



TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
July 21, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey via telephone, Interim Planner/Zoning Administrator Katie Nunez, Project Manager Bob Panek, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were five members of the public physically in attendance, and 24 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize announced that the second item advertised for public hearing was being removed from hearing due to the cancellation of the July 5 Planning Commission Hearing. The Planning Commission’s public hearing was rescheduled for August 2, 2022. A Town Council public hearing will be held on August 18, 2022.

A. *Conditional Use Permit Application for 211 Madison Avenue for an Accessory Dwelling Unit and Swimming Pool*

Interim Planner/Zoning Administrator Katie Nunez stated that her staff report was included in the agenda packet along with the corrected survey. If the conditional use permit application was approved this evening, the applicant would still need to go through the Historic District Review Board process and obtain permits from the building department. Some slight improvements would be made to the existing structures as well as the construction of an accessory dwelling unit for the applicant’s mother-in-law and the installation of an inground swimming pool.

B. *Conditional Use Permit Application for 11 Randolph Avenue for an Accessory Dwelling Unit*
Canceled.

The floor was opened for public comments.

Michelle Davidson, applicant

Ms. Davidson stated that she had owned the property at 211 Madison Avenue since 2017 but her family was unable to move into the residence full-time without certain improvements. Her teenage son had cerebral palsy and she and her husband were his sole guardians. They were looking to make modifications to construct a first floor, ADA accessible bedroom for their son. At their house in Chesapeake, they had a swimming pool which provided good therapy for their son. The pool required specific temperatures for therapy so public pools could not be used. Her mother-in-law would be living in the accessory dwelling unit to provide assistance with their son’s care.

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

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

RECOGNITION OF VISITORS / PRESENTATIONS:

A. *Recognition of Employees Celebrating Significant Anniversaries:*

Mayor Dize stated that Patrick Christman, the Town's wastewater plant manager, would be celebrating his 20th anniversary with the Town on July 24, 2022. Mayor Dize presented a Certificate of Appreciation to Mr. Christman and thanked him for his years of service.

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

Jawn Dolph, General Manager of the Hotel Cape Charles

Mr. Dolph began by thanking Council for the opportunity to speak regarding the zoning issue. Approval of the rezoning application would enable the Hotel Cape Charles to continue to operate. He went on to state that the hotel currently had six golf carts as an amenity for their guests to go to the beach and other areas of town. Parking was an issue in town and their request for six golf cart spaces behind the hotel would help with problem. He concluded by expressing his appreciation for Council's consideration of their application so the hotel could be in compliance with the ordinance.

Town Clerk Libby Hume read comments submitted in writing from Ms. Amy Townsend and Rev. Clark Cundiff, Ms. Alana Smith, Ms. Patsy Harris, Ms. Margaret Van Clief, and Ms. Dora Sullivan. (Please see attached.)

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

CONSENT AGENDA

A. Approval of Agenda Format

B. Approval of Minutes:

- i. June 16, 2022 Town Council Regular Meeting
- ii. June 16, 2022 Town Council Executive Session
- iii. July 12, 2022 Town Council & Planning Commission Joint Work Session
- iv. July 12, 2022 Town Council Special Meeting
- v. July 12, 2022 Town Council Executive Session

C. Approval of May 31, 2022 Financial Report – Due to technical issues with the accounting software, the May 31, 2022 Financial Report was unavailable.

Mayor Dize announced that due to technical issues, the May Financial Report was not available. It will be reviewed during the August meeting.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to approve the agenda format and minutes as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Virginia DHCD Industrial Revitalization Fund Grant for Rosenwald School Rehabilitation:*

Town Manager John Hozey stated that the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) was a non-profit organization founded to purchase and rehabilitate the former Rosenwald School building located on Old Cape Charles Road to be used as a community and education center. Staff met with members of the CCRSRI Board of Directors regarding a potential grant opportunity through the Virginia Department of Housing and Community Development (DHCD) for an Industrial Revitalization Funds (IRF) grant for up to \$1M with no match required. The grant was available to localities for qualifying projects. Staff reviewed the grant administrative requirements and was comfortable that staff could handle the administration. A Town Council resolution was required to accompany the grant application.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20220721 Authorizing Application Submittal for Industrial Revitalization Funding for the Rehabilitation of the Rosenwald School. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

B. *Conditional Use Permit Application – 211 Madison Avenue:*

Katie Nunez stated that the applicant was seeking to obtain a conditional use permit for a 648 square foot accessory dwelling unit and an inground pool. The Planning Commission held their public hearing on June 7, 2022 and no comments were offered. The Commission reviewed the application during their regular meeting and recommended Council approval of Conditional Use Permit 2022-003 for an accessory dwelling unit and an inground pool at 211 Madison Avenue.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Conditional Use Permit for 211 Madison Avenue for an accessory dwelling unit and an inground pool as recommended by the Planning Commission. The motion was approved by unanimous vote.

C. *Rezoning Application – 238 Randolph Avenue:*

Katie Nunez stated that a joint public hearing with the Planning Commission and Town Council was held on May 3, 2022. An update of the meeting was provided to the Council at their June 16, 2022 meeting. The Planning Commission voted to recommend Council approval of the rezoning of Tax Map #83A3-1-625A, 238 Randolph Avenue, from Residential-1 to Commercial-1 with the following revisions/conditions, with the understanding that the Town could not require the applicant to amend the Proffer Statement:

- 1) Section II (Land Use) (B-Permitted Uses) (1) Deliveries: Provide clarification regarding “other service-related deliveries” to eliminate ambiguity and clearly specify type and purpose of “other service-related deliveries.” If unable to craft said language, then this phrase “other service-related deliveries” should be stricken.
- 2) Section II (Land Use) (B-Permitted Uses) (2) Waste Management: All trash should be collected and stored in a dumpster (not the trash receptacle supplied by the Town) on the site and said dumpster shall be serviced by a third-party vendor at expense of the property owner/applicant and said dumpster shall be serviced at least twice a week during the summer season of March to November. Revise the site plan to show the location of the dumpster and provide appropriate screening of dumpster through a fence. If the hotel expands its number of rooms from the acquisition of 7 Strawberry Street, then this site plan will be amended to either accommodate two dumpsters or the property owner/applicant will increase the frequency of weekly servicing of the trash dumpster.
- 3) Section II (Land Use) (B-Permitted Uses) (3) Golf Carts: Remove any mention or allocation of land on this lot for the storage, charging or holding of golf carts for the hotel and any associated screening and/or landscaping for golf carts.
- 4) Section III (Landscaping & Screening) (C): Fully explain/define the term “convenience containers” to be reviewed and determined if acceptable by the Town; otherwise, this term should be removed.

This recommendation was forwarded to the applicant for his consideration to see if he would willingly amend the Proffer Statement to incorporate any element of the Planning Commission conditions contained in their recommendation for approval. Mr. Gammino provided a revised Proffer Statement on July 7th. Some of the proposed revisions were made, but Mr. Gammino was not agreeable to eliminating the golf cart charging station and parking. Mr. Gammino agreed to the use of a dumpster but did not commit to the increased frequency for disposal. This would be an improvement to the prior situation with the use of a dumpster versus numerous trash receptacles.

The applicant, David Gammino, was provided an opportunity to speak.

Mr. Gammino stated that he submitted an updated proffer and if Council were to approve the rezoning application this evening, there would be no additional impact to the neighbors as this would be a solution to a number of issues. The only difference was that the property would now be in compliance with the use which had been in place for ten years with only one complaint received. The proffer made more effort to mitigate the area with screening, etc. There would still be the monthly propane delivery for the hotel and the Cape Charles Coffee House, and weekly garbage collection. There would still be golf carts on the lot, which were an important amenity to the hotel's guests, but there was much more disruption with golf carts on the Town's streets. He asked for Council's consideration of his request and updated proffer. Mr. Gammino noted the comments relating to the setting of precedence, adding that he was an attorney, and this decision would not set precedence. 238 Randolph Avenue was a unique lot and had been used in this non-conforming way for many years. There was no other business in the Town needing this type of service. The hotel had been through a lot of lean years, but he continued to invest in it over the years and it was now a luxury destination. People coming to the hotel spent millions of dollars in the Town and generated thousands of dollars in taxes which supported the Town government, staff and residents. He did what he could to help the Town and all organizations and had not asked the Town for anything in ten years. Mr. Gammino concluded by stating that he hoped the Council would support his request as it made sense for the Town and residents.

There was some discussion as follows: i) Vice Mayor Bennett noted that a comment was heard this evening regarding a four-story addition to the hotel, and he wanted it made clear that this application was about rezoning only, not any physical addition to the hotel. Both Katie Nunez and Mr. Gammino confirmed Vice Mayor's Bennett's comment. Katie Nunez noted that if Mr. Gammino was considering the purchase of the Betis building to expand the hotel, there was a process in place for a possible conditional use permit for height issues and public hearings were required; ii) Vice Mayor Bennett stated his agreement that this lot was a unique situation and was not precedent setting; iii) The updated proffer was to obtain a dumpster versus numerous trash receptacles with an increased frequency of pick up and added screening, minimizing the noise of the golf cart area with screening, and lighting and landscaping plans to minimize the affect to the residential areas; iv) Councilman Grossman expressed his acceptance of the updated proffer with the exception of the golf carts, adding that he felt the adjacent neighbors would be negatively impacted by the golf carts; v) Councilman Follmer stated his disagreement with Council Grossman related to golf carts, adding that it was an existing situation and this plan would be improving the situation as parking was an issue on Mason Avenue. If the hotel was not permitted to have golf carts, the guests would be renting the golf carts and parking them on the street. Vice Mayor Bennett added his agreement with Councilman Follmer regarding golf carts which posed a bigger impact if parked on the street versus in the lot behind the hotel; vi) Councilwoman O'Brien agreed that parking was an issue throughout the entire Town and thought that Mr. Gammino did a good job summarizing the solution.

Katie Nunez asked Mr. Gammino to submit the original Proffer Statement adding that the Proffer needed to be recorded at the Northampton County Clerk's office and would become part of the Town's zoning ordinance.

Motion made by Councilman Follmer, seconded by Vice Mayor Bennett, to approve the Zoning Map Amendment conditionally rezoning 238 Randolph Avenue from Residential-1 to Commercial-1 with the amended Proffer Statement and Site Plan.

Katie Nunez recommended including a reference to the comprehensive plan in the motion and noted that expansion and support of commercial activity along Mason Avenue was one of the main goals in the comprehensive plan. Although expansion to Randolph Avenue could be a conflict with the land use component, language could be included reflecting the desire based on this application as part of the comprehensive plan update.

Councilman Follmer moved to amend the motion, seconded by Councilwoman Holloway, to add that expansion and support of commercial activity along Mason Avenue was one of the main goals of the comprehensive plan. The amended motion was approved by unanimous vote.

Mayor Dize asked for a vote on the original amended motion which was to approve the Zoning Map Amendment conditionally rezoning 238 Randolph Avenue from Residential-1 to Commercial-1 with the amended Proffer Statement and Site Plan as the expansion and support of commercial activity along Mason Avenue was one of the main goals of the comprehensive plan. The motion was approved by majority vote with Councilman Grossman opposed.

D. Request to VDOT for Installation of Crosswalks:

John Hozey stated that this item was a request from a resident concerned with the safe passage for pedestrians and disabled residents from Myrtle Landing to Rayfield's Pharmacy. Three separate crosswalks would be necessary based on VDOT regulations. He offered his thanks to Town Clerk Libby Hume for the research and drafting of the report and resolution. This plan would accomplish the goal and he supported the recommendation. John Hozey added that even if Council were to approve adoption of the resolution, there could be hurdles getting the request approved by VDOT.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20220721B Request to VDOT for the Installation of Marked Crosswalks on Cape Charles' Streets. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

E. Reappointment of Library Board Member:

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to reappoint Cathy Fox to the Library Board for another four-year term. The motion was approved by unanimous vote.

F. Town Code Revision Ordinance Amendment for Section 42-17:

John Hozey began by stating that last year, some updates were made to the Town Code relating to enforcement action. There was an oversight in the previous Ordinance (#20210415) that was discovered when working on the Town Code update with the town clerk and attorney. Tonight's ordinance included language correcting the oversight.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20220721 Amending Ordinance 20210415 Adding Adoption of Revisions to Cape Charles Town Code Chapter 42, Article II, Section 42-17. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

G. Wastewater Extension:

John Hozey stated staff was working closely with the developer for workforce housing who was very motivated to move forward with the project. Unfortunately, construction was hindered by the lack of water and sewer to the property and the Town did not have funding allocated in the budget to install the necessary infrastructure. The developer asked the Town to release the design so he could put the project out to bid and build out the necessary infrastructure. The developer would pay for the construction. Staff made it clear that the Town could not commit resources and that an agreement was needed regarding how the Town would accept the infrastructure and repay him, potentially in tax credits.

Councilman Grossman added that Northampton County was also participating in the discussion. John Hozey explained that the current design allowed capacity beyond the Town's limits, which was why the County was involved.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the assignment of the Southern Node, Phase 1 plans, specifications and associated documents to Lot 4 Holdings, LLC or any other company designated by the developer. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilwoman O'Brien stated that Council needed to pay attention to the public comments heard tonight from Dora Sullivan. We've had some outrageous behavior from citizens when enforcing the Town's rules. We should ask the public to contact the police or staff at Town Hall if they saw anything that needed attention. It should never be incumbent on a citizen to enforce the rules of the Town and this issue needed to be addressed so Cape Charles did not become a Town of angry people.

Vice Mayor Bennett, Councilmen Buchholz, Follmer, and Grossman, and Councilwoman Holloway did not have any additional comments.

Mayor Dize commented as follows: i) He thanked Councilwoman O'Brien for her comments adding that she was correct. As hectic as the Town could be during the summer, if anyone saw any issues, they should contact law enforcement to handle the situation. If an individual tried to handle it themselves, they could end up being arrested as well; ii) He was glad to see the workforce housing project moving forward. He thanked Councilman Grossman who had been working on workforce housing even prior to being elected to office. Mayor Dize also thanked John Hozey and everyone else working on this issue, as well as the developer for taking on this project.

Mayor Dize read the announcements, adding that he would be out of Town on August 4th if a work session was necessary on that date.

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

The Public Hearing & Regular Meeting adjourned at 7:23 p.m.

Mayor Dize

Town Clerk

**July 21, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Amy Townsend, property owner

Subject: Opposition to Mr. Gamino's Rezoning Request

Good afternoon,

My husband and I own a condominium in the Wilson Building (Unit 203) on Mason Avenue. We purchased the property many years ago. As so many others, we fell in love with the charm and friendliness of the town and spend as much time as possible there.

It has recently been brought to our attention that a property owner (Mr. Gamino) is requesting a zoning change (from residential to commercial) for the property he owns on Randolph Ave. We strongly oppose the encroachment of commercial property within the residential area. If this is approved, it will set precedents for other buildings in the area and we believe this to be in conflict with the comprehensive plan for Cape Charles.

Thank you for your careful consideration of this important matter.

With kind regards,

Amy Townsend

Rev. Clark Cundiff

Alana Smith, Eastern Shore Popcorn

Subject: Empty lot Randolph Ave

I support the hotels proposal to rezone the empty lot behind the hotel on Randolph Ave. We rely on access from that lot for utilities.

Sincerely,

Eastern Shore Popcorn

Alana Smith

Patsy Harris, resident

Subject: Attn: TC and Planning commission members

To Whom it May Concern,

I am in favor of the request by Hotel Cape Charles to have the empty lot behind the hotel rezoned to use for golf cart parking and trash can storage going forward.

Hotel Cape Charles has been a boon to this town and I think we should do whatever we can to help them operate the business in the best way possible.

Thank you for your consideration

Patsy Harris

Margaret Van Clief, resident

Subject: Town Council Joint Public Hearing

As a full-time resident of Cape Charles and the daughter of a full-time resident of the Wilson's Building, I'm concerned about news that I've heard regarding the possibility of building a four story expansion of the Hotel Cape Charles on top of the Betis Building. First there is the "close to home" worry about blocking windows of residents with north facing condos in the Wilson's and the added parking issue on Strawberry Street which is already often too full for residents to find a spot. But perhaps more importantly in the long term is the concern of residential space being possibly rezoned as commercial and the precedent that sets in town as we struggle to find places for the people who work in the town and county to live even now. I would urge the town to think very carefully about the encroachment of new commercial property within the residential area of Cape Charles. Given the information I've gathered so far, I am not in favor of this proposed rezoning. It does not sound to me to be in the best interest of our town culture.

Thank you for your time.

Dora Sullivan, resident

Good evening Honorable Mayor and Council persons.

I have lived here for the past 25 years.

I have witnessed it all. From the pain and loss of dear friends and loved ones to a community that rallied together when someone could not afford to cover the expense of a funeral for someone they loved.

Many things have changed in our small community which of course is understandable. What I have never witnessed was bullying. Someone so angry that they believe they can be the police.

What would make someone chase after someone yelling and screaming about what the rules are. You are not the police. If there is a problem, then report it.

I would hate to think that after all the many years of Cape Charles being a lovely welcoming place to visit and live that we would be thought of a town where if you do something wrong you become publicly humiliated and bullied.

What purpose does that serve? What taste does that leave? We are better than that!

Thank you,
Dora Sullivan



*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 21, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20220721 (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.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
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		

4. 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 21st day of July 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20220721

AUTHORIZING APPLICATION SUBMITTAL FOR INDUSTRIAL REVITALIZATION FUNDING FOR THE REHABILITATION OF THE ROSENWALD SCHOOL

WHEREAS, the Virginia Department of Housing and Community Development Industrial Revitalization Funds Program provides funding assistance targeting vacant non-residential structures whose poor condition creates physical and economic blight to the surrounding area in which the structure is located; and

WHEREAS, eligible properties include structures formerly used for manufacturing, warehousing, mining, transportation, and power production, as well as large-scale white elephant structures, such as department stores, theaters, hotels and shopping centers; and

WHEREAS, in accordance with the Virginia Department of Housing and Community Development's Industrial Revitalization Funds Grant guidelines, the property located at 1500 Old Cape Charles Road (Tax Parcel #83A4-A-23) has been certified as a blighted property to the definition cited in Code of Virginia § 36-3; and

WHEREAS, only local governments or regional or local economic or industrial development authorities may apply for the funds; however, localities may designate a redevelopment authority or other similar organization as the designated agent for implementation and administration of activities, or partner with private and nonprofit entities; and

WHEREAS, \$600,000 from other grants and contributions, as detailed in the attached Projected Sources of Funding for Building Grand Opening in 2024, will also be expended on this project, it is projected that thousands of Town and County residents will benefit from the implementation of the Cape Charles Rosenwald School Building Rehabilitation; and

WHEREAS, the Fiscal Year 2023 Industrial Revitalization Funds application period runs from June 1 until August 19, 2022; now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles that the Town of Cape Charles wishes to apply for \$1,000,000 of Industrial Revitalization Funds for the Cape Charles Rosenwald School Building Rehabilitation for a community and education center.

BE IT FURTHER RESOLVED that Town Manager John Hozey is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.

Adopted by the Town Council of Cape Charles on this 21st day of July 2022.

By: _____
Mayor William "Smitty" Dize

ATTEST:

Clerk of Council



*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 21, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20220721B (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.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
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		

4. 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 21st day of July 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20220721B

REQUEST TO VDOT FOR THE INSTALLATION OF MARKED CROSSWALKS ON CAPE CHARLES' STREETS

WHEREAS, the Town of Cape Charles is a “walkable” community with a large population of elderly and disabled residents; and

WHEREAS, many of the residents and visitors routinely walk along the sidewalks throughout the Town; and

WHEREAS, many of the residents at the Myrtle Landing Apartments walk or use wheelchairs and scooters as their mode of transportation to Rayfield’s Drug Store, Peach Street Convenience Store, the Cape Charles Memorial Library and the retail establishments on Mason Avenue; and

WHEREAS, the amount of vehicular traffic has increased significantly within the Town limits, especially during the tourist season which typically runs from April to November of each year; and

WHEREAS, in an effort to ensure the safety of the residents and visitors to the Town of Cape Charles, pedestrian crossing signage was installed at key locations along Mason Avenue, Fig Street, and Randolph Avenue/Stone Road warning motorists of pedestrians who may also be on or near active roadways; and

WHEREAS, to continue in the effort to ensure the safety of pedestrians and those with disabilities, a request was received for the addition of three (3) marked crosswalks in the heavily travelled intersections of Fig Street and Randolph Avenue, and Fig Street Extended and Mason Avenue; and

WHEREAS, the three (3) suggested locations are in areas with existing sidewalks and curb cuts and shown on the attached map; now

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby approves the submittal of a request to the Virginia Department of Transportation for the installation of three (3) marked crosswalks across 1) Fig Street at Randolph Avenue; 2) Randolph Avenue at Fig Street; and 3) Fig Street Extended at Mason Avenue junction.

Adopted by the Town Council of Cape Charles on this 21st day of July 2022.

By: _____
Mayor William “Smitty” Dize

ATTEST:

Town Clerk



Per discussion with Ms. Dianne Davis, three (3) crosswalks are needed to ensure safe passage for residents of Myrtle Landing Apartments, and other residents in town.

#1 – Existing sidewalk runs along the Fig Street road frontage of all properties from the Myrtle Landing Apartments. Appropriate curb cuts have been installed at the intersection of Fig Street and Randolph Avenues on the north side of the street.

#2 - Existing sidewalk runs along the east side of Fig Street Extended and many pedestrians travel this route daily.

#3 – A curb cut exists at this corner. A crosswalk at one of the two indicated locations would enable pedestrians walking down the sidewalks on Mason Avenue and Fig Street Extended to cross over Fig Street Extended or Mason Avenue to get to Rayfield's Pharmacy.



*Municipal Corp. of
Cape Charles*

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1. A meeting of the Council of the Town (the “Council”) was duly called and held on July 21, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20220721 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
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		

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 21st day of July 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20220721

**AMENDING ORDINANCE 20210415 ADDING ADOPTION
OF REVISIONS TO CAPE CHARLES TOWN CODE CHAPTER 42,
ARTICLE II, SECTION 42-17**

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

WHEREAS, Chief Pruitt recommended the creation of a new violation book supporting the Town Code and addressing numerous violation issues; and

WHEREAS, the recommended changes enabling the modifications to the violation book was adopted on April 15, 2021 by Ordinance 20210415 Adopting Revisions to Cape Charles Town Code Sections 42-17, 42-71 and 50-192; and

WHEREAS, it was discovered that the language in Ordinance 20210415 excluded formal adoption of the revisions to Cape Charles Town Code Chapter 42 (Motor Vehicles and Traffic), Article II (Local Vehicle License Tax), Section 42-17 that stated the following:

Sec. 42-17. - Violations of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a fine of not more than \$250.00. Such violation may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the license required by this article has been obtained.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 21st day of July 2022, that Cape Charles Town Code Article II, Section 42-17 Violations of article be revised as shown above to become effective immediately.

Adopted by the Town Council of Cape Charles on July 21, 2022.

By: _____
Mayor

ATTEST:

Town Clerk