

TOWN COUNCIL
Regular Meeting & Executive Session
Cape Charles Civic Center
July 22, 2021
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 Cape Charles Town Council. In addition to Mayor Dize, in attendance were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Vice Mayor Bennett was out of town on business travel and participated by conference call from Cape Canaveral, FL. Also, in attendance were Town Manager John Hozey, Zoning Administrator Katie Nunez, Chief Jim Pruitt, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were 76 members of the public physically in attendance, and 72 viewers on Facebook.

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

Mayor Dize asked everyone in attendance to be respectful of each other, and to silence their phones. There would be no cheering, no whooping, etc. or he would ask the chief of police to escort you out of the Council chambers. He appreciated everyone's cooperation regarding the proceedings this evening.

Mayor Dize asked that the Approval of Agenda Format be moved out of the Consent Agenda to item #2A.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to move the Approval of Agenda Format to item 2A. The motion was approved by unanimous vote.

A. Approval of Agenda Format

Mayor Dize asked for the addition of New Business item #7G – Moving of Railroad Car on Strawberry Street Plaza which would be presented by Councilwoman Holloway, and the addition of a presentation by Zoning Administrator Katie Nunez as item 3A. Also, if the applicant wished to speak, they could do so after Ms. Nunez's presentation.

Motion made by Councilman Buchholz, seconded by Councilman Grossman to add New Business item #7G, and item #3A – presentation by Zoning Administrator Katie Nunez followed by the applicant. The motion was approved by unanimous vote.

RECOGNITION OF VISITORS / PRESENTATIONS:

- A. Zoning Administrator Katie Nunez gave a presentation regarding the proposed zoning ordinance text and zoning map amendments. (Please see attached.) Ms. Nunez concluded by stating that the Planning Commission voted in favor, by majority vote, of approval of the proposed text and zoning map amendments.

Messrs. Dan Brown, representing South Port Investors, LLC., and Brandon Mowrey, representing Cape Charles Properties, addressed the Council regarding the proposed text and zoning map amendments. (Please see attached.)

PUBLIC COMMENTS:

Joan Natali

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

Laura Weigand

Ms. Weigand stated that she had owned her property since 2016 but became a full-time resident this year. She would not be redundant in comments although she wanted it known for the record that she was against two particular points – 1) the endangerment of the wetlands; and 2) the 75' height. It was detrimental to bird and butterfly migration which this area was known for. She asked for Council's consideration and pointed out that Council members were elected by their constituents, which were the residents of Cape Charles, not business owners who lived outside of town. She concluded by thanking Council and asked them to be the voice of their constituents.

Jim Granger

Mr. Granger addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Kim Starr

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

Ed Wells

Mr. Wells addressed Council regarding item 7A of the agenda, stating that using his name in a public display was wrong doing by staff. This should not appear on his permanent record and the basis was fundamentally flawed. The decision was made behind closed doors and he was not given the time to address the issues. There had been no communication with him prior to the decision being made. There was no meeting to discuss matters of concern. He emailed Council regarding their concerns and received no response. He was appointed by Council to the Historic District Review Board (HDRB) in May 2019. He had over 40 years in home building and contracting with experience in historic architecture. His experience fit with the HDRB. He was passionate about this but realized that he needed to be more politically correct. He publicly apologized if he disrespected anyone. Mr. Wells concluded by asking Council to reconsider his removal from the HDRB.

Herb Thom

Mr. Thom stated that he was the co-chair for the HDRB and wanted to speak on behalf of Edward Wells. He had been on the board for three years and the HDRB had gone through several chairmen during his tenure. Mr. Wells had done a fantastic job chairing the board. He was passionate, forgiving and a good mentor to the other members of the HDRB. Mr. Thom explained that the situation with 4 Randolph Avenue began on a weekend. When approached by Messrs. Thom and Wells, the property owner had no remorse, which affected the way Mr. Wells responded to the property owner during the Zoom meeting. Mr. Thom asked Council to reconsider their decision to remove Mr. Wells from the HDRB.

Bill Ballard

Mr. Ballard addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Kevin Cosgrove, Hunton Andrews Kurth, representing Concerned Citizens of Cape Charles

Mr. Cosgrove addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Pam Green

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

Jane McKinley

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

Phil Goetkin

Mr. Goetkin requested that the decision on the rezoning and text amendment be deferred until additional input from all stakeholders could be evaluated. He addressed the Planning Commission

last week with his concern of trees and natural resources, which applied to all undeveloped property. The Town's Tree Conservation and Preservation Ordinance needed to be adhered to. It was critical that any development was done in an environmentally sustainable manner. The development in Town the last several years was anything but that. Trees were clear cut as recently as last week and permanently changed the critical landscape forever. Were any permits issued? Before making a decision regarding the requested rezoning and text amendment, require the submittal of a detailed tree plan that followed the tree ordinance. Everything needed to be made public, so all were aware of the consequences. A win-win solution needed to be demonstrated. There was not enough information from the applicant to approve their request.

Dianne Davis

Ms. Davis began by stating that in looking around, she did not see five people in attendance who were here when she grew up in this town. During that time, Cape Charles had a real downtown with stores, grocery stores, etc. It was before integration. There were still a lot of activities for the kids. Once the ferry left, the Town went down. She went away and then came back. In 1964, the concrete plant came here, and it was a blessing with the creation of jobs. The area where Bay Creek was now, used to be fields and many people worked there. It was very fulfilling when Bayshore Concrete came here, and Coastal Precast after Bayshore closed. Jobs were needed. Young people were working part-time with no benefits. Please keep in mind that we needed jobs. People needed to make a living. Let's do what we could to help everybody.

Mary Barrow

Ms. Barrow stated that most of her concerns had already been expressed. She asked for Council consideration. In this country we had a democracy and laws changed. The letter of the law was not in sync with the spirit of the law. She would like to see Council consider the spirit of the law and look beyond past ordinances and rules, especially related to the environment.

Mike Strub

Mr. Strub stated that he would be brief and direct. As the third member of the HDRB speaking this evening, he requested that item 7A be deleted from the agenda or deferred. He made this request in the best interest of the Town.

Town Clerk Libby Hume read comments submitted in writing prior to the meeting from Karen Reed Lowe and William Richard Lowe, Dan and Macy Coffey, Margot Gorske, Lori Blewitt, Randolph Smith, Cheryl Carver, Margaret Ballard, Earl (Chip) Moore, Sarah Fullam, Melisa Klem, David Parham, Tree Advisory Board, Alfred Ewell, Lori Smith, Jo Ann Bawiec, Liz Jones, Will Jones, and two emails forwarded by Lori Blewitt from Patrick Fanning from the Chesapeake Bay Foundation and Jim McGowan from the Nature Conservancy. (Please see attached.)

There were no additional comments received in writing prior to the meeting nor during the public comment period.

CONSENT AGENDA

B. Approval of Minutes:

- i. June 17, 2021 Town Council FY 2022 Budget Public Hearing, Regular Meeting, Executive Session & Emergency Preparedness Training
- ii. June 24, 2021 Special Meeting & Executive Session
- iii. May 25, 2021 Town Council Work Session
- iv. June 1, 2021 Planning Commission/Town Council Joint Public Hearing

C. Approval of May 31, 2021 Financial Report

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Consent Agenda as amended. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

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

Town Manager John Hozey stated that Zoning Administrator Katie Nunez did a great job explaining the issue and the staff report was well done so he had nothing further to add at this time. Staff's recommendation was for approval of the proposed text amendment.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to accept the recommendation of the Planning Commission and approve the zoning text amendments to Sections 3.14 (B), 3.14 (C)(2), and 3.14 (F).

There was much discussion regarding this item, the comments heard, and by-right versus conditional uses in the General Business/Light Industrial district. i) Councilman Grossman stated that on the Planning Commission, he voted to proceed with both matters – the zoning ordinance text and zoning map amendments. He struggled with the dilemma of the by-right uses in this district, where if someone wanted to create a railroad with terminals or warehousing facility, they would be permitted to do so with no discussion. The request would be submitted to the zoning administrator for review. The concrete plant's request, in looking at the permitted uses, was not any more dramatic than the other by-right uses. In this case, Coastal Precast Systems needed working changes. He came to the conclusion during the Planning Commission meeting, that the changes were not so drastic with little impact to the environment. Coastal Precast was not any different from other industries listed as by-right in the district. In listening tonight, he could see where submittal of plans could justify the working changes and could give us a better idea. He was on the fence regarding this issue; ii) Mayor Dize stated that the Council appointed a town manager and zoning administrator to follow the guidelines set forth by Council. The Town had a comprehensive plan that was reviewed and updated every five years. Some of the people in attendance this evening had not been here for five years. The process had been followed with proper advertising of a public hearing and deliberation by the Planning Commission which voted to recommend Council approval of the text amendment. He understood the frustration, but the applicant had to follow the permitting process for cutting down trees, construction, etc. He added that he was not on the fence regarding this issue; iii) Councilman Follmer suggested deferring the vote for 30 days adding that there was a lot of misinformation that needed to be cleared up. He heard a lot of people who were entrenched in their positions and not open to listening. Everyone needed to engage in the process with an open mind, especially with so much misinformation being spread. Conceptually, he was not opposed to the rezoning, but the decision needed to be based on the best interest of the whole town. This was the first opportunity for Council to discuss this issue and to accuse the Council of rubber-stamping the issue was not constructive. The misinformation needed to be cleared up and we needed to act as a community in the best interest of everybody; iv) Councilwoman O'Brien agreed that 30 days was needed. The comments tonight were a symptom of a bigger problem in the lack of trust. Open communication was needed; v) Councilman Buchholz expressed his agreement with Mayor Dize. This was a text amendment being done legally and with transparency. It was the same process as five years ago when the harbor property was rezoned. The only change with the by-right uses was the addition of storage. Nothing else would change. When the applicant planned to construct a building, a conditional use permit application was required. We needed to try to keep jobs here. We needed year-round jobs, not jobs where three months of the year there was no work. The concrete plant had been here for over 60 years with the exception of a couple of years. He moved to Cape Charles when Bayshore Concrete was fully operational. There was never a dust problem. Wind studies were done and no wind blew from the south. We needed to look at the big picture. If tourism went away, what would we fall back on? Nothing. A balance was necessary. We needed to be diversified or we would rail. We relied solely on tourism over the last five to eight years. Prior to that, over 100 years was spent on industrial growth. We had to learn to live together – Coastal Precast Systems, Bay Creek, and the Town. We've always worked together in the past but now we had a new crop of people here who wanted to change things; vi) Councilwoman Holloway stated that she was on Council and made a commitment to hear the citizens. We had to do our homework. She did not feel that she had enough information to move forward. She did not feel that the residents were acknowledged during last week's Planning Commission meeting. She expressed her agreement with Councilman Follmer. Many people thought that since she owned a Bed & Breakfast and was on Cape Charles Main Street, that she was all about tourism, but that was not the case. Industry was very important for the town. Balance was needed. Whether the Council felt that the process was done correctly, others felt differently. She wanted a more

complete understanding of what was planned to be built and wanted to know more about the proposal. We needed to do our due diligence. She supported the 30-day delay to obtain more information. Coastal Concrete was looking into a green energy project which would be great. When making a zoning change, it was not just for one property owner but for everything in that district. The Baldwins had done a lot of good, but she knew there were some anti-development people here as well. The decision needed to be made for the Town for the long term; and vii) Vice Mayor Bennett stated that personally, he leaned in the same direction as Councilman Grossman that at the end of the Planning Commission meeting, he did not see anything out of the ordinary. He heard the applicants state that they wanted the property for a lay-down area. One of the biggest concerns was the potential 75' building height, which would have to go through a conditional use application process. A building this tall could not be built on this property and no one acknowledged this fact. This building would be used for assembly of wind energy products and the height of the building was based on the size of the components. Wind energy products were an aspiration that would be pursued if Coastal Precast Systems was awarded the contract. If it came to fruition and a conditional use permit application was received, one of the conditions he would ask for was a sound mitigation study and a wall that surrounded the industrial zone. People needed to review the zoning ordinance to see the types of uses that were already permitted by-right. There were so many people who misunderstood what Coastal Precast Systems was intending to do on the property. He also heard that the zoning change would be permanent, which was not true. He had not seen or heard anything that should prevent this application from moving forward.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to defer the vote until the August 19th Town Council Regular Meeting.

Councilman Follmer stated that we had the opportunity to hold a public forum to clarify information with better visuals and maps and giving the citizens the opportunity to ask questions. This would be the opportunity to provide a clear picture to help everyone make up their minds. There was further discussion regarding the necessity of a public forum and the information to be provided.

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

John Hozey noted that the original motion was still in play, but the vote was deferred until the August 19 regular meeting.

B. *Application for Zoning Map Amendment – Tax Parcel #90-8-1A1:*

John Hozey recommended a similar procedure for this item as done for the previous item.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to accept the recommendation of the Planning Commission and approve the zoning map amendment of Tax Map #90-8-1A1 located at 1201 Bayshore Road from Harbor to General Business/Light Industrial Harbor-1.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to defer the vote until the August 19th Town Council Regular Meeting. The motion was approved by majority vote. Roll call vote: Bennett, no; Buchholz, no; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

At 9:03 p.m., Mayor Dize recessed the meeting for 10 minutes.

Mayor Dize called the meeting back to order at 9:13 p.m.

NEW BUSINESS:

A. *Removal of Edward Wells from the Historic District Review Board:*

John Hozey explained that this topic was similar to a personnel matter which was not discussed in public. When Council expressed their concerns, an executive session was scheduled to discuss the matter. The agenda was very discrete in how it was labeled. As a result of those discussions, Council instructed him to put the item on tonight's agenda. The topic had to be disclosed on the agenda and the information had to be included in a staff report.

Councilman Follmer added that efforts were made to keep this issue from getting to this point.

Motion made by Councilman Follmer, seconded by Councilwoman O'Brien, for the removal of Edward Wells from the Historic District Review Board effective immediately.

There was much discussion regarding this item and the reasoning behind the call for removal. i) Councilman Grossman stated that the behavior interacting with the applicants needed to be differentiated from the performance on the Historic District Review Board (HDRB) relating to research, etc. He had personally observed interactions that he considered inappropriate but did not agree with this action. He attended the HDRB meetings and watched the Zoom meetings. No training or expectations were provided to board or commission members and there was no procedure in place for removal of a member. For employees, normal performance reviews were completed dealing with competencies of job performance. An employee's performance would be monitored, and issues would be discussed with them. If there was no change in performance, the employee would receive a written warning and performance would be monitored for change. If there was still no change, the final action would be termination. He observed the inappropriate behavior, and instances where HDRB discussion strayed into zoning areas, but never talked to Mr. Wells about it. He recommended Mr. Wells and Mayor Dize meet face to face and explain our expectations, then monitor the behavior. He did not agree with termination at this time; ii) Councilman Buchholz expressed his agreement with Councilman Grossman; iii) Councilwoman O'Brien expressed her view of the situations and behavior over the last week, adding that she had not seen the best version of ourselves. It was up to the Town Council to lead in a way that was empathetic, showing compassion and to encourage volunteerism from the community. She did not want this to be perceived as a witch hunt or personality clash. She did not think that Mr. Wells should be removed from the HDRB, but Council needed to work with him. The guidelines needed revisions. She understood that Mr. Wells' behavior was probably not the best, but she was not always at her best either; iv) Mayor Dize stated that we had procedures and steps in place for staff. Council appointed the town manager. If Council had an issue with the town manager's performance, a meeting would be scheduled to address the issues. Councilman Buchholz agreed that the procedure followed for appointed staff, should be applied to other appointed officials; and v) Councilwoman Holloway expressed her embarrassment for being in this position adding that she felt badly for Mr. Wells. There should be due process and Mr. Wells deserved the right to sit down and talk to Council so he would know the issues. She knew attempts were made to set up a meeting but did not know how much of the specifics were shared with Mr. Wells. The Town Council was doing their best but sometimes were unaware of our mirror image.

The motion was defeated by unanimous vote.

B. Cape Charles Library Board Member Reappointments:

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to reappoint Mss. Dianne Davis and Karen Mahaffy to the Library Board for another four-year term. The motion was approved by unanimous vote.

C. Updates to Cape Charles Guidelines for Citizen Participation:

John Hozey stated that an incorrect version of the guidelines was included in the packet and distributed the revised version. The change was on page 3 with the addition of the Applicability paragraph which stated, "While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate." The existing guidelines were adopted in 2013 and a number of items were added with this revision: i) Eligibility. Only citizens with standing in the Town would be provided the opportunity to provide input. Standing was defined as a full-time resident, property owner, business owner, or state,

federal or county officials representing/serving the Town. In the future, when someone spoke, they would be asked for their name and standing versus address; ii) The second addition related to the provision of written comments to be read into the record. Currently, written comments had an unfair advantage in that the entire comment was included in the minutes and individuals who took the time to attend a meeting and speak, were cut off after three minutes. For consistency, only the portion of written comments that were read by the Clerk within three minutes would be included in the minutes; and iii) the third change was the Applicability paragraph which was read earlier.

Councilman Follmer proposed the addition of language stating comments must come directly from the sender, not forwarded like two of the emails that were read earlier. Comments should not be included in the record without the author's permission. John Hozey noted that language stating "Comments must be received from the person with standing" would be added to the second page of the guidelines.

Motion made by Councilman Buchholz, seconded by Councilman Follmer, to adopt the revised Guidelines for Citizen Participation as discussed. The motion was approved by unanimous vote.

D. *Approval of Town Code of Ethics and Rules of Order:*

John Hozey stated that the existing Code of Ethics was adopted in 2006, and the Rules of Order was adopted in 2009. This revision combined both into one document. Other than minor wording changes and grammar, the majority of the documents were the same. The changes were as follows: i) Conflict of Interest was now a standalone section with additional language relating to abstentions and the questions of when Council members should or should not participate in discussion. He had seen instances in the past, in other localities, where officials would abstain in order to avoid controversial issues for political reasons, which was inappropriate. It was the Council member's duty to disclose the potential conflict and up to the remainder of Council to approve the recusal. Another item that came up a lot was the representation of third-party interests. Just having an association with a group or organization was not necessarily a conflict, but if representing the other group or organization, there could be a potential conflict; and ii) The Meeting Rules of Order procedures appeared to be written by an attorney. An acknowledgement section was added to the last page for a record showing that the individual read and understood the procedures. The signed acknowledgment page would be kept by the clerk.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to adopt the revised Code of Ethics and Rules of Order as presented. The motion was approved by unanimous vote.

E. *Boating Infrastructure Grant Program Resolution:*

John Hozey stated that the Town routinely received grants with federal funding. The Boating Infrastructure Grant (BIG) was one of the federal grants which was used for harbor improvements. A resolution was now required for the Town to acknowledge its obligations and to formally accept the terms of the U.S. Fish and Wildlife Service BIG.

Mayor Dize read Resolution 20210722A.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20210722A Regarding Useful Life, Obligation, and Maintenance of the Town of Cape Charles Harbor Marina at 11 Marina Road, Cape Charles, Virginia. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

F. *Cape Charles Post Office Parking Request for VDOT:*

John Hozey stated that a request was received from the Cape Charles Post Office requesting support with an application to the Virginia Department of Transportation (VDOT) for a 15-minute parking restriction on Randolph Avenue in front of the post office located at 299 Randolph Avenue for postal customer parking. A resolution from the Town Council supporting the request was required by VDOT.

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to adopt Resolution 20210722B In Support of the Request from the Cape Charles Post Office for 15-Minute Parking Restrictions on Randolph Avenue in Front of the Post Office. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

G. *Moving of Railroad Car at Strawberry Street Plaza:*

Councilwoman Holloway stated that this issue was time sensitive adding that the train car restoration was put on hold due to COVID-19, but Cape Charles Main Street (CCMS) had remained in contact with Canonie Railroad. Canonie agreed to complete the asbestos abatement and the rail car needed to be moved. Some other rail cars were being relocated and this car could be moved at the same time. She spoke with Mayor Dize regarding their desire to position the car vertically but with the potential change in land ownership, a better location needed to be determined. She asked for Council's preference in moving the car slightly east or west. After preliminary discussion, the CCMS board recommended moving the car to the west. CCMS obtained a \$15K grant for repairs, to begin after completion of the asbestos abatement. Canonie agreed to extend the Town's parking lot lease, at no additional cost, to include property to the west for relocation of the rail car.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to extend the Town's parking lot lease westward, at no additional cost to the Town, for the relocation of the rail car. The motion was approved by unanimous vote.

John Hozey stated that the Town's insurance company would be notified of this addition upon execution of the new lease agreement.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The Small Business Recovery Assistance Grant Program Design was revised updating the eligibility requirements. When Council originally approved the guidelines, authority to revise the guidelines was delegated to the Program Management Team with the requirement that Council would be informed of the changes; ii) The contract for mosquito spraying was executed and spraying should begin in August; iii) The Town recently hired two new employees – Betsy Doherty was the new library assistant, and Tavon Owens was the new seasonal employee for litter patrol; and iv) He would be out of the office the last week of August and first week of September for his annual trip to Alaska to visit his kids and grandkids.

MAYOR AND COUNCIL COMMENTS

Mayor Dize commented as follows: i) The Coastal Virginia Chamber of Commerce was starting a program – Salute to COVID Heroes and asked him to nominate a group. He nominated CCMS and their executive director for an award for their work in securing the grant to provide assistance to small businesses. CCMS was in constant contact with businesses and citizens and were well deserving of this award. The ceremony would be on September 9 in Virginia Beach; ii) All the citizens' comments were heard. Based on the comments received, Council deferred the decision for 30 days. He did not know if the outcome would be different 30 days from now. He would like to see more citizen involvement, especially with the comprehensive plan. There had been a lot of changes in Cape Charles over the years and we needed input from the citizens; and iii) He thanked everyone for their comments. All were heard even if we did not all agree.

Vice Mayor Bennett comments as follows: i) He asked for a copy of the documents that were provided this evening. John Hozey would send him the two documents; ii) He agreed with Mayor Dize regarding the COVID award; and iii) This was his second time calling into a meeting and the electronics had improved.

Councilwoman O'Brien stated her agreement with Mayor Dize's comments. The Town was very dependent on the community to volunteer. It was important to demonstrate that we were listening.

She agreed that the outcome might not be different, but we owed it to the citizens to defer the decision until August.

Councilman Follmer commented as follows: i) He thanked staff for their hard work. The last couple of weeks had been very challenging for everyone and there were far few hands to get everything done; and ii) He assumed that CCMS was to be thanked for the wayfinding signs on Mason Avenue and Strawberry Street. Councilwoman Holloway stated that Karen Zamorski had donated them, and John Lockwood arranged their installation.

Councilman Grossman had no additional comments.

Councilwoman Holloway commented as follows: i) She expressed her agreement that public input and listening were important. She learned from this process. Council had agreed on joint public hearings with the Planning Commission for non-controversial topics. She felt that the process needed to be slowed down to think through a topic as we did not always know when a topic could be construed as controversial. She felt that the bigger issue was that the Planning Commission did not appear to listen to the citizens' comments; and ii) She thanked Mayor Dize for nominating CCMS and Karen Zamorski. She also wanted to thank staff for helping to implement the grant. It was one thing to obtain the grant, but another to implement it.

Councilman Buchholz agreed with the previous comments adding that everyone had their own opinions. Timelines had to be dealt with. We needed to focus on the tasks for the project and could not deal in "what ifs." We needed to be careful going down the road as we could be setting things up for other problems in the future. It was impossible to appease everyone.

Mayor Dize read the announcements, adding that the August 5, 2021 and September 2, 2021 work sessions would not be necessary. John Hozey noted that another meeting would be scheduled in August based on tonight's discussion.

Motion made by Councilman Buchholz, 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 7: Consultation with legal counsel pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body.

Specifically: David Fauber v. Town of Cape Charles

Mayor Dize asked the members of the public in attendance to leave the room and advised them that they would be invited back into the room at the conclusion of the executive session.

The members of the public and staff in attendance, with the exception of John Hozey and Libby Hume, left the room.

Council went into executive session at 10:17 p.m.

Libby Hume went outside to notify the members of the public of the end of the closed portion of the meeting. There were no members of the public waiting to return to the meeting.

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

The open portion of the meeting resumed at 10:43 p.m.

Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

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

The Regular Meeting and Executive Session adjourned at 10:44 p.m.

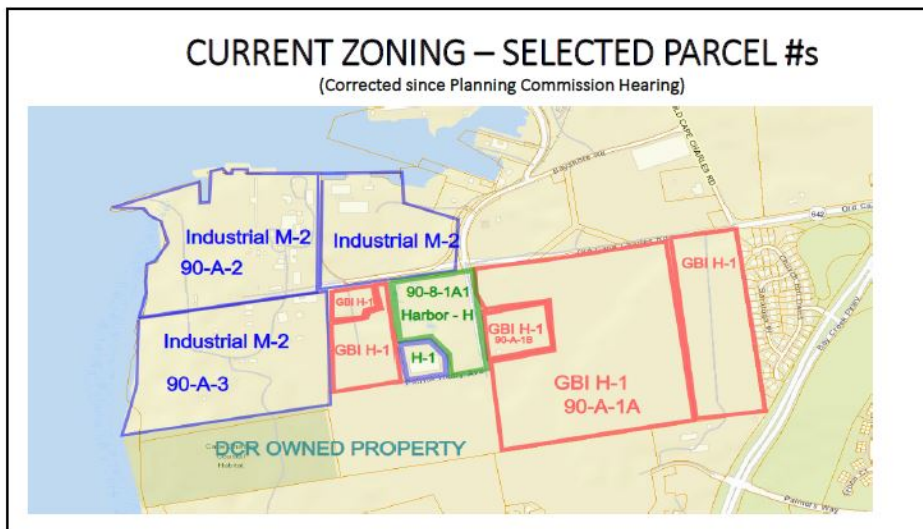
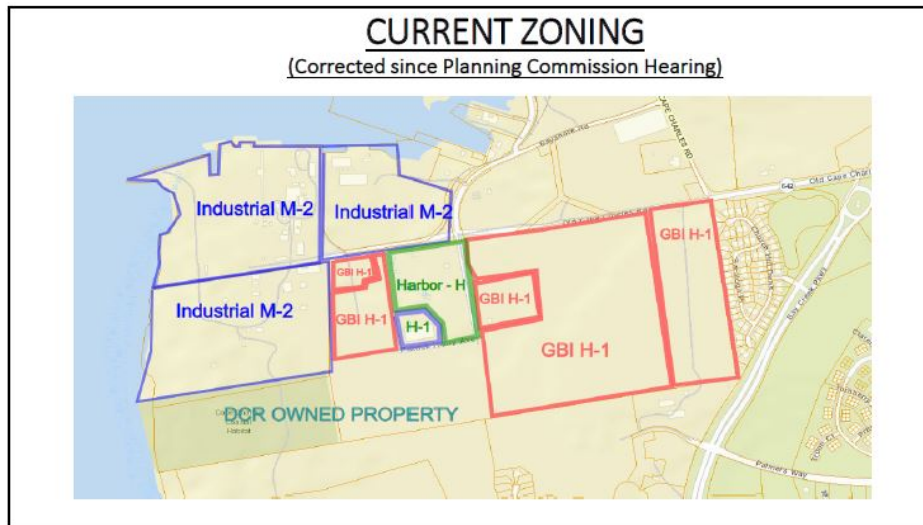
Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
July 22, 2021 Town Council Regular Meeting**

#3A – Recognition of Visitors & Presentations

Zoning Administrator Katie Nunez:



PROPOSED TEXT AMENDMENT TO SECTION 3.14 GENERAL BUSINESS/LIGHT INDUSTRIAL H-1 (GBI H-1)

4

NOTE – CHANGES ARE SHOWN AS FOLLOWS:

Existing Text – in black font

Proposed Additions – in red font

Proposed Deletions – in ~~strike~~through red font

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County
2. Create family-wage employment and training opportunities for local residents
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers
5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

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PROPOSED TEXT AMENDMENTS (cont.)

B. Permitted Uses. Within the GBI H-1 District, the following permitted uses shall be allowed.

1. Adult and/or child day care center
2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture
3. Art gallery
4. Business service establishment (including mail order or electronic catalog sales)
5. Conference center
6. Communication and telecommunications centers
7. Commuter parking lot
8. Educational institution
9. Flex industrial use
10. Fire, police, rescue stations
11. Food production, packaging, packing, and canning
12. Hotel, serving as an ancillary and interrelated component of the Park
13. Library or other municipal building
14. Manufacture, processing, fabrication, ~~assembly~~ and/or ~~assembly storage~~ of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
15. Medical care facility, outpatient only
16. Museum, cultural center, arboretum
17. Offices--administrative, business, professional, and telecommunication

6

PROPOSED TEXT AMENDMENTS (cont.)

18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category
19. Park, plaza, or natural area
20. Parking structure
21. Performing arts center
22. Post office, drop off and pick up, mail courier and parcel services
23. Printing service
24. Public utility service center, without outdoor storage
25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo
26. Recording studio
27. Recreational facilities
28. Recycling drop-off collection center serving the Park
29. Research, experimental testing or development activities
30. Restaurant, indoor and outdoor (excluding drive-through)
31. Telecommunications, television, or radio microwave dishes or antennas
32. Training center (excluding rehabilitation and institutional facilities)
33. Utility generating plant and transmission facilities using renewable energy sources
34. Utility installations
35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area
36. Warehousing facility (excluding mini-storage facility)
37. Water storage tank
38. Wholesale trade establishment

7

PROPOSED TEXT AMENDMENTS (cont.)

- C. Conditional Uses. Within the GBI H-1, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
1. Structures, other than buildings, exceeding 50 feet
 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least one hundred twenty-five (125) additional feet from the required setback for all yards abutting residential properties.
- D. Accessory Uses. Within the GBI H-1 District, the following accessory uses shall be allowed.
1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures
 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets
- E. Lot, Yard, Height, and Density Requirements. Within the GBI H-1 District, the following standards shall apply.
1. Minimum lot requirements
 - lot area..... 15,000 square feet
 - lot width 100 feet
 2. Yard requirements
 - minimum front yard 10 feet
 - maximum front yard 25 feet
 - minimum side yard between buildings ... none or 5 feet
 - minimum side yard adjacent to street..... 10 feet
 - minimum rear yard 20 feet

8

PROPOSED TEXT AMENDMENTS (cont.)

3. Maximum building height
 - buildings 40 feet
 - structures other than buildings..... 50 feet
4. Building coverage. No more than 50 percent of the land area of the lot may be covered by structures.
5. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:
 - a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.
 - i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed.
 - iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.

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PROPOSED TEXT AMENDMENTS (cont.)

- b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification:
- A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - No loading facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed.
 - Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.
- c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district:
- A 50-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed.
 - Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

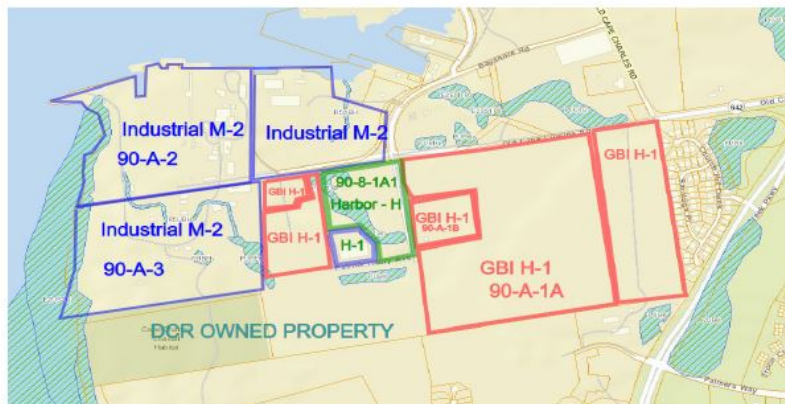
10

PROPOSED TEXT AMENDMENTS (cont.)

- F. Additional Development Requirements.
- Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.
 - Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.
 - All parking must comply with Appendix B - Off Street Parking and Loading Requirements
 - Parking is not permitted in the front yard of a lot.
 - No parking or drive aisles shall be located within the required buffer yards.
 - No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the GBI H-1 District.
 - ~~No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.~~
 - Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
 - No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices or signals audible outside any buildings shall be allowed on the property. Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged.
 - No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
 - No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11 p.m. and 5 a.m. Monday through Sunday.

11

WETLANDS OVERLAY



12

WETLANDS OVERLAY WITH AERIAL IMAGING



13

REZONING REQUEST

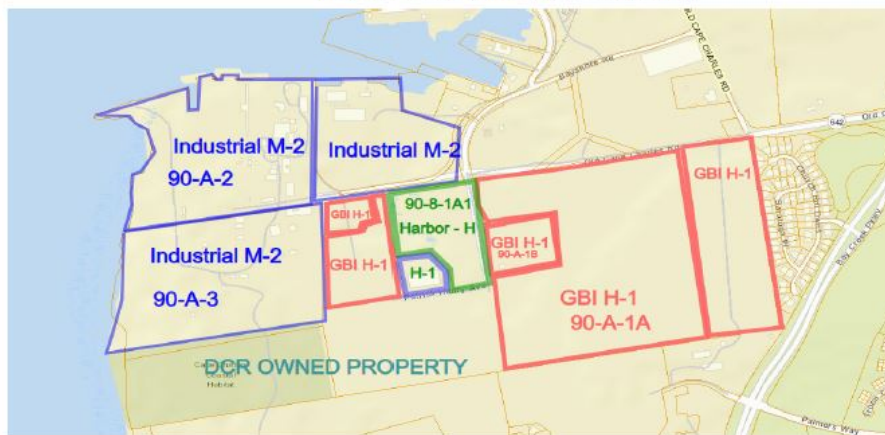
TAX MAP PARCEL 90-8-1a1

From Harbor to GBI H-1

14

CURRENT ZONING – SELECTED PARCEL #s

(Corrected since Planning Commission Hearing)



15

Current Zoning:

Section 3.9 Harbor District (revised 11-21-19)

Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

PROPOSED REQUESTED ZONING:

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County
2. Create family-wage employment and training opportunities for local residents
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers
5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

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REVIEW OF COMPREHENSIVE PLAN

In Section III – Future Land Use: Guiding Decisions for the Coming Decades, this describes each land use designation and indicates that the guiding principle is to mirror and extend the existing historic pattern of development in the town as it grows and adapts to new land uses and building types over time. The Future Land Use Plan strongly reinforces the current form of the town and recommends that new development should be an extension of the traditional patterns of growth and settlement in Cape Charles.

In this area adjacent to the harbor, there are three primary land designations which are described in the Comprehensive Plan as:

III.3.2 Industrial: The industrial designation permits certain industries, which may detract from residential desirability, and will not be permitted to locate in any area adjacent to a residential area. This category should contribute to the existing maritime and industrial nature of Cape Charles and may consist of buildings used for manufacturing and warehousing. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

III.3.3 Industrial District M-2: The Industrial District M-2 designation provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and the historic Port of Cape Charles and Northampton County, create family-wage employment and training opportunities for local residents, serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers, and encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

III.3.4 General Business/Light Industrial H-1 District: The General Business/Light Industrial H-1 designation allows for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic Port of Cape Charles and Northampton County; creates family-wage employment and training opportunities for local residents; serves as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers; and incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

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COMP PLAN (cont)

Under Chapter II – SETTINGS, Section II.4 - Economy states the following:

"Cape Charles has experienced increased commercial activity recently. Several new restaurants have opened and a new yacht refurbishing operation has opened for business. If this trend continues, economic opportunities will improve. The town must achieve an atmosphere conducive to the growth of new and existing businesses through cooperation with private, county and regional economic development partners. Cooperation with other towns and Northampton County is needed to plan development near the town's boundaries. Commercial investment should be encouraged where it is needed in revitalizing the county's towns not in development of agricultural land or along Route 13. The town should encourage development of the area formerly known as the STIP (Sustainable Technologies Industrial Park) and several other large land tracts. It must continue support of existing economic infrastructure including the harbor and railroad. The town's other strengths, such as its natural environment and historical character, must be preserved as well to encourage economic prosperity.

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Cape Charles Harbor Area Conceptual Master Plan dated August 4, 2006

It is necessary to also consider the Cape Charles Harbor Area Conceptual Master Plan since it is referenced in the Zoning Description for Harbor District. To that end, provided is the conceptual map of the Land Use Plan over the harbor area, along with the text accompanying said map from that document.

The Land Use Plan is overlaid on top of the basic circulation and open space networks developed above. The general locations and types of land uses reflect the vision for the area as a mixed-use district that incorporates residential, employment, Industrial and transportation uses, with a working waterfront and public amenities. The diagram below shows the general disposition of land uses in the area. The location of land use elements also took into account the pattern of ownership in the area, as well as the discussions with property owners in the area for development intentions on their properties. The primary uses anticipated in the Harbor area include:

- | | | | |
|-------------------------|---------------|-------------------------|--------------|
| • Main Street Mixed Use | • Employment | • Rail Yard | • Industrial |
| • Employment Mixed Use | • Civic | • Residential Mixed Use | |
| • Working Waterfront | • Nature Area | • Public Utilities | |

This is not intended to be an exhaustive list or a definitive prescription of permitted uses in the area, as would be found in a zoning ordinance. Moreover, the uses are not described definitively in this document. The intent is to provide a general guide, with ultimate flexibility to respond to opportunities for new development in the area that are consistent with the overall design concept and vision, and compatible with the design guidelines described in this document.

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CAPE CHARLES HARBOR AREA CONCEPTUAL MASTER PLAN

LAND USE PLAN



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APPLICANT PRESENTATION

21

Application for Zoning Text Amendment – Section 3.14 Gen Business/Light Industrial H-1

TIMELINE

May 11th 2021 – South Port Investors submitted correspondence to Town Manager John Hozey requesting consideration be given to integrating text amendments to the current General Business/Light Industrial H-1 (GBI H-1 Section 3.14) zoning classification.

May 20th 2021 – Town Council passed a Resolution of Intent to advance the proposed text amendments to Section 3.14 to the Planning Commission.

June 30th 2021 – Public Hearing advertisement run in Eastern Shore News

July 1st 2021 - Town of Cape Charles Planning and Zoning Administrator - Katie Nunez - issued a Staff Report in full support of the proposed text amendments. *"Staff is supportive of the proposed zoning text amendments."*

July 2nd 2021 - Public Hearing advertisement run in Eastern Shore Post

July 7th 2021 - Public Hearing advertisement run in Eastern Shore News

July 13th 2021 - A joint public hearing was held by the Planning Commission and Town Council.

Three motions were made addressing the proposed text amendments. Results were as follows:

Recommend the zoning text amendment to Section 3.14 (B) (14) Passed 5-1

Recommend the zoning text amendment to Section 3.14 (C) (2) Passed 5-0

Recommend the zoning text amendments to Section 3.14 (F) Passed 5-1

"Town Council is requested to review the proposed zoning text amendment, staff report and the public comments received during the joint public hearing and to consider acting favorably on the Zoning Text Amendment (ZTA) to General Business/Light Industrial Harbor-1 (GBI H-1) and to accept the Planning Commission's recommendation."

July 22nd 2021 – Town Council Regular Meeting & Executive Session

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Application for Zoning Map Amendment – Tax Parcel #90-8-1A1

TIMELINE

May 11th 2021 – South Port Investors submitted Zoning Map Amendment Application to Town Manager John Hozey identifying tax map parcel 90-8-1A1 as the subject property.

May 20th 2021 – Town Council passed a Resolution of Intent to consider a change to the zoning map within the Harbor District.

June 30th 2021 – Public Hearing advertisement run in Eastern Shore News

July 1st 2021 - Town of Cape Charles Planning and Zoning Administrator - Katie Nunez - issued a Staff Report in full support of the proposed map amendments. *"Staff is recommending a favorable consideration of the Zoning Map Amendment since it is supported by the Comprehensive Plan and creates a more cohesive Zoning Map for the parcels to the south of the harbor."*

July 2nd 2021 - Public Hearing advertisement run in Eastern Shore Post

July 7th 2021 - Public Hearing advertisement run in Eastern Shore News

July 13th 2021 - A joint public hearing was held by the Planning Commission and Town Council.

A motion was made to approve the proposed map amendments. The motion carried convincingly 5-1.
The Planning Commission provided the following motion for the Council consideration:

The Cape Charles Town Council accepts the recommendation of the Planning Commission and to approve the zoning map amendment of Tax Map #90-8-1A1 located at 1201 Bayshore Road from Harbor to General Business/Light Industrial Harbor-1 (GBI H1); said rezone is consistent with the Comprehensive Plan as detailed fully in the Staff Report provided to the Planning Commission and the Town Council as part of the agenda packet for the Joint Public Hearing held on July 13, 2021.

July 22nd 2021 – Town Council Regular Meeting & Executive Session

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Dan Brown, CFO, South Port Investors, LLC.

Dear members of the Cape Charles Town Council,

My name is Dan Brown. I am the CFO of South Port Investors, LLC. I am here this evening to ask you to support two zoning related agenda items:

1. Application for Zoning Text Amendment – Section 3.14 General Business/Light Industrial H-1
2. Application for Zoning Map Amendment – Tax Parcel #90-8-1A1

With regard to Item 1: Application for Zoning Text Amendment, the following text amendments have been identified, supported by your professional Planning and Zoning staff, and recommended for acceptance by your appointed Planning Commissioners.

- 1) **Allow assembly and/or storage of products as a by-right use under Sec. 3.14 B (14);**
- 2) **Allow buildings up to 75 ft in height with a required setback of 125 feet through a Conditional Use Permit (Sec. 3.14 C (2));**
- 3) **Deletion of Section 3.14 (F) (7) which currently does not allow manufacturing, assembly or servicing of products used on the property nor the use of trucks or automobiles used in conjunction with or for the transport of materials to the district; and**
- 4) **Other minor changes**

I'd like to refer to the timeline worksheet I've prepared for this Application for Zoning Text Amendment.

*(See Timeline – Application for Zoning **Text** Amendment)*

As you can see, the public was given the proper notice of all events related to this application. To say this process was rushed or expedited is unfair. All resolutions and hearing announcements are made available immediately to the public. This is a formal process which began in early May. We hope we can reach a positive conclusion now – the end of July.

With regard to Item 2: Application for Zoning Map Amendment – Tax Parcel #90-8-1A1, we request you approve changing the zoning from Harbor District to Light Industrial. This request has also received the full support of your professional Planning and Zoning staff and has been highly recommended for acceptance by your appointed Planning Commissioners.

Let's refer to the timeline worksheet for this Application for Zoning Map Amendment.

*(See Timeline – Application for Zoning **Map** Amendment)*

It is important to note that most of the land on the south side of Cape Charles Harbor has some form of industrial zoning. In 2006 there was heavy emphasis placed on mixed use zoning and as a result, some lots on the harbor's south side were batched into this classification. The mixed use – Harbor District – zoning has enjoyed immense success on Mason Avenue and areas close to our retail district. The concept never resonated over to the south side of the harbor.

More recently our group purchased the old Zappatta-Haney fish plant property located in between the existing concrete factory and the Cape Charles Yacht Center. Coincidentally this land sits adjacent to the parcel we are attempting to rezone today. **(See Zappatta Haney image)** This retired fish plant property was zoned Harbor District. We quickly recognized the existing zoning was an impediment and requested a zoning change to Heavy Industrial M2 – completely skipping over Light Industrial. The Zoning Administrator fully supported the amendment via his Staff Report. The Planning Commission hearing produced only favorable comments from the public, the Commission voted unanimously to approve the zoning change, and the Council also voted unanimously approving the request. Obviously, a precedent has been established given the recent nature of the prior approval. Couple this with the close proximity of the two lots and we feel this is a justified request.

Before I turn the program over to my colleague – Brandon Mowrey – I'd like to close with some concise points.

The applications up for consideration have nothing to do with wetlands, deforestation, land disturbance, air quality, groundwater quality, or conservation. All of those issues are important. We are not minimizing the importance of each. However, they are regulated by their respective agencies and boards. Tonight we are assembled to consider:

1. Rezoning a parcel of land with strong precedent established.
2. Text amendments allowing for outdoor storage and assembly of product or materials.
3. A provision for any Light Industrial landowner to request permission to build a structure over 50' yet under 75'.
4. Deletion of a section of Additional Development Requirements allowing for outside manufacturing and assembly and use of trucks – under Conditional Uses.
5. Other minor changes.

You have tasked your Zoning Administrative Staff with evaluating all of these items. Their professional opinion is one of strong support as evidenced by their Staff Reports.

You tasked your appointed Planning Commissioners with hearing the matters and considering all aspects of the issues. They have done so and voted in overwhelming favor of all items. They have presented to you their approval and have recommended a motion for your consideration.

We are asking you today to trust your judgement and the judgement of the people you have chosen to evaluate the appropriateness of these applications. Please approve these applications here tonight.

Thank you for your time.

Application for Zoning Text Amendment – Section 3.14 Gen Business/Light Industrial H-1

TIMELINE

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“Town Council is requested to review the proposed zoning text amendment, staff report and the public comments received during the joint public hearing and to **consider acting favorably on the Zoning Text Amendment (ZTA) to General Business/Light Industrial Harbor-1 (GBI H-1) and to accept the Planning Commission’s recommendation.**”

July 22nd 2021 – Town Council Regular Meeting & Executive Session

Application for Zoning Map Amendment – Tax Parcel #90-8-1A1

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The Planning Commission provided the following motion for the Council consideration:

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July 22nd 2021 – Town Council Regular Meeting & Executive Session



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

GOOD EVENING MR. MAYOR AND COUNCIL MEMBERS

MY NAME IS BRANDON MOWREY, REPRESENTING CAPE CHARLES PROPERTIES, THE PURCHASER, AND AM ALSO AN EMPLOYEE OF COASTAL PRECAST SYSTEMS. THANKFULLY, OUR BUSINESS HAS BEEN STRONG AND LOOKING TO GET BUSIER. WE HAVE NUMEROUS CONTRACTS IN THE WORKS AND OTHERS SCHEDULED FOR PRODUCTION (ONE OF WHICH IS THE HAMPTON ROADS BRIDGE TUNNEL). FOR HRBT WE ARE LEASING OUT SOME LAND FOR A CONTRACTOR TO FABRICATE AND STORE THE 21,000 TUNNEL LINERS NEEDED FOR THIS \$3.8 BILLION DOLLAR JOB. STORING THESE TUNNEL LINERS OBVIOUSLY TAKES UP SPACE AND ADDITIONAL LAY-DOWN STORAGE AREA MIGHT BE NEEDED. WE KNEW THE ADJACENT SOUTH PORT PROPERTY WAS FOR SALE AND DETERMIND IT SERVED OUR NEEDS PERFECTLY SO WE MADE AN OFFER.

ACQUIRING THE LAND AND APPROPRIATE ZONING WILL ENABLE US ADDITIONAL LAY-DOWN STORAGE. MOST IMPORTANTLY, IT WILL ALLOW US TO BID OUR FACILITY MORE COMPETITIVELY TO RENEWABLE ENERGY CONTRACTORS. AS I MENTIONED LAST WEEK, THERE ARE CURRENTLY 22 OFF-SHORE WIND FARMS ON THE EAST COAST. WITH LIMITED DEEP WATER SITES, CONTRACTORS ARE CURRENTLY SECURING LOCATIONS FOR THEIR FACILITIES AT A RAPID RATE. THIS POTENTIAL OPPORTUNITY IS EXCITING FOR US AND I HOPE CAPE CHARLES, AS IT WOULD BRING AS MANY AS 50-100 MORE JOBS TO THE AREA. FORTUNATELY, CONTRACTORS HAVE ALREADY REACHED OUT TO US REGARDING OUR LOCATION AND ARE IN NEED OF PROPOSALS SOON. ONE CONTRACTOR, WHO'S DEVELOPING THE NORTH CAROLINA (KITTY HAWK) WIND FARM, NEEDS A PROPOSAL FROM US AS SOON AS NEXT WEEK! LIKE MOST GREAT OPPORTUNITIES, YOU HAVE TO ACT FAST OR THEY WILL PASS YOU BY.

AS MR. BROWN MENTIONED, WE HAVE DONE THIS THE RIGHT WAY. I THINK MANY OF YOU WILL AGREE THAT THE CURRENT ZONING ORDINANCES ARE IN DIRE NEED OF REVIEW AND MODIFICATIONS TO MATCH OTHER LOCAL CITIES AND TOWNS. WE HAVE WORKED WITH MRS. NUNEZ AND MR. HOZEY TO REACH AN AGREEMENT ON AMMICABLE ZONING AMMENDMENTS THAT APPEASE BOTH THE TOWN



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

WHILE FITTING OUR NEEDS. WE WOULD LIKE TO THANK THEM BOTH FOR THEIR TIME AND GUIDANCE THROUGHOUT THIS PROCESS.

AN APPROVAL THIS EVENING WILL ENABLE US TO GROW OUR BUSINESS RESPONSIBLY AND SECURE MANY MORE JOB OPPORTUNITIES MOVING FORWARD. A REJECTION OR EVEN TABLING THIS VOTE TO A LATER DATE WILL UNFORTUNATELY TAKE US OUT OF CONTENTION FOR MANY OF THESE EXCITING RENEWABLE ENERGY OPPORTUNITIES AS WELL AS OTHER INFRASTRUCTURE AND NATIONAL DEFENSE PROJECTS WE WILL BE FORCED TO PASS ON DUE TO STORAGE CONSTRAINTS.

I THANK YOU FOR YOUR TIME AND CONSIDERATION.

Joan Natali

My name is Joan Natali and I reside at 110 Blue Heaven Road in Cape Charles.

I have reviewed the complete agenda package and reviewed the Zoning Ordinance referred to and under consideration tonight.

In general, I support the recommended revisions to Article III of the Zoning Ordinance and the rezoning of Tax Map #90-8-1A1 located at 1201 Bayshore Road from Harbor District (H) to General Business/Light Industrial H-1 (GBI H-1).

I have three concerns that I would like the Planning Commission and the Town Council to consider in their deliberations.

1. CU Height of 75 feet
2. Removal of "sirens" and "or other devices"
3. Require as a compromise, a sound/noise barrier for any lots which adjoin/about a residential area.

Regarding the first, I understand that any proposed development of a property in this district must apply for a Conditional Use process. That process includes review and public hearings before a permit is either granted, with conditions or denied prior to the development of the property, I personally think a height of 75' is far too high for our Town.

I would like you to revise the 75' height maximum to 55', which is the highest height currently stated in the Zoning Ordinance for the Town of Cape Charles.

Second, I am concerned about #9. the removal of "sirens" and "or other devices." Please consider adding wording to ensure that noise from sirens or other devices are not so loud as to become a public noise nuisance to nearby residential neighborhoods and neighboring business(s) in the area. If not now, maybe the subject can be considered in the near future.

Third: As a compromise, please consider requiring a sound/noise barrier, not just adding additional trees or bushes, but a real sound barrier be required for any lot lines which adjoin/about a residential area.

On another agenda item, I want to express my deep concern and dismay about the Council's treatment and/or dismissal (asking members to resign and if they refuse, dismissing them) of Town committee members! Shame!

Thank you for your time and consideration.

Jim Granger

Subject: 22 July 2021 Town Council Meeting

I attended the debacle of the 13 July Joint Public Hearing which was led by the Planning Commission. Over 67 of my fellow citizens attended in person, others attended online, and many submitted written comments, the overwhelming majority of which were opposed to the proposed actions. The hearing was orderly to that point. When the petitioner addressed the crowd directly, in an arrogant and insulting manner, the atmosphere got very heated, and the police were summoned in case things got even more out of hand. To make matters worse, one of the Planning Commission members made insulting and sexist remarks to one of the female members, accusing her of "creating drama", when she was actually asking insightful questions. I sincerely hope that tonight's meeting will be fair, honest, respectful, and transparent, with the views of all citizens taken into consideration.

Since the Planning Commission did not address any of the issues before voting to recommend approval of the proposed actions to the Town Council, I can't form my position until I get those answers. I ask the Town Council to return the action back to the Planning Commission and direct them to address the issues raised by the citizens before voting on the action and passing it to Town Council. If that won't work, I strongly recommend that Town Council delay the vote until the issues raised by citizens are addressed. The prevailing feeling among town citizens seems to be that their elected and appointed officials don't listen to them. Fixing that problem is, in my opinion, perhaps more important than the proposed amendments and rezoning issues.

Sincerely,
Jim Granger

Kim Starr

My name is Kim Starr. I have lived and worked in Cape Charles for 26 Years. I own Chesapeake Properties. We do real estate sales and manage 40 Vacation rentals in town. We provide much needed Transient Occupancy Tax here. I pay a living wage. I provide jobs and support other businesses by utilizing numerous independent contractors -helping them provide good jobs. Most tourism businesses support these auxiliary sources of employment. We need to recognize this fact.

Many here tonight do not know what the town was like before we had a Tourism Industry.

Cape Charles was severely depressed and rundown. Downtown was a wasteland of empty buildings - the stench from public urination would knock you over! The Palace Theater was showing x-rated movies and wreaked of smoke and urine. Drug deals were openly conducted in the streets. The youth had absolutely nothing to look forward to.

No one cared!

At the time Bayshore Concrete was thriving - Cape Charles was anything but.

Over these many, many years I have watched how new people -Come-Heres like the ones that founded Cape Charles, bring money and new ideas and join forces with those stalwart locals who never gave up on their beloved home. And with a growing tourism industry, here we are now with a revitalized, beautiful town, our own Cinderella-story.

I came to Cape Charles because I got involved in the fight against the maximum-security prison the town and county wanted to locate behind Kiptopeake Elementary School in the midst of 3 African American communities. We were told the same thing then: Jobs Jobs Jobs -this is our only hope for economic development. We were poor and rural, this is what we get. A strong coalition of local folks and come-here's banded together. We pushed for good governance, to slow down and study the potential impacts. The prison was defeated.

This was my wake-up call to speak up – to challenge – because home is always worth fighting for.

I've been here a long time – I have seen Cape Charles at its bottom.

Now my heart is full seeing entrepreneurs open businesses on Mason Ave, watching homes being renovated, young families on the beach, children on bikes, Bay Creek coming back to life... *Southern Living* recognizing our unique town.

I've spent considerable time in prayer over this. I feel strongly about good governance. This proposed rezoning has not been a transparent process. Where is the consensus building? Have we examined the long-range impacts? Surely if we take the time, we can balance the needs of your constituents and a thriving Tourism Industry, with the needs of the Concrete Plant.

Please slow down. Please take this back to the planning commission for further study and public input. There are way too many unanswered questions and much, too much at stake to rush.

Bill Ballard

My name is Bill Ballard. My wife and I live at 115 Mason Ave. We are full time residents and registered voters.

We are here tonight to implore you to postpone action on these **two** zoning issues **until** there has been a comprehensive examination of the impact these changes will have on our community.

This is not about Coastal Precast Systems. That company has been open to listening to the concerns of citizens and has been responsive.

This is about the governance of this town. This is about the leaders of this community doing what is right and listening to the concerns of its citizens and being responsive.

Last week, the owner of Coastal Precast told me that they have several ideas for the property but, if you will pardon the pun, no concrete plans. This is an opportunity to control the adjacent property. That may be good business, but it is not a guarantee the town will be the beneficiary of higher taxes or an increase in jobs nor that this opportunity will disappear if this decision is deferred. Indeed, the owner said that he does not expect much action on their part for three to four years.

The town manager, in response to queries by some residents said,

"The Town has gone through previous lengthy public processes that established our current guidance regarding land use. It is the responsibility of the Planning Commission, the Town Council, and staff to follow that publicly developed and endorsed guidance unless there are extraordinary circumstances to the contrary. To do otherwise would invalidate the public process that established this guidance."

Before you vote tonight, tell us what extraordinary circumstances warrant changing this ordinance and zoning. Since Council has been mute on these issues, most of us have had to rely on rumors. Please give us the facts.

The manager went further to say,

"there needs to be a deliberate public process to amend that guidance. That does not happen quickly, nor should it. There are long term implications to setting land use policy, so it is not wise to alter that policy/guidance based on one night of public comment."

I ask you, the Town Council for all of Cape Charles for that deliberate public process. Defer this action and listen to your constituency.

Cape Charles may have been founded as an industrial town but it darn near died as an industrial town at a time when Bayshore Concrete employed over 400. Its renaissance has been due to the preservation of its historic district, the development of Bay Creek, tourism, and an influx of retirees. This town survives **only** because of real estate taxes that have grown due to these factors. Yet the zoning applications before you potentially threaten all of them.

Are you willing to risk the future of this town? Were I you, I would want to make sure. I would take extra time to look at this thing inside and out, up and down, left to right, because once you make the decision to turn your backs on those people who have reborn this town, it will really hard to turn back.

Kevin Cosgrove

Remarks of Kevin J. Cosgrove, Esq.
Representing Concerned Citizens of Cape Charles

Good evening Mayor Dize and Town Council Members. My name is Kevin Cosgrove. I am an attorney with the law firm of Hunton Andrews Kurth. My office is located in Norfolk. I am here tonight on behalf of a number of concerned citizens of who reside here in Cape Charles. My comments concern agenda items 6A and 6B.

My clients do not understand why these applications are being rushed through the re-zoning process. Instead of two public hearings, they were double advertised so only one was held. The roughly 1,000 residents of Cape Charles have a right to expect transparency from their elected officials. The residents who have signed the petition demand it. In turn, elected officials have a duty to provide such transparency. Thus far, there has been no transparency at all.

My clients request that these applications be deferred for 90 days. During that time, we request that you direct the buyer of parcel 90-8-1A1 to meet with town residents and explain—in detail-- its vision for that parcel and the adjoining two parcels that would be affected by the zoning text amendments. If it cannot articulate such a vision, then these applications should be rejected.

In a typical re-zoning, the applicant submits an application that explains what is intended to be done with the parcel. Then the governing body can make an intelligent decision as to whether the proposed use is acceptable. But this application turns the usual process on its head. This applicant comes before you and says "I don't know what I want to do on these parcels, but please re-zone them and I'll figure it out later. You simply cannot evaluate a re-zoning application without knowing what the end use will be.

One final point. At the dual public hearing it was stated that the additional development requirements in zoning section 3.14 (F) don't apply to permitted uses within the light industrial district. I have reviewed your ordinance. I do not understand that conclusion. I'd be happy to discuss that issue with appropriate town personnel.

Pamela Green

Re: Zoning Ordinance Text Amendments and Rezoning Parcel 90-81A1
Submitted by Erye Baldwin and South Port Investors LLC

Dear Members of the Town Council of Cape Charles:

Thank you for the opportunity to submit my concerns regarding the proposed zoning amendments to facilitate the sale of property owned by South Port Investors to Coastal Precast.

Like the other signatories to the petition submitted to you on behalf of now over 500 Cape Charles residents, I am deeply concerned about the unintended consequences that may result if this request is approved now. I strongly believe that it is in the best interests of the entire town that full and careful consideration be given to this request. The implications for the quality of life of Cape Charles' citizens, the economic harm to the tourist industry and the environmental impacts on air quality, noise pollution, potentially water pollution and the impact on wildlife and marine life should, in my opinion, be considered *before* this request is approved.

I understand that Cape Charles has a tradition of being a working port and that no town should put all its eggs in one basket. We should not rely solely on one industry for economic viability. We need tourism: Cape Charles is gaining popularity as a tourist destination, especially as we emerge from the lockdown of 2020. We also need other industries and sources of revenue for a sustainable future. But our future should be not just *economically* sustainable, but *environmentally* sustainable as well. This is nothing new, but over the past two years or so it has become very much more apparent. There seems to be an influx of people looking for a place to work from home, where their kids can attend school, and breathe fresh air without wearing a mask. We are fortunate enough to be located a reasonable driving distance from major population centers where new residents and visitors can come "enjoy our nature", as the Eastern Shore motto goes. Let's not mess that up.

My request for your consideration is this. You, the Town Council are in an unenviable position as you consider this matter before you. Frankly, I am glad I am not in your chairs although I am grateful that you are all willing to devote your time, attention and expertise to the governing of Cape Charles. But please, on this decision, consider whether you have to do it alone.

Is it possible for the town to hold a referendum on this issue? Let the various committees that have been established by and for the town, such as the tree committee, consider the ordinance change request. Give the public a chance to gain a better understanding of the request and provide time for studies to be conducted of the environmental implications for Cape Charles and the Chesapeake Bay on what appears to be a significant expansion of Coastal Precast's operations, should the ordinance changes be approved. We, the registered voters of Cape

Charles, could vote on this issue during the gubernatorial and other elections already scheduled for this fall.

In the interest of transparency and in addition to the questions posed in the petition and the letter accompanying it currently on *change.org*, I have the following questions:

- Who owns Up Front Storage and what is that owner's position on the requested ordinance change?
- With all due respect, are there Council Members who have familial or economic ties to South Port Investors or Coastal Precast or their owners or managers?
- If there are Council Members with such ties, will he or she recuse him or herself from any vote that does take place on the requested ordinance changes?
- There was some discussion at the Town Planning Commission meeting of a road on the east side of the 70 acre parcel that may be sold by South Port to Coastal Precast. It is unclear to me whether that is a county road. Is it a county road? Who will access it and has the Northampton County and/or the Commonwealth of Virginia approved it?

Thank you again for the opportunity to weigh in on this issue. It is an important one and I sincerely hope that it gets the time, attention and study that it deserves by all the residents of Cape Charles.

I request that this letter in its entirety be made part of the record.

Sincerely,



Pamela Green
645 Tazewell Ave.
Cape Charles

Jane McKinley

I would like to express my concern regarding the Planning Commission's swift approval of the proposed zoning and text changes to accommodate the sale of Harbor area property to Coastal Pre-Cast Systems and to encourage Town Council to give serious thought to approving this proposal. My name is Jane McKinley, and I am a permanent resident of Cape Charles living at 526 Tazewell Avenue in the Historic District.

This issue reminds me of when I lived in Cape Charles for the month of January 2016 to decide whether to move here permanently. During my stay I met with as many people in town as possible including the mayor and a member of Town Council. When I mentioned to the Town Council member that it was a shame that the concrete factory spoiled the pristine coastline view from Cape Charles, I was advised to consider the economic value of this industry to the town. This gave me pause, and I've come to accept the value added. But I wonder if adding more industry would threaten the town's robust tourism revenue and, consequently, offset any benefits of industrial expansion.

It was mentioned at the Planning Commission meeting that this expansion will bring 50 new jobs to the area. And I'm sure that we all agree that jobs are critical. But do we actually know that it would be as many as 50 fulltime jobs? And do we know that these jobs would be filled by local workers or would they require skills not available on the Shore? And do we know that these jobs would offer training and career paths for the workers and pay a wage to allow them to live comfortably?

There was much discussion about what would be manufactured at this site. Brandon Mallory of Coastal Pre-Cast indicated that they were hoping to land a contract to assemble and store components for offshore wind turbines. I applaud this plan and very much support the addition of this type of renewable industry to our state. I wonder, however, what the chances are that they will be able to "snag" this opportunity. I wonder what their plans are for utilizing the land for this purpose. And, if not wind turbines, what other industry is on their radar. I believe these are some of the questions that should be answered before being too hasty in our approvals.

I would also be remis in not mentioning the environmental impact of these changes. Would it not be wise to obtain more input from expert sources such as the Chesapeake Bay Foundation and the EPA before merely accepting the additional buffer requirements for the adjoining residential neighborhood and trusting the company to keep as many of the trees and shrubs as possible? And does the town have the resources to enforce existing regulations (which is already a challenge) the scope of which would expand under these changes?

In conclusion, I encourage Town Council to take a cautious approach to the evaluation of this proposal. It would benefit all stakeholders to do more research into the details and impact of this seemingly minor change. Perhaps members of the Planning Commission, Town Council, experts in the field, and citizen representatives could form a group to study the long-term impact of these proposed changes. I believe that this approach would result in informed decisions and compromises leading to in a "win-win" for all parties. Something we could all be proud of!

Karen Reed Lowe and William Richard Lowe

Subject: Public comments for 7/15/21 meeting

To the members of the Town Council:

My wife and I own 101 Tazewell Avenue. We wish to comment on the proposed zoning changes allowing the expansion of the Coastal Concrete operation in Cape Charles.

To begin with, we wish to say that we understand the importance of this business to the local economy, and their right to use the property in accordance with **current** zoning regulations. That being said, it does not enhance the view shed from Mason Avenue; it creates noise, dust, and negatively impacts the business district and tourism. We object strongly to the proposed "Text" changes to GBI/H1 on its own merit and the subsequent impact on other parcels. We strongly oppose the rezoning request because of its impact on surrounding areas. We are also strongly opposed to any action that would allow buildings or any structure to exceed 40 feet. In addition we wish to concur with points that several speakers at the Planning Commission made in the joint Town Council/Planning Commission meeting:

There needs to be more public notice and time for additional hearings

There needs to be environmental impact studies

All relevant town committees must schedule time to assess the impact on the proposed changes.

The Town Council must analyze the tax benefit/cost to the town of making these changes. There needs to be an analysis of the loss of value to lots in Bay Creek and the resulting loss of tax revenue on those lots and on the houses that would have been built on them. How much impact will the enlargement of the industrial facility have on the desirability of the town as a tourist destination? Seventy foot tall structures will soar above the tree line and impact the entire town.

One speaker pointed out that an expansion of the concrete business would bring more jobs to the county; this is true but at what cost? New home construction in Bay Creek, more tourists in our restaurants and gift shops will also create more jobs and more revenue to the town.

As one speaker queried last night, who DO we want to be? Choose between a charming, family-oriented, historic town that appeals to people from all over our country, or a growing industrial complex!

Thank you for your consideration of our opinion in the matter.

Regards,

Karen Reed Lowe and William Richard Lowe

Dan and Macy Coffey

Subject: Coastal Concrete

We are full time Cape Charles residents, taxpayers and registered voters. We have kept silent over recent changes at the concrete plant realizing the long history of the concrete plant that offers much needed jobs. We were pleased by the apparent cooperation between the town and the concrete plant to reduce noise and dirt from the operation. However, the current rezoning proposal has caused us to realize that now is the appropriate time for us to voice our concern over the proposed rezoning as it may further destroy the delicate balance between industry and the scenic beauty of this town, one of our greatest and fragile resources.

We ask that the Town Council and Planning Commission take the time and due diligence to study the effects the proposed zoning changes may have on the Mason Avenue view shed, the Town Harbor, the parcel designated Wetlands/Harbor, the treescape, property values, the Baycreek development and the tourism industry. Of utmost concern is the request for an exemption for property zoned Light Industrial, to allow 75' tall buildings for the purpose of assembly and storage.

We wish Coastal Concrete success but also desire the continued success of Cape Charles. There is a delicate balance that is too important to the futures of both Cape Charles and Coastal Concrete. Please take the time and resources to insure that both Cape Charles and Coastal Concrete can work together for all.

Thank you.

Dan and Macy Coffey

Margot Gorske

Dear Mayor, Town Manager, and Council Members;

Thank you for allowing me this opportunity. My purpose is to explain why I hope that you vote to delay any changes and refer this back to the Planning Commission for further review.

Concrete batch plants impose a trifecta of impact on public health and well-being in that they emit air, light, and noise pollution. Particulate matter air pollution is created from the concrete production process as well as the diesel emissions of numerous trucks and other machinery that feed plant operations. Noise and light pollution weigh heavily on nearby residents as production is frequently permitted for 24 hours a day, 7 days a week operation.

Particulate matter pollution is more than just a neighborhood nuisance. Both short and long-term exposure to Particulate Matter (PM2.5) has been associated with a range of respiratory diseases and cancer. This is a widespread pollutant, consisting of a mixture of solid and liquid particles suspended in the air, and it is one of six pollutants subject to national ambient air quality standards (NAAQS). Higher values of heavy metals and of a biomarker of renal toxicity were found in the exposed compared to unexposed populations. In another study, medical Dr. Crawford states that living w/in 5 miles of a plant is the high danger zone, and w/in twenty miles is still a danger zone.

No one here has a crystal ball. All accept that the plant is here to stay. I understand Mr. Hozey's explanations of process and issues. With that said, I urge you all to vote to delay any decisions, refer this back to the Planning Commission, and allow ample time for studies to conclude that the above cited risks do not pertain to this particular plant and our town.

Respectively,

Margot Gorske

Lori Blewitt

Subject: Wetland, Cape Charles and Harbor Concerns

Does our community want more industry right on the bay? More noise and dust.

Once it's done, can it be undone? Why is this such a rush job? It appears to be a recent request within the last sixty (60) days. I think we should step back and not be pressured into making this decision without studying and considering all impacts this change could have on our environment and town. Who does this benefit?

Has the EPA and the Nature Conservancy been notified of this potential change and the impact it may have on the Chesapeake Bay? Is it against the law to make this type of decision without having notified these entities? The Chesapeake Bay has lost 90% of it submerged and 50% of its coastal marshes per the EPA. What will be the impact on the nearby wetlands from the development of this parcel? Isn't it in the communities' best interest to preserve any wetlands in and around Cape Charles?

Do we want to contribute to this lost?

We have a Tree Conservation and Preservation Ordinance and a Tree Advisory Board. We are also bound by the Chesapeake Bay Preservation Ordinance. To date, it appears that none of those Boards or ordinances have been consulted. I did not see any minutes to this respect.

Noted from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P: #6 -The purpose of the joint meeting of the Planning Commission and the Town Council is to gain the approval of the Planning Commission on July 13 and then allow the Town Council to approve it on July 22. This is too quick to fully understand the ramifications of the proposed amendment changes and the re-zoning.

I've heard recently that the town is trying to promote tourism in Cape Charles. In fact, we appear to be all about it if you own a rental home, restaurant or retail store. Eroding our nature is not conducive to this end if that is where we are heading.

Do we want to see and I quote from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P:

"potentially outdoor pilings of raw and waste materials and newly assembled products awaiting transport and/or delivery and warehousing in newly constructed facilities of 75' tall)".

When Coastal Precast purchased this facility, I would think they knew what they were getting and that it would be sufficient for their needs. Or, were they hedging their bets and given the wink, wink on expanding and expecting the town to allow them to do just that without question.

We want to see new job opportunities but not at the expense of our natural environment.

From what we've heard town council has already rubber stamped this huge change. How can that be decided so quickly? How can you do this without all of the environmental agencies being involved and to analyze and consider the impact. I am certainly not qualified, are you?

Please consider your vote carefully that you are about to take - does this truly benefit Cape Charles, our community and the Chesapeake Bay?

Sincerely,
Lorian Gallagher-Blewitt
A Come Here of 30+ years
Cape Charles, VA

Randolph Smith

Subject: Re: Rezoning Industrial Area

As a homeowner at 35+ year homeowner at 3 Mason Ave, I am opposed to the rezoning of the M2 Industrial area not only to change the building height to 75' but to convert a property to M2 zoning that abuts a conservation area. There has been no studies done that I can see on the impact to the area & bay.

We all know that a concrete plant doesn't need a 75' building for storage. I'm certainly not opposed to jobs in Cape Charles but I feel this proposal has been done in haste to slip something through, I just heard about it today!

I'm asking that the vote on this be delayed until this proposal can be thoroughly be discussed & vetted through the proper agencies.

Thank you,
Randolph Smith

Cheryl Carver

Subject: Rezoning effort

Dear Town Council,

Being a part time resident of Cape Charles doesn't give me much of a voice in anything that happens to my much loved second home. I'm using what voice I have to ask you to please not rezone the area by the Nature Preserve to industrial use. I realize Coastal Precast has created much needed jobs to the area but so has the tourism industry that has blossomed in the past few years because Cape Charles is such a uniquely wonderful place. We sit on our Randolph Ave porch in the morning and listen to the clanking and the back up beeps and watch the dust blow down Pine. Do you all honestly think anyone is going to want to visit if the plant is three times larger than it is now and becomes a larger eye sore on the other side of the marina than it is now? Town is truly at a crossroads and needs to decide if they want to be known as "the best little beach town in VA" or the home of a giant concrete plant.

Margaret Ballard

Subject: Fwd: July 22 Town Council Meeting

Dear Mayor Dize and Honorable Council Members;

Concerning Item 6, Unfinished Business, on the agenda for the upcoming Regular Meeting and Executive Session, please **DELAY, STOP** before voting on items A and B. In my 45- year career in business government affairs; state, federal, local legislation; financial public relations; and as a p.r. consultant to USAA, I learned there is a **PROCESS** for strategic and comprehensive planning. It goes like this:

1. Environmental Impact Study (EIS): this can include business demographics and financial planning as well as the natural environment;
2. Vision Statement and Strategic Planning
3. Comprehensive Plan.

As you'll see in the attached email to Mr. Hozey, an EIS study request was made to him over a year ago and turned down. His vision for the town and the vision of many of the property owners and voters, who pay the largest amount of taxes, are clearly at odds.

Thank you,
Margaret Ballard

Earl (Chip) Moore

Subject: Concrete plant expansion

To whom it may concern, please read this into the record at the July 22nd Cape Charles town council meeting:

I am a full time, tax paying resident of Cape Charles. I live at 156 Sunset Blvd.

I support the concrete plant expansion. This town and county need an industry with decent paying jobs. Jobs that will attract families as fulltime residents/property owners/tax payers.

As of now this county's industries are limited...watermen, agriculture and tourism. Growth opportunities for the first two are limited.

As for tourism the town can't seem to handle what they have now. There aren't enough employees for the shops and restaurants. Just walk down Mason and look at the help wanted signs or the hour plus wait at any of our fine restaurants. The town's beach can't handle the number of weekend visitors because it is small and shrinking.

Maybe a strong, growing concrete plant will attract families who will live here fulltime. This may help alleviate the tax burden that is put on all of us. Maybe those families will have teenage kids who could work at restaurants or in retail shops. Maybe those fulltime residents will support the local businesses in the off season. As of now we have an aging fulltime community with no younger growth.

Part time property owners do not pay town or county personal property tax on their cars, trucks, rvs, boats, etc. or income tax but a fulltime resident does.

Just a few thoughts...I would rather hear a safety alarm than deal with a rental house full of loud obnoxious vacationers. I would rather pass a licensed commercial truck driver on the street vs a drunk tourist or a child driving a golf cart. As for the dust clouds in the harbor area, most of it comes from people driving too quickly into the parking lot at the Shanty/Town marina. Also, there are lots of noise/back-up alarms coming from the construction equipment working in Bay Creek (we just saw/heard it today). That equipment did not have any "muffling" modifications. Is anyone positive that the offending noises are truly just coming from the concrete plant??

Thank for considering this point of view.

Sincerely,
Earl (Chip) Moore

Sarah Fullam

Subject: Message for this week's Town Council mtg

Dear Town Council,

I am writing in regards to the zoning text amendment to update the General Business/Light Industrial categorization and the application for zoning map amendment to 1201 Bayshore Rd from Harbor District to General Business/Light Industrial.

As I understand it, the two are closely related. The change to the zoning text amendment allows for parcels designated as Light Industrial to allow storage and assembly of products and to allow buildings up to 75 ft to be constructed when a conditional use permit is sought and approved. Piggy backing off of this request is a change of 1201 Bayshore Rd from Harbor to Light Industrial to allow for these conditions on this property.

I do not outright oppose either of these asks. What does give me pause is that Town Council has been tasked with making a decision without ever seeing an intended site plan or summary of proposed new jobs that will be created for our community from the requestor. As of March 2020 Coastal Precast was only the 27th largest employer in Northampton County. As I understand it, Coastal Precast will not be purchasing the aforementioned land unless the ZTA and ZMA are approved by Town Council. Once the land is purchased,

little physical room is left for other industry to enter our town. We have an opportunity now, before approving, to request more information in order to ensure the most responsible and forward thinking decision is made regarding this space.

Kind regards,
Sarah Fullam

Melisa Klem

**Re: Section 3:14 General Business/Light Industry, and rezoning of Tax Parcel 90-81A1
From: Petitioners to Deny Zoning Ordinance Text Amendments and rezoning 90-81A1 submitted by Erye Baldwin and South Port Investors LLC.**

To the Mayor, Town Council, Town Manager and Town Attorney of Cape Charles:

We are presenting here, and would like entered into the official record, a petition with nearly 400 signatures circulated among and signed by Cape Charles residents opposed to the proposed amendments to the town's zoning ordinance requested by Erye Baldwin and his company, South Port Investors LLC., that would allow for the expansion of business operations by Coastal Precast Systems.

Citizens of Cape Charles are concerned about the noise pollution and air quality that is adversely impacting their property, businesses and quality of life. Existing operations at Coastal Precast conflict sharply with the town's own stated vision for Cape Charles as a tourist friendly, quaint, quiet small town.

Expanding Coastal Precast operations will, residents and business owners fear, exacerbate the noise and air pollution unabashedly washing over the town from the precast facility.

Several key points regarding this proposal have, in the minds of Cape Charles residents and business owners, not been thoroughly or openly vetted. They include but are not limited to:

1. How much tax revenue generated by the Coastal Precast Systems is paid directly to the Town of Cape Charles?
2. What, if any, legally binding assurances does the town have from Coastal Precast that noise and air pollution from the plant will be significantly mitigated should the plant expand operations?
3. What legally binding assurances does the Town have that Coastal Precast will operate at reasonable hours during the day, and not run the plant in the middle of the night or around-the-clock, as has been the case.
4. What assurances does the Town and Northampton County have that the jobs created by the Coastal Precast Expansion be filled with Town or County residents.
5. How does the expansion of Coastal Precast fit within the recently drafted vision statement for the town, and the mission of the downtown Cape Charles business district?
6. Have any recent or definitive studies been conducted to assess the current and potentially future impacts on water or air pollution, and noise levels inflicted by Coastal Precast on the Town, its residents, or the Chesapeake Bay and Town Harbor?
7. Have proper, up-to-date state and federal impact statements been completed or are underway?
8. Has the Town Council considered that by allowing additional warehousing and assembly facilities at Costal Precast that the company intends to significantly ramp up the heavy industrial part of its operations to fill those facilities with product?
9. Should members of the Town Council with personal or business ties to Erye Baldwin recuse themselves from considering this zoning amendment request or other business brought to the Town Council or board by Mr. Baldwin or his companies or associates?
10. Will the Town honor Freedom of Information Act requests for all correspondence and emails between Erye Baldwin and members of the Town Council and boards regarding this zoning amendment proposal?

Given the gravity of the impact of Costal Precast on the Town's image, lifestyle, air quality, noise pollution, and deleterious effect on the flourishing Mason Ave. business community, we the signed petitioner strongly encourage the Town Council to deny the zoning amendment requests until the above questions are answered satisfactorily, and proper and enforceable assurances are made that Costal Precast will significantly mitigate the noise and air pollution from its operations. It is also imperative Town of Cape Charles receives in revenues and substantial portion of the taxes collected from those operations, since it suffers the burden of the precast plant's operations.

Respectfully submitted,
Cape Charles residents

David Parham

Subject: Proposed Zoning Changes

Dear Mayor Dize and Honorable Members of Town Council:

I am writing in advance of the Town Council meeting to consider changes to the text of the General Business/Light Industrial H1 zoning district (GBI/H1) and Re-zoning parcel 90-8-1A1 from Harbor to General Business/Light Industrial H1 (GBI/H1).

I believe these zoning changes could have a huge impact on the residents, businesses and general environment in Cape Charles and any decision related to zoning language/text changes should not be rushed through without a proper and complete review. I don't feel that an educated decision on this matter could or should be made without such a thorough and complete review of all considerations and impacts and can't imagine how the Town Council could decide without a comprehensive review.

I have not heard or seen any reason or compelling argument for the Town Council to approve these changes and have seen many solid arguments against approval. There is absolutely no reason for the Town Council to rush this decision through as you represent all the residents and stakeholders in Cape Charles, not just the few who would benefit from these changes.

I respectfully request that any decision be postponed until all the potential impacts, both short term and long term, are thoroughly studied. I would suggest that all the various boards and commissions we have in Cape Charles should be given the opportunity to review any and all impacts of the proposed zoning changes, these include, but are not limited to, the Wetlands and Dune Commission, Harbor District Review Board, Tree Advisory Board, and whoever is in charge of the Chesapeake Bay Preservation Ordinance. In addition, environmental impact studies should be conducted and impact of sound and dust pollution seriously considered.

We all agree that new business growth is desirable. However, years of comprehensive reviews along with professional consultation has set the comprehensive plan which is currently in place and has led to a rebirth of Cape Charles. The existing planning and zoning should not be changed without a complete and proper evaluation of the economic impact to downtown businesses, commercial property values, taxes, and the impact on tourism along with any environmental impacts. This is a serious issue and requires a complete and thorough investigation before any decision is made.

Best Regards;
David J. Parham

Tree Advisory Board

TO: Cape Charles Town Council

On behalf of the Cape Charles Tree Advisory Board this letter is being submitted subsequent to the Planning Commission's approval of the proposed zoning and text changes to accommodate the sale of Harbor area property to Coastal Precast Systems. As mentioned in our prior letter, there are many aspects to consider in granting approval for these changes; however, in support of the fact that not all success is measured by economic development, the focus of this letter is primarily on the environmental impact to this property and to the Town of Cape Charles,

If the requested changes are approved by Town Council it would, then, require only a single step to obtain a Conditional Use Permit to allow changes which, seemingly minor on the surface, could have a large unintended impact. It could put at risk the delicate balance in the current existing mature forest which includes valuable trees such as the oaks and hickories, as identified by the Virginia Department of Conservation and Recreation. While it may seem that "there are plenty of trees in the area," fragmented habitat reduces the ability to support wildlife and migratory birds. Ecotourism is important to our economy here, and there are consequences to clear cutting areas. What is the trade-off in more jobs created by Coastal Precast Systems vs. the economic impact on tourism? Clearing this area could diminish the quality of life in our town, to a great degree attributed to the stand of trees both in town and along its perimeters. And it could increase the noise and air pollution which could be partially abated by maintaining the existing forest along the edge of town and the Bay Creek development.

If allowed, how can we ensure that Coastal Pre-Cast will respect the environmental value of this land and not clear cut it as they did the parcel north of the Cape Charles Nature Preserve? Although an additional 125 feet of setback along the border of Bay Creek will help, do we know that this will be sufficient to keep the forest vibrant? Why not require a buffer on the side facing the town? What we do know is that there was an environmental study done prior to the development of the Cape Charles Sustainable Technology and Industrial Park (STIP) but that was almost 30 years ago! What might be known now about environmental

impact that was not known at that time? And what are the permitted “by-right” uses allowed to the owner? We believe that these questions deserve answers before proceeding with approval of this proposal.

Multiple concerns were raised by the citizens of Cape Charles at the Planning Commission meeting. These concerns included quality of life, intrusive noise, and air pollution – all of which can be abated by a healthy stand of trees. We have all experienced the benefits of a walk in the woods – in fact, research has shown that visual exposure to settings with trees, such as the View Shed from Monroe Avenue, produce significant recovery in high blood pressure and muscle tension. From a noise perspective, a buffer composed of trees and shrubs has been proven to reduce noise by five to ten decibels for every 100 feet of woodland, especially sharp tones, and reduces noise to the human ear by approximately 50%. And, as mentioned in the prior letter, the reduction of air pollution through the “inhaling” of CO₂ is one of the most valuable ways that trees benefit the community.

The Town of Cape Charles is lucky to have current regulations that address the management of our trees, and which is one of the underpinnings of the town’s designation as an Arbor Day Foundation “Tree City.” These legal guidelines provide the town with leverage to control the amount of tree coverage allowed in each zoned area, including a ten percent (10%) tree canopy for a site zoned business, commercial or industrial. The town’s zoning ordinance also requires that a property owner submit and have an approved permit before any tree can be removed or destroyed. It is worrisome to know that there have been instances where these regulations were not enforced. And by loosening the zoning text, is this presenting an even greater opportunity for these regulations to be disregarded?

In considering all the benefits and losses to our town, to its citizens, to the Chesapeake Bay, and to the region as a whole, Town Council would be wise to take a step back and fully evaluate this proposal, perhaps appointing an ad hoc group whose mission is to gain information from all perspectives. Clarifications as to the intent of Coastal Pre-Cast for the use of this property, full evaluation of the scope of this change and its implications, input from the town and county boards and commissions, knowledge gained from such entities as the Chesapeake Bay Foundation and EPA, and input from other stakeholders should be obtained prior to rushing into a decision that we may all regret in the long run.

Respectfully Submitted by Members of Cape Charles Tree Advisory Board:

Christine Williams
Phil Goetkin
Barbara O’Hare
Joe Fehrer
Charlie Grizzard
Jane McKinley

Alfred Ewell

Subject: 7/22 meeting comments

Anyone wanting to shut down the Coastal plant’s growth should be stunted themselves. Tourists are more of a nuisance than the plant. It gives you something to watch when the weather isn’t pretty. If CC became just a destination it wouldn’t be unique and would lose enough of its appeal to be overwhelmed by recession, epidemics, and disillusionment with travel. One Kent Island, one Cambridge, and one Easton MD are enough. People here need work. Those rentals need someone to pay the heat. If all the local working people left, not only would that depress property, wait staff would all have to be hired from ATB, driving up restaurant costs, a taste of which seen lately. If there are valid problems, they can be worked through. Remember the fish plant and the Corvair both improved until the problems were solved but blind opposition eliminated both. You could be unwittingly eliminating Cape Charles.

Alfred Ewell

Lori Smith

Subject: For tonight’s meeting

Good afternoon, I attended last week’s Planning Commission meeting and was quite surprised as to the behavior of some on the Planning Commission. I, personally, appreciated the insightful questions asked by Ms. D’Amico as well as the knowledge that she had on the contentious matter that was at hand. She was certainly well prepared and it was apparent that she did her homework. Others did not seem to share that knowledge and frankly didn’t come across as caring about the issue. As a result of the questions that she asked, she was told that she was “creating drama.” This was inappropriate and insulting behavior, and certainly was not deserved. Moving forward, it is my hope that Ms. D’Amico and all others on the Town Boards will be treated with respect and in a professional manner.

Thank you for your time.
Lori Smith

Jo Ann Bawiec

Subject: Town Council - July 22

Town Council, Town Manager and Mayor,

It's disappointing that Mr Wells is being asked to resign his position from the Historic Review Board. It appears that there is an issue with how Mr Wells has navigated his role on this Board.

It seems hypocritical that just last week during the Zoning meeting there was much inappropriate behavior on display and it doesn't appear that those individuals involved are being held accountable for their actions. Whether a person is on a volunteer board or an elected official, all need to act respectfully, especially toward each other. Especially in a public forum.

I agree there needs to be standards established and set for appropriateness. What are those standards? How are they communicated?

I completely disagree with the very public forum and manner in which Mr. Wells is being treated, and how volunteers in the future will be treated. Perhaps any questionable behavior of a volunteer or staff could and should be handled more privately and professionally.

Let's not forget, Mr. Wells is a long standing and respected community member. He is a friend and a neighbor to many.

Thank you.
Jo Bawiec

Liz Jones

Town Council members,

I wish I could be present tonight to share my thoughts on the expansion of Coastal Precast Systems, as I'm afraid my written word will not show the emotion I have behind this matter. Me, my husband and three children (and two rascally dogs) have called this wonderful town of Cape Charles home for the past 14 years. My husband was born and raised on the Eastern Shore and we are so incredibly proud to be part of this unique, quirky, loving and hard working community. We have watched our sweet town turn from a nobody into a somebody, and we've loved every minute of it.

I was literally shocked when I found out that there was a group of people have been petitioning against the expansion of Coastal Precast Systems. For those who know, or care to know, the history of Coastal Precast, it once was Bay Shore and employed so many of our hard-working residents of Northampton. It was so sad when they closed, years ago, and to see so many people out of work. When they came back to life, as Coastal Precast a few years ago, we were thrilled.... thrilled because there were JOBS for our hard-working full time Northampton residents! Our county needs year-around, stable jobs and Coastal Precast brings this to us and to our hard-working community.

I know there have been complaints about noise, dust and just the overall visual of a concrete/manufacturing plant. Please! To me, that noise is a sound of life, it's a reminder that so many of our local residents have a paycheck and can provide for their family.... a reminder of what this town was built upon so many years ago... hard-working, blue-collar people!

To Coastal Precast, THANK YOU! Thank you for choosing Cape Charles to be your home and for being a great business partner. I have done my research and understand that you have been more than willing to accommodate the complaints about noise and have bent over backwards to be good business partners with our community.

Members of Town Council, please don't let the 'noise' be a distraction for what our full-time residents of Northampton County so desperately need.

Thank you for hearing me out.

Sincerely,
Liz Jones

Will Jones

Town Council members,

I'm writing this letter in support of Coastal Precast Systems and the jobs it creates for our town and county. My family lives in the historic district and very close to the harbor and Coastal Precast System plant. We have lived in town as full-time residents for over 14 years and both my father and uncle graduated from Cape Charles High School and grew up in town.

We were so discouraged to see Bayshore Concrete close and leave so many hard working employees out of work and we were equally as encouraged when we heard the news that another company would be taking over the site to employ residents of our town and county.

We understand the importance of education in our county and quality, year-round jobs that can be available to our town and county residents. This will help our town and county grow and attract more business and better jobs.

Sincerely,
Will Jones

Email forwarded by Lori Blewitt

From: Lori Blewitt
To: Libby Hume
Subject: Please read at Thursday July 22 Town Council meeting
Date: Wednesday, July 21, 2021 6:46:46 PM

Hi Ms. Gallagher-Blewitt:
Thanks for your email alerting CBF to this issue. We have heard from others as well and are engaging with Town Council to seek a 30-day extension of the Council's consideration of this issue so that we can better understand the environmental risks of this proposed change.

Look forward to learning more and seeing how we can minimize environmental impacts of this proposal.

Best,
Patrick J. Fanning
VA Staff Attorney
Chesapeake Bay Foundation

Email forwarded by Lori Blewitt

From: Lori Blewitt
To: Libby Hume
Subject: Please read at July 22, 2021 town council meeting.
Date: Wednesday, July 21, 2021 6:48:13 PM

Dear Ms. Gallagher-Blewitt,

Liz Blaine of The Nature Conservancy's Virginia office asked me to respond to your message of July 20, 2021, below.

The Nature Conservancy is aware of the proposed Town of Cape Charles zoning amendment. We certainly agree that it is in the communities' best interest to protect wetlands in Town of Cape Charles. It is, however, up to the Town government to balance development needs with environmental protection. There is no requirement that the EPA or any other entity be informed of the proposed zoning ordinance change. Our understanding of the process is that the decision will be made by the Cape Charles Town Council. The Cape Charles Planning Commission, Tree Advisory Board and the Tree Conservation and Preservation Ordinance should be involved in any decisions made at the local level. If the non-tidal wetlands on the property are proposed for development, the owner will need to submit a Joint Permit Application for review by the Cape Charles Wetlands Board and possibly the Virginia Marine Resources Commission and the U.S. Army Corps of Engineers. If the wetlands are developed, the developer will be required to mitigate the impact by replacing the wetlands within the same watershed.

On behalf of The Nature Conservancy, I would like to thank you for contacting us and for your interest in conservation.

Sincerely yours,
Jim McGowan
Land Protection Manager
The Nature Conservancy

May 2021 Treasurer's Report

Page 1 – Cash Position

- No comments

Page 2 – Revenue vs. Expenditures

- The harbor debt service, typically covered by general fund contribution, is \$102,605, and the YTD net loss is only \$79,910. Disregarding the debt service, the harbor would show \$22,695 net gain YTD.

Page 3 – Capital Projects

- Permit software upgrade was installed.

Page 4 – Tax Collection Rate

- Real property tax collections are at 98% of amount billed, and 103% of budget.
- Supplemental personal property tax bills of \$34,452 are due on June 30, 2021.

Page 5 – Tax Revenue Trends

- Harbor dockage continues to increase. CCYC uses cash basis for revenue reporting and the town uses accrual basis. An adjustment will be made at year end to convert CCYC reported revenue to accrual basis.
- Meals tax revenue was hit hard during the pandemic. It has shown a very nice recovery over the past few months and is now showing an 11 % increase over 2019.

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

<u>Cash on Hand</u>	<u>4/30/2021</u>	<u>5/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$663,704	\$829,577	\$165,873
Atlantic Union Bank Money Market Account	\$1,999,654	\$1,999,739	\$85
LGIP Account 1 - Unrestricted	\$104,214	\$104,221	\$7
LGIP Account 2 - Unrestricted	\$305,353	\$295,455	-\$9,898
Total Cash On Hand	\$3,072,925	\$3,228,993	\$0

<u>Restricted and Reserved Cash Balances</u>	<u>4/30/2021</u>	<u>5/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,079,317	\$1,079,326	\$9
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$25,890	\$35,810	\$9,920
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$5,134	\$5,471	\$336
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,589	\$257,582	-\$7
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,898	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Total Cash Held in Reserve	\$1,372,021	\$1,382,279	\$10,259
Total Cash - All Accounts	\$4,444,945	\$4,611,272	\$166,327

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$6,633,495
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REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY21
GENERAL						
REVENUE - Operating	\$229,944	\$2,582,917	\$3,702,718	\$1,119,800.80	\$4,177,677	88.63%
EXPENDED - Operating	\$295,661	\$2,178,157	\$2,814,242	\$636,085.79	\$3,866,830	72.78%
NET	(65,717)	404,761	888,476	483,715	310,847	
REVENUE - CAPITAL GRANTS & LOANS	0	2,042	0	(2,042)	329,817	0.00%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	5,745	343,271	519,009	175,738	640,664	81.01%
TRANSFER TO HARBOR TO TRUE UP FUND						
BALANCE	0	1,953,072	0	(1,953,072)	0	
TOWN CONTRIB. & PENDING GRANTS	(5,745)	(2,294,301)	(519,009)	1,775,292	(310,847)	
PUBLIC UTILITIES						
REVENUE - Operating	155,638	1,563,485	1,650,394	86,910	1,750,836	94.26%
EXPENDED - Operating (less facility fees rsrvd)	53,293	771,791	423,113	(348,678)	1,604,799	26.37%
NET	102,345	791,694	1,227,281	435,588	146,037	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	83,050	227,867	506,186	278,319	275,551	183.70%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	0	712,199	973,866	261,668	421,588	231.00%
TOWN CONTRIB. & PENDING GRANTS	83,050	(484,331)	(467,680)	16,651	(146,037)	
HARBOR						
REVENUE - Operating	108,543	525,555	849,360	323,805	761,102	111.60%
EXPENDED - Operating	110,835	555,010	699,789	144,779	681,900	102.62%
NET	(2,292)	(29,456)	149,571	179,026	79,202	
REVENUE - GRANTS & LOANS	0	212,800	10,586	(202,214)	95,054	11.14%
TRANSFERRED FM GEN FUND TO TRUE UP FUND BALANCE	0	1,953,072	0	(1,953,072)	110,101	
EXPENDED - Capital Projects, Debt Svc	0	640,594	240,067	(400,526)	284,357	84.42%
TOWN CONTRIB. & PENDING GRANTS	0	1,525,279	(229,481)	(1,754,760)	(79,202)	
SANITATION						
REVENUE	17,208	183,728	186,988	3,259	220,274	84.89%
EXPENDED	0	201,666	171,812	(29,854)	220,274	78.00%
NET	17,208	(17,937)	15,176	33,113	0	

FY 2021 Capital Improvement Project Tracking Report

As of:
5/31/2021

	FY21 Status or Start Date	Percent of Completion	FY21 Budgeted	FY21 QTR 1 Expended	FY21 QTR 2 Expended	FY21 QTR 3 Expended	FY21 QTR 4 Expended	FY21 YTD Expended	(Over)/Under Budget
General Fund									
Police Vehicle	on backorder	0%	\$ 38,940	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38,940
Permit Department Software	partially installed	82%	\$ 7,000	\$ -	\$ -	\$ -	\$ 5,745	\$ 5,745	\$ 1,255
Public Works Shop Heaters	Complete	100%	\$ 6,868	\$ -	\$ 6,528	\$ -	\$ -	\$ 6,528	\$ 340
Grounds Maintenance Equipment	Complete	100%	\$ 22,240	\$ -	\$ -	\$ 29,412	\$ -	\$ 29,412	\$ (7,172)
Central Park Zipline	partially installed	72%	\$ 14,000	\$ -	\$ -	\$ -	\$ 10,031	\$ 10,031	\$ 3,969
Portable ADA Equipped Restroom Trailer	Suspended	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason Avenue Re-striping	On Hold	0%	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000
Parking Lots (Mason & Harbor Shanty Area)	Suspended	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Video Surveillance System	Complete	100%	\$ 35,000	\$ -	\$ 56	\$ 34,287	\$ -	\$ 34,343	\$ 657
Municipal Building Project Evaluation	Engineering bid	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Multi-Use Trail Phase 2 Closeout	Complete	100%	\$ 305,000	\$ -	\$ -	\$ 308,000	\$ -	\$ 308,000	\$ (3,000)
Multi-Use Trail Phase 3 Engineering		0%	\$ -	\$ -	\$ -	\$ -	\$ 3,531	\$ 3,531	\$ (3,531)
subtotal			\$ 524,048	\$ -	\$ 6,584	\$ 371,699	\$ 19,307	\$ 397,589	\$ 126,459
Water Fund									
SCADA System	In process	22%	\$ 15,000	\$ -	\$ -	\$ -	\$ 3,277	\$ 3,276.99	\$ 11,723
Remote Read Water Meters - starter setup	On hold- FY22	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
Pickup Truck	back-ordered	0%	\$ 32,766	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,766
Water Tower Mixers	On hold	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
subtotal			\$ 154,751	\$ -	\$ -	\$ -	\$ 3,277	\$ 3,277	\$ 151,474
Harbor Fund									
Inner Harbor Rehabilitation Phase I carryover	Complete	100%	\$ 60,390	\$ 60,390	\$ -	\$ -	\$ -	\$ 60,390	\$ (0)
WiFi/Security Cameras/Lighting Project	Complete	100%	\$ 35,000	\$ -	\$ 8,201	\$ 7,570	\$ -	\$ 15,771	\$ 19,229
Inner Harbor Rehabilitation Phase II	Complete	100%	\$ 85,700	\$ -	\$ 5,359	\$ 64,854	\$ 55	\$ 70,267	\$ 15,433
subtotal			\$ 181,090	\$ 60,390	\$ 13,559	\$ 72,423	\$ 55	\$ 146,428	\$ 34,662
Sanitation Fund									
Trash Can Replacements	Complete	100%	\$ 11,796	\$ -	\$ 11,796	\$ -	\$ -	\$ -	\$ 11,796
subtotal			\$ 11,796	\$ -	\$ 11,796	\$ -	\$ -	\$ -	\$ 11,796
TOTAL			\$ 871,685	\$ 60,390	\$ 31,939	\$ 444,122	\$ 22,639	\$ 547,294	\$ 324,391

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
May 31, 2021

YTD 2020 Real Estate Tax Collections

Total Taxable Land Value	179,736,100	
Total Improvement Value	291,966,800	
Exemptions	(2,650,000)	
Additional Assessments (SCC Utility)	3,796,381	
Total Real Estate Value (taxable)	472,849,281	
Total Budgeted	1,223,505	
Total Tax Billed	1,291,310	
Total Adjustments	(3,860)	
Total Collected YTD (percent of billed)	<u>1,263,328</u>	98%
Amount Due per Accounts Receivable	24,122	

**YTD 2020 Personal Property Tax, Machinery and Tools Tax
& 2020 License Tax Collections**

Total Personal Property Value	13,824,800
2020 Initial Assessment Exonerations	(393,342)
Personal Property Value, billed	13,431,458

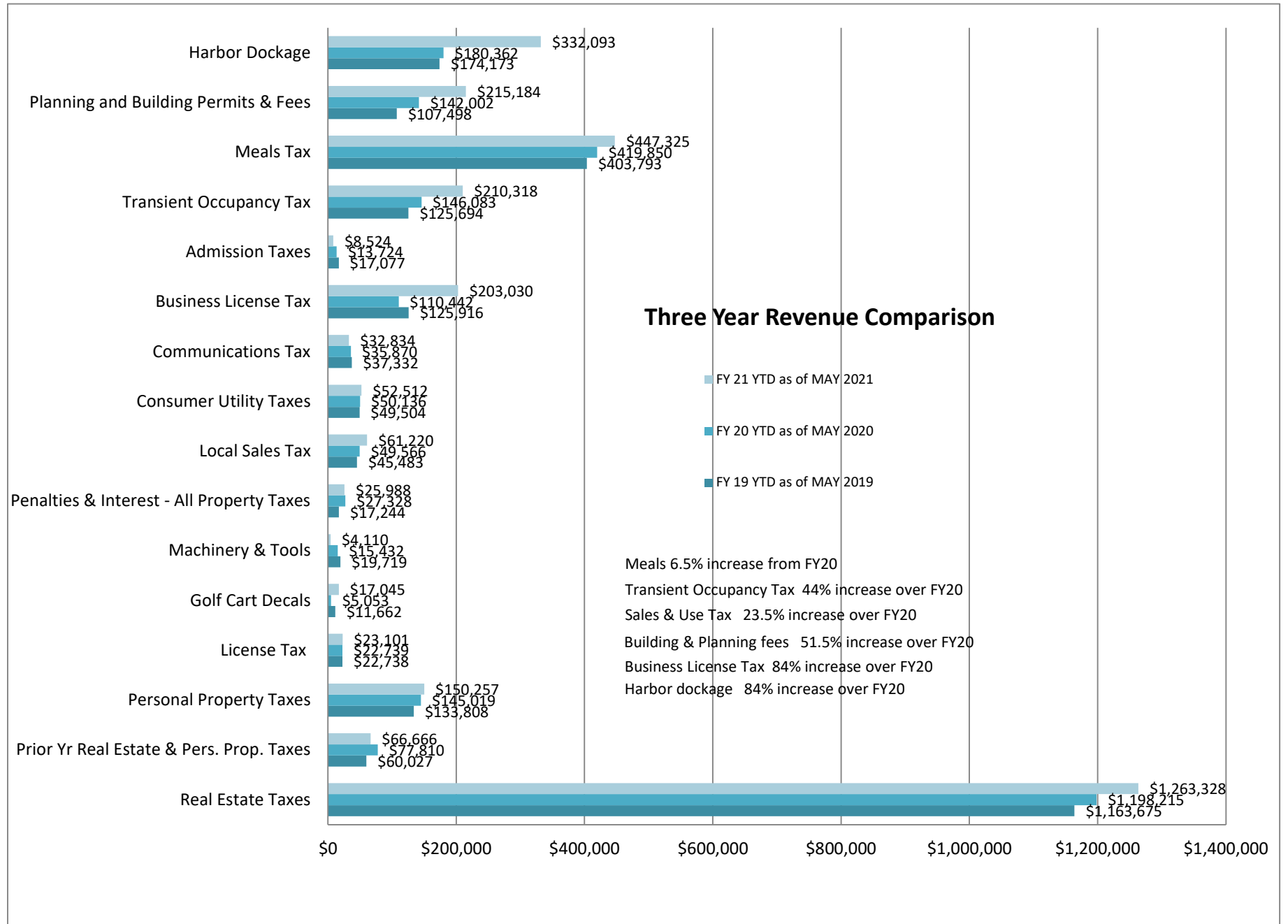
2020 SUPPLEMENTAL BILLING	3,410,200
2020 SUPPLEMENTAL EXONERATIONS	(1,775,358)
Personal Property Value, billed	1,634,842

Total Value for 2020 and 2020 supplemental	15,066,300
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Total Budgeted	175,000	
Total Tax Billed less PPTRA	207,905	
2020 Supplemental Tax Billing	34,452	
Total Adjustments & Additional Exonerations	(9,247)	
Total Collected YTD (percent of billed)	<u>177,468</u>	89%
Amount Due per Accounts Receivable	55,642	

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

Total Budgeted	75,300	
Total Collected (percent of budget)	<u>92,654</u>	123%
Amount Due Per Budget	(17,354)	





*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on July 22, 2021 (the “Meeting”). Attached hereto is a true, correct and complete copy of Resolution 20210722A (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
2. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 22nd day of July 2021.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION #20210722A

**REGARDING THE USEFUL LIFE, OBLIGATION, AND MAINTENANCE OF THE
TOWN OF CAPE CHARLES HARBOR MARINA AT
11 MARINA ROAD, CAPE CHARLES, VIRGINIA**

WHEREAS, the Town of Cape Charles, is the owner in fee simple of real property with improvements thereon know generally as Town of Cape Charles Harbor Marina at 11 Marina Road, Cape Charles, Virginia; and

WHEREAS, the Town of Cape Charles, acting as sub-recipient of the Virginia Department of Health, replaced existing fuel pumps (location at the dockmaster's office), installed Wi Fi, security camera(s), and lighting at the Town of Cape Charles Harbor Marina transient docks with funds from the Boating Infrastructure Grant Program; and

WHEREAS, the Town of Cape Charles is obligated to allow transient recreational vessels to purchase fuel and utilize the Wi Fi system in accordance with the Boating Infrastructure Grant; 2 CFR 200 and 50 CFR 86; and

WHEREAS, pursuant to the grant agreement(s) between the Town of Cape Charles and the State of Virginia, Department of Health (the "Agreement(s)") dated November 16, 2018 (Agreement Number VDH-19-102-0040), dated February 11, 2020 (Agreement Number VDH-19-102-0040) and dated February 9, 2021 (Agreement Number VDH-21-102-0104), copies of which is kept on file at the office of the Virginia Department of Health, 109 Governor Street, 5th Floor, Richmond, Virginia 23219.

NOW THEREFORE, BE IT RESOLVED that the Town of Cape Charles, desires to acknowledge the existence of the Agreement and its obligation to abide by the terms and conditions thereof. The Town of Cape Charles confirms its obligations with regard to the Agreement as it relates to the property, including the obligation of the Town of Cape Charles to provide long-term maintenance of the property in accordance with the Boating Infrastructure Grant Program Rule (522 FW 18.5) and the following useful life parameters: fuel system – 20 years; and security cameras, lighting, and WiFi – 10 years as referenced in Appendix 8 – United States Fish and Wildlife Service Plant, Property & Equipment Financial Management Guidance Handbook.

Adopted by the Town Council of Cape Charles on this 22nd day of July 2021.

By: _____
Mayor William "Smitty" Dize

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on July 22, 2021 (the “Meeting”). Attached hereto is a true, correct and complete copy of Resolution 20210722B (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
2. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 22nd day of July 2021.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20210722B

**IN SUPPORT OF THE REQUEST FROM THE CAPE CHARLES POST OFFICE
FOR 15-MINUTE PARKING RESTRICTIONS ON RANDOLPH AVENUE IN FRONT OF THE POST OFFICE**

WHEREAS, the Town received a request from the Cape Charles Post Office for 15-minute parking restrictions in front of the post office located at 299 Randolph Avenue; and

WHEREAS, the request cited issues with non-postal customer vehicles parking in front of the building for extended periods of time making the spaces unavailable for postal customers; and

WHEREAS, although this request falls under the purview of the Virginia Department of Transportation (VDOT), the Cape Charles Post Office has requested the support of the Town Council to submit with their application;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles expresses its support of the request to VDOT for 15-minute parking restrictions in front of the Post Office building located at 299 Randolph Avenue.

Adopted by the Town Council of Cape Charles on this 22nd day of July 2021.

By: _____
Mayor William "Smitty" Dize

ATTEST:

Town Clerk