Real Estate Tax Collections

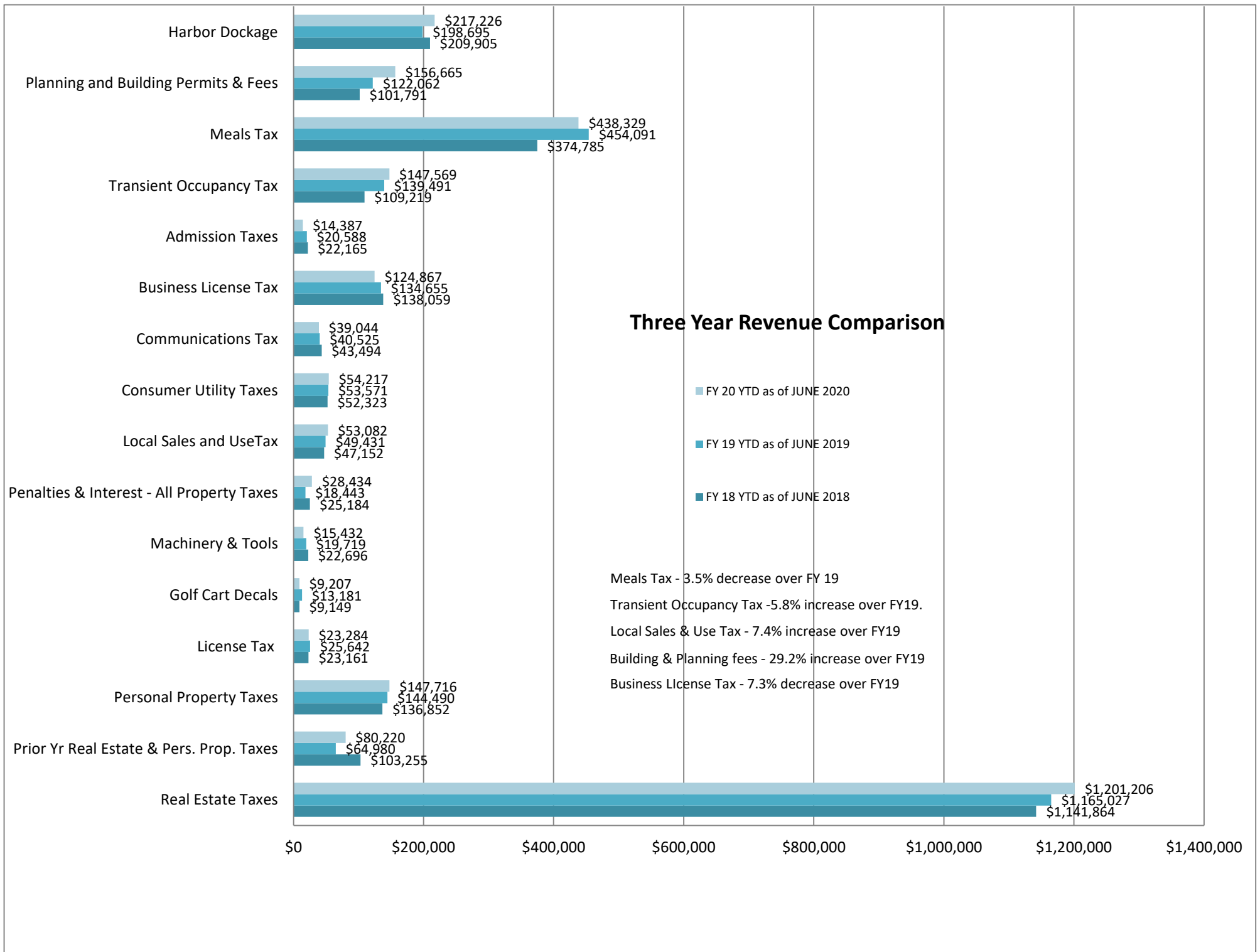
Total Taxable Land Value	\$	160,149,400	
Total Improvement Value	\$	260,882,300	
Exemptions	\$	(5,731,435)	
Additional Assessments (SCC Utility)	\$	3,672,005	
Total Real Estate Value (taxable)	\$	418,972,270	
Total Budgeted	\$	1,155,000	
Total Tax Billed	\$	1,233,840	
Total Adjustments	\$	(2,951.35)	
Total Collected YTD (percent of billed)	\$	<u>1,201,206</u>	97%
Amount Due per Accounts Receivable	\$	29,681.86	

**YTD 2019 Personal Property Tax, Machinery and Tools Tax
& 2019 License Tax Collections**

Total Personal Property Value	\$	14,452,600	
2019 Initial Assessment Exonerations	\$	(154,500)	
Personal Property Value, billed	\$	14,298,100	
Total Budgeted	\$	130,000	
Total Tax Billed less PPTRA	\$	213,122	
Total Adjustments & Additional Exonerations	\$	(9,311)	
June 2019 Supplemental Billing less PPTRA	\$	33,704	
Total Collected YTD (percent of billed)	\$	<u>186,433</u>	91%
Amount Due per Accounts Receivable	\$	51,082.66	

YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

Total Budgeted	\$	154,500	
Total Collected (percent of budget)	\$	<u>108,654</u>	70%
Amount Due Per Budget	\$	45,846	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Hearing – Appeal of Historic District Review Board’s Decision for 648 Monroe Avenue		AGENDA DATE: August 20, 2020
	SUBJECT/PROPOSAL/REQUEST: Appeal of Historic District Review Board’s Decision for 648 Monroe Avenue Addition		ITEM NUMBER: 9A
	ATTACHMENTS: See staff report for specific attachments		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Allyson Finchum		

APPEAL REQUEST:

Correspondence to appeal a decision made by the Historic District Review Board at the July 21, 2020 meeting was received from the applicant for a renovation project at 648 Monroe Avenue. The specifics from the applicant for the appeal are in the attached email and summarized below following Background Material for the benefit of chronological presentation.

BACKGROUND:

Pre-Application Meeting

A pre-application meeting was conducted on June 18, 2020 (applicant, building official, and one HDRB member) prior to submittal of formal application. One of the comments documented was that the applicant was requested to submit needs to reflect exactly what the applicant would like built. (see attached meeting report)

June 24, 2020 Application Submittal

As stated in the letter of intent provided by the applicant, construction of a one-story addition includes the following:

- The proposed project is a rear addition to an existing single-family detached dwelling
- The proposed dimensions are 16’ x 20’8”
- The one-story addition will be attached to the back of the house per the attached plans
- Siding will be Hardi Plank lap siding
- The roof will be metal
- The landing and steps will be brick or pavers
- The windows next to the French doors will be tempered glass
- The trim will be Aztec or equivalent

The façade sketch and floor plan illustrate additional details of the applicant’s intent, accompanied by photos of the existing windows. (see attached application)

July 21, 2020 Staff Report for Historic District Review Board Meeting

In preparation for the HDRB meeting, the Town Planner prepared a staff report and summarized the information.

An HDRB meeting was held on February 18, 2020 to review this application. Four board members were present. An audio of the meeting is available. The application was unanimously approved with conditions:

- the roof line to be altered to retain the second story window

The DRAFT minutes for this meeting are attached.

APPEAL:

A letter of appeal was submitted by the applicant on August 6, 2020. The letter stated that there is only one full bath in the house and the half bath is in the existing rear addition (to be replaced). "Replacing the small rear addition with a more functional rear addition will do much to preserve the entire property and improve functionality.

The applicant states belief their plans comply with the guidelines for the following reasons:

The addition is not visible from any public street

The shortening of the upstairs window would not alter the brick work or large stone sill

The roof pitch originally proposed by the applicant is more appealing

The applicant reviewed many recent applications (2017 to present) and could not find any denials for rear additions.

REVIEW/RECOMMENDATION:

648 Monroe Avenue is listed as a contributing structure in the National Register of Historic Places which defines it as a "Folk Victorian" – circa 1920.

The applicant is proposing to remove two windows for construction of an addition. A window on the first floor will be altered to become a doorway. The window casing on the second story will be removed and the window shortened and partially covered due to the proposed roofline of the porch. The Board voted to allow the addition but required retention of the upper story window which is visible from the right-of-way. The Board stated a different roof would allow construction of the addition while retaining the integrity of the historic property.

The Historic District Review Board has the power and authority by state and local law for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. The duties of the Board include the adoption of standards for review to supplement the standards set forth in Article VIII. These supplemental standards are included in the Historic District Design Guidelines.

As defined in the guidelines, rehabilitation is returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features that are significant to its historical, architectural and cultural values (page 69). The guidelines (attached) have specific and extensive criteria relating to windows and doors (pages 39-43). One of the Secretary's standards (page 19 #2) states "The historic character for a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." This standard appears to be especially relevant for this case. The applicant is removing historic materials and altering features. The Board has concluded that there is an alternative which allows construction of an addition while retaining the historic materials.

The Historic District Review Board recommendation appears to be reasonable and provides the applicant a practical alternative while upholding the guidelines and supporting the relevance of the historic district. Staff recommends upholding the decision of the Historic District Review Board.

Attachments

1. Pre-application meeting results (7/18/20)
2. Staff Report (7/21/20) with attached application material (6/24/20)
3. DRAFT meeting minutes for HDRB meeting 7/21/20
4. Appeal letter dated 8/6/20

Allyson Finchum

From: Allyson Finchum
Sent: Thursday, August 06, 2020 1:42 PM
To: Libby Hume
Cc: Tracy Outten; John Hozey
Subject: FW: Historic District Review Board Appeal Process

648 Monroe Ave is appealing the HDRB decision. Please let me know the date of the scheduled TC meeting and when my staff report is due. Thank you.

Allyson

From: LORI PRENDERGAST <ljpandpap@comcast.net>
Sent: Thursday, August 06, 2020 8:59 AM
To: Allyson Finchum <allyson.finchum@capecharles.org>; Kerry Shackelford <kerryshackelford.hdrb@capecharles.org>
Cc: Tracy Outten <tracy.outten@capecharles.org>
Subject: RE: Historic District Review Board Appeal Process

Ms. Finchum, Mr. Schackelford,

Our home at 648 Monroe Ave has recently become our primary residence and is in need of updates to comply with modern expectations. The house has only a single full bath upstairs and the half bath in the existing small rear addition is very dated. The entire small addition is also in poor condition. Replacing the small rear addition with a more functional rear addition will do much to preserve the entire property and improve functionality. We believe that our plans complied with the guidelines and want to make sure that the opposing HRB board members understood our intention and, if this is the case, we wish to understand the reason our plans were rejected. We believe the plans submitted were in compliance with the guidelines for the following reasons:

- The addition is in the rear of the property and not visible from any public street. This alone should have given certain relief. This is so stated in the minutes of my June 18 2020 HRB preapplication meeting and included in the July 21, 2020 HRB meeting agenda.
- The shortening of the upstairs window would not alter the brick work or large stone sill. Only the vinyl window insert would be removed and lower portion filled. A shortened double hung window would be installed in remaining space. The old wood casing would also be preserved and covered. This complies with item 9 and 10 of the Secretaries standards on page 23 of the guidelines. I have attached a picture of the upstairs window showing that the window can be filled without damaging the old wood. I also include a picture of the downstairs kitchen window that has already been shortened and old wood left in tact. See attached.





- The roof pitch we chose in our plans is more appealing than the nearly flat shed roof we would have to use if we follow the conditional approval requirements of the board. Our 4 in 12 pitch meets the draft requirement published in the December 17 2019 HRB meeting minutes with the proposed changes to the guidelines for additions and infill.
- We have reviewed many recent applications going back to 2017 for rear additions and could not find a single case where an applicant was denied because a rear window was being partially covered, covered, removed, or even demolished. Nearly every one of these applications covered one or more rear windows and doors. Some covered all.

We hope the above clarifies any issues with our application and if so we request that the application, as originally submitted, be reconsidered for approval. If this is not the case, then please take this mail as our request to appeal the decision of the HRB to Town Council. If you have any questions or need further clarification please call.

PLANNING A REHABILITATION PROJECT

19

SECRETARY'S STANDARDS

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

FEDERAL AND STATE TAX CREDITS FOR REHABILITATION

If you are undertaking a major rehabilitation of a contributing historic building in the National Register Historic District, which has nearly the same boundaries as the Cape Charles Local Historic District, you may be eligible for certain federal and state tax credits. The building must be income producing; homeowners are not eligible for this program for federal tax credits. You also must spend a substantial amount of the value of the building on the rehabilitation. The tax credit is calculated as 20 percent of these rehabilitation expenses. The Virginia Department of Historic Resources can provide state tax credit application materials.

Other requirements are that the application must be filed with the Virginia Department of Historic Resources before any construction begins and your rehabilitation must follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

PLANNING NEW CONSTRUCTION OR ADDITIONS

21

The design of a new building or addition in a historic district is often a difficult issue for property owners, Historic District Review Boards, and architects. The guidelines in this publication reflect the current philosophy that new structures should complement and respect the existing character of historic buildings.

NEW CONSTRUCTION CHECKLIST

1. Attempt to accommodate needed functions within the existing structure.
2. Look at surrounding buildings to determine their style, age, and the elements that help define the neighborhood's special character. The earlier section, "Looking at Your Building" should be helpful.
3. Choose a design that relates to the design character of the historic buildings in the area.

4. Follow the last two guidelines in The Secretary of the Interior's Standards for Rehabilitation:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features of the old work to protect the historic integrity of the property and its environment.

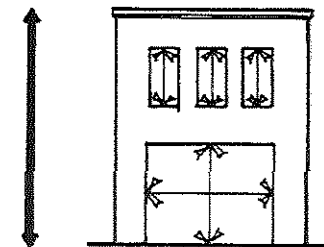
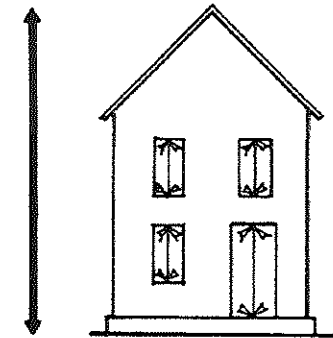
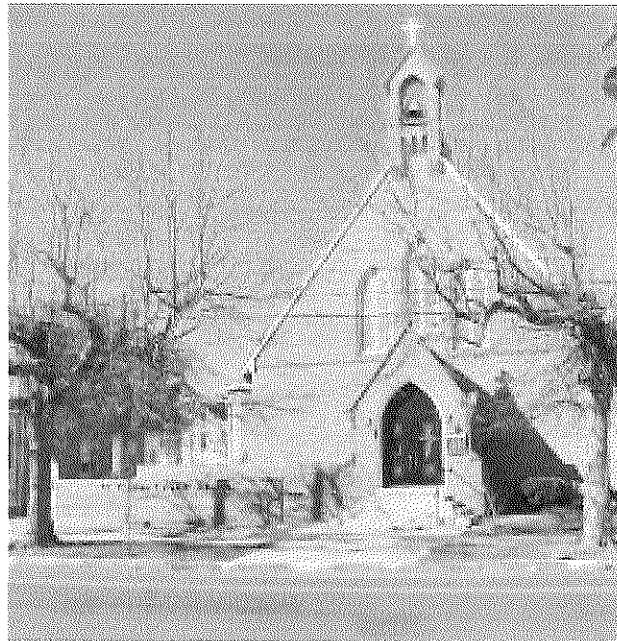
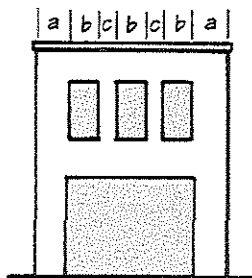
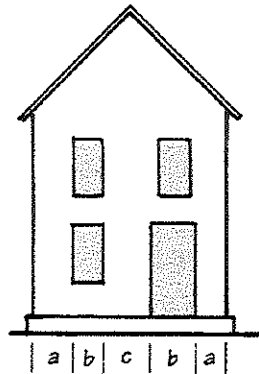
New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

5. Obtain a zoning permit and building permit, which you will need in order to erect a new structure or work outside of existing walls.

6. Become familiar with the Virginia Construction Code and meet your building inspector early on about your plans.
7. Meet with the zoning administrator or Historic District Review Board early in the process for their informal input.
8. Consider employing an architect experienced in working with historic buildings.

BUILDING ELEMENTS

12 In public buildings, provide barrier-free access through removable or portable ramps that alter the historic building as little as possible.



Windows can be placed in regular intervals or in asymmetrical patterns and can be used to highlight various bay divisions in the building.

On commercial buildings, the upper façade contains windows that help to define the character of the building and reinforce the pattern of openings in the street wall of the entire block.

The relationship between the height of an opening and its width creates directional expression or proportion.

WINDOWS AND DOORS

42

BUILDING ELEMENTS

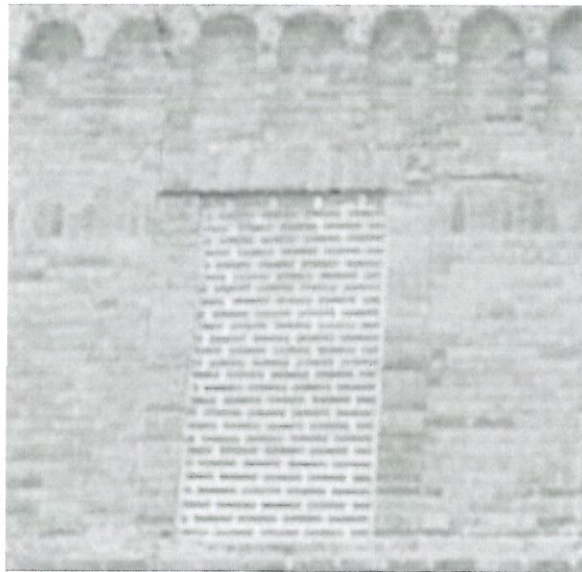
evidence or old photographs. Do not use replacement windows or doors that substantially change the size, glazing pattern, finish, depth of reveal, appearance of the frame, or muntin configuration.

- ✓ Insure that caulk and glazing putty are intact and that water drains from the windowsills.
- ✓ Wood that appears to be in bad condition because of peeling paint or separated joints often can in fact be repaired. Attempt this repair before replacing the element.
- ✓ If a window or door opening is no longer needed, the glass should be retained and the back side frosted, screened, or shuttered so that it appears from the outside to be in use. Fix doors in place.

5 Avoid changing the number or location of windows or doors by cutting new openings or blocking in original openings.

6 Construct new windows and doors of wood or metal and match the style of the building. On storefronts, use painted wood or steel doors with large areas of glass. Extruded aluminum frames are not recommended for any windows or doors.

7 If exterior storm windows and doors are used, install them so that they do not damage the frames or obscure the windows or doors. Storm window divisions should match those of the original window.



- ✓ Use interior storm windows if possible, taking care to install them so that they can be maintained easily and so that they do not cause condensation.
- ✓ Improve thermal efficiency with weather stripping, storm windows and doors, caulking, interior shades, and, if appropriate for the building, blinds and awnings.

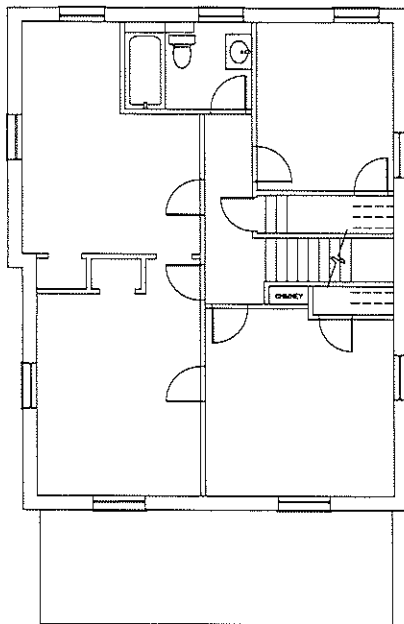
✓ If aluminum-frame storm windows and doors must be used, apply a zinc-chromate primer and paint them to match other trim.

8 Use shutters only on windows that show evidence of their use in the past. Shutters should be wood (rather than metal or vinyl) and should be mounted on hinges. Shutters are generally inappropriate on bay windows and buildings with a combination of window types.

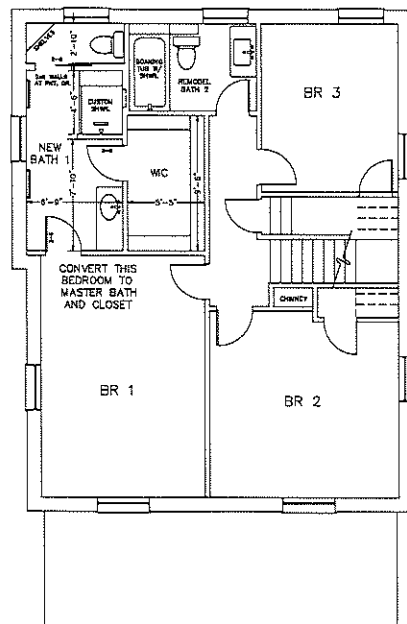
9 Respect the ratio of walls to openings (windows and doors) evident on adjacent historic facades. Generally, historic buildings have more wall area than window area.

10 Place windows and doors on the facades of new buildings in a rhythm or pattern that relates to the way that openings are placed on historic buildings.

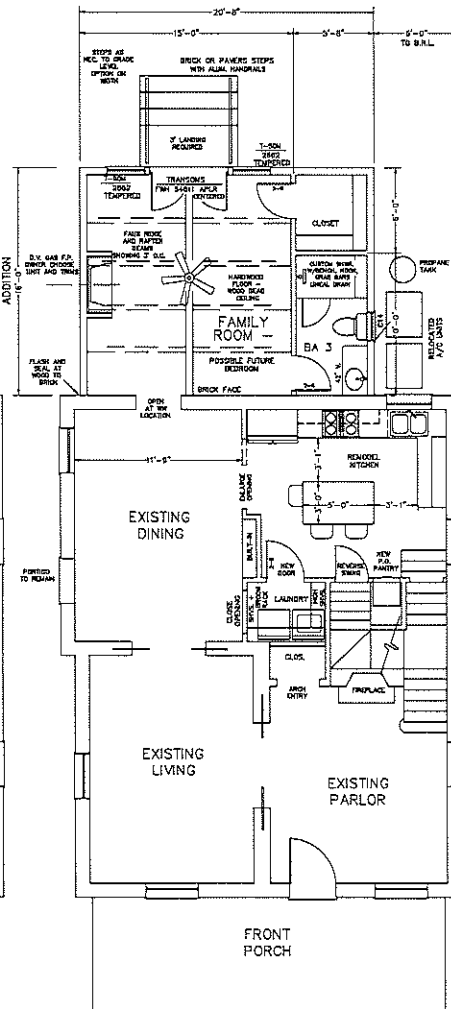
11 Use proportions (horizontal or vertical) that are similar to and compatible with the proportions of windows and doors on surrounding historic facades.



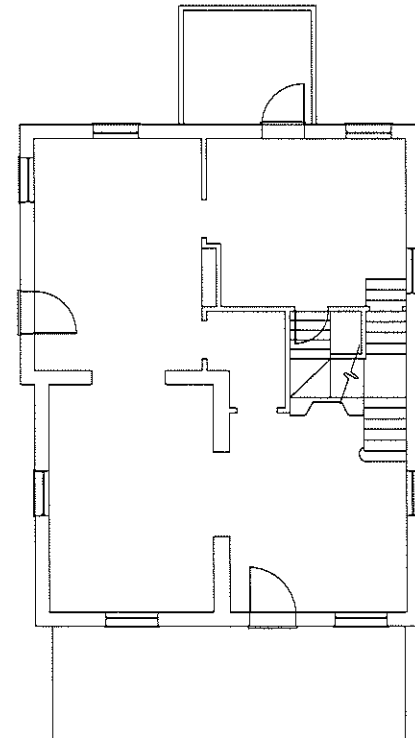
EXISTING
SECOND FLOOR



PROPOSED
SECOND FLOOR



PROPOSED
FIRST FLOOR



EXISTING
FIRST FLOOR

REVISIONS	DATE
WIDE FIREPLACE WHITE AND NEAR LANDING	6-18-20
PORTING TO REMAIN	

PRENDERGAST RESIDENCE
648 MONROE
CAPE CHARLES, VA

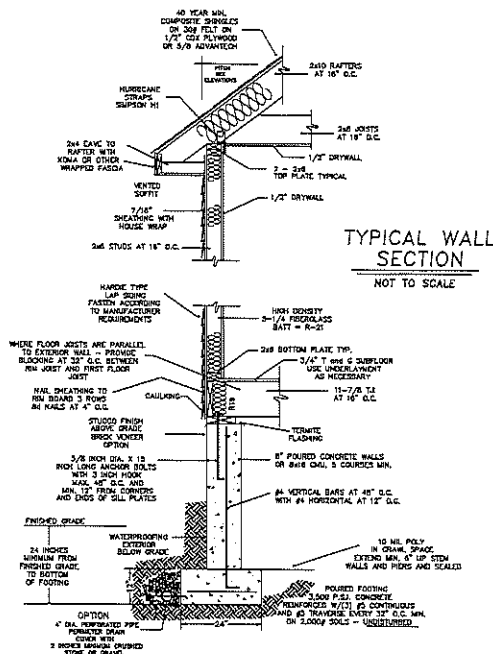
SCALE	1/4" = 1'
DATE	MAY, 2020
BY	B. NOWAKOWSKI
JOB	PRENDER
SHEET	1
OF	2 SHEETS



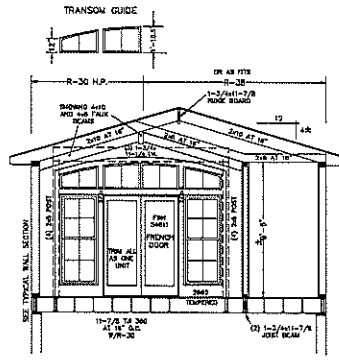
SOUTH



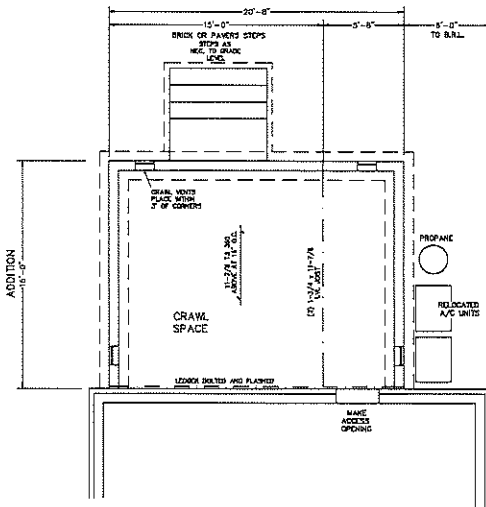
REAR



TYPICAL WALL SECTION
NOT TO SCALE



SECTION



FOUNDATION

DESIGN DREAMS

DELAWARE, LLC
(302) 236-4424
dedreamsda@aol.com
4 SOUTH LAKE TERRACE
REHOBOTH BEACH,
DELAWARE
19971

NOTE:
THESE PLANS REFLECT THE
OWNER'S LATEST AND BEST.
I MAKE NO REPRESENTATION
AS TO THE STRUCTURAL INTEGRITY
OF THESE DRAWINGS.

I AM NOT A LICENSED
ARCHITECT OR ENGINEER.

Bertranda Nowakowski
DESIGNER & ARCHITECT

REVISIONS	DATE
1. NEW FLOORING, WINE AND MEAT CLOSING PERIOD TO BEAD.	8-18-21

PRENDERGAST RESIDENCE
648 MONROE
CAPE CHARLES, VA

SCALE: 1/4" = 1'
DATE: MAY, 2020
BY: B. NOWAKOWSKI
JOB: PRENDER
SHEET: 2
OF 2 SHEETS



DRAFT HISTORIC DISTRICT REVIEW BOARD

**Special Meeting
Cape Charles Civic Center
July 21, 2020
6:00 p.m.**

This Public Hearing and Special Meeting of the Historic District Review Board was held by video conference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to review two applications to obtain a Certificate of Appropriateness. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live and emails to the clerk.

At approximately 6:00 p.m., Chairman Kerry Shackelford, having established a quorum, called to order the Special Meeting of the Historic District Review Board (HDRB). In addition to Kerry Shackelford, physically present at the Civic Center were board members Herb Thom and Edward Wells. Michael Strub attended the meeting via telephone. Also, in attendance were Town Manager John Hozey, Town Planner Allyson Finchum, Town Clerk Libby Hume, Deputy Clerk Tracy Outten, and the applicants. There was one vacancy on the board. There was one member of the public physically in attendance and 6 viewers on Facebook Live.

CONSENT AGENDA:

Motion made by Herb Thom, seconded by Edward Wells, to accept the Consent Agenda as presented. The motion was approved by unanimous vote.

PUBLIC COMMENT (AGENDA ITEMS ONLY):

There were no public comments to be heard nor any written comments submitted prior to the meeting.

ORDER OF BUSINESS:

A. *Application for a Certificate of Appropriateness at 324 Jefferson Avenue – to renovate the exterior on a single-family detached dwelling.*

Kerry Shackelford asked the applicant if they needed to add any information to the application. Jay Meadows, the applicant, said no, but did have a sample of the siding to show the board.

Discussion was as follows: (i) Herb Thom asked for more information on the proposed windows. Jay Meadows answered that they were using Simonton windows with pro brick mold and vinyl windowsills. Herb Thom expressed his concerns about the width of the windowsill; (ii) Edward Wells wanted to know what year the house was built. Jay Meadows said the house was built in 1940 and was remodeled in 1978; (iii) Allyson Finchum informed the board that the submitted plans did not meet the zoning requirements for total number of stories. Kerry Shackelford said the zoning requirements need to be met before the HDRB can decide, but the board could give guidance to the applicant; (iv) Herb Thom needed more window details. Kerry Shackelford asked if a total window jam replacement was being done. Jay Meadows answered they were using replacement windows. Kerry Shackelford explained the window guidelines to him; (v) Michael Strub wanted to know if it was the applicants desire to replace a door with a window. Jay Meadows said no, an opening was being closed. Kerry Shackelford would like more information to be provided; (vi) Michael Strub

thought the renovations looked fine and questioned the empty lot near the house. Kerry Shackelford said this was a corner lot and no neighboring empty lots were near the house and explained that as long as the proposed work was visible from the street, guidelines needed to be followed; (vii) Michael Strub thought this was a non-contributing structure. Some discussion ensued regarding the confusion on contributing and non-contributing; (viii) Edward Wells asked if the dormers would be wood shakes; yes, but vinyl; (ix) Kerry Shackelford referred the applicants to the Cape Charles Historic District Guidelines for guidance on roofs, siding, and porches; and (x) Kerry Shackelford asked if the applicant received a permit to remove the chimney; yes.

Motion made by Edward Wells, seconded by Herb Thom, to defer the application for the Certificate of Appropriateness at 324 Jefferson Avenue to renovate the exterior on the single-family home until the August 18, 2020 meeting. The motion was approved by unanimous vote.

B. *Application for a Certificate of Appropriateness at 648 Monroe Avenue – to construct a one-story rear addition on a single-family detached dwelling.*
Patrick Prendergast, the applicant, described the proposed addition.

Discussion was as follows: (i) Kerry Shackelford asked if the submitted plans included the new addition size; yes. There was much discussion regarding the shortening of the second story window to get an adequate roof pitch; (ii) Herb Thom asked if they were replacing a window with a door. Patrick Prendergast answered yes, the one located on the first floor. Kerry Shackelford was concerned about losing two historic windows. Patrick Prendergast mentioned that the original design was changed because of the pre-application meeting. Edward Wells attended the pre-application meeting and said the window jam and trim were still intact; and (iii) Michael Strub thought the rear addition was not visible, therefore was not in the purview of the HDRB. Edward Wells agreed.

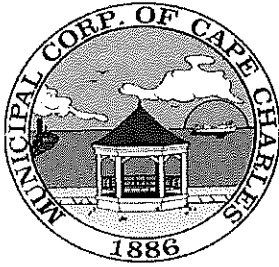
Motion made by Edward Wells, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 648 Monroe Avenue to construct a one-story rear addition on the single-family home as presented. The motion failed with a tie vote.

Motion made by Herb Thom, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 648 Monroe Avenue to construct a one-story rear addition on the single-family home with the following condition: (i) the roof line needed to be altered to retain the second story window. The motion was approved by unanimous vote.

Motion made by Edward Wells, seconded by Herb Thom, to adjourn the July 21, 2020 Historic District Review Board Special Meeting at 6:43 p.m. The motion was unanimously approved.

Chairman Kerry Shackelford

Deputy Clerk



HISTORIC DISTRICT REVIEW BOARD

STAFF REPORT

Meeting Date: July 21, 2020

Item #: 5B

Prepared By:	Allyson Finchum – Town Planner
Site Address:	648 Monroe Avenue – tax map #83A3-1-326
Applicant:	Patrick Prendergast
Owner:	Patrick A & Lori Jo Prendergast
Proposed Development:	Construct a one-story rear addition on a single-family detached dwelling
Current Zoning:	<u>Single-Family Residential (R-1):</u> This zoning district is intended to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states “These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments,” and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents. <u>Historic District Overlay:</u> The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated

historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement, and obvious incongruous development or uses of land and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the general area in which they are located and with the historic buildings or structures within the district.

Description of Proposed Project:

Virginia Cultural Resource Information System (V-CRIS) Information:

Contributing Property	
Construction Year	
Architectural Style	

The proposed project is a rear addition on an existing single-family detached dwelling. Per the applicant, "the 16' x 20'8" one-story addition will be attached to the back of the house per the attached plans. Siding will be hardiplank lap siding. The roof will be a metal roof. The landing and steps will be brick or pavers, not wood. The windows next to the French doors will be tempered glass. The trim will be Aztec or equivalent.

Analysis:

Any property within the Historic District Overlay is required to meet the Historic District Guidelines, which are superimposed on the underlying zoning district regulations.

The Historic District Guidelines and new-construction or addition projects:

The height, form, massing, proportion, size, scale, and roof shape should first be reviewed when considering the overall compatibility of the proposed structure (p. 22). It is essential that new construction in the Historic District reflect the integrity of design details and materials which help form the District's character (p. 23).

The Historic District Guidelines state the following for foundations:

In new construction, distinguish the foundation from the rest of the building (p. 35). Respect the height above grade of foundations on surrounding historic buildings (p. 35). Use brick or parged block for the foundations of frame residences (p. 52).

The Historic District Guidelines state the following for roofs:

For new construction, respect the roof type, materials, form, and slope of roofs of nearby historic buildings (p. 37). Do not add new elements such as vents, sky-lights, or additional stories that would be visible on the primary elevations of the building (p. 37).

The Historic District Guidelines state the following for windows and doors:

Particular attention should be given to the spacing, placement, scale, orientation, and size of window and door openings as well as the design of the doors and windows themselves (p. 22). Select windows and doors for proposed new buildings that are compatible in material, subdivision, proportion, pattern, and detail with the windows and doors of surrounding buildings that contribute to the special character of the district (p.23). Windows and doors should be placed in a manner that is harmonious with the District, subarea or block (p. 23). For new construction, use window and door styles that relate to those found in the district (p. 39). Windows styles vary by sash design primarily, but elements such as sills, lintels, decorative caps, and shutters should also be respected (p. 39). Double-hung window sash, the most common type of window, vary by the number of panes in each sash (p. 40). Inappropriate modern replacements for double-hung sash include one-over-one sash or a single pane with snap-in muntins (p. 40). Construct new windows and doors of wood or metal and match the style of the building (p. 42). Respect the ratio of walls to openings (windows and doors) evident on adjacent historic facades (p. 42). Place windows and doors on the facades of new buildings in a rhythm or pattern that relates to the way that openings are placed on historic buildings (p. 42). Use proportions (horizontal or vertical) that are similar to and compatible with the proportions of windows and doors on surrounding historic facades (p. 42).

The Historic District Guidelines state the following for siding and trim:

The selection of appropriate exterior materials and finishes depends on the understanding of the compatibility of proposed materials and finishes in composition, pattern, texture, color, and sheen (p. 22). The selection of materials and textures for a new building should be compatible with and complement neighboring buildings (p. 23). Synthetic sidings such as vinyl, aluminum and synthetic stucco-like finishes are not historic cladding material in the District and their use will not be allowed (p. 23). New construction should not attempt to create features that would create a false historical appearance (p. 23). New construction should incorporate materials similar to those used traditionally in the historic structures in the area (p. 23). Materials used in new construction should be in units

similar in scale to those used historically (p. 23). Consider using wood as the dominant cladding and decorative material for new construction (p. 54). Synthetic sidings such as vinyl, aluminum and stucco-like material are not historic cladding materials and do not contribute to the historic and architectural character of the district (p. 57, #1). Remove synthetic siding and restore original building material if possible (p. 57, #2). The use of synthetic siding such as HardiPlank or similar on new buildings within the historic district is allowed (p. 57, #4). Review the historic and architectural significance of surrounding buildings when determining the weather exposure of siding on new buildings (p. 57, #4). Siding that simulates wood may be used on new construction if the depth of the siding (boards) conforms to the typical depth of traditional siding (p. 57, #5). The use of synthetic siding on contributing structures will only be permissible if the structure is currently clad in vinyl, aluminum, and stucco-like siding and is the subject of a major addition (p. 57, #6). The definition of synthetic siding is as follows: "any siding made of vinyl, aluminum, or other metallic material to resemble a variety of authentic wood siding types."

Determination

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project, and may impose conditions on an approval.

Attachments:

Attachment 1 – Application and Documents

Attachment 2 – Location Map

June 24, 2020

Town of Cape Charles Planning

Subject: Letter of intent to build a one- story addition on the back of the residence at 648 Monroe Ave.

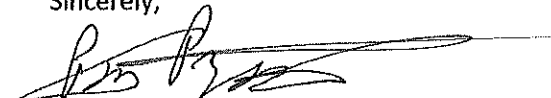
This letter is to provide notice of my intent to build a one-story addition to the back of my residence at 648 Monroe Ave. and obtain the necessary approval and certificate of appropriateness. The 16'x20' 8" addition will be attached to the back of the house per the attached plans. Siding will be hardiplank lap siding. The roof will be a metal roof. The landing and steps will be brick or pavers, not wood. The windows next to the French doors will be tempered glass. The trim will be Aztec or equivalent.

The following items are enclosed:

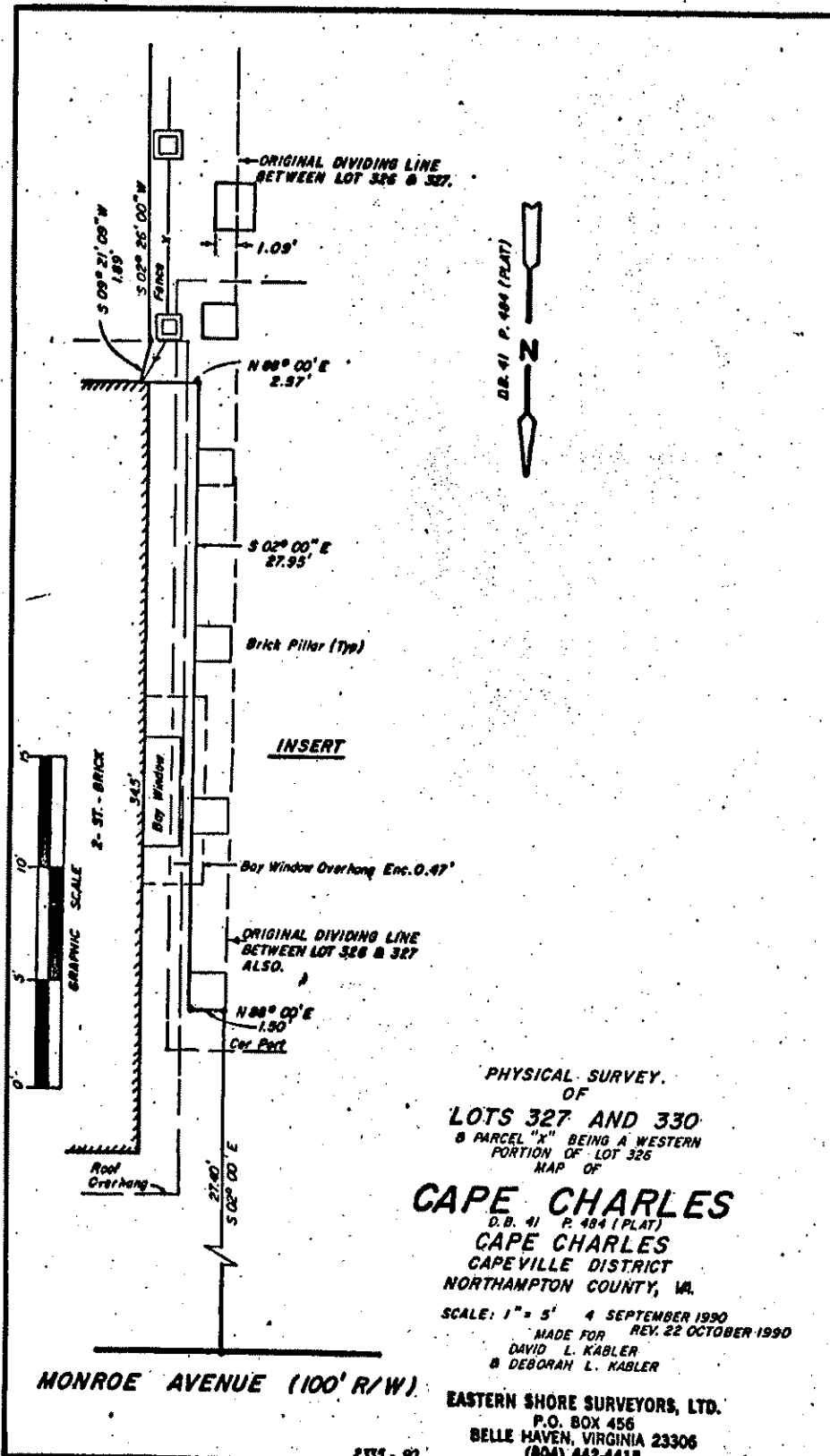
- Plat and survey of lot 326
- Plans with elevations, specifications, and materials
- Application form for Certificate of Appropriateness
- Payment for application fee

Please contact me for additional information required.

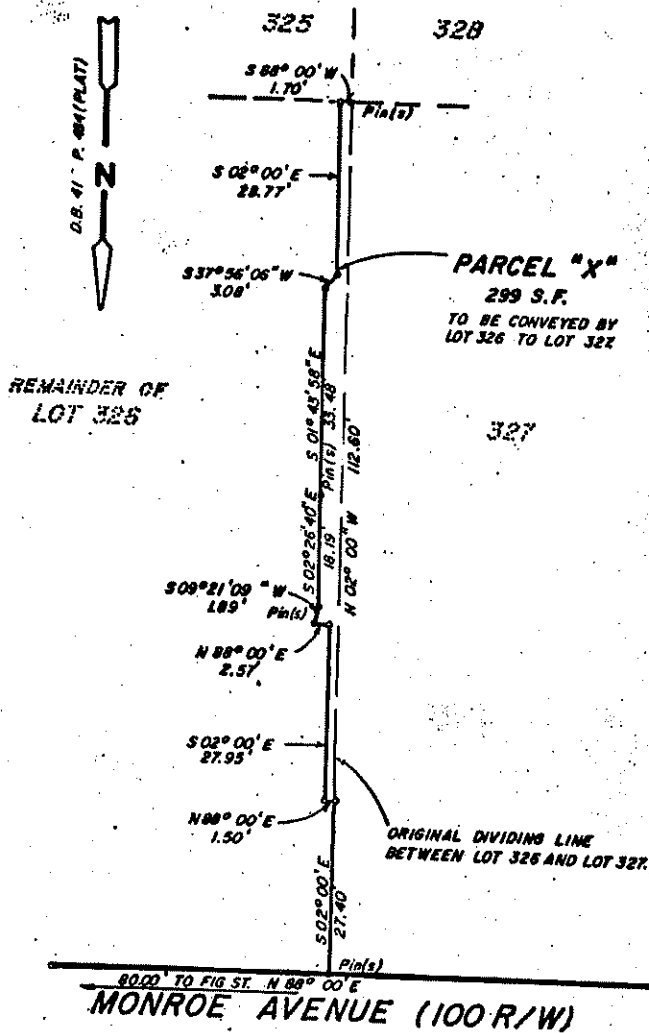
Sincerely,



Patrick Prendergast



SL
67



SURVEY
OF
A WESTERN PORTION OF LOT 326
MAP OF

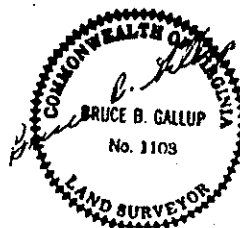
CAPE CHARLES

D.B. 41 P. 484 (PLAT)
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VA.

SCALE: 1" = 20' 31 JULY 1990

MADE FOR
DAVID L. KABLER
& DEBORAH L. KABLER

EASTERN SHORE SURVEYORS, LTD.
P.O. BOX 456
BELLE HAVEN, VIRGINIA 23306
(804) 442-4418



2359-90
REF. 2359
S.L.

CG K.S.-129
F.B. 32 P. 8



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|---|--|
| ☒ Completed application | ☒ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☒ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☒ Proposed materials/spec sheets, samples |
| ☐ Proposed site plan or survey (if applicable) | ☒ Payment of fees (new construction >2,000 square feet \$500; new construction up to 2,000 square feet \$300; all other \$150; modification \$250) |

PROPERTY INFORMATION

Name of Project: 648 Monroe Ave. addition to back pf the house
Property Address: 648 Monroe Ave. Cape Charles, Va. 23310
Brief Description of Project: One story addition to the back of the house
Zoning District: HD Current Use: R-1 Proposed Use: R-1

OWNER INFORMATION

Name and Company: Patrick Prendergast
Mailing Address: 648 Monroe Ave. Cape Charles, Va. 23310
Phone Number: 804-564-6563 Email: ljpandpap@comcast.net

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

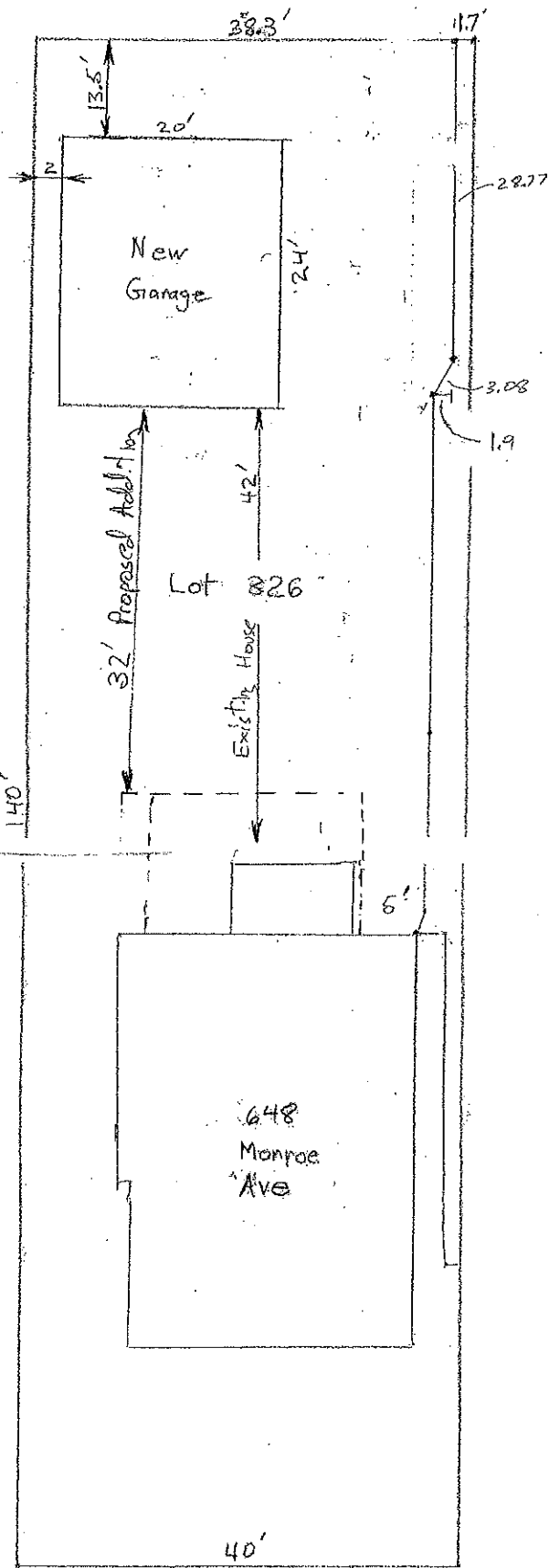
I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant:  Date: 6/24/2020

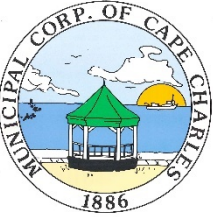
Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org





Monroe Ave

 TOWN OF CAPE CHARLES	AGENDA TITLE: Virginia Department of Housing & Community Development Community Development Block Grant		AGENDA DATE: August 13, 2020
	SUBJECT/PROPOSAL/REQUEST: Adoption of Resolution regarding the VDHCD CDBG grant application		ITEM NUMBER: 9B
	ATTACHMENTS: Informational handout from August 13 public hearing, CDBG Questions & Answers, DHCD COVID Grant Submission, Resolution 20200820		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

With the onset of the COVID-19 pandemic, Governor Northam issued an emergency declaration which included travel restrictions, stay-at-home orders, and closures of businesses that were not designated as essential businesses. The majority of businesses in Cape Charles rely on tourism-related revenue and were severely impacted by the pandemic.

DISCUSSION:

The Virginia Department of Housing and Development (DHCD) is offering a Community Block Grant (CDBG) to Destination Marketing Organizations in order to provide relief from the impact of the COVID-19 pandemic. The CDBG Virginia Funding Opportunities for COVID-19 Response grant is available to small cities, towns and rural counties to respond to local needs. The DHCD is closely monitoring availability of funding for all localities through the CARES Act and will provide additional details when this funding becomes available.

The Town of Cape Charles is partnering with Cape Charles Main Street to apply for the CDBG grant and use any funding received to provide assistance for the Cape Charles business community for expenses such as rent/mortgage relief, reopening expense relief to help cover required equipment and supplies, possible technology upgrades to allow for hands-free point-of-sales systems, etc.

The grant application process requires two public hearings to obtain feedback from interested parties. The first public hearing was held on August 13, 2020 and seven comments were received in support of the grant application. The second public hearing was held earlier this evening. Council must also adopt a resolution in support of the grant application.

RECOMMENDATION:

Staff recommends Council hear public comments followed by discussion of the grant parameters and proposed uses, and if deemed appropriate, adoption of Resolution 20200820 – A Resolution Supporting Community Block Grant Virginia Funding Opportunities for COVID-19 Response.

Cape Charles Town Council Public Hearing – August 13, 2020
Community Development Block Grant Virginia Funding Opportunities for
COVID-19 Response

This year, the Community Development Block Grant (CDBG), which is historically used for infrastructure improvements, has been opened to Destination Marketing Organizations in order to provide relief from the impact of the recent COVID-19 pandemic.

The Virginia Department of Housing and Community Development (DHCD) is making available current CDBG funding to small cities, towns and rural counties to respond to local needs related to COVID-19 response. DHCD is also closely monitoring availability of funding for all localities through the recently passed CARES Act (federal stimulus) and will post additional details when this funding becomes available.

The CDBG program will assist units of local government and communities in response to the health and economic impact of COVID-19 by supporting planning grant, open submission and urgent need recovery activities.

The Town of Cape Charles in conjunction with Cape Charles Main Street, has applied for this grant relief. While we have not yet received any confirmation that we will receive this funding in whole or part, we are moving forward and completing the necessary steps required in order to be prepared if and when we receive this grant request.

Expressed Need for the Town of Cape Charles:

Cape Charles economy is based almost entirely on tourism with 84% of our businesses making the lion's share of their income from mid-May through August. The taxes that are used to support the Town through the business community have been significantly impacted (meals, transit occupancy tax, sales). Cape Charles has many newly formed businesses – 24+ of our businesses opened less than 3 years ago. Young businesses typically take 3-5 years to become established.

Our business demographic is primarily micro-businesses (2 or fewer employees) and they were not able to take advantage of most of the available federal grants and resources. The result is they are struggling with rent, utilities and other over-head expenses. As these businesses pivot to negate current COVID-19 challenges, many of them have added new technology and resources to meet the needs of the new “normal” to keep their business afloat. Re-opening expenses for our lodging and other storefronts has also been significant. All have needed to purchase personal protective equipment (PPE), sanitizing stations, masks, and other necessary supplies. Extra burdens on already struggling businesses include such things as developing new seating plans (additional tables, linens, etc.), protective shields, re-hiring staff and training for employees on new protocols. Without additional assistance, several of these businesses may not remain solvent or viable.

The Town of Cape Charles will use the CDBG Business Recovery Assistance grant to provide assistance for our business community to avoid the closing of businesses, vacancies and blight in our commercial district; create and provide resources for resiliency, and develop a plan for stabilizing our fragile tourism-based economy by implementing plans for building out our shoulder seasons to lessen its effects.

We have prioritized our needs to get these grants into the hands of businesses who have been overlooked and underserved with a lack of financial support. We are specifically looking at our small woman and minority owned (SWaM) businesses. The Town of Cape Charles is partnering with

Cape Charles Main Street (CCMS) through a MOU to assist in the management and distribution of these grant resources.

Amount of Grant Requested: \$845,115

\$500,000 (maximum allowed)

\$300,000 (maximum allowable additional funding if your community has a minimum of 30% SWaM businesses)

\$45,115 (administrative costs for the administering of funds)

Suggested actions toward addressing the business need:

The following are suggested actions for dispersing of funds. (We are open to suggestions for additional ideas to address the impact that would be allowable under the provisions of any grant money received.)

1. Rent/Mortgage Relief Program – Develop and offer qualifying businesses rent/mortgage relief. The exact amount cannot be determined until we have a confirmation that we are receiving the grant and if so, what amount will be allocated to the Town of Cape Charles.
2. Reopening Expense Relief Program – Develop and offer qualifying businesses reopening expenses, reimbursement for supplies and requirements for building out safety measures for customers.

Cost to cover items required for opening may include:

- a. Signage
 - b. Masks
 - c. Sanitizer
 - d. Dispensers
 - e. Shields
 - f. Retooling cashier stations to protect both employees and customers
3. Possible Technology Upgrades including software/hardware – upgrades needed to current systems to allow for new, hands-free point-of-sales (POS) systems or other upgrades to make transactions as touch-free as possible.
 4. Recovery Training which might include:
 - a. Consultant for teaching a Safe Serve Class
 - b. Trainer for Social Media Training which is required at various levels to help businesses learn how to promote their businesses in new ways to be competitive in this new environment. (Partnering with SBA and SDBC) Training will help them create a toolbox to utilize this free method of marketing their businesses.
 - c. Consultant for SWaM certification training to help our small woman and minority owned businesses become certified to help their longer-term business prospects.
 5. Administrative Costs to include covering the additional labor hours for administering, tracking grant funds and planning, coordinating and implementing recovery training programs.

As stated earlier, if there are other suggestions for dispersing funds to aid in the COVID19 recovery, your suggestions may be sent to Town Clerk Libby Hume at clerk@capecharles.org.

Answers to Councilman Grossman's Questions

1. How were the numbers arrived at?

The maximum grant award was set by DHCD which is \$500,000. Additionally, any community that had a minimum of 30% SWaM businesses could request \$300,000 more. Since our business community is well above that percentage, we added that to our request.

On a conference call with Matt Weaver, Policy and Legislative Director/Principal Contact, Department of Housing and Community Development, he asked if Cape Charles would be amenable to helping additional businesses outside of the Cape Charles Town limits if we should receive an amount at the top end of the request assuming Northampton County did not apply. We agreed to this with the stipulation that Cape Charles Businesses would be our first priority.

For the administration of the grant, there will be an MOU between the Town of Cape Charles and Cape Charles Main Street to manage and administer the grant. This administrative work would span a 6-9 month period. The amount of this expense was determined as follows:

Labor: Project Administrator	\$25,200
Administrative Assistant	\$8,820
Taxes on wages 13.85%	\$4,712
Equipment: Laptops/Printers	\$2,500
Software: Acrobat Pro, Microsoft Office	\$800
Supplies: (paper, ink, misc.)	\$1,000
Mileage: 57.5 cents per mile and 100 miles/month	\$403
Rent, utilities, Internet, phone \$1200/month of CCMS Office. I took 20% of this number to apply. (20% of 1200 is \$240/month x 7 months	\$1,680
Total	\$45,115

Additional detail on expenses:

- Estimates on wages are from online sites such as Indeed to determine average wages for these positions in Virginia.
- Mileage added to account for any travel required for administering the grant to businesses both inside and outside of Cape Charles town limits.
- Some of this work will be undertaken by the Program Director and the Administrative Assistant currently working for Cape Charles Main Street with an option of adding supplementary hours. Additional labor will be hired for administering this grant when the final grant amount is determined and we can accurately identify the specific hours needed for administration purposes.
- It is assumed that any additional labor would work in the CCMS offices.
- Assumed we will need additional equipment/software such as laptop(s) and/or printers to complete this work

2. What criteria will businesses get explaining what can be reimbursed and what paperwork is needed to substantiate needs?

Cape Charles Main Street will put together a packet of information as soon as we have confirmation that this grant will be awarded, and has already begun development of the application. We are making many assumptions at this point in the process as we do not know how much the grant amount will be, so we are basing the application on what we are proposing which can be found in the application submitted to DHCD.

3. Who decides on distribution on monies received and how do we avoid a perception of fox in the hen house?

Once we have a final determination if and when we get this grant and its amount, we will finalize a packet of what allowable items can be claimed for relief and monetary limits of each item. This criteria will be presented to the Town Council for approval.

4. What if a particular business is not satisfied, can they appeal? Who is the final Solomon in splitting the baby?

The criteria will be the same across the board for all businesses that apply. They either meet the criteria or they do not. This is in line with how COVID relief grants are currently administered. If Town Council would like to institute an appeal process, it is totally up to Town Council.

5. What if we only get a portion of requested amount? Will claims be prorated accordingly?

This grant was devised a little in reverse of what is normal. We do not intend to build out the criteria for the amounts until we receive the final determination so that we can make this as clear and fair as possible.

6. What is the impact to Town resources and do they have the personnel to cover?

The responsibility of administering the grant will be done through MOU between the Town of Cape Charles and Cape Charles Main Street. The town manager will be the point of contact for coordination with CCMS.

7. How was Admin costs determined and who gets?

The determination of administrative costs is outlined under Question #1 above.

8. Will CC businesses outside of the MS 'family' get equal participation?

Yes. This grant will be open to all Cape Charles businesses within the town limits and may be open to others outside of the town limits TBD when we get confirmation of amount of the grant we might receive. In our application we proposed to help up to 50 businesses with the grant with Cape Charles businesses getting first priority. I believe this was explained in Question #1.

Application to DHCD Submitted through CAMS

Town of Cape Charles

Cape Charles Small Business Recovery Assistance 2020

Application ID: 75407172020121147
Application Status: Pending
Program Name: COVID-19 Response - 2020
Organization Name: Town of Cape Charles
Organization Address: 2 Plum Street
Cape Charles, VA 23310
Profile Manager Name: Libby Hume
Profile Manager Phone: (757) 331-3259
Profile Manager Email: clerk@capecharles.org

Project Name: Cape Charles Small Business Recovery Assistance 2020
Project Contact Name: John Hozey
Project Contact Phone: (757) 331-2979
Project Contact Email: townmanager@capecharles.org
Project Location: 2 Plum Street
Cape Charles, VA 23310-1111
Project Service Area: Cape Charles Town

Total Requested Amount: \$845,115.00

Required Annual Audit Status: No Current Audits Found

Application to DHCD Submitted through CAMS

Town of Cape Charles

Cape Charles Small Business Recovery Assistance 2020

Budget Information:

Cost/Activity Category	DHCD Request	Other Funding	Total
Administration	\$45,115.00	\$0.00	\$45,115.00
Administration	\$45,115.00	\$0.00	\$45,115.00
Program Operations	\$800,000.00	\$0.00	\$800,000.00
Business Assistance Rent/Mortgage Relief	\$500,000.00	\$0.00	\$500,000.00
Other: Re-opening cost and training	\$300,000.00	\$0.00	\$300,000.00
Total:	\$845,115.00	\$0.00	\$845,115.00

Budget Narrative:

We propose grant funding for the following actions: 1. Cover rent or mortgage expenses for those businesses that were shut down just as they prepared for the upcoming tourist season when 84% of our businesses make the lion's share of their income from Mid-May through August. Many had already purchased their inventory for the upcoming season which made them inventory rich and cash poor forcing them to lay off employees and raid what savings they may have had or borrowed from family to keep their businesses afloat. Cape Charles has 80+% SWaM businesses that can ill afford this setback. This rent relief for up to 6 months (to be determined by need) will allow these businesses to remain open into the upcoming shoulder seasons when the income again drops. Without this assistance, several will need to shut down as we hit the September/October timeframe. 2. Additional funds will be used for re-opening expenses to cover costs of signage, masks, gloves, sanitizers and dispensers, plexi-glass shields to protect cash stations between customers and employees. 3. Other supplementary funds will cover training of employees. This training may include the following: a. Organizing a Safe Serve Class b. Creating and implementing a Social Media Training. c. Organize SWaM certification training to help our small woman and minority businesses become certified 4. Cost for reopening - additional beach reopening plan per executive order. 5. Remainder of the funds will be used for Administrative costs In summary, the Town of Cape Charles will use the CDBG Business recovery assistance grant to provide recovery assistance for our business community to avoid the closing of businesses, vacancies and blight in our commercial district; create and provide resources for resiliency, and develop a plan for stabilizing our fragile tourism-based economy by implementing plans for building out our shoulder seasons to lessen its effects.

Questions and Responses:

1. Describe the proposed project and the need for the project. How does the project fulfill an identified community need? What additional community needs can be addressed as part of the project?

Answer:

We propose to use this grant funding to help our businesses with COVID19 recovery through the following actions:

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1. Cover rent or mortgage expenses for those businesses that were shut down just as they prepared for the upcoming tourist season when 84% of our businesses make the lion's share of their income from Mid-May through August. Many had already purchased their inventory for the upcoming season which made them inventory rich and cash poor forcing them to lay off employees and raid what savings they may have had or borrowed from family to keep their businesses afloat. This rent relief for up to 6 months (to be determined by need) will allow these businesses to remain open into the upcoming shoulder seasons when the income again drops. Without this assistance, several will need to shut down as we hit the September/October timeframe. This puts additional strain on the local economy due to loss of sales, meals and transient occupancy taxes. Furthermore, the local residents will lose access to many amenities they have come to rely on during the off season making the marketing of the town difficult to potential new year-round residents when they see the decline of access to these amenities.

We want to expand our reach to as many other businesses that border Cape Charles that also have an effect and contribute to the local economy.

2. Additional funds will be used for re-opening expenses to cover costs of signage, masks, sanitizers and dispensers, plexi-glass shields to protect cash stations between customers and employees. Extra burdens on already struggling businesses include such things as; developing new seating plans (additional tables, linens, etc.), protective shields, re-hiring staff and training for employees on new protocols. Without additional assistance, several of these businesses will not remain solvent or viable.
3. Other supplementary funds will cover training of employees both current and new in the following areas as the workforce changes in the upcoming shoulder seasons with new employees replacing those who will be returning to educational pursuits. This training may include the following:
 1. Consultant for teaching a Safe Serve Class
 2. Trainer for Social Media Training which is required at various levels to help businesses learn how to promote their businesses in new ways to be competitive in this new environment. (Partnering with SBA and SDBC) Our business community is weak in this area therefore training will help them create a toolbox to utilize this free method of marketing their businesses.
 3. Consultant for SWaM certification training to help our small woman and minority businesses become certified to help their longer-term business prospects
 4. Consultant to teach how to use ecommerce for their business.
4. Cost for reopening - additional funding is needed for the continued staffing of the beach to ensure safe distancing, labor and supplies for cleaning and sanitizing LOVE Sign which visitors use for photo opportunities, Beach Pavilion and restrooms required for keeping our beach open. These costs were not allocated and had to be pulled from other projects.
5. Remainder of the funds will be used for Administrative costs to include covering the additional labor hours for creating and administering the program, tracking grant funds and planning, coordinating and implementing recovery training programs.

In summary, the Town of Cape Charles will use the CDBG Business recovery assistance grant to provide recovery assistance for our business community to avoid the closing of businesses, vacancies and blight in our commercial district; create and provide resources for resiliency, and develop a plan for stabilizing our fragile tourism-based economy by implementing plans for building out our shoulder seasons to lessen its effects. As

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stated earlier, there are many businesses in Northampton County that surround the town of Cape Charles that have significant contributions to our local economy. We want to include as many as the grant will allow after serving the Cape Charles businesses.

2. Please provide all budget information available (i.e. design costs, construction costs, equipment costs, operations costs, administrative costs, etc.) including a description of any procurement needs if needed.

Answer:

Budget for program:

Administrative costs: \$45,115 (includes labor, supplies, software and equipment)

Program Costs: \$500,000 (rent/mortgage relief for up to 50 businesses); \$300,000 (additional costs for SWaM businesses of which 80%+ of our 75+ businesses are classified)

Total: \$845,115

3. Please provide a timeline for completion of the project or activities associated with the project. Outline appropriate entities to undertake the activities outlined in the timeline.

Answer:

Timeline for completion is within 9 months after receipt of funds. Cape Charles Main Street, via MOU from the Town of Cape Charles will put process in place for the qualification and disbursements of funds.

4. Please describe persons from the local government and project partners including PDC, community non-profit organization, etc., that will be utilized to administer and manage the CDBG grant award. Outline what proposed role each individual will play including a description of the role. We are particularly interested in the experience of the project manager or administrator, and knowing that the management team has the capacity (expertise and time) to ensure the compliant and timely implementation of the project.

Answer:

Cape Charles Main Street, a 501c3 non-profit organization will administer and manage the funds with oversight by the Town of Cape Charles. Cape Charles Main Street is comprised of a highly educated, working board of individuals with expertise in many areas including Small business management. Our board has a SCORE mentor, with project planning and management experience, several individuals who have run businesses and a paid Program Director and Administrative Assistant. The Program Director was an experienced corporate executive holding positions in Business Development and Global Branding management for the DuPont Corporation and the

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Administrative Assistant is a highly educated Bookkeeper who performed these services for large corporations before moving to the Eastern Shore and joining Cape Charles Main Street.

5. Please describe the direct beneficiaries from the completion of the project/program (i.e. project service area, a particular demographic or subset of the local population, etc.).

Answer:

The beneficiaries of these funds will be those businesses within the town of Cape Charles first, then will expand (if needed) to other businesses outside the town limits that have a direct influence and contribute to the town of Cape Charles in other ways such as Food, Lodging, Supplies and those Northampton County businesses that supply services to the town of Cape Charles.

6. What national objective will this project meet? Even if the project is under the urgent need category or the removal of slums and blight category, how will the project benefit low- to moderate-income individuals in the community?

Answer:

The entire Eastern Shore of Virginia is an opportunity zone HUB and Tourism Zone with a population of 18% at or below poverty level. Cape Charles has become the economic hub of Northampton County. It is imperative that the businesses that Cape Charles supports that drive our local economy save jobs for those individuals with moderate, at or below poverty level income and to keep the town and surrounding area from falling back into a state of blight.

7. If you are proposing a project in response to COVID-19, what is the proposed use once COVID-19 has subsided?

Answer:

The town of Cape Charles is a tourism based economy. The impact of COVID19 on our businesses was swift and prolonged. Approximately 84% of our businesses make the lion's share of their income during the months of May through August. The impact has had a huge affect on meals, sales and transient occupancy taxes for the town as well. Many projects were put on hold and budgets were severely cut in order to weather this pandemic. The longer term effects of this pandemic could have far reaching consequences as 24 of our businesses have been open less than 3 years. Young businesses typically take 3-5 years to become established and these funds are needed to help them rebuild a strong foundation. Even if COVID subsides, if we cover their rent/mortgages for a period of time (up to 6 months) we can help ensure they can keep their businesses open through the shoulder seasons to help recoup lost income and bridge the gap to the next tourist season.

8. What sort of documentation are you and your partners prepared to collect and maintain to demonstrate that the proposed objective and benefits are met?

Answer:

We will commit to whatever documentation is required by DHCD. Cape Charles Main Street's intention is to work with the Town of Cape Charles, Northampton County, Chambers of Commerce and Tourism Commissions to develop a process prior to dispersing any funds that outlines what the requirements will be to obtain grant funding and to be sure those most in need of financial assistance receive this assistance. We will have the businesses sign an agreement to supply the appropriate documentation in order to receive funding. We are working now on drafting an application and requirements for funding.

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Attachments:

Letter of Interest

COVIDRecoverygrantFinalforSubmission728202022337.docx

Resolution

COVIDRecoverygrantFinalforSubmission728202032828.docx

Public Hearing

PublicHearingNotice1forCDBGGrantforCOVIDRelief07232020730202011156.docx

Public Hearing

PublicHearingNotice2forCDBGGrantforCOVIDRelief07302020730202011203.docx

Notes:

Optional Comments: The Town of Cape Charles is an Opportunity, HUB, and Tourism Zone, a Virginia Main Street Affiliate, the first Virginia Downtown Community which has become an economic anchor in Northampton County which has a population with 18% at or below poverty level. The Town, Business Leaders and Residents have worked for over 25 years to pull Cape Charles from blight and complete despair. Over the last 6 years monumental momentum has been achieved in preservation, revitalization and planned growth in this charming historic town. Since 2011 our Main Street and Residential districts have gone through a major transformation, making Cape Charles a prime destination to visit and relocate. In 2018, we had the opportunity for the Governor, DHCD and VATC to participate in a Golf Cart Ribbon Cutting for 14 new businesses in our commercial district with another 8 opening in 2019. The opening of over 24 businesses in two years created job opportunities for many Northampton residents. That momentum was on a great trajectory until the arrival of the COVID-19 outbreak. Like many communities the impact was swift and prolonged. Over 24 of our businesses opened less than 3 years ago. Young businesses typically take 3-5 years to become established. Our business demographic is primarily micro-businesses (2 or fewer employees) and they were not able to take advantage of most of the available federal grants and resources. The result is they are struggling with rent, utilities and other over-head expenses. As these businesses pivot to negate current COVID-19 challenges, many of them have added new technology and resources to meet the needs of the new "normal" to keep their business afloat.

RESOLUTION 20200820

Supporting Community Development Block Grant Virginia Funding Opportunities for COVID-19 Response

WHEREAS, the Town of Cape Charles Town Council (the “Council”) understands that need for assistance by small businesses who have been affected by the COVID-19 crisis; and

WHEREAS, the Virginia Department of Housing and Community Development is offering funding through the Community Development Block Grant (“CDBG”) Virginia Funding Opportunities for COVID-19 Response; and

WHEREAS, CDBG grant funding could be utilized to provide grants to small businesses in the County for reimbursement of rent and mortgage expenses incurred during the shutdown and costs associated with reopening; and

WHEREAS, CDBG grant funding may be requested for the foregoing purposes in the amount of approximately \$845,115; and

WHEREAS, CDBG grant funding would offer economic security and contribute to the wellbeing of Town residents; and

WHEREAS, the Council conducted duly noticed public hearings on August 13 and August 20, 2020, to receive and consider public comment concerning CDBG grant funding; and

WHEREAS, the Council feels that it is in the best interested of the Town to submit and support the application for CDBG funding.

NOW, THEREFORE, BE IT RESOLVED that the Cape Charles Town Council hereby endorses and supports the application to the Department of Housing and Community Development for Community Development Block Grant Virginia Funding Opportunities for COVID-19 Response.

ADOPTED this the 20th day of August 2020.

By: _____
Mayor

ATTEST:

Town Clerk