

TOWN COUNCIL
Regular Meeting & Work Session
May 20, 2021
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Recognition of Visitors / Presentations / Recognitions
 - *A. National Safe Boating Week Proclamation – May 22-28, 2021
 - B. Recognition of Town Employee Celebrating Significant Anniversary
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of March 31, 2021 Financial Report
6. Unfinished Business: None
7. New Business:
 - *A. Resolution of Intent 20210520A – Consider Zoning Ordinance Amendments to Section 3.14
 - *B. Resolution of Intent 20210520B – Consider Zoning Map Amendment Within Harbor District
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - May 25, 2021 – Town Council Budget Work Session
 - May 31, 2021 – Town Offices Closed in Observance of Memorial Day
 - June 1, 2021 – Planning Commission & Town Council Joint Public Hearing
 - June 3, 2021 – Town Council Special Meeting
 - June 12, 2021 – Cape Charles Day
 - 9:00 a.m.-Noon – Community Clean-Up
 - Noon-2:00 p.m. – Picnic in Central Park
 - June 17, 2021 – Town Council Public Hearing & Regular Meeting
 - June 18, 2021 – Town Offices Closed in Observance of Juneteenth
 - June 24, 2021 – Town Council Special Meeting
11. Move to Work Session
12. Continuation of FY 2022 Town Budget Review and Discussion
13. Adjournment

PROCLAMATION 20210520

PROCLAIMING MAY 22 – MAY 28, 2021 as NATIONAL SAFE BOATING WEEK

For nearly 100 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, the U.S. Coast Guard and its federal, state, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly.

Safe boating begins with preparation. The Coast Guard estimates that human error accounts for most boating accidents and that life jackets could prevent nearly 85% of boating fatalities. Through basic boating safety procedures – carrying lifesaving emergency distress and communications equipment, wearing life jackets, attending safe boating courses, participating in free boat safety checks, and staying sober when navigating – we can help ensure boaters on America's coastal, inland, and offshore waters stay safe throughout the season.

National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water throughout the year.

WHEREAS, on average, 600 people die each year in boating-related accidents in the U.S.; 79% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

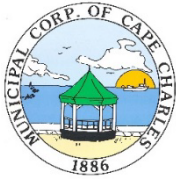
WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

THEREFORE, BE IT RESOLVED, that the Cape Charles Town Council hereby supports the goals of the Safe Boating Campaign and proclaim May 22–28, 2021, as National Safe Boating Week and the start of the year-round effort to promote safe boating. All boaters are urged to practice safe boating habits and wear their life jackets at all times while boating.

Adopted by the Town Council of Cape Charles on this 20th day of May 2021.

Mayor William Dize

ATTEST: _____
Clerk of the Council



DRAFT
TOWN COUNCIL
Executive Session & Special Meeting
Cape Charles Civic Center
April 8, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwoman Holloway. There was one vacancy on the Council. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There were nine members of the public viewing the open portions of the meeting on Facebook.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, 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 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Interview of Potential Appointees for Interim Council Seat

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 video feed to Facebook was stopped at 6:31 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. The video feed to Facebook was restarted at 7:55 p.m.

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

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

SPECIAL MEETING ORDER OF BUSINESS

Appointment of Interim Town Council Member to Serve Until Special Election

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to appoint Ellen O'Brien to serve as interim Town Council member upon taking her oath of office until the November 2021 special election. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) He asked for Council's thoughts regarding the Blessing of the Fleet which was typically held on a Friday the end of April. Due to the concentration of people for the ceremony, he suggested moving the event to Saturday, May 1, for the possibility of the Governor further lifting COVID-19 restrictions, or possibly later in May. He had not yet experienced any of Cape Charles' normal events so was asking for input from Council.

There was discussion as follows: i) Mayor Dize stated that the event was held on Fridays since the watermen typically live out of town and go home on Saturdays for the weekends. About 100 people would be permitted which would be close. There had been years when we had many more than that. The whole purpose of the Blessing of the Fleet was to honor the commercial watermen. The event used to be scheduled for the first Friday after Easter, but it was changed to the end of April after he left his position as harbor master; ii) Councilwoman Holloway stated that in recent years it had been held on the same weekend as the Garden Tour and Blessing of the Worms, which was the last Friday in April. She added that people were usually spread out except for during the ceremony; iii) Councilman Follmer stated that if the Town could have 100 attendees safely, his preference was to hold the event in April; iv) The consensus was to keep the Blessing of the Fleet on April 30.

- 2) He sent a poll to Council regarding changing trash pickup from Tuesday to Friday due to the number of complaints and issues with vacation rentals. Most responses came back with no issues regarding changing the day, but he received two good responses from Councilwoman Holloway and Councilman Follmer with valid reasons not to change the day. Councilwoman Holloway's email brought up the impact on the businesses and Councilman Follmer's email stated that the Council had not yet worked on the short-term rental regulations and if a change was made entirely due to short term rentals, it would appear that the town favored vacation rentals.

There was discussion as follows: i) Councilwoman Holloway stated that on trash days now, the trash receptacles were lined up along the parking area of Mason Avenue and were not cleared quickly. She did not think that moving trash pick up to Fridays would solve the problem since most of the vacation rental switchover days were on Saturday; ii) Mayor Dize stated that in other vacation areas, the rental owners got extra trash receptacles. The owners and property managers had to deal with trash pickup; iii) Councilman Buchholz stated that a lot of complaints had been received over the years. Some properties had so much trash that it sat there for an entire week; iv) Councilman Follmer added that it was the responsibility of the owners and managers and there were ways to enforce the issue. He did not think it would be a very popular move to change the day to accommodate short term rental properties; iv) Councilwoman Holloway stated that a lot of residents helped each other by putting out and taking in the trash receptacles for their neighbors. She did not want to make a change that would have so much adverse impact on the businesses; v) There was more traffic in Town on Fridays in general and Davis' trucks would have issues getting in and out; vi) John Hozey added that he originally thought the issue would be an easy fix, but after discussion, he realized that it was not the answer.

- 3) Speed Limit on Stone Road. There had been a lot of email traffic this week regarding the speed limit on Stone Road, especially by the Cape Charles Brewing Company. The Town Council adopted a resolution in April 2017, and VDOT performed a traffic study in June 2018 and denied the Town's request to reduce the speed limit.

There was discussion as follows: i) Mayor Dize asked that another resolution be brought forward for adoption and he would talk to Senator Lewis and Delegate Bloxom; ii) The current amount of traffic in the area was so different from three years ago; iii) A number of traffic studies had been performed in the Town and VDOT's method at the time was to monitor the speed of the vehicles traveling on the road(s). If the average was lower than the posted speed limit, the speed limit was lower. There was no chance to have a lower speed limit if the vehicles were traveling at 55 MPH or higher; iv) Vice Mayor Bennett requested that any resolution for speed limit reduction also include Old Cape Charles Road at least to the hump. John Hozey stated that it would be preferable to treat each area separately with the appropriate rationale; v) Councilwoman Holloway noted that Cape Charles Main Street (CCMS) was working on a plan. CCMS contacted the property owners along Stone Road to use a portion of their property for a golf cart path. The path would be a temporary solution through the summer. CCMS was trying to apply for a Northampton County Infrastructure Grant to help with the long-term solution; vi) John Hozey would develop another resolution to VDOT. He was unsure whether it could be done in time for inclusion in the April 15 regular meeting.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett reiterated that a resolution requesting a speed limit reduction on Old Cape Charles Road needed to be done adding that a lot of people could not drive their golf carts legally into the Town due to the current speed limit.

Councilman Buchholz suggested asking for a 25 MPH hour speed limit throughout the Cape Charles town limits. John Hozey responded that the more difficult we made it, the less likely it would get VDOT approval. Although it would take longer, his recommendation was to work on each area separately.

Councilman Grossman commented as follows: i) He stated his agreement with a request to VDOT for the entire town limits at 25 MPH and VDOT could deny certain areas in the request. Councilman Follmer stated that VDOT would most likely respond to the entire request as a whole. John Hozey added that traffic studies would have to be performed for each area as well; and ii) He advised all to review the documentation provided for the April 13 work session. There was a lot of material to review.

Councilwoman Holloway stated that the fire house was a bad venue to hold meetings.

Mayor Dize did not have any additional comments.

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

The meeting was adjourned at 8:18 p.m.

Mayor Dize

Town Clerk



DRAFT

TOWN COUNCIL, PLANNING COMMISSION & HISTORIC DISTRICT REVIEW BOARD

Work Session

Cape Charles Volunteer Fire Company

April 13, 2021

6:30 p.m.

At approximately 6:30 p.m., Mayor William "Smitty" Dize called to order the Town Council Work Session. In addition to Mayor Dize, present were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Vice Mayor Bennett arrived at 7:13 p.m. Also, present were Town Manager John Hozey, Interim Planner & Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Code Official Jeb Brady, and Town Clerk Libby Hume.

Planning Commission Vice Chair Dennis McCoy called to order the Planning Commission Work Session. In addition to Commissioner McCoy, present were Commissioners D'Amico, Holloway, Strub, and Councilman Grossman-Town Council representative to the Planning Commission. Chairman Stramm and Commissioner Butta were not in attendance.

Historic District Review Board Chair Edward Wells called to order the Historic District Review Board (HDRB) Work Session. In addition to Chairman Wells, present were Kathy Glaser, Martin Mayer, Herbert Thom, and Commissioner Strub-Planning Commission representative to the HDRB.

There were four members of the public in attendance.

Mayor Dize thanked everyone in attendance for taking the time to participate in this work session to discuss the historic district ordinances, procedures and philosophy to obtain a consensus for the development/update of historic district governing documents. Mayor Dize also welcomed new interim Council member Ellen O'Brien who would serve on the Council until the special election in November. Mayor Dize went on to state that Town Manager John Hozey would be facilitating this evening's work session and turned the floor over to Mr. Hozey.

John Hozey began by stating the following: i) He apologized for the meeting environment but there were few options in Town for such a large group; ii) He asked everyone to lower their mask when speaking so all participants could hear what was being said; iii) Typically a facilitator was a third party, disinterested person. He was a member of the Town staff, a resident of Town, and planned to voice his opinion; iv) A lot of material was included in the agenda packet which was distributed allowing two weekends for review. He thanked everyone for the time put in to prepare for this evening's meeting; v) The discussion was important to determine the main characteristic(s) of the Town and obtaining a consensus from the three bodies represented here tonight in order to move forward; vi) The two main documents were the 1996 Preservation Plan, which was the first serious attempt to define the historic value of Town and what to do about it. The second document was the 2019 survey on public perceptions regarding preservation; vii) The final document was the draft Article VIII of the zoning ordinance; viii) The only way to get through everything was to move quickly and stay on point; ix) He read the Preservation Plan and, in his opinion, thought it was a good plan that was very well done, but it was more of a master plan than a preservation plan. He found conflicting ideas. Depending on personal viewpoints, it could be interpreted in different ways. He drafted a background document which went over some of the highlights and proceeded to review the document; x) Earlier this year, the Town Council adopted a new strategic plan and one of the goals was "To maintain the authentic character of the historic district," with the metric "maintain status on the national registry and a satisfactory audit from the Dept. of Historic Resources." He had tried reaching out to the Dept. of Historic Resources by phone and email over the last couple of weeks, but had not received any response; xi) The last part of the Background document was a table extracted

from the Public Perceptions survey. The first two questions in this table related to whether the perception of Cape Charles was as a beach community or historic town with the results being so close with “historic town” having a slight edge. Councilman Grossman added that this table included results from both residents and visitors. There was another table in the survey that split out the residents of Cape Charles, but the results had a similar split; xii) The survey was finalized last summer (2020) and due to other priorities, had not yet been presented to the Town Council or Planning Commission for their review. Only the HDRB had seen the document; xiii) The Preservation Plan included language stating that it was a companion plan equal to the comprehensive plan and was a good document for that purpose.

John Hozey opened the floor for comments relating to the Preservation Plan or survey.

There were comments as follows: i) Councilman Follmer did not have the feeling that the Preservation Plan was self-contradictory and noted that it was stated repeatedly within the document that the guidelines should be flexible. He had not thought about historical evolution. Overall, he thought the Preservation Plan, in general, coincided with his views; ii) Councilman Grossman stated that in previous discussions people thought that we needed to determine whether we were a beach or historic town. That was not the case. If we picked one, the other would suffer. In his opinion, we could be both. John Hozey agreed. The take-away from the survey was that both had equal priority; iii) Councilwoman Holloway agreed that a lot of people around the table felt that we had to choose between the two, but she felt that Cape Charles was a coastal town, but could respect the integrity of its historic aspects. The beach and our history were two of our best assets; iv) Martin Mayer stated that he was extremely hesitant to make any decisions based on the survey questions since they were not explained and advised all to be very cautious; v) Kathy Glaser agrees that the questions were very vague, and the survey did not ask the right questions. It asked if people liked the “look and feel” of a historic town which could be varied, rather than asking if someone liked wood or vinyl; vi) Dennis McCoy suggested going through the process to lay out the strategy for moving forward. The Town could consider reworking the survey with the proper questions to get the needed results. We needed to make sure we used data that had value. Edward Wells interjected that the Town had been going through these issues for years and needed to get to work. John Hozey expressed his agreement to both adding that as part of the new process, the Town would initiate an annual citizen survey and questions could be added asking citizens if they felt we were moving in the right direction; vii) Edward Wells asked what the Town was trying to accomplish with the HDRB. John Hozey explained that we had to go through this process to provide everyone here the opportunity to give their opinion regarding what we were trying to achieve by having a historic district – authenticity or character.

John Hozey went around the room and asked each participant for their opinion/preference regarding authenticity of character.

Mayor Dize stated that it was important to do our best to maintain the character of each building but in certain situations we had to go with the look and feel of the neighborhood. He did not believe we should ask someone to put wood windows back in when they could use more energy efficient materials that looked like wood until you were right at the window. We needed to do all we could to maintain the character but still accommodate new and improved energy saving materials.

Michael Strub stated that the Town had three sections that overlapped: the historic town, the beach and the harbor. There were differences in each, but we had to work it all together. He heard the Mayor and his opinion regarding wood, but there were very good reasons for requiring wood. Some people say we were too strict, but we could not deny the importance of integrity. Work was needed to straighten out the ordinance and update the guidelines. He leaned toward integrity over the look and feel.

Councilman Follmer stated that historical integrity was Colonial Williamsburg. We can maintain the character and historic integrity but needed to be within reason. We could not impose something that

was cost prohibitive. Other options were needed. The windows in Ken Butta's house were wood but had a polymer coating to achieve some modern advantages. We could achieve our objectives and still be flexible. From the street, there were many products for windows and siding that would achieve the character and "look" of the original. It made no sense to absolutely require wood or HardiPlank. Cape Charles was not a museum like Colonial Williamsburg. We wanted nice, houses that would hold up.

Councilwoman O'Brien stated that in Massachusetts, she lived in a house that was 250 years old. It was in an area where the average income was over six figures. Rather than using "look and feel" she preferred thoughtful restoration. "Look and feel" sounded like a description for clothing. Thoughtful restoration was more of an opportunity to guide people and provide effective alternatives or cost-effective substitutes that offered energy efficiency. She tended to prefer thoughtful restoration without an iron-clad rule book for restoration. The Town needed to support the citizens. If someone wanted to replace their porch, they needed to stick within what currently existed, but should be able to use other materials within reason.

John Hozey clarified that the phrase used in the document was historic character versus hard core preservation.

Councilman Grossman stated that two sets of criteria were needed – one for contributing structures and one for non-contributing structures. When talking about restoration, economics needed to be factored in. In most cases, the Town used the Secretary of Interior's Standards for Rehabilitation (SISR) for contributing structures which were pretty straight forward. We needed to look at the degree that we wanted to implement this. Some communities, like Colonial Williamsburg, accept the SISR verbatim, and others were more flexible. We needed a compromise. Cape Charles would never be removed from the National Registry. Some homes would be added and others would be removed. The Town had flexibility on how we applied the SISR.

Councilman Buchholz expressed his agreement with Councilman Grossman's comments adding that when the Dept. of Historic Resources reviewed the HDRB appeals to Town Council, they did not object to any of the Council's rulings. As long as the character of the Town was kept, he was okay with the use of modern features. One of the reasons that he moved to Cape Charles was the character of the Town, not just the historic aspect. More than half or three-quarters of the homes in Town had been modified, and 40-50% had vinyl siding. We needed to take other materials into consideration. HardiPlank was not used during the turn of the century either. As long as it looked good and maintained the historic look of the Town, it should be okay to use.

Jim Holloway stated that it was all about the character of the Town. He did not believe in the deep pockets needed to restore a property. He did not see the necessity of requiring wood being replaced with wood just so it could rot. If it could be done using modern materials, it would be okay. A couple of years ago, one of his 150-year-old windows was broken. Although it hurt him to lose the window, it was common sense to replace the window using newer materials.

Councilwoman Holloway expressed her agreement with Councilman Grossman. She truly believed that we needed to be practical. She did not want to lose the historic integrity but there were materials available with the same look and feel of wood which would keep the character of the Town.

Diane D'Amico stated that everyone was aware of the cost of housing in the Town. What people were paying for houses were a disaster. She did not think we would push for integrity due to the costs. If people were willing to pay the prices to buy a house in Cape Charles, they should also be willing to restore the property. There was a wide spectrum of houses in the Town and the 1960s ranch homes needed to be preserved as well. With the number of people visiting Cape Charles, not just for the beach or shopping, but to look around. We could possibly have tours of the historic area and provide information regarding restoration. You would have to prove to her that using new materials was that

much better than wood. If you owned an older home, you had to get used to putting up and taking down storm windows. It was something you had to do for integrity.

Edward Wells stated that some participants had not done their homework, adding that there was not one house in Town that was preserved to 1880 standards. Vinyl windows were allowed on many homes. It was not true that the HDRB kept insisting on wood siding. When reference was made to Colonial Williamsburg, it was a bad analogy. The HDRB permitted different foundations, roofing systems, siding from what was used years ago. There were lots of differences.

John Hozey interjected expressing his understanding that the HDRB members felt defensive about the process. The HDRB was not being put on trial. He was asking everyone for their personal opinions.

Edward Wells continued to state that the guidelines for Bayside Village in Bay Creek used much of the Town's historic guidelines and was basically what the Town's guidelines should be. They did not allow plastic. The Town permitted builders to use prefabricated buildings and the builders dictated what they were going to do. Edward Wells stated that he was supportive of the use of synthetic materials if they were of the right quality, opposed to vinyl.

Herb Thom stated that he had given John Hozey a copy of the ordinance that the HDRB spent much time working on. Vinyl siding was permitted but the thickness was increased which would give it a more authentic look. Replacement windows were permitted with increased sills from 1.75" to 2" to give it added dimension. From the street, it would look like those in the older homes. The HDRB never had the opportunity to complete their work. The HDRB had become more flexible. He provided evidence of that with the new guidelines that were being worked on.

Martin Mayer stated that a lot had been discussed but he tended to reject questions regarding integrity. Historic integrity was a moving target. He agreed on the flexibility of materials. There was a need for a more thoughtful process in procedure from start to finish. He was in favor of smart, sustainable development which was a challenge for anyone.

Kathy Glaser stated that she would probably alienate her fellow HDRB members. She asked why tourists were asked about historic integrity. Would they care? They should have no say regarding HardiPlank versus wood or windowsills, etc. To them it was not relevant. If newer, more energy efficient materials were available, which were not obvious from the street, we needed to permit their use. All the original residents of Town were outpriced. We could not provide affordable housing due to the expense. If we continued to stick to the guidelines, it would become even more expensive. We have alienated people with the process which could take years. We needed to be more reasonable. We needed to allow new products if it achieved the character.

Dennis McCoy stated his preference was for character.

Vice Mayor Bennett thanked John Hozey for including the 1996 Preservation Plan in the packet. He had not read it previously. The amount of work taken in preparing the document was incredible. He was not as impressed with the survey conducted by Christopher Newport University. He heard a lot of good opinions this evening. The bottom line was that Chapter 7 of the 1996 Preservation Plan described what guidelines were and were not. Reasonableness had to be a mandate of the HDRB. Guidelines were not rules, nor were they the building code. The HDRB needed to do what they could to help the applicant get what they wanted. Kathy Glaser's opinion expressed his exactly.

John Hozey concluded that the vast majority of participants agreed to a similar concept of not holding strictly to rules. The discussion regarding how to get there would come later. The next item of discussion was a determination of what period of significance to use.

Councilman Grossman stated that the initial survey of homes performed in 1990 used a 50-year cutoff of 1940 for the period of significance. A listing of buildings contributing to the historic fabric of the Town and others that were non-contributing was created. When the new survey was done in 2017, the period of significance used was 1964 and it was stated in the document that the date correlated to the opening of the Chesapeake Bay Bridge Tunnel. An amended list of contributing and non-contributing structures was developed. The list grew significantly even with over 50 homes being demolished between the surveys. Going forward, we needed to determine whether we wanted to use 50 years or period of significance. Article II showed 1940 as the timeframe and Article VIII reestablished 1964 as the timeframe.

John Hozey stated that the rules for contributing and non-contributing were significantly different. It was important to define the period of significance.

There was discussion as follows: i) Edward Wells responded that there was not much difference between contributing and non-contributing in the HDRB guidelines; ii) John Hozey reiterated that tonight's meeting was to determine which direction the Town wanted to go. Updating the guidelines would come next; iii) Diane D'Amico stated that Article VIII spoke to the whole layout of the Town including the layout of the streets, medians, alleys, etc. Councilman Buchholz noted that the median at Peach Street was installed by VDOT to their modern-day standards; iv) Edward Wells stated that if building in the historic district, all buildings should be considered as historic. There was no 50-year cutoff. There were no defining guidelines for a cutoff date. Several sets of guidelines were needed – one from the 1880s to 1940s, then from the 1940s to 1964, and now; v) John Hozey added that the Preservation Plan stated that history was an ongoing continuum. If we used 50 years as the cutoff, someone would have to survey the structures annually to determine what was contributing or non-contributing and that was not possible. There was almost 20 years between the existing surveys and the 2017 survey using 1964 as the period of significance supported the most current historic inventory.

John Hozey stated that issue was not for discussion this evening and went on to ask for opinions regarding using 1940 or 1964 as the period of significance to define what structures were contributing and non-contributing. At some time in the future, these dates would change again, but at this time, we had two choices, 1940 and 1964.

There was more discussion regarding a rolling date or 50 years. John Hozey stated that age was not the only criteria. If a building was updated, it potentially would be classified as non-contributing and who would make the decision? The National Park Service had certain criteria they were looking for in determining whether a structure was contributing or non-contributing. It was not as simple as picking a date. We had to know what inventory we were applying the criteria to and right now our choices were 1940 and 1964.

The responses were:

Mayor Dize, Michael Strub, Councilwoman O'Brien, Councilman Grossman, Councilman Buchholz, Jim Holloway, Councilwoman Holloway, Dennis McCoy, and Kathy Glaser preferred using 1964 as the period of significance.

Vice Mayor Bennett had no preference.

Herb Thom preferred 1940.

Diane D'Amico did not want to use dates and suggested that the Town create our own list of structures versus relying on the National Park Service. There was much discussion regarding the process of doing this.

Edward Wells did not want to use dates and added that all structures in the historic district should be considered as historic.

Martin Mayer suggested using 50 years as a rolling target versus picking an arbitrary date.

John Hozey announced the general consensus was to use 1964 adding that there would be complications of developing our own list.

John Hozey stated that the next philosophical discussion was how to treat non-contributing structures. Was it desirable to strive to maintain the look and feel of when the structure was built? He added that if a house was built in 1975, it was a period in history. Would it be beneficial to preserve that point and time? If an owner wanted their 1970s house to have a 1920s feel, would that be okay? The Preservation Plan talked about confusing the integrity of the real structures. If someone wanted to build a brand-new home, could they include features of a 1920s home?

There was some discussion as follows: i) Diane D'Amico stated that her house was a manufactured home but had some detailing. There were a lot of other manufactured homes which should really be considered as trailers. Was the Town saying they would be okay; ii) Mayor Dize stated that at some point, all houses could be historical. The structures should maintain the look and feel of the time it was built. If built in 1975, it should look like it was built in 1975. If building a new house, it should look new. Stick with the timeframe of construction; iii) Michael Strub noted the historic overlay. Cape Charles was a historic town, and he wanted the dwelling to reflect that and have respect for the historic character of the Town. Diane D'Amico's house had features added that maintained the character. Houses in the historic district should not detract from the character of the district; iv) Vice Mayor Bennett stated that the more discussion, the more he thought that we might be creating a monster by having multiple sets of guidelines. It would be a large task to create two sets of guidelines. John Hozey asked if Vice Mayor Bennett favored one set of guidelines, would he be in favor of retaining the character of the home regardless of the year it was built. Vice Mayor Bennett stated that if someone had a one-story bungalow and wanted to make it a two-story with a Victorian look, they should be allowed to do so. He did not see where it would harm the integrity of a real Victorian; v) Councilman Follmer stated that he would not encourage that but did not think we should legislate against someone doing it. If someone was building a porch and wanted to make it look like the others on the street, they should be permitted to do so rather than making them add the details to make it look like an authentic porch from the 1940s. Some new homes were built with a look that conformed to the look of the neighborhood, but not to look like an imitation of an old house. It should be up to the homeowner; vi) Councilwoman O'Brien asked if someone wanted to build a 1960s or 1970s brick ranch now, how would that be handled? Edward Wells stated that it would depend on the neighborhood. John Hozey added that any new structure would have to be consistent with the existing environment, including setbacks, massing, windows, etc. That was already defined. There was much discussion about specific houses in Town being built to look like those from a previous period. What was permissible depended on the surrounding houses in the particular neighborhood.

The general consensus of the group was that new and other non-contributing structures should be compatible with other houses in the surrounding neighborhood.

John Hozey asked the group if all other compatibility criteria were met, could synthetic materials be considered if the appearance was indistinguishable from the public right of way?

The majority of the participants answered yes with the exception of Diane D'Amico, Edward Wells, and Herb Thom.

John Hozey went on to ask whether the design guidelines should be considered as firm or as recommended options with the HDRB having the authority to approve applications.

The responses were as follows: i) Mayor Dize stated that guidelines were guidelines and the HDRB should have as much leeway as needed to make it work. If the HDRB felt strongly about an issue, they should present it the Town Council for approval; ii) Michael Strub stated that Chapter 7 of the Preservation Plan made a lot of sense and preferred giving the HDRB the discretion to make the decisions; iii) Vice Mayor Bennett stated that the HDRB should be given the latitude to interpret the guidelines to help the applicants obtain what they want; iv) Councilman Follmer stated that if the guidelines were considered to be firm, the board would be unnecessary. If qualified people were appointed to the board, they should be given the authority to make the decisions; v) Councilwoman O'Brien stated her agreement with Councilman Follmer; vi) Councilman Grossman agreed that the HDRB needed a level of discretion and the guidelines needed to be interpretive for the board's use. The National Park Service provided information on how to develop guidelines that were not "black and white;" vii) Councilman Buchholz agreed with Councilman Grossman but added that safety needed to be considered. Some historic windows were unsafe, and safety must supersede history; viii) Jim Holloway agreed that the HDRB should have the discretion to interpret the guidelines to make their decision; ix) Councilwoman Holloway stated that the commonsense factor must come into play as well as safety by using the materials currently available. This needed to be included in the guidelines; x) Diane D'Amico stated that the HDRB needed the discretion to make decision adding that the board had been trying to rewrite the guidelines for a long time. She felt that the board believed in discretion; xi) Edward Wells stated that he felt passionate about the historic district. The guidelines definitely needed to be updated with clear and concise definitions. The HDRB tried to help the applicants. He agreed there had been some inconsistencies in the past and that lately the board had come to consensus; xii) Herb Thom stated that he provided John Hozey with a set of guidelines that the HDRB had worked on. The number of appeals had decreased. The board had taken on a new philosophy and did not want to be the "bad guys." The HDRB should have the discretion to make the appropriate decisions; xiii) Martin Mayer stated that discretion was critical adding that it was equally or more so to update the guidelines since it contained contradictory information; xiv) Kathy Glaser agreed that the HDRB needed discretion adding that when the guidelines were updated, it should not be so specific that the board could not have discretion. The HDRB's purpose was not to tell people what they could or could not do, but to help them figure out what could be done; xv) Dennis McCoy agreed that the HDRB should have the discretion to make their decisions.

Councilman Follmer commented that it was stated in the 1996 Preservation Plan that grants were available to write guidelines and added that he hoped grant funding was still available.

Councilman Grossman talked to Aubrey Von Lindern of the Dept. of Historic Resources regarding grants, and they did not have any grants available, but they were not the only avenue for grants.

John Hozey stated that the guidelines had to be updated and the Town would figure out the resources later.

John Hozey went on to state that the current system was not sustainable, and it was good to hear a general consensus regarding providing the board with the discretion to use their judgement to make their decision. Much could be done administratively. When rewriting the guidelines and ordinance, his goal was to move the black and white issues to the zoning ordinance for an administrative ruling by the building official or zoning administrator.

John Hozey continued on stating that in the more recent listing, other structures, such as sheds and garages were added.

Councilman Grossman added that in the 2017 update, sheds were considered important to define the historic character. A total of 128 structures such as gazebos, sheds, garages, were defined as contributing structures and another 160 were included as non-contributing. Now the Town was seeing cases where property owners were wanting to upgrade their sheds into accessory dwelling units. He contacted Aubrey Von Lindern and she confirmed that accessory buildings were important and typically added to the historic registers.

John Hozey stated that the consensus was to use 1964 as the period of significance so now, exceptions needed to be discussed. He asked how the group felt about including other structures, such as sheds, garages, etc. in the inventory and whether they should meet the standard criteria.

Dennis McCoy stated that he did not think the decision could be made this evening as more research was needed. After some discussion, he stated that the accessory buildings should not have to meet the standards.

Kathy Glaser responded that she felt that the majority of the accessory buildings were not structurally sound, and it would be difficult to put the same criteria on them.

Martin Mayer stated that he went in front of the HDRB several years ago for a shed and agreed that sheds or other accessory buildings should not be held to the same standard.

Herb Thom stated no, adding that it would be too complex.

Edward Wells stated that if the accessory building was a contributing structure, it should be held to the same standard.

Diane D'Amico stated that if it was a contributing structure, it should be required to follow the standards.

Councilwoman Holloway agreed that if it was a contributing structure, it should have to follow the standards.

Jim Holloway stated that if the structure was on a permanent foundation and on the list as a contributing structure, it should fall under the standards.

Councilman Buchholz stated that he would base it on the size of the structure. If it was on the list as a contributing structure and of a substantial size, like a garage, it should follow the standards.

Councilman Grossman stated that contributing sheds should be viewed with the design guidelines that would be written. Perhaps an exclusion could be included if a property owner wanted to convert the structure into an accessory dwelling unit. For new sheds, criteria was needed regarding size and foundation. Buildings without foundations should be exempt from HDRB review. Any structure could come before the HDRB but some could be excluded. The information must be in the zoning ordinance. For new structures, the design guidelines could state that it had to match the house.

Councilwoman O'Brien stated that she wanted to say no, but part of her felt that accessory dwellings, car ports, garages, etc. should be included in a separate category from sheds.

Councilman Follmer stated his agreement that accessory buildings, if contributing, should be included with some exceptions.

Michael Strub responded that if contributing, accessory buildings should follow the standards.

Mayor Dize stated that the Town was looking to add affordable housing, so if a property owner wanted to demolish a shed to construct an accessory dwelling unit, they should be permitted to do so.

John Hozey noted an area on the zoning map which was outlined in black which showed an area with a combination of R-1, C-1 and CR zoning districts, and asked whether the historic overlay should be amended to include all three areas which were different zones.

Councilman Grossman stated that in Article III of the zoning ordinance, the R-1 district had certain criteria regarding what was compatible with the district. The criteria could be removed from Article

III and placed in the guidelines. Former planner Allyson Finchum used to take Article III items to the HDRB for their decision versus making the decision as the zoning administrator.

John Hozey stated that he also included suggested amendments to Article VIII of the zoning ordinance regarding the Historic District Overlay. He felt that most of what was suggested was in line with the consensus received this evening. He wanted to give everyone the opportunity to comment on the suggested changes.

Councilman Grossman added that the suggested changes to Article VIII also updated the process.

There was some discussion regarding the issue of demolition by neglect: i) Councilman Follmer thought that it was very important to focus on the proactivity aspects, dealing with existing houses and the demolition by neglect issues. There was no sense spending all this time talking about those who were taking care of their houses versus allowing others to be demolished. Some people neglected their houses until they got to a state where they could tear them down. The Town had options and needed to be willing to do what was needed. It should be a priority and teeth needed to be added to the ordinances with strict enforcement; ii) Herb Thom added that the Town had a building code that covered derelict homes; iii) Councilman Follmer stated that the code was not being enforced; iv) Code Official Jeb Brady stated that it was a very slippery slope. If something was deemed as inhabitable, the Town had to fix it, spending hundreds of thousands of dollars of taxpayer money to bring it up to Code or tear it down for \$10K or so.

John Hozey asked everyone to take another look at Article VIII, and based on this evening's discussion, email him with any input. He noted that § 8.21 was previously deleted by mistake and was just being put back in. He thanked everyone for their participation and input. It had been a long night of good discussion.

Edward Wells stated that there was nothing in the guidelines regarding violations and fines.

Councilman Grossman stated that violations were covered in Article II of the zoning ordinance as misdemeanors. That section could probably be updated as well. He did not think there was anything in the State Code over \$1K per incident. Currently any violations had to go to court for the judge to decide. It was a lot of work and costly. This issue should be another discussion.

Motion made by Herb Thom, seconded by Martin Mayer, to adjourn the Historic District Review Board Work Session. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Commissioner Jim Holloway, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 9:05 p.m.

Mayor Dize

Town Clerk

**Information from April 13, 2021 Town Council, Planning Commission
and Historic District Review Board Work Session**



**Town of Cape Charles
Joint Work Session**

**Town Council
Town Planning Commission
Historic District Review Board**

April 13, 2021

Outline

- 1) Review the 1996 Preservation Plan and 2020 Perceptions Survey (background document)
- 2) **Main Philosophical Questions/Discussion**

What are we trying to achieve by having a historic district; authenticity or character? For example: for contributing structures, is the goal preservation and the maintenance of historic integrity, or is it just to retain the “character” (look and feel) of the period of significance?

What Period of Significance should we choose?

While always requiring compatibility with contributing structures, should non-contributing structures also be encouraged to:

- maintain the look and feel of the period of their original construction
- have a similar look and feel as structures from an earlier period

If all other compatibility criteria are met, can synthetic materials be considered if their appearance is indistinguishable by a typical observer from a public ROW?

Should design guidelines be considered a firm range of allowable options (i.e., nothing allowed outside that range); or should design guidelines be considered only recommended options with the review board having the authority to approve applications that in their judgement, achieve the desired character/integrity, whether portions of the project are in the guidelines or not?

Should sheds on the property of a contributing structure be included as contributing structures? Should there be exceptions for accessory dwelling units, and should there be cutoffs for size, permit requirements, permanent foundations, etc.?

Should we adjust the historic district overlay to be consistent with the R-1, C-1, and C-R districts?

- 3) Review the draft revisions to article VIII of the zoning ordinance; is this the right direction?

BACKGROUND

1996 Preservation Plan

Introduction

In many respects, this document is more of a generalized master plan for the future development of the town, building on the town's historic character, than it is a preservation plan. It views preservation as a means of inducing, or at least supporting, economic development. It does not advocate preservation for preservation's sake, as much as the quality of the town's historic resources may warrant it.

Preservation Approach

The preservation plan for the Town of Cape Charles seeks to identify features that contribute to the physical character of the town and to develop a design approach toward those features that will enhance community character as future change occurs.

Preservation of Historic Fabric

Most important to the preservation of the town's existing character is the preservation of original historic fabric. Wherever possible, the preservation plan should strive to preserve original historic fabric, even if that fabric is not in good condition. At the scale of the town, the preservation of historic fabric involves preserving the overall organization and layout of the community. This means preserving the street system, boundaries, lot configurations, and areas of usage in the town (Mason Avenue for commercial usage, the park and beach for recreation, and the basic character of the various residential areas).

At the scale of the neighborhood, the preservation of historic fabric means preserving historic buildings and streetscapes. Preventing the loss of historic buildings through vacancy, neglect, and decay is an important issue in Cape Charles. Preventing building loss as a result of proposed new development could become an issue as the town's economy is revitalized. Preserving the streetscape means preserving the character and relationship of site features, such as streets, curbs, sidewalks, fences, and vegetation.

At the scale of individual buildings, the preservation of historic fabric means preserving original materials and detailing. The terms "historical integrity" and "building condition" are often used with respect to historic buildings. "Historical integrity" refers to the amount of original historic fabric that a building has, irrespective of the condition of that fabric. A building can have a high degree of historical integrity but be in very poor condition. Conversely, a building can be in very good condition, but have very little significant historic fabric remaining.

The preservation plan places a great deal of value upon retaining a building's or landscape's historical integrity. In rehabilitating a historic building, it is always preferable to retain and repair existing historic building elements rather than to replace them. This is true even if the

repaired element will have visible flaws. The same is true at the scale of the neighborhood and the scale of the town.

When repair is not possible, in-kind replacement is recommended. In-kind replacement refers not only to appearance, but to materials and construction techniques as well. Replacements should attempt to use materials and craftsmanship that match as closely as possible that of the existing historic fabric being removed. At the scale of a building, replacing a severely deteriorated, unrepairable wood double hung window with a metal window, for example, significantly reduces the building's level of integrity. Like that of a fine antique, a loss of integrity results in a loss of real value.

The term "restoration" refers to returning a building or landscape to a specific, previous condition or appearance at a particular period of its history. Restoration of a historic building or landscape is frequently neither necessary nor recommended. Alterations, additions, and changes to a historic resource are considered part of the resource's historical development or evolution. Such alterations and changes can be of historical significance. Because history accrues to a resource over time, it is usually recommended that later historic fabric should not be removed in order to restore a resource to an earlier appearance. "Restoration" of a historic building, landscape, or site feature should be undertaken only when there is good reason and only when there is sufficient documentation or evidence existing to determine what the actual appearance and conditions were at the period to which the resource is being restored.

When a resource has lost its historical integrity because of changes and alterations that are not significant to its historical development and are not sympathetic to its character, both contemporary alteration and restoration are options to be considered. When adequate documentation is not available to restore a resource accurately to a previous appearance, speculative restoration should not be attempted. In such a circumstance, which is the case more often than not, it is recommended that a contemporary design be developed that is sympathetic and complementary to the character of the resource.

In addition to above-ground historic resources, as previously noted, archeological resources are significant to the history of Cape Charles. Archeological resources include potential resources both within the historic portion of the town as well as potential resources in the undeveloped landscapes north and south of the town. As these areas are developed, the ground will be disturbed and the information available through the archeological record will be lost. Preliminary archeological investigations have been undertaken on the land associated with the proposed development of the Accawmacke Plantation. The town should be aware of archeologically sensitive areas in Cape Charles and should plan for appropriate treatment of significant sites as part of the planning and development process.

In Cape Charles, the town, the neighborhoods, the streetscape, and the buildings have a very high degree of historical integrity. On the whole, these resources have had very few adverse changes or alterations. In adapting these resources to new uses, or in rehabilitating them to be attractive to new markets, it is recommended that existing historic fabric be retained wherever possible.

Design Guidelines

Design guidelines have two purposes. The first is educational. Design guidelines educate property owners in the appreciation of their buildings, in appropriate maintenance techniques, and in making decisions regarding potential changes. The second purpose of design guidelines is for use in a design review process. Design guidelines represent the level of consensus that the community has reached with regard to physical change in the community. It outlines the framework and informs the judgments around which design decisions are made. It is not a set of rules. Rules are an easy way to gain compliance but are authoritarian, lack flexibility, and are counterproductive. In order to allow the maximum flexibility in accommodating change, design goals and principles should be established, not rules. Design guidelines outline and illustrate the desired *goals and principles* that will contribute toward, reinforce, and work with the *character of a building* or a neighborhood. The owner or designer are encouraged to exercise their creativity or personal preferences in determining how to achieve those goals and principles.

With regard to new structures, it is not the purpose of design guidelines to require "historical" designs or the adherence to a particular style, formula, or set of architectural elements. "Period architecture" and the strict quotation of architectural elements and details is distinctly not their intent. There is a wide range of building periods, styles, and types that contribute to the character of Cape Charles' residential neighborhoods. This diversity itself is a key element of the town's character. To walk in Cape Charles is to see virtually every architectural style from the town's founding in 1883 through the 1940s. There is no strictly "correct" style in Cape Charles. The slavish and literal copying of architectural styles and elements would trivialize and confuse the genuine historic architecture of the town. What is fascinating about the buildings in Cape Charles is that they are real, the genuine article, not copies. In order to contribute to the clarity of the town's history and development, new construction should appear to be at the end of the architectural continuum, and not mistaken to be somewhere in the middle. Contemporary architecture should be representative of the time in which it is created and should thus contribute to Cape Charles' architectural diversity for the appreciation of future generations.

New buildings, however, can be contemporary while at the same time being sympathetic and compatible with existing buildings and an existing historic context or character. This is achieved through compatible scale, massing, siting, orientation, materials, and forms. Because there are a variety of ways in which a new building can be compatible with existing buildings, there are no simple rules that can be written. This is why design guidelines and an informed design review process are the most flexible and fair way to achieve the intended goal of preserving neighborhood character.

2021 Community Strategic Plan

Goal

To maintain the authentic character of the historic district

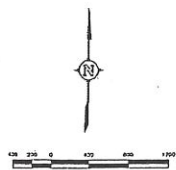
Metric: maintain status on the national registry and a satisfactory audit from the Dept of Historic Resources

2020 (2019) Public Perceptions of Historic Preservation

Table 1: Summary of Likert-Style Items

Survey Items	Usable Responses	Mean	Standard Deviation
Q1. Cape Charles is primarily a <i>beach community</i> that also has a historic town center.	356	3.23	1.35
Q2. Cape Charles is primarily a <i>historic town</i> that also has a beach.	359	3.73	1.22
Q3. Owners of real estate in the historic district (“overlay”) should conform to their property’s historic look and feel when making <i>renovations and repairs</i> .	362	3.97	1.06
Q4. <i>New construction</i> in the historic district of Cape Charles should conform to the look and feel of neighboring homes and buildings.	364	4.18	0.99
Q5. The charming, historic nature of the town’s homes and buildings contributes to property values of real estate in Cape Charles.	362	4.28	0.97
Q6. To reduce demolition of derelict buildings, the Town of Cape Charles should establish a fund that can help low income homeowners make historically accurate repairs and improvements.	363	2.83	1.36
Q7. Such a fund should be financed from fines levied against property owners who do not conform to the historic preservation zoning guidelines.	359	2.50	1.40
Q8. Cape Charles should restrict the amount of new development in areas near the historic center to preserve the small-town nature of the community.	358	3.34	1.40

As Table 1 indicates, on the whole, the respondents to the mailed survey had a somewhat stronger agreement with CC being primarily a historic town, with the importance of the beach being secondary. The higher score for Q2 than Q1 supports this, although the numbers are close enough that the difference is not of a very large magnitude.



CHESAPEAKE BAY

CREEK

ZONING LEGEND:

- RESIDENTIAL ESTATE DISTRICT (R-1)
- SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)
- RESIDENTIAL MIXED DISTRICT (R-2)
- RESIDENTIAL MULTI-FAMILY DISTRICT (R-3)
- COMMERCIAL RESIDENTIAL (CR)
- COMMERCIAL DISTRICT (C-1)
- COMMERCIAL DISTRICT (C-2)
- COMMERCIAL DISTRICT (C-3)
- HARBOR DISTRICT
- GENERAL BUSINESS / LIGHT INDUSTRIAL (GBI)
- INDUSTRIAL DISTRICT (M-1)
- STIP DISTRICT (SUSTAINABLE TECHNOLOGIES INDUSTRIAL PARK)
- PD-STIP DISTRICT (PLANNED SUSTAINABLE TECHNOLOGIES INDUSTRIAL PARK)
- OPEN SPACE
- CONDITIONAL ZONING

CAPE CHARLES HARBOR

OLD PLANTATION CREEK

CHESAPEAKE BAY

- 1. BLUE HEAVEN ROAD
- 2. BURNING COURT
- 3. KAMISSA COURT
- 4. AMERICAN COURT
- 5. ENGLISH COURT
- 6. FORTY COURT
- 7. HILLS STEVENS COURT
- 8. FERRY COURT
- 9. HIRSHY COURT

- 24. BAYVIEW AVENUE
- 25. PALMER PLACE
- 26. EAST OAKS DRIVE
- 27. CASBATT ROAD
- 28. WALNUT ROAD
- 29. MARKET PLACE
- 30. BRISBAND AVENUE
- 41. CAROLINE PLACE
- 42. PARK STREET

- 22. BANANA DRIVE
- 23. BANANA DRIVE
- 24. CHARLES DRIVE
- 25. INDUCTION DRIVE
- 26. WATERS EDGE DRIVE

- 27. OLD COURSE LOOP
- 28. LYTTON COURT
- 29. TROON COURT
- 30. LINDSEY LANE
- 31. CLARET COURT

- 32. ARCHER COURT
- 33. MOON COURT
- 34. BEY COURT
- 35. DEACON COURT

PUD ZONING LEGEND:

- PLANNED URBAN DEVELOPMENT (PUD)
- PUD-R1 (LOW DENSITY RESIDENTIAL)
- PUD-R2 (MEDIUM DENSITY RESIDENTIAL)
- PUD-R3 (MULTI-FAMILY RESIDENTIAL)
- PUD-SC (SPECIALTY COMMERCIAL)
- PUD-C (COMMERCIAL)
- PUD-GBI (GENERAL BUSINESS / INDUSTRIAL)
- PUD-VILLAGE DISTRICT (RESIDENTIAL / COMMERCIAL)
- PUD OPEN SPACE



TOWN OF CAPE CHARLES
OFFICIAL ZONING MAP

REV. JUNE 2, 2008



Town of Cape Charles

Article VIII

Historic District Overlay

"The Cape Charles Historic District encompasses nearly all of the town of Cape Charles as it was originally laid out in 1883-1884 as well as the Sea Cottage addition, an area west of the original limits of the town, that was developed after 1909...The town was originally laid out in an unusual twenty-seven block grid pattern dominated by a central park with four landscaped streets that radiate from the park and serve as a main cross axis for the town's circulation pattern. No other such plan is known to exist in Virginia."

- 1989 National Register of Historic Places Registration Form Section 7, page 1.

"An interesting stock of architectural styles in both the residential area and the downtown commercial area contribute an historic style and authenticity. The street patterns, lot configurations and boundaries, which were laid out in an historic grid pattern, have remained largely unaltered, adding to the Town's historical integrity. Cape Charles' late nineteenth and early twentieth century character is a key element in the Town's interest and attractiveness to tourists. The traditional downtown commercial area on Mason Avenue still serves as the commercial center for the Town. It is important that the Town's historic character be protected, not only for its intrinsic value, but also to contribute to attract and expand tourism in Cape Charles." – Town of Cape Charles 1999 Comprehensive Plan, page 40.

The Town of Cape Charles participates in the Certified Local Government program and in so doing demonstrates a commitment to keep what is significant from the past for the benefit of future generations. The architectural integrity of existing structures shall be recognized, and future development shall be compatible.

Section 8.1 Purpose of the District *[revised – 08/16/18]*

The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of registered architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is also the purpose of the district to preserve the designated historic areas and historic landmarks and other historic or architectural features from destruction, damage, defacement to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the historic district.

Section 8.2 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and

economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

Section 8.3 Inventory of Landmarks and Contributing Properties Established

The Town of Cape Charles has established as part of this ordinance a an inventory map covering the area included in the Historic District, based on the criteria set forth in this ordinance. This map herein ~~after called the inventory map~~ shall be as much a part of this ordinance, ~~as if fully described herein and shall be filed as a part of this ordinance by the Town Clerk of the Town of Cape Charles.~~ Until such time as it is changed in this ordinance, the period of significance for the Town will be 1880s to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). As identified in the National Register, sStructures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Should a building or structure within the boundaries of the historic district not be listed in the national register, the age of the house or structure will be used to determine classification (i.e., built before 1965 will be considered as contributing). The board may be presented with evidence of extensive changes previously made or other information that may warrant the board in changing a property's classification. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The ~~inventory~~ map may be amended from time to time in the same manner as the zoning district map.

Section 8.4. Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic District is superimposed except as these other district regulations may be modified by application of the regulations in the Historic District.

Section 8.5 Permitted Uses [revised – 08/16/18]

A building or land shall be used only for any use or accessory use permitted in the zoning district in which the premises are situated and upon which the Historic District is superimposed.

Section 8.6 Historic District Review Board; Creation

For the general purposes of this Article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is created a board known as the Historic District Review Board.

Section 8.7 Historic District Review Board; Membership [revised – 08/16/18]

The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district.

Section 8.8 Historic District Review Board; Terms *[revised – 08/16/18]*

Upon approval by the Town Council, members shall be appointed for a term of five years. Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 8.9 Historic District Review Board; Qualifications *[revised – 08/16/18]*

Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.

Section 8.10 Historic District Review Board; Organization *[revised – 08/16/18]*

The Historic District Review Board shall elect from its own membership a chairman and vice chairman who shall serve annual terms and may succeed themselves. The chairman shall preside over all meetings in addition to having the duties and responsibilities of other members of the Board. The vice chairman shall preside over meetings of the Board in the absence of the chairman.

Section 8.11 Historic District Review Board; Rules *[revised – 08/16/18]*

The Board shall meet in regular session on the third Tuesday of every month when an application has been filed requiring consideration. Special meetings of the Board may be called by the chairman or a majority of the members after public notice as required.

Section 8.12 Historic District Review Board; Meetings; Hearings *[revised – 08/16/18]*

Written notice of a special meeting is not required if the time of special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the Commonwealth of Virginia.

Section 8.13 Historic District Review Board; Procedures

The Board shall, with the concurrence of the town manager, establish procedures for all matters coming before it for review and all meetings shall be open to the public. The Board will have the right to appeal decisions of the town manager to the Town Council.

Section 8.14 Historic District Review Board; Powers and Duties

The Historic District Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. In addition, the Board shall have the following duties:

- A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites at buildings or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
- B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
- C. To ~~conduct-oversee~~ studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.
- D. To propose additional historic districts or additions or deletions to districts.
- E. To ~~adopt-recommend~~ standards and guidelines for adoption by the Town Council review to supplement the standards set forth in this Ordinance.
- F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
- G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

Section 8.15 Summary of Administration Review Procedures *[revised – 08/16/18]*

In general, it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District. ~~To this end, some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Historic District Review Board acting with original jurisdiction, or, in the most serious cases, action by the Town Council following action by the Historic District Review Board.~~

- A. Actions related to "Standards" will be exclusively the purview of the Zoning Administrator.
- B. Actions related to "Guidelines" will be the purview of the Historic District Review Board, except that guidelines that are relatively straight forward may be delegated to the Zoning Administrator at the discretion of the Historic District Review Board.
- C. In all cases the decisions of the Zoning Administrator shall be appealed to the Board of Zoning Appeals as stated in §2-2.6.2.C, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

**Section 8.16 Certain Minor Actions Exempted from Review by the Historic District
Review Board [revised – 08/16/18]**

Within the Historic District certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Historic District Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

- A. Repainting the structure. (Original painting of masonry surfaces is not exempted from review.)
- B. Replacement of missing or broken windowpanes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames, or shutters where no substantial change in design or material is proposed.
- C. Addition or deletion of storm doors or storm windows, window gardens, or similar appurtenances and portable air conditioners located in existing windows, doors, or other existing wall openings (if no building permit is required for such addition or deletion).
- D. Addition or deletion of television and radio antennas or skylights and solar collectors in locations not visible from a public street or a waterway.
- E. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, fencing immediately surrounding trash receptacles or outdoor ventilation units, small fountains, outdoor showers and ponds which will not substantially affect the character of the property and its surroundings.
- F. Construction of off-street loading areas and off-street parking areas.
- G. Creation of outside storage in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or waterway.

~~Any changes to a structure (contributing and noncontributing) that are not visible from a public street or public place, i.e., alteration that is obscured from view from the street by the original structure and not merely obscured by fencing landscaping, non-historic additions, or other impermanent obstructions. Alleys in this context are not to be considered public places.~~

- H. Additions or deletions to an existing building which are not subject to public view and which will not significantly alter the character of the building. Alleys in this context are not to be considered public places.

~~G.I.~~ Covered by other zoning ordinance requirements as administrated by the Zoning Administrator unless altered by the overlay ordinance.

- J. Receiving historic preservation tax credits through state or federal offices.

K. Demolition of non-contributing buildings or structures.

~~Receiving historic preservation tax credits through state or federal offices.~~

~~Demolition of non-contributing buildings or structures.~~

L. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.

~~H.~~

Section 8.17 Delegation of Authority [revised – 08/16/18]

- A. The Zoning Administrator or Building Official shall have authority to order that work be stopped and that an appropriate application be filed for review by the Historic District Review Board in any case where the action has an adverse effect on the Historic District.
- B. The Historic District Review Board shall periodically review the design guidelines contained in this section.

Section 8.18 Approval of Historic District Review Board Required [revised – 08/16/18]

- A. Except as herein otherwise provided in this article, no building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance and no contributing buildings or structures shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Historic District Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.
- B. "Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein:
 - 1. General examples of "non-substantial" alterations:
 - a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
 - b. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
 - 2. Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §8.16 of this article.
 - 3. General examples of work constituting "substantial alterations" include:

- a. Construction of a new building at any location or a new ~~permanent~~permanent accessory building requiring a building permit on a landmark or contributing property or on a site within the Historic District.
 - b. Any addition to or alteration of a building which increases the square footage of the building or otherwise alters substantially its size, height, contour, or outline.
 - c. Any change or alteration of the exterior architectural style of a structure, including removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, structural elements, stairways, terraces, and the like. (What about decks, patios, and fences?)
 - d. Any change or alteration of ~~the exterior color scheme of the structure or~~ any of its significant elements, including porches, openings, dormers, window sashes, awnings, canopies, chimneys, columns, stairways, terraces, decks, fences or any other structural elements. This also applies to all structures on the site.
 - e. Addition to or removal of one or more stories or alteration of a roof line.
 - f. Any other major actions not specifically covered by the terms of this section, but which would have an effect on the character of the historic district.
- C. In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

Section 8.19. Certificate of Appropriateness *[revised – 08/16/18]*

Evidence of the approval required under the terms of the Historic District shall be a certificate of appropriateness issued ~~by on behalf of~~ the Historic District Review Board, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board or Zoning Administrator. The Historic District Review Board may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit-requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

Section 8.20 Design Guidelines; Standards for Review *[revised – 11/21/19]*

- A. The Historic District Review Board shall be guided in its decisions by the design guidelines.

- B. It shall be the duty of the Historic District Review Board to ~~prepare-recommend~~ amendments to the design guidelines.
- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.22204 Code of Virginia.
- D. Guidelines shall offer general recommendations for all new infill buildings in Cape Charles' historic district. New infill construction building is not to diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district. ~~However, the intent of these infill guidelines is not to be overly specific or to dictate certain designs but to allow for the creation of new buildings that are compatible with their historic settings.~~ The Historic District Review Board may be more flexible in applying these new construction guidelines.
- ~~C.E.~~ Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following ~~separately-created the~~ guidelines for New (Infill) Construction, ~~and should not aim to replicate historic buildings, nor return the structure to its original form.~~ Criteria for non-contributing structures ~~are to may~~ be less restrictive than that applied to contributing structure rehabilitation.

Section 8.21 Demolition: Alternate Procedure: Offer to Sell

- A. Prior to approval of any application for demolition, modification, moving, or removal of a contributing structure within the Cape Charles Historic District; the zoning administrator, the Historic District Review Board, or the Town Council, as applicable, shall review the application for its compatibility with each of the following guidelines.
1. Whether or not the contributing structure is of such architectural or historic interest that its removal would be to the detriment of the character and integrity of the Historic District.
 2. Whether or not the contributing structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
 3. Whether or not retention of the contributing structure would help to preserve and protect a historic place or area of historic interest in the Town.
 4. Whether or not plans for future use of the site after demolition are appropriate, compatible, sympathetic, and complimentary to the character and integrity of the Historic District.

No subsequent application under Section 8.21A regarding the contributing structure may be made until more than one year after a final denial by the Town Council.

- B. In addition to the right of appeal herein elsewhere set forth, the owner of a contributing structure in the Cape Charles Historic District shall as a matter of right

be entitled to move, remove, modify, raze or demolish all or part of such contributing structure provided that:

1. The owner has applied to the Town Council for such right.
2. The owner has for the applicable period of time set forth in the time schedule in Section 8.21.B.4., and at a price reasonably related to the fair market value of the contributing structure and the land, other improvements and appurtenances pertaining thereto (assuming the buyer will be required to preserve and restore the contributing structure in place on the property) as determined by the average of two (2) real estate appraisals from two (2) different appraisers, made a bona fide, public offer (pursuant to the requirements of this Section 8.21 B.) to sell such contributing structure, and the land, other improvements and appurtenances pertaining thereto (collectively, the "Property"), to the Town and any other person, firm, corporation, government or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the contributing structure in place. If the two (2) required real estate appraisals submitted by the Owner differ by more than ten percent (10%), the owner must have the Property appraised a third time at his own expense by a third real estate appraiser selected by the Town. The bona fide offer to sell must be at a price not more than the average of the two such appraisals that are closest to one another.
3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such Property thereto, prior to the expiration of the applicable time period set forth in the time schedule in Section 8.21.B.4. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
4. The time schedule for offers to sell shall be as follows:
 - a. Three (3) consecutive months when the offering price is less than twenty-five thousand dollars.
 - b. Four (4) consecutive months when the offering price is twenty-five thousand or more but less than forty thousand dollars.
 - c. Five (5) consecutive months when the offering price is forty thousand or more but less than fifty-five thousand dollars.
 - d. Six (6) consecutive months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars.
 - e. Seven (7) consecutive months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars.

f. Twelve (12) consecutive months when the offering price is ninety thousand dollars or more.

5. Before making a bona fide offer to sell, the owner shall first file a statement with the Zoning Administrator along with the appraisals required by Section 8.21.B.2. The statement shall identify the Property, state the offering price, the date the offer of sale is to begin, the names and addresses of adjacent property owners, and the names and addresses of listing real estate agents, if any. The owner shall be required to maintain the Property in at least its current condition during the term of the public offer. No time period set forth in the time schedule contained in Section 8.21.B.4. shall begin to run until the statement has been filed. Within five (5) business days after receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the Town Manager, the Town Council, and the Historic District Review Board. Within thirty (30) days after the receipt of a statement, the Zoning Administrator: (a) shall place notice of the statement once a week for two successive weeks in a newspaper having general circulation in the Town, (b) post a notice of the statement prominently on the Property, and (c) send notice of the offer, accompanied by the statement, to the adjacent property owners by certified or registered mail.
6. During the time period for the offer to sell, the Town may take steps as it deems necessary to preserve the contributing structure in accordance with the purposes of this article. Such steps may include, but are not limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of the Property by public or private bodies or agencies, and exploration of the possibility of moving structures or other features on the Property.
7. The fact that an offer to sell a Property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within Cape Charles, questioning such valuation. Upon receipt of such a petition, one (1) disinterested real estate appraiser shall be appointed by the petitioners, and the cost of the appraisal shall be borne by the petitioners. Said appraiser shall forthwith make an appraisal of the Property on the same basis as described in B.2. above, and the Town shall use the average of the lower two appraisals to establish fair market value under Section 8.21.B. In the event such valuation indicates that the price at which the applicant offered to sell the Property was at a price that is higher than the Property's fair market value, the offer to sell shall be void and of no force and effect for purposes of satisfying the requirements set forth in this Section 8.21.B.

Section 8.224 Maintenance and Repair Required [revised – 08/16/18]

- A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District allow the structure, or historic attributes of the structure, to become a hazardous building or structure. Any building or structure which is determined to be in such an unsafe condition that it would endanger life or

property are governed by Town Code Chapter 18, Article III, Unsafe Buildings or Structures and under the sole jurisdiction of the Town's Code Official.

- B. All buildings and structures in the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Historic District Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:
1. The deterioration of exterior walls or other vertical supports, including broken doors and windowpanes;
 2. The deterioration of roofs or horizontal members;
 3. The deterioration of exterior chimneys;
 4. The deterioration or crumbling of exterior plaster, wood, or mortar;
 5. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- C. After notice by the ~~Historic District Review Board~~ Zoning Administrator or Building Official by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Historic District Review Board, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Historic District Review Board may recommend to the Town Council that the Zoning Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property.

Section 8.22-23 File of Actions to be Maintained [revised – 08/16/18]

In order to provide guidance for the consistent application of standards and guidelines, ~~for the improvement of standards and guidelines~~, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator ~~and the Historic District Review Board~~ shall maintain a file containing a record of all applications ~~brought before them~~, including drawings and photographs pertaining thereto and the decision of the Zoning Administrator or the Historic District Review Board in each case. The file documents shall be complied by the Zoning Administrator and maintained by the Town Clerk and remain the property of the Town ~~but, which~~ shall be held-made available for public review.

Section 8.23-24 Administration; Zoning Administrator

Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure in the Historic District until the same has been approved by the Historic District Review Board as set forth in the following procedures.

Section 8.24-25 Receipt of Application

Upon receipt of an application by the Zoning Administrator for each permit in the historic district, the Zoning Administrator shall oversee the following:

A. Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are to request an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board prior to submitting a formal application for a certificate of appropriateness. Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request. The purpose of an informational meeting is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator/board member(s) shall be bound by any informational meeting or conceptual review. Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed.

~~A.B.~~ Forthwith ~~Pending acceptance of~~ Once accepted by the zoning administrator as a fully completed application, the zoning administrator will forward to the Historic District Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Historic District Review Board to meet and render a decision;

~~B.C.~~ Maintain in his their office ~~Compile~~ a record of all such applications and of ~~his handling and the~~ final disposition of the same, records to be maintained by the Town Clerk;

~~C.D.~~ Require applicants to submit three (3) hard copies or one electronic version of material required to permit compliance with the foregoing.

Section 8.265 Material to be Submitted for Review [revised – 08/16/18]

By general rule, or by specific request in a particular case, the Historic District Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or ~~his their~~ agent.

Section 8.276 Other Approvals Required

The Zoning Administrator will review submitted applications for COA against zoning requirements before going to the Historic District Review Board for pre-application review and approval. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Historic District Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Historic District Review Board. In this case, Final action by the Historic District Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 8.27-28 Action by the Historic District Review Board; Issuance of Certificates

of Appropriateness [revised – 08/16/18]

The Historic District Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within ~~sixty (60)~~ ninety (90) days after the filing of an application accepted as complete. Failure of the Historic District Review Board to render such a decision within said ~~sixty (60)~~ ninety (90) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Historic District Review Board had granted the Certificate of Appropriateness applied for prior to denying the Certificate of Appropriateness. The Historic District Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Historic District Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that ~~they~~ he will make the suggested changes ~~and does so in writing~~, the Historic District Review Board may issue the Certificate of Appropriateness. Agreed to changes will be so indicated on the Certificate of Appropriateness.

The zoning administrator will be responsible for issuance of the Certificate of Appropriateness to the applicant and the Town's Code Official office within five (5) business days. Denials of applications are to be stated in writing to the applicant along with the reasons for such denials by the zoning administrator and issued within five (5) business days. Once a Certificate of Appropriateness is granted, that applicant can obtain permits to start work with the understanding that work may be stopped should an appeal be filed to the board's decision within a 30 day period following the decision and bear the consequences of the appeal's final decision.

Section 8.28-29 Expiration of Certificates of Appropriateness [revised – 08/16/18]

Any certificate issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve (12) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

Section 8.29-30 Inspection by Administrator After Approval

When a Certificate of Appropriateness has been issued, the Zoning Administrator or Town Building Official shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Zoning

Administrator or Town Building Official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

Section 8.30-31 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Historic District Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Historic District Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three(3) months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Historic District Review Board or, on appeal, by the Town Council.

Section 8.34-32 Conditions Imposed by the Historic District Review Board

In approval of any proposal under this section, the Historic District Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.

Section 8.32-33 Appeals; Decisions of the Historic District Review Board

[revised – 11/15/18]

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal. The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board, nor are they allowed to contact individual members of the Town Council prior to appeal meeting. Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal. The Zoning Administrator ~~shall transmit to the Town Council within five (5) days~~will prepare a document of all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days from the date the person submitted a request for appeal. At the hearing the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from

and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.

Section 8.33-34 Appeals; Decisions of the Zoning Administrator [revised – 11/15/18]

An appeal from a decision of the Zoning Administrator may be taken to the Board of Zoning Appeals by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal. The Zoning Administrator shall transmit to the Board of Zoning Appeals within five (5) days all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to §15.2-2204; Code of Virginia, and decide the same within sixty (60) days. At the meeting the party may appear in person or by agent. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made.

Section 8.34-35 Appeal to the Circuit Court from a Decision of the Town Council

[revised – 11/15/18]

An appeal from a final decision of the Town Council may be filed with the Circuit Court within thirty (30) days after said decision in the manner prescribed by law by the owner of the property in question, by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, or by the Historic District Review Board. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 8.35-36 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §2.4.3 of the Zoning Ordinance.

Section 8.36-37 Definitions [revised – 08/16/18]

For the purpose of this article, ~~certain~~ terms and words pertaining to the Historic District are hereby defined. ~~The general rules of construction contained in Article II of this Ordinance are applicable to these definitions.~~

~~**ALTERATION** is any change, modification, or addition to a part or all of the exterior of any building or structure.~~

~~**BUILDING** is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.~~

~~**ADMINISTRATOR, THE ZONING ADMINISTRATOR**, is that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.~~

~~**BUILDING PERMIT** is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.~~

~~**CERTIFICATE OF APPROPRIATENESS** is a certificate or other statement indicating approval by the Administrator or the Historic District Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition, or razing of a building or structure or part thereof in a historic district.~~

~~**CONTRIBUTING PROPERTIES** are those properties constructed fifty (50) years or more age.~~

~~**DESIGN GUIDELINES** are those set of guidelines, standards, and regulations adopted pursuant to §8.20 of this Code.~~

~~**Guidelines** are parameters within which the Historic District Review Board has the discretion to act and make decisions.~~

~~**HISTORIC DISTRICT** means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.~~

~~**HISTORIC LANDMARK** is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.~~

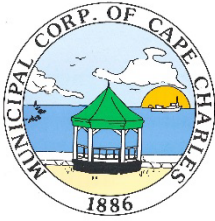
~~**RECONSTRUCTION** is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.~~

~~**REPAIRS** are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.~~

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

Standards are requirements that are evaluated by the Zoning Administrator and not under the discretion of the Historic District Review Board.

This original ordinance was duly considered following a required public hearing held on December 11, 2001 and adopted by the Town Council of Cape Charles at its regular session on the same day. All members voted in favor of its adoption: Chris Bannon, Charles Brown, Donald Clarke, James Davis, Dave Flora, and Frank Lewis.



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
April 15, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting of the 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 not in attendance. Also, in attendance were Town Manager John Hozey, Chief Jim Pruitt, Capital Projects Manager Bob Panek, Public Works Manager John Lockwood, Community Relations Manager Jennifer Lewis, and Town Clerk Libby Hume. There were seven members of the public physically in attendance, and 20 viewers on Facebook.

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

Mayor Dize recognized Ms. Ellen O’Brien as the new Council member and thanked her for offering to serve the Town in this capacity and welcomed her to the team.

RECOGNITION OF VISITORS / PRESENTATIONS:

A. *Tree City USA Presentation – Phil Goetkin*

Mr. Goetkin informed Mayor Dize and Council that the Town of Cape Charles achieved Tree City USA recognition by the Arbor Day Foundation. He read excerpts from the Arbor Day Foundation press release and provided information about the Cape Charles Tree Advisory Board. (Please see attached.)

B. *Arbor Day 2021 Proclamation*

Mayor Dize read Proclamation 20210415 proclaiming April 30, 2021 as Arbor Day.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20210415 Arbor Day 2021. The motion was approved by unanimous vote.

Mayor Dize presented the proclamation to Mr. Phil Goetkin.

C. *National Building Safety Month Proclamation – May 2021*

Mayor Dize read Proclamation 20210415A designating May 2021 as Building Safety Month.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20210415A Building Safety Month – May 2021. The motion was approved by unanimous vote.

D. *National Police Week Proclamation – May 9-15, 2021*

Mayor Dize read Proclamation 20210415B to Recognize National Peace Officers’ Memorial Day and National Police Week 2021.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20210415B Recognizing National Peace Officers’ Memorial Day and National Police Week 2021. The motion was approved by unanimous vote.

Mayor Dize presented the proclamation to Chief Jim Pruitt.

E. *National Public Works Week Proclamation – May 16-23, 2021*

Mayor Dize read Proclamation 20210415C National Public Works Week – May 16-23, 2021, “Stronger Together.”

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adopt Proclamation 20210415C National Public Works Week, May 16-23, 2021, “Stronger Together.” The motion was approved by unanimous vote.

Mayor Dize presented the proclamation to Public Works Manager John Lockwood.

F. *Professional Municipal Clerks Week Proclamation – May 2-8, 2021*

Mayor Dize read Proclamation 20210415D 52nd Annual Professional Municipal Clerks Week, May 2-8, 2021.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adopt Proclamation 20210415D 52nd Annual Professional Municipal Clerks Week, May 2-8, 2021. The motion was approved by unanimous vote.

Mayor Dize presented the proclamation to Town Clerk Libby Hume.

PUBLIC COMMENTS:

Mark Marshall, 2198 Stone Road, Cape Charles Brewing Company

Mr. Marshall stated that the Cape Charles Brewing Company was a family business and in 2016, they proposed a production brewery and tasting pub. They built out the property in 2016 and 2017. At that time, they understood that there would be issues with the 55 MPH speed limit that did not drop to 40 MPH until the Town’s wells, then to 25 MPH once in Town. They had been in business for three years and were not a destination site attracting both residents and visitors. In 2017 the Town Council adopted a resolution supporting a speed limit reduction to 25 MPH and in June 2018, VDOT performed a traffic study and determined that the speed reduction was not warranted. In June 2018, the Cape Charles Brewing Company opened with just a tasting room and the restaurant was opened after the traffic study was completed. They have had double-digit increases every year since opening. Twelve to two thousand people visited the brewery every day – the motoring public, bicycles, golf carts, families, pets, etc. The 55 MPH speed limit needed to be addressed. Tragically, a couple of weeks ago, a family dog was hit and killed. The brewery is a great place where people felt safe and enjoyed various activities. He implored Council to adopt another resolution and ask VDOT for a new traffic study. Things had changed over the last few years and there was much more activity there in 2021 than in 2018. There had been too many near misses. It was a danger to the motoring public. It was a danger to visitors to their establishment and affected both residents and visitors. They were continuing to expand and would be adding a special event space. He respectfully asked for a new resolution asking to reduce the speed limit to 25 MPH from the Town limit. He was prepared to come and ask all interested parties to ask VDOT to make the change. It was an important step.

Sarah & Rich Boehling, 219 Tazewell Avenue

Ms. Boehling addressed the Mayor and Council regarding the March 26, 2021 traffic fatality of their pet, Pearl Boehling, on Stone Road. (Please see attached.)

John Coker, Northampton County Board of Supervisors, District 1)

Supervisor Coker addressed the Mayor and Town Council expressing his support of a new resolution and new speed limit. Stone Road was a dangerous road. Everyone knew it. He travelled it all the time. He would be pleased to take the resolution passed by the Town Council to the Northampton County Board of Supervisors to get their votes as well. The County would join Cape Charles to send the request to VDOT. The area was considered part of the County’s Town Edge and we needed to work together to make sure to do the best for all.

Town Clerk Libby Hume read comments submitted in writing from Margaret Van Clief. (Please see attached.)

There were no other comments received in writing prior to the meeting or during the public comment period.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. March 13, 2021 Town Council Public Input Session
 - ii. March 18, 2021 Town Council Regular Meeting, Work Session & Executive Session
 - iii. April 6, 2021 Planning Commission & Town Council Joint Public Hearing
- C. Approval of February 28, 2021 Financial Report

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

UNFINISHED BUSINESS:

There was no unfinished business to review.

NEW BUSINESS:

- A. *Revisions to Town Code Sections 42-17, 42-71 and 50-192:*

Town Manager John Hozey stated that he met with Chief Jim Pruitt to discuss ways to help alleviate the non-adherence to rules and to increase enforcement of safety issues. It was determined that the best method was to authorize fines which resulted in a few minor changes to the Town Code. Currently, the Town Code stated the violation to traffic laws constituted a class 4 misdemeanor which required going to court and a fine not to exceed \$250. Instead of a class 4 misdemeanor, the Town Code language would be changed to "a fine of not more than \$250." A new violation book would be printed and should a citizen/visitor object to the fine, they could take it to court for the judge to determine the fine, plus court costs. It had been some time since the violation book had been updated. The proposed violation book added enforcement of golf cart issues, including unlicensed golf carts, golf carts on walkways or other prohibited areas, failure to display the golf cart decal, and especially the issue of unlicensed drivers. For unlicensed drivers, tiered fines were recommended with \$100 fine for a first offence and \$250 for a second offense. Staff was open to Council suggestions regarding the proposed fines, whether they were overly punitive or not enough. The most critical aspect was that all needed to agree to adhere to the enforcement process and fines after adoption.

There was discussion as follows: i) Councilman Follmer thanked staff for bringing this forward adding that it was desperately needed. He did not feel the proposed fines were overly punitive and suggested higher fines in some instances; and ii) Mayor Dize felt the fine for parking in the handicapped zone needed to be higher than \$100. Chief Pruitt stated that with the proposed change to the Town Code, the fine could be up to \$250. There was some discussion and several of the Council felt that it should be \$500.

Motion made by Councilman Follmer, seconded by Councilwoman O'Brien, to increase the fine for parking in a handicapped zone to \$500. The motion was approved by majority vote, with Councilman Grossman opposed.

Motion made by Councilman Follmer, seconded by Councilman Grossman, to adopt Ordinance 20210415 Adopting Revisions to Cape Charles Town Code Sections 42-17, 42-71 and 50-192, and the violation book with the amended changes. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

Councilwoman Holloway commended Chief Pruitt and John Hozey for moving this issue forward and asked that staff ensured proper communication of the changes.

Councilman Follmer suggested a press release.

John Hozey stated that it would also be included in the Gazette and the other typical communication formats. The Mayor would be meeting with the golf cart rental companies and the short-term rental owners. The Town would also get more signage.

Councilwoman Holloway added that the new vacation rental owners' group would be on board. Mayor Dize stated that he would meet with Councilwoman Holloway to make the notifications and transition as smooth as possible.

B. *Conditional Use Permit Application – 1 Fig Street (tax map #83A3-1-534):*

John Hozey stated that this item was straight forward. The applicants were seeking to renovate the second floor into a dwelling unit with one bedroom and two bathrooms with access through the front. A joint public hearing was held with the Planning Commission and Council on April 6, 2021 and no comments were received. The Planning Commission recommended Town Council approval of the conditional use permit (CUP) for a residential dwelling unit above commercial usage with three conditions: "1) The entrance for the residential unit has direct access to the street level and not be through the commercial use space; 2) The applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; and 3) The applicant obtains all required permits and approvals from the Building and Planning Departments for all interior and exterior renovations."

Motion made by Councilman Grossman, seconded by Councilman Follmer, to approve the conditional use permit for 1 Fig Street with the three conditions suggested by the Planning Commission and outlined in the staff report. The motion was approved by unanimous vote.

C. *Conditional Use Permit Application – 301 Mason Avenue (tax map #83A3-1-615B):*

John Hozey stated that the applicants were seeking to remodel/renovate the second floor of the existing structure to create two apartment suites. The joint public hearing was held on April 6, 2021 with no comments received. The Planning Commission recommended Council approval of the CUP with three conditions: "1) The entrance for the residential unit has direct access to the street level and not be through the commercial space; 2) The applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; and 3) The applicant obtains all required permits and approvals from the Building and Planning Department for all interior and exterior renovations."

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the conditional use permit for 301 Mason Avenue with the three conditions outlined in the staff report. The motion was approved by unanimous vote.

D. *Cape Charles Community Trail, Phase 4:*

Capital Projects Manager Bob Panek stated that a grant had been approved for Phase 4 of the community trail for some time. The execution of Phase 4 was delayed due to a series of unfortunate events. Phase 2 was delayed due to issues with the contractor. Phase 3 was delayed due to the abnormally high bids that were received. Once a grant was awarded, the construction had to occur within four years. VDOT headquarters was pressuring the Hampton Roads District to get this project executed or the funding would be reallocated for other projects. The Phase 4 project was included in the Capital Asset Management Program (CAMP) but not scheduled to commence until fiscal year (FY) 2023. To avoid deallocation of the grant funding, VDOT was requiring that the Town execute a project agreement to commence engineering in FY 2022. If the funds were deallocated, the Town would need to submit a new grant application which was due October 1, 2021, and if approved, the funds would be available in October 2022.

John Hozey stated that with this issue as an example, he realized that the CAMP needed some tweaking to add some consideration in scoring regarding leveraged funds. Another point to consider would be compliance with the strategic plan. Some changes to the CAMP might be

proposed during the budget process. The Town would always have more projects in the “want” category than what we could afford. In looking at the approved CAMP schedule, we currently had over \$780K of needed projects in FY 2022, and as of tonight, no funding had been identified for them. Adding another project that scored below those was, in his opinion, irresponsible. He could not recommend moving forward with Phase 4 of the community trail, even though we would be giving up the grant funding. It was not a critical project. It would be nice to have and there might be an opportunity to continue with it in the future. He did not believe there was any reason to apply for the grant funding in October since we did not have the money for the match. It was premature for the Town to commit to this project, but he would abide by the Council’s decision.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to not move forward with Phase 4 of the community trail project. The motion was approved by unanimous vote.

Councilman Grossman reiterated what John Hozey said about the CAMP. It was a good tool and possibly needed some adjustments.

Councilman Follmer thanked staff for an excellent report that balanced the pros and cons of moving forward or not moving forward. He knew the amount of time staff had invested in the trail project. Council went through the process to adopt the CAMP and did not need to break the rules at the first opportunity. He hated to see the Town lose the grant funding but concurred with John Hozey’s comments.

Bob Panek asked for clarification that the Town would not be submitting an application in this grant cycle. He added that the application was due by October 1, 2021, and the Town should receive an answer within a few months. The money would be appropriated in October 2022. The Town would have to sign an agreement and submit our share of the engineering money for VDOT to start the project. The rules had changed since many localities had difficulty in funding their match.

John Hozey stated that a lot of effort and time went into drafting the grant application for submittal and he did not want to waste the time if the Town could not fund the project.

Councilman Follmer agreed adding that it was understandable to lose the grant funding one time, but not twice.

E. *Request to VDOT for Speed Limit Reduction on Route 184/Stone Road:*

John Hozey stated that there had been a lot of discussion about this issue, and we had several speakers and comments this evening. He expressed his agreement with the speakers in that the Town was different now than in 2018. A critical point in the VDOT traffic study was the research of accidents, etc. in the area. In 2018, all showed zero, but he felt the numbers would be different now. While he supported submittal of the resolution requesting a speed limit reduction and recommended approval, he cautioned Council not to take the easy way with just the installation of a 25 MPH sign without having any physical cues. Language was added to the proposed resolution, that just east of the 25 MPH zone, rumble strips be installed alerting drivers of the change and to slow down.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adopt Resolution 20210415 Requesting the Virginia Department of Transportation to Modify the Speed Limit on a Portion of Route 184/Stone Road. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O’Brien, yes.

Mayor Dize stated that the VDOT study might show one thing, but common sense, etc. showed something different. Something needed to be done for the safety of our citizens and guests, or

someone would be killed there. The Town needed the assistance of Northampton County, as offered by Supervisor Coker.

Councilman Buchholz suggested forwarding the resolution with requests to Senator Lynwood Lewis and Delegate Robert Bloxom.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to forward adopted Resolution 20210415 to the Northampton County Board of Supervisors and the state representatives requesting their assistance in obtaining VDOT approval. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) He was contacted by Hampton Roads Sanitation District (HRSD) regarding their projects planned on the Eastern Shore. The Mayor and Vice Mayor participated in the meeting with HRSD, and he reviewed the video of the meeting and had spoken to their representatives. He would be participating in a follow-up meeting next week with Bob Panek. HRSD was looking to conduct a study of what the southern portion of the regional wastewater system might look like. HRSD was aware that the Town was currently evaluating proposals to potentially sell the utilities. It would be in the best interest of all to have everyone at the table. HRSD was asking for the support of the Towns to participate in the study. There was no commitment for anything else. He would bring forward a resolution approving the study and the Town's cooperation by providing data. The study would begin after all the Towns had adopted the resolution. HRSD was aware of the Town's timeline regarding evaluating the unsolicited proposals. He suggested to HRSD to submit two proposals since Cape Charles might not join and possibly include a request that would make it reasonable for the Town to join. HRSD typically did not purchase the facilities but they covered the debt in Onancock.
- 2) The Clerk recently participated in a webinar regarding the recent changes at the state level and the affect on the Town. One of the changes involved local elections which were all moved to November. In our case, the next election would be in November 2022. The Town now had an option of holding the elections in even or odd years. To be in sync with the state elections, the Town would have to move the elections to odd years which would mean shortening the current terms by six months to move the next election to November 2021. Aligning our elections with the state could result in a better turnout of voters and save the Town in election costs. More research would be done, and the matter would be brought forward to Council at the next meeting.
- 3) Another change made by the state regarded electronic participation in meetings. Other than during a declaration of emergency, the current law permitted Council members to participate in two meetings via electronic communication for illness and personal matters. The change would also allow family medical issues and potentially increased the number of meetings up to 25 % in a calendar year. A new resolution would have to be adopted.
- 4) Another VDOT issue regarding the median on Monroe Avenue and all the growth there made it very difficult to get by with vehicles, especially boats or RVs, parked along the street. It was a safety issue since emergency vehicles could not get through. VDOT proposed to reduce the width of the median to make the road passable. The shrubbery and trees planted on the edges would be removed. Although this was not the Town's decision, VDOT was asking for our blessing before proceeding with the work.

Councilwoman O'Brien stated that she lived in the 600 block of Monroe and would prefer to see the boats removed versus cutting into the median.

John Lockwood stated that if looking down along Monroe Avenue, you could see where people were driving into the median about two feet to get by the parked vehicles. Cars and trucks were

getting bigger. VDOT planned to cut into the median about two to three feet on each side. The plantings in the center would remain. It would make the road much more passable for everyone.

Councilman Buchholz stated that there was a similar problem on Peach Street to which Councilwoman Holloway agreed.

Councilwoman Holloway went on to state that she had brought the Peach Street issue up to John Hozey. With the wider median, people were driving through and there were divots of about one and a half to two feet. If we could get a consensus of the property owners along that area of Peach Street, the Town could put in a request to have the width of the median reduced, but she would hate to move forward with such a project without consulting with the owners.

Councilman Follmer agreed that the residents needed to be informed.

John Hozey responded that he did not have the capacity to consult with each resident. Councilwoman Holloway offered to reach out to the residents of Peach Street, but he could not do so with each resident along Monroe Avenue.

Mayor Dize stated that last year, the Town submitted a request to the General Assembly for permission to regulate parking. Nothing had been done regarding the issue, but we needed to get back on the topic, especially regarding access by emergency vehicles.

Councilman Follmer added that he had received complaints asking about what happened to that discussion.

MAYOR AND COUNCIL COMMENTS

Councilmen Buchholz, Follmer and Grossman, and Councilwoman O'Brien did not have any additional comments.

Councilwoman Holloway commented as follows: i) The Merchants' Sidewalk Sale was scheduled for this weekend, from April 16 through 18. A town-wide yard sale would be held on Saturday, April 17, with quite a few houses signed up. Ads had been placed in the Eastern Shore Post, on social media and in the Cape Charles Gazette. She also asked Joan Natali to issue a special Cape Charles Happenings Flash; ii) As the Cape Charles representative to the Eastern Shore of Virginia Tourism Commission, she wanted to announce the hiring of a new executive director, Robert Sabbatini. Once he had settled in, she would have him come introduce himself to the Town Council; iii) As a Virginia Main Street Community, the Town received specialized services and the Cape Charles Main Street (CCMS) board met monthly with specialists. The topic next month was designing streetscapes. CCMS would be working with business owners regarding grants, etc. She invited John Hozey to attend the meeting; and iv) She and her husband, Jim, celebrated 10 years in their house. As a former event planner, seeing the things that happened during the concerts in Central Park made her so nervous. Emergency vehicles could not get into the park. The people coordinating the events needed to take ownership and manage things. She hoped this issue could be addressed.

Mayor Dize asked Community Relations Manager Jen Lewis to speak regarding Blessing of the Fleet and Cape Charles Day.

Jen Lewis informed Council of the following: i) The Blessing of the Fleet was scheduled for April 30. A special welcome speaker was lined up, but she was not at liberty at this time to reveal their identity. Things were coming together with three clergy confirmed. The Coast Guard Auxiliary might not be available to participate this year due to the pandemic. Coast Guard Station Cape Charles offered to assist if the auxiliary could not participate; ii) Not a lot of planning had been done yet regarding Cape Charles Day which would be held on June 12. The shredder truck was scheduled to be here. She would be reaching out to various organizations to join us. The felt that attendance would be higher this year due to the event being in June and since people were looking to get out after the past year; iii) This year, Clean the Bay Day would be a week-long event. On June 5, the Town was joining with

the Rosenwald School Initiative to help clean up their property. The weight of collections would be reported. They also had a category for the strangest item found. After the clean-up, the Rosenwald School Initiative would be holding an event to make some announcements. She was hopeful to have a guest speaker for their event as well; and iv) People were outside doing things. Event requests are coming in like crazy. Everything had been on hold for a year, and she was hopeful that things would work out. It would be a very busy summer.

Mayor Dize thanked Supervisor Coker for his attendance this evening and for his offer to assist the Town with the request to VDOT for the speed limit reduction. The Town would take him up on his offer. He also thanked the staff for all they did for the Town. He appreciated everyone.

Mayor Dize read the announcements.

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

The meeting adjourned at 8:08 p.m.

Mayor Dize

Town Clerk

Comments & Information Provided in Writing April 15, 2021 Town Council Regular Meeting

Phil Goetkin, Tree City USA Presentation

FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names Cape Charles Tree City USA®

Lincoln, Neb. Cape Charles, Virginia, was named a 2020 Tree City USA® by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

Cape Charles achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, president of the Arbor Day Foundation. "The trees being planted and cared for by Cape Charles are ensuring that generations to come will enjoy to a better quality of life.

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, energy use, and protection from extreme heat and flooding.

With Tree City USA recognition, Cape Charles has demonstrated a commitment to effective urban forest management and doing its part to help address these challenges for Cape Charles residents now and in the future.

Tree Advisory Board Talking Points for April 15 Town Council Meeting

Who We Are:

- In 2019, six Cape Charles residents formed the Tree Advisory Board. We drafted a charter and presented our idea of the advisory board to the Town Council at that time. Cape Charles resident and former Tree Advisory Board member, Marita Patterson, provided the initial impetus to move this group forward
- Our current members are Christine Williams, current chair of the group, Phil Goetkin, Jane McKinley, Joe Fehrer, and Barbara O'Hare.
- Our primary purpose is to assist the town in maintaining and improving the town's tree canopy.
- The benefits of a healthy tree canopy are many – from reducing energy costs and managing storm runoff to improving the quality of the air we breath and the beauty of our properties.

What We've Accomplished:

- Reviewed and provided 7 recommendations to the Planning and Zoning Department for tree removals/plantings
- Provided tree consultations for 2 residents
- Completed inventory of Cape Charles town at risk trees. Provided list to Public Works.
- Developed a document on Native Tree Recommendations for Cape Charles. It is included with TAB recommendations for requests for tree removal/planting.
- Published articles on trees in Gazette and Mirror
- Assisted Public Works by pruning the 40 willow oaks on Washington Avenue

Upcoming Arbor Day Celebration

- Our celebration on April 30 will be held on Strawberry Plaza will include information on native trees, advise on planting and pruning trees, and games for the kids, including a town-wide guided scavenger hunt.

Sarah & Rich Boehling, 219 Tazewell Avenue

Good evening. My name is Sarah Boehling. I am here tonight with my husband, Rich. We have been property owners here in Cape Charles at 219 Tazewell Avenue since 2003. I have been coming to the Eastern Shore all my life as my mom was from Cape Charles and my dad was from Painter. I have watched the Eastern Shore (Cape Charles, in particular) grow and change over many, many years.

The reason I am before you today involves an incident that occurred on Friday, March 26, 2021. Sadly, out 2-year-old chocolate lab names Pearl, was hit by a car in front of the Cape Charles Brewery on Stone Road right around dusk.

Although we are saddened by the loss of our family member, this accident could have been far worse. Pearl weighed approximately the same weight as a 10-year-old child. Had the circumstances been slightly different, we could potentially be discussing the needless death of a child who perhaps may have been enjoying a family evening at the brewery.

Currently the speed limit is posted at 55 MPH in front of the brewery. At this rate of speed, according to AAA, a pedestrian being struck by a car is 9 times more likely to die as compared to an impact at 25 MPH.

It is in the best interest of the community and its public safety to seek a sound resolution for all. The posted speed limit of 55 MPH should be reduced to 25 MPH.

A 2018 VDOT study about this particular topic concluded that the 55 MPH speed limit was appropriate at that time. This is, frankly, quite surprising.

Life in Cape Charles has changed. There is an increased population particularly in the warmer months, new businesses have opened and pedestrian foot traffic as well as golf cart traffic has exploded.

Our recommendation is to appeal to our elected officials at the state level to demand a reassessment of VDOT's 2018 decision. Our belief is that it would be appropriate to extend the 25 MPH speed limit zone from its current position east to the town limits.

While we remain deeply saddened by the untimely loss of our "brown dog," Pearl, we recognize a much larger safety risk that requires immediate attention by the town and VDOT.

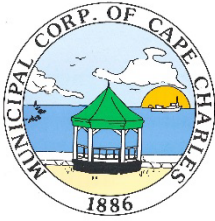
Margaret Van Clief

I'm writing to lend my support to the notion that the speed limit should be lowered east of town on Stone Road. Foot, bicycle, and golf cart traffic has increased significantly on parts of the road that are marked 40 and 55 mph, and it seems dangerous. I would propose that, at minimum, the speed limit near the Cape Charles Brewing Company be reduced to 40 mph and that it drop to 25 where it is currently marked as 40 mph.

Thanks very much for your time. Have a lovely evening!

Best,

Margaret Van Clief
Cape Charles



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
May 6, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Special Meeting of the 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 not in attendance. Also, in attendance were Town Manager John Hozey, Community Relations Manager Jennifer Lewis and Town Clerk Libby Hume. There were no members of the public physically in attendance, and 12 viewers on Facebook.

Mayor Dize stated that Vice Mayor Bennett was out of town but had submitted his comments which he would read during discussion.

PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):

There were no comments to be heard nor any comments received in writing prior to the meeting or during the public comment period.

SPECIAL MEETING ORDER OF BUSINESS:

A. *PPEA Utility Consulting Services Contract Award:*

Town Manager John Hozey stated that unsolicited proposals were received from Aqua Virginia and Virginia American Water to acquire the Town's water and wastewater utilities under the Public-Private Education Facilities and Infrastructure Act (PPEA). The Town's adopted PPEA procedures provided that the Town may charge up to \$50,000 to each offeror to evaluate their proposal. A Request for Proposals (RFP) was issued for consulting services to assist with the proposal evaluation. A total of five proposals were received which were reviewed and evaluated by a panel based on the factors contained in the RFP. The panel narrowed the slate to three offerors. The proposed costs were obtained from the three offerors and a second round of interviews was performed. As a result of these interviews, New Gen Strategies & Solutions was judged to have the most balanced proposal at a fair and reasonable price of \$92,120 to perform all but two items in the scope of work. Their billing rates were competitive for the final two items. There was a provision in the policy to potentially pass on additional costs if they could be substantiated.

There was discussion regarding the following: i) Mayor Dize read Vice Mayor Bennett's question asking whether the last two items could be funded within the \$100K available to the Town. John Hozey stated that most likely it would not but added that the Town had a provision to pass legitimate costs along to the offerors; ii) Councilman Grossman asked about the process and available funding if one of the firms opted to withdraw their proposal. John Hozey stated that the overall cost should drop as well. The intended approach was to evaluate both proposals and pass on billings as they came in; iii) Councilman Grossman asked whether the Hampton Roads Sanitation District (HRSD) would be a third option. John Hozey responded that at a previous meeting, he mentioned that a resolution would be brought forward authorizing HRSD to perform a study regarding the Shore's water and wastewater needs. Since that time, he had a discussion with the executive director of HRSD who felt that a study was premature based on the Town's PPEA process. John Hozey added that as a possibility, if the Town moved forward with one of the proposals, an option could be built in for the private entity to contract with HRSD.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to authorize the town manager to execute a contract with New Gen Strategies & Solutions for PPEA Utility Consulting Services as recommended. The motion was approved by unanimous vote.

B. *Future Town Council Elections:*

John Hozey stated that the General Assembly passed legislative mandating all local elections be moved from May to November. The Town had two options: i) Go with the mandate which moved the elections to November of even-numbered years and the Mayor and Council's terms would be extended by six months; or ii) Move the elections to November of odd-numbered years, which would shorten current terms by six months. There were pros and cons to both options, but option two would require a public hearing be scheduled prior to adoption of the ordinance. With the November 2021 elections quickly approaching, time was a factor with this option. We originally thought that we would save in the cost of elections by moving the date to odd-numbered years to coincide with the state elections. We have since found out that the Town would see cost savings with either option since the federal elections were held on even-numbered years. Staff recommended option 1.

Mayor Dize noted that Vice Mayor Bennett expressed his support of option 1.

Motion made by Councilman Follmer, seconded by Councilman Grossman, to move forward with option 1 and adopting Ordinance 20210506 Providing for the Election of Mayor and Town Council Members in November of Even-Numbered Years Pursuant to Virginia General Assembly Mandate. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

C. *Town Council Representative to the Cape Charles Memoria Library Board:*

Town Manager John Hozey explained that former Councilman Bannon was the Town Council representative to the Library Board until his resignation in March. Another representative from Council needed to be named. Councilwoman O'Brien, who was appointed by Town Council as interim Council member until the November 2, 2021 special election, was currently a member of the Library Board so it would be reasonable to appoint her to also serve as the Town Council representative to the board.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to appoint Councilwoman O'Brien as the Council representative to the Library Board. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) There was an odd procedure in the zoning ordinance stating that any amendments to the ordinance or zoning changes had to be initiated by the Town Council and referred to the Planning Commission. He was recently notified of two eminent requests 1) to rezone a parcel in the harbor area to light industrial to match the surrounding zoning; and 2) several text changes to the current zoning ordinance. The requests were expected to be received soon and he asked for Council permission to refer them to the Planning Commission for their review.

Council expressed their agreement to forward the requests to the Planning Commission upon receipt. Councilman Buchholz suggested that the language be changed.

John Hozey stated that this issue would be addressed. He currently had two changes to the zoning ordinance. The first was to Article VIII which resulted from the April joint meeting with the Council, Planning Commission and Historic District Review Board. A joint public hearing was planned with the Planning Commission at their June 1 meeting. The second change would be the expected request. Another joint public hearing would be scheduled as soon as possible after the request had been received. He also requested that a consultant be hired to perform a broader review of the entire zoning ordinance which needed to be updated. Once a consultant could perform the broad overview, the new zoning ordinance would be brought to the Planning Commission and Council for review and approval. It was not his intention to change and land

use, but the existing land use needed to be effectively managed. This process would probably not begin until late summer.

Councilman Follmer stated that the County also had the same policy where any action regarding the zoning ordinance had to be initiated by the Board of Supervisors and felt that it could be originating in the Code of Virginia.

John Hozey responded that the zoning administrator was currently researching this issue and seemed to think that the Code of Virginia had been changed, but the change was not reflected in the Town's zoning ordinance.

- 2) He announced that the library would be following the Eastern Shore Public Library and would be adjusting their hours beginning next Monday. The library would be open to the public on Monday, Wednesday, Thursday and Friday from 10:00 a.m. to 4:00 p.m., and on Tuesdays from 10:00 a.m. to 6:00 p.m. Patrons would be permitted inside without appointments for up to one hour at a time. The announcement would also be posted on Facebook.
- 3) Mason Avenue Parking. We were in the process of trying to reverse the reverse angled parking and hired a consultant to assist with the design exception request to the Virginia Department of Transportation (VDOT). Another option was presented by the consulting firm for 90-degree parking on Mason Avenue. This option would not require a design exception. He met earlier today with Cape Charles Main Street (CCMS) to discuss this issue and to get their thoughts. CCMS would be reaching out to some of the businesses on Mason Avenue regarding this option. This option would make parking more accessible from both directions of traffic, but there were drawbacks to it as well. Drivers of parked vehicles would not be able to see oncoming traffic before backing out which created safety issues. Part of the design exception request with the pull-in angled parking was a request to limit the size of vehicles able to park on the north side of Mason Avenue. He asked for Council's thoughts regarding this issue adding that requesting a design exception did not mean that it would be approved by VDOT. The consultant felt that the Town would get approval for the 90-degree parking option.

There was discussion as follows: i) Councilman Follmer did not think 90-degree parking would be safe and supported pull-in angled parking with a restriction for longer vehicles; ii) Councilman Grossman preferred angled parking over 90-degree parking; iii) Councilwoman O'Brien asked how many more parking spaces would be created with 90-degree parking and how the size limitation would be restricted on the north side of Mason Avenue. John Hozey stated that he did not have the parking numbers but would get the information and added that signage would be placed on the north side with the restrictions. Councilman Buchholz stated that initially, the Town gained about 34 parking spots with the reverse-angled parking, but several had been lost to allow for handicap access parking. John Hozey added that with the change in angle, several more spots would be lost, but golf cart parking could potentially be worked in on the edges; iv) Councilwoman Holloway noted that there were two unmarked spaces in front of Cowlicks Frozen Custard shop. The area used to be the entrance to the old parking lot before the new buildings were constructed. She thought there was another area along Mason Avenue with a similar issue; v) Mayor Dize expressed his thoughts that the plans to change the angle, etc. were good, but he felt that the Town was not thinking far enough into the future. Parking would continue to be an issue and the Town needed to explore a change to one-way streets in the Town, alternating every other street. This would provide parking on either side of the streets and allow for boats and other larger vehicles. John Hozey stated that this was explored as an option and he had checked with VDOT, which would not approve this change, not just for emergencies, but since Mason Avenue was considered a major road. If Council wanted to pursue this option, a design exception would have to be requested from VDOT. Councilman Follmer stated that he had spoken with Chief Pruitt who explained that with one-way traffic headed toward the water, a truck would have to go to Bay Avenue to make a turn taking extra time to respond to a call. This could also be a greater issue during the summer with the additional traffic along Bay Avenue.

- 4) A Budget work session was scheduled for next Thursday. He apologized for the lateness, adding that it had proven to be more challenging to reconfigure the budget the way he wanted it. Every entry was tied to something else in the Town's accounting system which was not designed to do what he wanted. Staff was still working to put everything together for review. He hoped to have it to the Mayor and Council one or two nights prior to the meeting. There were no surprises. The grim picture he painted during the strategic planning sessions was panning out. Staff was exploring ideas about how to generate additional revenue, but it would not be done in time for budget adoption. The budget could be adopted with an increase in tax and utility rates, but if other revenue sources could be identified, the rates could be adjusted down with a budget amendment. The county was behind in their tax rolls and would not be able to provide updated data until later in June, which would be too late for the budget adoption. He was very conservative with the budget proposal and some last-minute adjustments could still be made. Councilman Buchholz agreed that typically, any new construction did not get added until at least a year after completion.

MAYOR AND COUNCIL COMMENTS

Mayor Dize commented as follows: i) He participated in Congresswoman Luria's virtual roundtable meeting with other mayors and local elected officials. The topic was the American Rescue Plan Act and how localities were planning to use the funding. Ms. Luria would be reaching out to the Department of Treasury to gain insight on the plan and was aware that most localities were currently working on or had recently adopted their budgets. John Hozey added that he received regular emails from the Virginia Municipal League and the Treasury Department would be releasing rules regarding the plan in May. The Funding needed to be appropriated by the General Assembly, which would slow the process. For the proposed fiscal year 2022 budget, this funding could not be included initially. When more information and an estimated amount was received, the Town could pursue a budget amendment; ii) Also discussed during the roundtable meeting was the lack of people willing to work. Cape Charles was not the only area experiencing these issues. Most localities were experiencing hardships in finding people to work. The restaurants in Town were sharing wait and kitchen staff and the retail businesses were also having difficulty. Some businesses were talking about closing for two days each week due to lack of staffing; iii) Councilwoman Holloway interjected that CCMS recently appointed Ken Butta as co-chair of the economic vitality committee. He was a retired principal who worked closely developing workforce programs. He would be contacting Eastern Shore Community College and the high school to help students obtain the right skills. Mr. Butta was excited and ready to help where he could; and iv) Mayor Dize thanked Jen Lewis and staff for another great Blessing of the Fleet which had a good turnout. He asked Jen Lewis to provide information regarding Cape Charles Day. Jen Lewis stated that Cape Charles Day was scheduled for June 12 and the shredder truck had been contracted. There would also be live music. She was still working on the food and reaching out to organizations to participate. She felt there would be high attendance as people were ready to get out and enjoy themselves.

Councilman Follmer stated that he noticed staff was working really hard. He saw Debbie Pocock's car parked outside the office most evenings and Libby Hume's email responses late in the evenings. He thanked everyone for their effort.

Councilman Grossman informed all that the Accomack-Northampton Regional Housing Study group was awarded a grant for the housing study and had met. The study would be conducted July through December. It would be an in-depth study which had not been done since 2003. It should provide a good picture of housing in the two counties.

Councilwoman O'Brien did not have any additional comments.

Councilwoman Holloway commented as follows: i) Cape Charles businesses were awarded 34 Best of Virginia designations in the Virginia Living Magazine, which was up from 27 last year. CCMS did a two-page spread like last year and she would get extra copies so each Council member could have one. A press release would be issued trying to capitalize on this honor; and ii) Cape Charles also made the lists in Southern Living Magazine, Forbes list of the best small towns, and AAA Magazine. Good

things were happening and there was a good representation of Cape Charles in the media. Councilwoman O'Brien added that this would also tie into the parking conversation.

Councilmen Buchholz asked about the status of the Frankensweeper. John Hozey replied that it was about 80% completed but had taken a back burner to other more immediate projects.

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

The meeting adjourned at 7:15 p.m.

Mayor Dize

Town Clerk

March 2021 Treasurer's Report

Page 1 – Cash Position

- No comments.

Page 2 – Revenue vs. Expenditures

- No comments.

Page 3 – Capital Projects

- The Inner Rehab project phase 2 is complete.

Page 4 – Tax Collection Rate

- Tax collections are a little above what was budgeted.

Page 5 – Tax Revenue Trends

- Business License (BPOL) is higher by 71.9% than 2020. The due date for BPOL was extended from April to September last year, however, there has been a natural increase in BPOL payments for 2021 as well.
- Building and Planning Permits and fees had been trailing 2020 totals until this month, when they surpassed 2020 YTD by 15.6%.
- Sales and Use tax revenues are 18.7% higher than in 2020.
- Transient Occupancy tax is 29.7% higher than 2020.
- Harbor is still showing a sharp increase in dockage revenue.

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

<u>Cash on Hand</u>	<u>2/28/2021</u>	<u>3/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$595,594	\$416,080	-\$179,514
Atlantic Union Bank Money Market Account	\$1,948,978	\$2,249,568	\$300,590
LGIP Account 1 - Unrestricted	\$104,197	\$104,206	\$9
LGIP Account 2 - Unrestricted	\$305,301	\$305,329	\$28
Total Cash On Hand	\$2,954,071	\$3,075,184	\$0

<u>Restricted and Reserved Cash Balances</u>	<u>2/28/2021</u>	<u>3/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,079,281	\$1,079,308	\$27
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$25,890	\$25,890	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$4,788	\$4,916	\$129
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,587	\$257,588	\$1
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	\$1,371,636	\$1,371,792	\$157
Total Cash - All Accounts	\$4,325,707	\$4,446,976	\$121,269

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$6,754,081
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MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

March 31, 2021

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	\$287,740	\$2,602,789	\$3,205,823	\$603,034.24	\$4,177,677	76.74%
EXPENDED - Operating	\$247,682	\$1,840,092	\$2,275,421	\$435,329.80	\$3,866,830	58.84%
NET	40,058	762,697	930,402	167,704	310,847	
REVENUE - CAPITAL GRANTS & LOANS	0	2,042	0	(2,042)	329,817	0.00%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	0	264,431	499,393	234,962	640,664	77.95%
TRANSFER TO HARBOR TO TRUE UP FUND						
BALANCE	0	0	0	0	0	
TOWN CONTRIB. & PENDING GRANTS	0	(262,389)	(499,393)	(237,004)	(310,847)	
PUBLIC UTILITIES						
REVENUE - Operating	254,669	1,277,875	1,329,615	51,740	1,750,836	75.94%
EXPENDED - Operating	57,722	633,208	496,202	(137,007)	1,604,799	30.92%
NET	196,947	644,667	833,414	188,747	146,037	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	53,000	227,867	301,510	73,642	275,551	109.42%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	53,000	607,648	648,602	40,955	421,588	153.85%
TOWN CONTRIB. & PENDING GRANTS	0	(379,780)	(347,093)	32,687	(146,037)	
HARBOR						
REVENUE - Operating	48,525	425,491	658,766	233,275	761,102	86.55%
EXPENDED - Operating	39,439	558,395	524,807	(33,587)	681,900	76.96%
NET	9,086	(132,904)	133,959	266,863	79,202	
REVENUE - GRANTS & LOANS	0	18,803	0	(18,803)	95,054	0.00%
TRANSFERRED FM GEN FUND TO TRUE UP FUND BALANCE	10,586	0	10,586	10,586	110,101	
EXPENDED - Capital Projects, Debt Svc	57,897	307,765	240,012	(67,752)	284,357	84.41%
TOWN CONTRIB. & PENDING GRANTS	(57,897)	(288,962)	(229,426)	59,536	(79,202)	
SANITATION						
REVENUE	17,012	150,960	152,876	1,916	220,274	69.40%
EXPENDED	17,970	150,195	154,007	3,812	220,274	69.92%
NET	(958)	765	(1,131)	(1,896)	0	

FY 2021 Capital Improvement Project Tracking Report

As of:
3/31/2021

	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	postponed until April	0%	\$ 7,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,000
Public Works Shop Heaters	Complete	100%	\$ 6,868	\$ -	\$ 6,528	\$ -	\$ -	\$ 6,528	\$ 340
Grounds Maintenance Equipment	Complete	132%	\$ 22,240	\$ -	\$ -	\$ 29,412	\$ -	\$ 29,412	\$ (7,172)
Central Park Zipline	Pending	0%	\$ 14,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,000
Portable ADA Equipped Restroom Trailer	On Hold	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason Avenue Re-striping	On Hold	0%	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000
Parking Lots (Mason & Harbor Shanty Area)	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Video Surveillance System	Complete	100%	\$ 35,000	\$ -	\$ 56	\$ 34,287	\$ -	\$ 34,343	\$ 657
Municipal Building Project Evaluation	Programming	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Multi-Use Trail Phase 2 Closeout	Complete	100%	\$ 305,000	\$ -	\$ -	\$ 308,000	\$ -	\$ 308,000	\$ (3,000)
subtotal			\$ 524,048	\$ -	\$ 6,584	\$ 371,699	\$ -	\$ 378,282	\$ 145,766
Water Fund									
SCADA System	in process	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Remote Read Water Meters - starter setup	postponed to FY22	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
Pickup Truck	postponed to FY22	0%	\$ 32,766	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,766
Water Tower Mixers	postponed to FY22	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
subtotal			\$ 154,751	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 154,751
Harbor Fund									
Inner Harbor Rehabilitation Phase I carryover	Complete	100%	\$ 60,390	\$ 60,390	\$ -	\$ -	\$ -	\$ 60,390	\$ (0)
WiFi/Security Cameras/Lighting Project	In process	45%	\$ 35,000	\$ -	\$ 8,201	\$ 7,570	\$ -	\$ 15,771	\$ 19,229
Inner Harbor Rehabilitation Phase II	In process	82%	\$ 85,700	\$ -	\$ 5,359	\$ 64,854	\$ -	\$ 70,213	\$ 15,487
subtotal			\$ 181,090	\$ 60,390	\$ 13,559	\$ 72,424	\$ -	\$ 146,373	\$ 34,717
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	\$ -	\$ 524,656	\$ 347,029

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
March 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	(3,861)	
Total Collected YTD (percent of billed)	<u>1,252,589</u>	97%
Amount Due per Accounts Receivable	34,860	

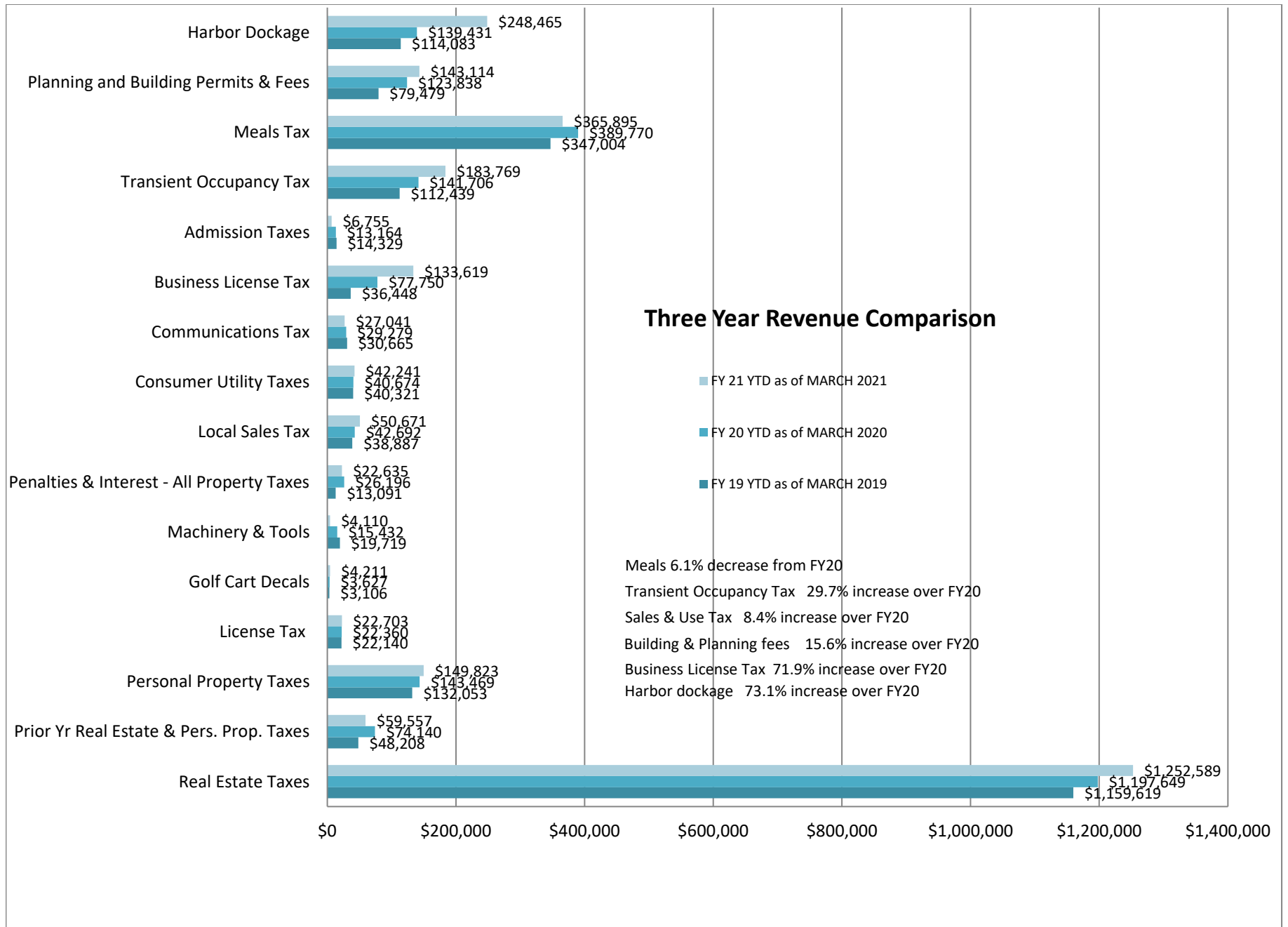
**YTD 2020 Personal Property Tax, Machinery and Tools Tax
& 2020 License Tax Collections**

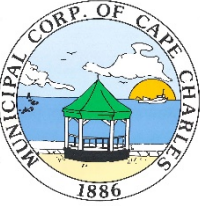
Total Personal Property Value	13,824,800
2020 Initial Assessment Exonerations	(393,342)
Personal Property Value, billed	13,431,458

Total Budgeted	175,000	
Total Tax Billed less PPTRA	207,905	
Total Adjustments & Additional Exonerations	(8,681)	
Total Collected YTD (percent of billed)	<u>176,636</u>	89%
Amount Due per Accounts Receivable	22,588	

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

Total Budgeted	75,300	
Total Collected (percent of budget)	<u>82,192</u>	109%
Amount Due Per Budget	(6,892)	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of intent to consider zoning text amendments to Section 3.14 of the zoning ordinance		AGENDA DATE May 20, 2021
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 7A
	ATTACHMENTS: Resolution of Intent 20210520A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manger	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Both the Town zoning ordinance and Virginia Code 15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

ITEM SPECIFICS:

Approving this resolution does not constitute approval of any change. It merely identifies that sufficient public necessity, convenience, general welfare, or good zoning practice exists within the proposal to conduct a public process that more fully explores the proposed changes. This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. Final and formal consideration of any change will be brought back to the Town Council following action by the Planning Commission.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20210520A Zoning Ordinance Text Amendment to Section 3.14 General Business/Light Industrial by roll call vote.

RESOLUTION OF INTENT 20210520A
ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 3.14 GENERAL BUSINESS/LIGHT INDUSTRIAL

WHEREAS, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

WHEREAS, the need to update the current zoning ordinance has been discussed in the past; and

WHEREAS, Cape Charles Zoning Ordinance § 3.14 General Business/Light Industrial H-1 (GBI H-1) may require amendment to be consistent with light industrial uses.

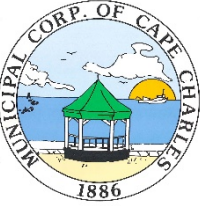
NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance § 3.14 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on May 20, 2021.

By: _____
Mayor Dize

Attest:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of intent to consider a change to the zoning map within the Harbor District		AGENDA DATE May 20, 2021
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 7B
	ATTACHMENTS: Resolution of Intent 20210520B		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Both the Town zoning ordinance and Virginia Code 15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

ITEM SPECIFICS:

Approving this resolution does not constitute approval of any change. It merely identifies that sufficient public necessity, convenience, general welfare, or good zoning practice exists within the proposal to conduct a public process that more fully explores the proposed changes. This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. Final and formal consideration of any change will be brought back to the Town Council following action by the Planning Commission.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20210520B Zoning Map Amendment of a Parcel Within the Harbor District by roll call vote.

RESOLUTION OF INTENT 20210520B
ZONING MAP AMENDMENT OF A PARCEL
WITHIN THE HARBOR DISTRICT

WHEREAS, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

WHEREAS, the owner of a parcel within the Harbor District has requested a modification in the land use to General Business/Light Industrial to match the current land use of the adjacent parcels.

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Map modifying the land use for one parcel to match the land use of its adjacent parcels.

Adopted by the Town Council of the Town of Cape Charles on May 20, 2021.

By: _____
Mayor Dize

Attest:

Town Clerk