

TOWN COUNCIL
Regular Meeting
April 21, 2022
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. Tree City USA Presentation – Phil Goetkin
 - B. New Roots Youth Garden Presentation
 - *C. [Building Safety Month Proclamation](#)
 - *D. [National Public Works Week Proclamation](#)
 - *E. [National Peace Officers' Memorial Day and National Police Week Proclamation](#)
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of February 28, 2022 Financial Report](#)
6. Unfinished Business: None
7. New Business:
 - *A. [Town Facilities Options](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - May 3, 2022 – Joint Public Hearings with the Planning Commission, 6:00 PM
 - May 5, 2022 – Town Council Work Session, 6:30 PM
 - May 12, 2022 – Town Council Work Session, 6:30 PM
 - May 19, 2022 – Town Council Regular Meeting, 6:30 PM
 - May 26, 2022 – Town Council Work Session, 6:30 PM
11. Adjournment



PROCLAMATION 20220421A
BUILDING SAFETY MONTH — MAY 2022

WHEREAS, the Town of Cape Charles is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians – building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry – who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play; and

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, “Safety for All: Building Codes in Action,” the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable; career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply to all of our benefit; and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, the Cape Charles Town Council does hereby proclaim the month of May 2022 as Building Safety Month. Accordingly, citizens are encouraged to join with the community in participation in Building Safety Month activities.

Adopted by the Town Council of Cape Charles on this 21st day of April 20212

Mayor William “Smitty” Dize

ATTEST:

Town Clerk



National Public Works Week

Item #3D

04/21/2022 TC Reg Mtg

Proclamation 20220421B

May 15 – 21, 2022

“Ready and Resilient”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the residents of the Town of Cape Charles; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Town of Cape Charles to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association; now

BE IT PROCLAIMED, that the Cape Charles Town Council does hereby designate the week of May 15 – 21, 2022 as National Public Works Week; and urges all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

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

Mayor William “Smitty” Dize

ATTEST:

Town Clerk

**TOWN OF CAPE CHARLES
PROCLAMATION #20220421C**

**TO RECOGNIZE NATIONAL PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK 2022**

To honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers' Memorial Day and the week in which that date falls as Police Week; and

WHEREAS, May 15, 2022 has been designated as National Police Officers' Memorial Day and May 15-21, 2022 as National Police Week; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Town of Cape Charles Police Department; and

WHEREAS, the members of the Cape Charles Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Cape Charles and provide vital public service; and

WHEREAS, since the first recorded death in 1786, more than 22,600 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, the National Law Enforcement Officers Memorial Fund will host their 34th Candlelight Vigil on May 13, 2022 at 8:00 p.m. to memorialize those who sacrificed all for their communities; now

THEREFORE, BE IT PROCLAIMED that the Cape Charles Town Council formally designates May 15, 2022 as Peace Officers' Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

BE IT FURTHER PROCLAIMED that the Cape Charles Town Council formally designates May 15-21, 2022 as Police Week in the Town of Cape Charles and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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

Mayor William "Smitty" Dize

ATTEST:

Town Clerk



DRAFT
TOWN COUNCIL
Special Meeting & Executive Session
Cape Charles Civic Center
March 3, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Special Meeting & Executive Session of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were four members of the public physically in attendance, and 17 viewers on Facebook.

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

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: (3 MINUTES PER SPEAKER)

Loraine Huchler, Cape Charles Property Owner

Ms. Huchler spoke about Item 4B – Consideration to Move to Negotiation Phase of Potential Utility Sale. (Please see attached.)

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

ORDER OF BUSINESS:

A. *Amendment to HBA Contract (Architectural Services):*

Town Manager John Hozey stated that the space needs assessment was almost complete. The Civic Center was not currently included in the study but should be added to the analysis to expand space allocation options. It was also prudent to get a professional condition report for long term maintenance planning regardless of its ongoing use. The cost to add the Civic Center to the analysis would be \$9,787, which was reasonable when compared to the \$23,065 for the condition assessments of the Municipal and Library buildings. This additional work would bring the contract value for Phase 1 to \$58,284 with sufficient funding budgeted for the project to accommodate this change.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to amend the HBA contract in the amount of \$9,787 to include the Civic Center in the Phase 1 analysis of alternatives. The motion was approved by unanimous vote.

B. *Consideration to Move to Negotiation Phase of Potential Utility Sale:*

John Hozey stated that since receiving the first unsolicited proposal to sell the water and wastewater utilities more than 18 months ago, the Town had been engaged in a lengthy process to determine whether such a sale would be in the Town's best interest. With the assistance of a consultant specializing in this area, and much due diligence on the part of the Town, Virginia American Water (VAW) was selected as the utility company to move forward to the public phase of the evaluation. Two Town Hall meetings were held in February with VAW and our consultant to obtain public input. The next stage would be to negotiate details. If the Town Council wished to continue evaluating the potential sale, the next step in the process would be to authorize the town manager to begin detailed negotiations with VAW to draft an agreement. Not until formal negotiations were completed would the Town know the specifics necessary to determine whether an actual sale would be in the Town's best interest.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to move to the next phase of the PPEA process and authorize the town manager to begin negotiations with Virginia American Water.

There was discussion as follows: i) Councilman Grossman asked about the cost associated with this next phase. John Hozey explained that the additional costs would be passed on to VAW as part of the Public-Private Education Facilities and Infrastructure Act (PPEA). The consultant were experts in utilities and appraisals and would assist with the legalities regarding the Annexation Agreement, and the crafting of a comprehensive agreement; ii) The timeframe for this next phase could not be determined since the Annexation Agreement involved a third party. Once an agreement had been negotiated with all parties, it would be provided for public review. A public hearing would be scheduled to obtain public input, then submission to the State Corporation Commission (SCC). Councilman Grossman added that he was researching the VAW agreement with the Town of Waverly on the SCC's website, but most of the information was confidential so not accessible at this time. The site did include a rate chart showing rates with the Town maintaining ownership compared to VAW's rates; iii) Councilman Follmer added that most of the questions received during the Town Hall meetings could only be answered upon completion of the next phase in the process. Moving to the next phase did not commit the Town to the sale but was the opportunity to obtain more information; iv) Vice Mayor Bennett reiterated that the next phase was to get more information and the Town would not be obligated to sell. At this time, no decision had been made regarding a sale of the utilities; v) Mayor Dize asked whether a Council representative needed to be named to work with the town manager on the negotiations. John Hozey stated that he was not opposed to the concept, but the Council representative would need to be responsive and available to meet on short notice. Council would be kept apprised of the negotiations; vi) John Hozey added that if Council should vote to move forward, an executive session was scheduled following this special meeting to obtain guidance regarding the negotiations.

Mayor Dize called for a vote. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey did not have any additional comments.

MAYOR AND COUNCIL COMMENTS

Mayor Dize stated that four years ago, he decided to run for Mayor. He had been part of this Town since 2005 when he started his job as the harbormaster. He had worked with a lot of good people over the years and he learned a lot. It had truly been a good ride, but he wanted to announce that he would not be seeking reelection in November. The six current Town Council members and some former Council members were among the smartest, most dedicated people to the Town. It would be crazy not to reelect those Council members running for reelection in November. The Town needed a Mayor who was forward-thinking and not stuck in the past. The Mayor needed to be part of the team, not working against it. He hoped the citizens of Cape Charles would think about this and elect a Mayor who would take the Town forward. He needed some time for himself but was not ruling out running again in four years.

Councilman Buchholz gave a shout-out to Preserve Communities for all they have done. They held two big fundraisers and raised \$65K for the Northampton Education Foundation, generating much needed funding for teachers and students. Over \$40K was raised for Habitat for Humanity. Preserve Communities was a great partner for the Town. The Town had been divided in the past, but were coming together as one big community.

Councilwoman Holloway commented as follows: i) Mayor Dize had done an amazing job and she knew how difficult it was for him to make this decision. He showed his leadership by letting people know tonight so the citizens could determine the best person to fill his shoes; ii) She attended her

first Northampton County Planning Commission meeting on Tuesday. Several people submitted their comments regarding the zoning change in certain areas to accommodate long-term rentals, which was prompted by a contracted sale of the Kiptopeke Inn. The contracted buyers proposed converting the Kiptopeke Inn into multi-family work force housing. Unfortunately, this agenda item was not presented well for a decision by the Planning Commission. The company buying the property gave a presentation and the county administrator spoke in favor of the zoning change. A work session was scheduled for March 15 and the item would be on the agenda for a vote in April. She hoped that the contract on the property would not be lost. At that meeting, only three of the submitted letters were read before the Planning Commission decided that it was too exhausting to listen to all of the comments. Her comments were one of the unread letters. She commended the Town Council for always taking the time to listen to all submitted comments.

Vice Mayor Bennett stated that he respected Mayor Dize's decision and his reasons for leaving office. He wished Mayor Dize the best and thanked him for all that he had done. Vice Mayor Bennett added that he had been on the Town Council for 13 years and Mayor Dize was one of the best Mayors during his tenure.

Councilwoman O'Brien expressed her pleasure in the beach closure next week for maintenance, adding that there were some channel posts coming up through the sand along the beach which posed a danger to beachgoers.

Councilman Grossman commented as follows: i) His thoughts were with Mayor Dize and his decision not to run for reelection; ii) The town manager's evaluation was coming up. He would send out the information for Council's completion within the next couple of days; iii) The Planning Commission had been working on language regarding accessory dwelling units (ADU) and that information would be presented to Council for input at a future meeting; iv) The Harbor Area Review Board met on March 2nd. Elections were held and Stuart Smith was elected as the chair and Diane D'Amico as vice-chair. He thanked Mr. Smith and Ms. D'Amico for stepping up in these positions. He also thanked Benjamin Lewis and Rob Harris for volunteering to serve on the board.

Councilman Follmer commented as follows: i) He received a lot of questions regarding ADUs and expressed his hope that the public would be engaged in the discussion. He thanked Mayor Dize for his long service to the Town. He was sorry to see him go but understood his reasons. He also thanked Mayor Dize for the timing of his announcement to allow the citizens ample time to consider their decision on the next mayor.

Mayor Dize read the announcements, adding that he hoped to see everyone out on March 5 for Cape Charles Day. He encouraged everyone to meet at the beach pavilion at 10:00 a.m. to join the clean-up of the Town. The clean-up would be followed by a picnic in Central Park where Councilman Buchholz would be grilling the hot dogs. Live music would begin at 12:30 p.m. Cape Charles's 136th birthday was on March 1st.

Motion made by Vice Mayor Bennett, seconded by Councilwoman O'Brien, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of: Paragraph 3: Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Negotiating strategy regarding the potential sale of the water and wastewater utility systems

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

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

Council went into executive session at 6:59 p.m.

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

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

The open portion of the meeting resumed at 7:40 p.m.

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

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

The Regular Meeting and Executive Session adjourned at 7:41 p.m.

Mayor Dize

Town Clerk

March 3, 2022 Town Council Special Meeting Comments Provided in Writing

Loraine Huchler, Cape Charles Property Owner

Town of Cape Charles – Council Meeting – 3 March 2022
Statement from Loraine Huchler, P.E., CMC®, FIMC

Two weeks ago, we had the first opportunity to hear from the PPEA consultant and Virginia American Water (VAW). The council listened; the town manager had some answers that were not very helpful - like the details for the 10-year operating and capital cost projections if the Town keeps the plant. The answer was – they don't have that kind of specific data. Does the Town really want to rely on unvalidated cost projections for the base case to make a huge financial, town-quality-of-life, and political decision?

At the town hall meeting, the town manager urged patience; that it was still early in the process. But here we are, two weeks later, already entering into negotiations. Did the council investigate the impact of concerns raised by stakeholders? Or has the council already made up their minds that they will proceed with the sale?

Here's the elephant in the room: the annexation agreement that obligates Preserve Communities (formerly Bay Creek) to contribute funds to expand the plants as they build more houses and demand increases. This issue is real; the wastewater plant is already exceeding permitted volumes on some summer weekends. What is the planning commission's projection about that date – and, more importantly, the "drop dead" date – e. g. the time that the town would have to start planning the build out?

The language in the annexation agreement is clear: whoever owns the development must provide funds for the future build out. Will Preserve's liability transfer to the new owner, releasing them from the requirements in the annexation agreement? The town manager said that the funds in the escrow account for plant expansion would not be transferred to VAW. Is this true or is this a negotiable issue? Would VAW discount their offer based on the disposition of these escrowed funds? Does the town have a legal opinion regarding the town's liability with respect to the annexation agreement? How can the Town be confident that VAW won't sue the Town for their escrowed funds and/or for Preserve's liability when the time for the future expansion arrives?

Finally, I want to caution the council about treating the current rate projections as accurate. They're not accurate; they are a projection based on the PPEA consultant's estimates. VAW made no promises – except that rates would decrease after rate consolidation took effect. Rate consolidation spreads the operating and capital costs across all ratepayers. The biggest costs are for infrastructure. Compared to their other service areas, Cape Charles is a stranded utility with the smallest ratepayer base and service area and modern plants that require minimal capital improvements but it's wildly expensive to expand the service area. The other service areas are mostly high-density suburban or rural-suburban that have had rapid population growth and infrastructure expansion.

In the long term, rate consolidation will not keep the rates low in Cape Charles. A review of past rate increases make it likely that Cape Charles – with lower-than-average capital and infrastructure costs - will be subsidizing costs for other systems. A review of the commission that grants rate increases shows staggering increases every several years. Ready: 2008 – 9%; 2010 – 14%; 2011 – 6%; 2015 – 10%; 2018 – 3%; 2021 – 28% increase has been requested but not yet approved. Municipal officials from all of the districts have been protesting these increases – with little or no effect. When we talk about loss of control over rates – this is what it looks like.

Year	District	Rate Request	Rate Approved	Revenue Request	Revenue Approved	Revenue Reduction
2008	All	11.50%	8.80%	\$4,334,072	\$3,317,012	23%
2010	All	22.40%	14.12%	\$6,879,000	\$4,336,598	37%
2011	All	15.90%	6.35%	\$5,723,520	\$2,287,107	60%
2015	All	18.42%	10.14%	\$8,690,000	\$4,781,959	45%
2018	All	10.67%	3.24%	\$5,600,000	\$1,700,000	70%
2021	All	27.60%		\$14,300,000		



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
March 17, 2022
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 Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Interim Planner & Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 12 members of the public physically in attendance, and 22 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS:

A. Arbor Day 2022 Proclamation

Phil Goetkin, representing the Cape Charles Tree Advisory Board (TAB), recognized Jane McKinley who was also on the TAB. Mr. Goetkin continued by stating that the TAB’s mission was to try to make Cape Charles a more tree-friendly place and getting more involved with the Town. The board was working with the Public Works department on March 26 pruning the crape myrtle trees in town and along Stone Road. Each year, the TAB also submitted their request for an Arbor Day proclamation.

Mayor Dize read Proclamation 20220317A for Arbor Day 2022.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Proclamation 20220317A designating April 30, 2022 as Arbor Day. The motion was approved by unanimous vote.

B. National Library Week 2022 Proclamation

Mayor Dize read Proclamation 20220317B for National Library Week 2022.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20220317B designating April 3 – 9, 2022 as National Library Week. The motion was approved by unanimous vote.

C. Proclamation Honoring Ann Rutledge’s Retirement

Mayor Dize stated that Ann Rutledge started as the library manager shortly before he came to work for the Town, and it was amazing how she turned the little library into what it was today. He congratulated Ann Rutledge on her retirement, then proceeded to read Proclamation 20220317C.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Proclamation 20220317C honoring Ann Rutledge on her retirement. The motion was approved by unanimous vote.

Councilwoman Holloway stated that the proclamation expressed everyone’s thoughts and Mayor Dize started it off well with his opening remarks. Ann Rutledge filled the library with joy and education, and she would be missed.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Richard Burger, resident and Library Board chair

Mr. Burger addressed Council on behalf of the Cape Charles Memorial Library Board of Trustees regarding the Proclamations adopted for National Library Week and honoring Ann Rutledge's retirement. (Please see attached.)

Dianne Davis, resident

Ms. Davis addressed Council regarding basketball and activities in Central Park. (Please see attached.)

Loraine Huchler, property owner

Ms. Huchler addressed Council regarding the potential sale of the water and wastewater plants, preparation of the Fiscal Year 2023 budget, and the American Rescue Plan Act funding. (Please see attached.)

Abigail Courtney, partner in Seagrass Floral

Ms. Courtney addressed Council expressing her support of a zoning variance request. (Please see attached.)

David Gammino, Hotel Cape Charles

Mr. Gammino addressed Council regarding his zoning amendment request. (Please see attached.)

Town Clerk Libby Hume read comments submitted in writing from Julie Jones and Sam Jones. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. February 2, 2022 Town Council Joint Work Session with Planning Commission
 - ii. February 16 and 19, 2022 Town Hall Meetings
 - iii. February 17, 2022 Town Council Public Hearing & Regular Meeting
- C. Approval of January 31, 2022 Financial Report

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *Resolution of Intent to Consider Zoning Text Amendments to Sections 4.2(J) and 2.9 Regarding Accessory Dwelling Units and Associated Definitions:*

Interim Planner/Zoning Administrator Katie Nunez informed Council that over the last two months the Planning Commission had conducted a review of the Accessory Dwelling Unit (ADU) zoning ordinance, § 4.2 (J), which was originally adopted in November 2018 with an effective date of February 1, 2019. With two full years of data available and based on feedback through its implementation, the review was conducted to determine whether the ordinance was working as intended to expand the long-term rental units available in Town or if any revisions were necessary. The town manager affirmed that the Town Council was seeking a review of this section as part of its overall conversation about housing types and uses occurring in the Town. During the review, a couple of loopholes were identified, and draft language was being proposed to help resolve these issues as well as to streamline the process. Some of the revisions being

considered are: i) The current zoning ordinance utilized a conditional use permit (CUP) process which could be cumbersome and added at least four months to the approval process. The Commission felt that the criteria for an ADU could be better defined to remove any ambiguity from the zoning language. The permitting for an ADU could be more efficiently processed through a simple zoning review and clearance, and issuance of a Zoning Permit for an ADU, as well as obtaining a Certificate of Completion from the Code Official to certify that the space identified was compliant with the Building Code for sleeping and occupancy as a residential rental unit; ii) Language was proposed regarding an annual affidavit affirming the zoning requirements and the submission of an annual Safety Compliance Affidavit completed by the homeowner and subject to inspection by the Code Official if needed; iii) The recommended length of stay requirement was increased from 30 days to a minimum of 60 consecutive days to clearly distinguish that these units were meant to provide a longer-term rental capacity and not just an adjunct to the short-term usage that was occurring; iv) Changes to the definitions section were recommended to help clarify certain terms relative to ADUs, specifically adding definitions for kitchen, bathroom, bedroom and sleeping area, and amending the existing definition of "Building, Accessory."

As part of their review, the Commission discussed the issues of Guest Houses or "In-Law Apartments," but felt that these items were not part of the original intention and purpose of the ADU ordinance when adopted in 2018. The Commission was willing to consider whether the zoning ordinance should be further amended to address these issues if the Town Council so desired. Additional items were raised by Code Official Jeb Brady and Treasurer Deborah Pocock that the Council possibly may wish to review and address through Town policy or in the Town Code: i) House addressing associated with an ADU versus the main house for emergency response personnel/vehicles; ii) Utility regulations and practices, current Town Code Chapter 71 - Sewers and Sewer Use, Article IV, § 71-42 (b) which included a provision for ADUs allowing them to be billed at 50% of the residential monthly minimum bill. It also stated that "accessory dwelling units occupied by family member(s) of the principal property owner or non-rent paying occupants may be exempt from this monthly bill upon the town receiving affidavit signed by the principal property owner attesting to such occupancy."

Both the Town Zoning Ordinance and the Code of Virginia required a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map. A Resolution of Intent formally establishing that the proposed changes met the requirements to be referred to the Planning Commission for public hearing and their recommendation was included in the agenda packet for Council consideration and adoption. Following Planning Commission action, the final recommendations would be brought back to Council for review and consideration.

There was much discussion regarding: i) Affordable and work force housing; ii) the intent of ADUs was for long-term rentals; iii) Owners were moving into the ADUs and using their main houses for short-term vacation rentals, which defeated the purpose of the original intent of this ordinance. The Town was inundated with short-term rentals and long-term rental residents were being displaced; iv) Councilman Grossman added that the Planning Commission reviewed ADU ordinances from other localities; v) Councilman Follmer expressed his agreement with the intent but added the need to be careful of being overly restrictive. There could be cases where people might need to move into their ADU and rent out the main house. He felt it would be okay for an owner to use their ADU for overflow family and friends and not rent the unit. The comparison to other localities was helpful. Trying to over-regulate would be difficult to enforce; vi) Katie Nunez explained that current ADUs would be grandfathered under the current ordinance, but if the property was sold, the new owners would have to comply with the new ordinance. A record of inventory was being compiled and included some non-conforming units which were used as ADUs prior to them being permitted; vii) Enforcement would be handled jointly by the Planning & Zoning and Building departments; viii) Moving the process away from a CUP would be a tremendous relief of workload in her office. Currently, a typical CUP application

required approximately nine to ten hours of work to complete all the necessary reports and steps in the process.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution of Intent #20220317A-Zoning Text Amendment Regarding Section 4.2 (J)-Accessory Dwelling Units and Section 2.9-Definitions. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

B. Resolution of Intent to Consider a Change to the Zoning Map Within the Commercial-1 (C-1) Zoning District:

Katie Nunez explained that conditional rezoning was authorized by Code of Virginia § 15.2-2296 and specifically authorized for the Town of Cape Charles through § 15.2-2303 and allowed the ability of the petitioner to submit reasonable conditions, referred to as proffers, governing the use of the property, where the conditions were in addition to, or the modification of, the regulations provided for a particular zoning district. Proffers were more specifically defined as an offer by a landowner during the rezoning process to perform an act or donate money, a product, or services to justify the propriety of a proposed rezoning. If the rezoning and proffers were accepted and approved by the Town, said proffers became part of the Zoning Ordinance. On March 4, 2022, Cape Charles Ventures, LLC filed a conditional rezoning map amendment application to rezone 238 Randolph Avenue (Tax Map #83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning. The Code of Virginia provided a 100-day review timeframe for the Planning Commission once an application was referred and received by them, unless the Town Council voted to establish a shorter period of review. The applicant, David Gammino, asked Council to shorten the timeframe.

Town Manager John Hozey noted that it was staff's intent to move through the process as quickly as possible.

There was discussion as follows: i) Councilman Grossman stated his preference to hold joint public hearings with the Planning Commission and Town Council. Vice Mayor Bennett expressed his agreement adding that a precedence had previously been set relating to joint public hearings; ii) Any sanctions would be deferred until a decision was made regarding the conditional rezoning request; iii) Councilman Follmer expressed his confidence in staff, based on the track record over the past year, to move as quickly as possible to resolve this issue.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution of Intent #20220317B-Conditional Rezoning Map Amendment Application for 238 Randolph Avenue from Residential-1 to Commercial-1. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

C. Central Park Fountain Modification Contract Amendment:

John Hozey stated that in May 2021 a contract was awarded to Excel Paving Corporation in the amount of \$35,830 for modification of the fountain in Central Park to correct longstanding problems with leakage and maintenance of the surrounding landscaping. The project would remove the leaking walls, install a drain system and underground storage tank for water recirculation, and replace the vegetation with brick colored concrete. Demolition, preparatory plumbing and electrical work was to be done by the Public Works staff, but unexpected items were discovered, and additional damage was done to the fountain containment base while removing the build-up of grout and sealer that had been applied around the perimeter over the years in an attempt to stop the leakage. A contract change order was developed by Excel Paving for a sloped overlay of custom mix concrete for the entire base, including redesign of the perimeter drainage system at a cost of \$16,250. This would bring the contract value to \$52,080

which exceeded the town manager's approval authority. \$30K was budgeted this fiscal year to implement the Mason Avenue parking project assuming VDOT approval of the head-in angle parking design waiver. Council made the decision to terminate the Mason Avenue parking project due to restrictions proposed by VDOT. These funds were now available for reallocation.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to approve the Excel Paving contract amendment in the amount of \$16,250 for the revised scope of work, to be funded by reallocation from the Mason Avenue parking project. The motion was approved by unanimous vote.

D. Town Priorities:

John Hozey stated that in February and August 2021, Council was asked to prioritize a list of projects/initiatives for the year. Most of the 2021 tasks were either completed or had significant progress during the year. John Hozey presented an updated list of current needs and items carried forward from the 2021 list and asked Council to validate the work plan and priority.

There was much discussion regarding the list and prioritization. John Hozey would update the priority list and provide it to Council. (Please see updated list attached.)

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) VDOT would be in Cape Charles the week of March 21 for the spring street sweeping; ii) Received VDOT approval for the pedestrian warning signs requested by Ms. Dianne Davis. We asked for two types of warning signage – one for people with disabilities and one for pedestrians. VDOT would not do the signage for people with disabilities, but the pedestrian signage was approved; iii) There were two personnel changes to report – Michelle Walsh joined the finance department the end of February, and Billy Lewis would start as our new police officer on March 21; iv) Received a letter from the Eastern Shore Public Library Foundation requesting some of the Town's American Rescue Plan Act funding for the Eastern Shore Public Library Heritage Center. Councilman Grossman added that the group also submitted a budget request to Northampton County; v) He requested that the work session scheduled for April 7 as noted under the Announcements be cancelled. Councilwoman Holloway would not be available. He would not be available either. The work session scheduled for March 31 would include information regarding the space study evaluation as well as the first look at the capital projects for Fiscal Year 2023; vi) Good news regarding the Small Business Recovery Grant. The conflict-of-interest items, budget and extension request were approved. He thanked Cape Charles Main Street and Karen Zamorski for all their work on the grant; vii) Due to supply chain delays, the pilings were not available so the breakwater repair in the harbor would be delayed. It was hopeful that the repairs would be completed by Memorial Day; viii) He would like to take April 7, 8 and 11 off; ix) Cape Charles was scheduled as the first priority for sand from the Kings Creek dredging project. He was notified earlier today that the work was scheduled to be done during the summer season. Unfortunately, he had to turn down the sand since we could not have this work being done on the beach during the summer season. The good news was that last week, the Public Works crew was able to do their beach maintenance and it did not appear that the beach was in dire need of additional sand at this time.

MAYOR AND COUNCIL COMMENTS

Councilman Follmer and Councilwoman O'Brien did not have any additional comments.

Councilman Grossman commented as follows: i) Several House Bills have died, including the one moving the local elections back to May; ii) A company was interested in purchasing the Kiptopeke Inn to convert it into apartments, but they ran into a hurdle with the rezoning; iii) Northampton County's reassessments were done, and the values have increased significantly. The Board of Supervisors have adopted a revised rate for equalization. His concern was that the equalization rate was at the county level, but values in Cape Charles were much higher than in the county. We needed to be mindful of our residents with the rates going up. Councilman Buchholz added that since the

Cape Charles assessments were so much higher than in other areas of the county, even if the county tax rate was equalized, the tax amounts in Cape Charles would still be higher.

Vice Mayor Bennett expressed his pleasure that the Arbor Day 2022 Proclamation had been approved.

Councilwoman Holloway commented as follows: i) Congresswoman Elaine Luria went to bat for Northampton County and Cape Charles to obtain \$2.5M for the Rails to Trails Project. The Accomack-Northampton Planning District Commission (ANPDC) worked on a grant that was approved but pulled out of the project, so the funding was lost. Now we have the funding to move forward with the project; ii) She congratulated Julie Pruitt on her first Cape Charles Day. It was a great day and so exciting to see people come out and work together to clean up areas of the Town.

Councilman Buchholz asked Councilman Grossman to guide the Planning Commission to stay within the intent of the ADU ordinance. It was not intended to allow the property owners to move into their ADUs and rent their main house as a vacation rental. Short-term rentals also contribute to the parking issues.

Mayor Dize commented as follows: i) He thanked Julie Pruitt for all her work on Cape Charles Day. He expressed his appreciation for the Public Works staff for picking up all the bags throughout the Town; ii) He congratulated Councilwomen Holloway and O'Brien for gathering the most volunteers for Cape Charles Day. It was a great turnout with more participants than he expected; iii) In hearing Ms. Huchler's comments earlier this evening, he thought that the proposed Fiscal Year 2023 budget would be based on the Town keeping the utility plants, and if the Town were to sell the plants, the budget would be amended. John Hozey confirmed Mayor Dize's thoughts, adding that he would move forward with the status quo until he was told otherwise by Council.

Mayor Dize read the announcements.

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

The Regular Meeting adjourned at 8:13 p.m.

Mayor Dize

Town Clerk

**March 17, 2022 Town Council Regular Meeting
Comments and Information Provided in Writing**

Richard Burger, Cape Charles resident, Cape Charles Memorial Library Board Chair

**Remarks to Cape Charles Town Council
3/17/2022
In Honor of Ann Rutledge**

Good evening, Town Council, town staff and fellow citizens. I am Richard Burger, speaking tonight on behalf of the Cape Charles Memorial Library Board of Trustees.

The Council has just adopted two proclamations acknowledging National Library Week and honoring Ann Rutledge's retirement. As we recognize the importance of public libraries as institutions, we cannot neglect the importance of the librarians who make the operation of these libraries possible. I would therefore like to take a moment to honor Ms. Ann Rutledge, our town librarian, who will be retiring in two weeks, after almost 20 years of service to the Cape Charles community. Through Ann's tireless efforts over the past 20 years, our little town library has become:

- Yes, first and foremost, a place to get books, that entertain, educate and inspire.
- An accessible and inclusive center of our community.
- A technology hub and training center for citizens who lack access to or knowledge of broadband internet and computers, providing a portal to educational and employment opportunities otherwise unavailable.
- An access point for multimedia content; CDs, DVDs, audiobooks... Libraries are about so much more than just books in the 21st century.
- A hub for special programming and activities, especially for, but not limited to, our children; witness the nature programs in conjunction with Kiptopeke State Park, the craft events and activity bags, story times for children, the guest speakers and entertainers, and the Town-Wide Reads.
- A de-facto visitors' center, providing a variety of information about our town to countless drop-in out-of-town guests.
- A repository for the documentation of the history of Cape Charles and Northampton County.
- A welcoming place, trusted and treasured by all members of our community.
- Like all the fine libraries, a true cornerstone of American Democracy, promoting the free exchange of ideas and information for all.

On behalf of the Cape Charles Memorial Library Board of Trustees, I want to thank Ann for her service and her leadership in building, growing and maintaining our Cape Charles Memorial Library as a center of our town's cultural, historical and informational life. Her work has had a profound impact on our town and on the lives of its citizens. Thank you!

Dianne Davis, Cape Charles resident

Good evening, Mayor, members of the council, clerk and town manager

I am Dianne Davis of 601 Jefferson Avenue – resident.

This evening, I just have a few concerns:

As you remember, I have been asking about a basketball court in the park even though some felt that if we had one it should be over the hump. Are we against having young people older than 12 playing in the park other than the students at the Cape Charles Christian School?

I was surprised when the community survey came out and a question was on there about placing the basketball court south of Rayfield's. I could not understand first why it mentioned south of Rayfield's and do we own that property? Regardless, it still should be in the park.

Also, at one of your meetings, I turned in a petition to you that included all nationalities, ages 6 to 70+, the Cape Charles Christian School, and the Coast Guard that were interested in a basketball court in the park. Did you even look at that petition or is it that petitions are not important?

Also, I did not understand why the basketball court was listed in the community survey. When it was decided to put a mini golf court off of Stone Road if this is correct, I do not remember a survey for that, when it was decided to do the path for the golf carts to go to the Cape Charles Brewery, I do not remember a survey for that either.

Fifteen to 20 years ago we did have a few problems on the court, but the people who put that negativity out there did not mention other things that happened in our town. Since that time, we did have a basketball court until the town sold the old school, and we also had a recreation director.

Now we have many golf carts around town. Are you aware of the accidents that have occurred, injuries where emergency room visits were required, and people's cars being sideswiped – in addition to those driving under the influence? You should be concerned about all activities that happen in our town not just things that you have been told to sway your thinking.

I would just like for you to be honest and just state that activities in the park for person 12 and older is just not one of your priorities if it is an activity that you do not like.

May God bless each of you to make decisions that benefit all mankind in addition to what your friends might be interested in. God Bless.

Loraine Huchler, property owner

Town of Cape Charles – Council Meeting – 17 March 2022
Statement from Loraine Huchler, P.E., CMC®, FIMC

I have some questions.

My first question is about the preparation of the FY2023 budget. At the last town council meeting, I learned that the timeline for the current phase of the PPEA process would likely last for several months. Regardless of which option is chosen, the decision will impact the FY2023 budget. Is the town council going to create two budgets; one based on keeping the plants and one based on the selling the plants and receiving a large amount of revenue?

My second question is about the compelling reasons to sell the plants. The town has indicated that the reduction in rates and better-quality water, and "economies of scale" are compelling reasons to sell the plants. But there's a problem – saving money is the main issue for ratepayers – but the only rate projections we have seen are from the PPEA consultant, NewGen – they're not accurate – they're an unvalidated estimate aka a "guess." The town won't release the budget forecast information used by NewGen to show the 10-year projection of rates to give stakeholders confidence about the accuracy of this analysis. NewGen does not set the rates; VAW doesn't set the rates; the SCC and the law requiring rate consolidation set the rates. VAW gave a vague assurance that several years after purchasing the plant, rate consolidation would reduce the rates – by an unnamed amount. But VAW has a request at the SCC for a whopping 28% increase in rates. Why won't the town release the data and calculations for the NewGen rate projections for the status quo and sale of the plant cases? Does the Freedom of Information Act restrict the release? NewGen had to use town budget data – that's allowed to be release without restriction.

My last few questions are about the ARPA funding – the American Rescue Plan Act – Covid funding. The town has already received funds. Some funds have been spent for "essential" workers, although the workers at the water and wastewater plants were not included, even though other municipalities like Hampton Roads included public works employees. Does the town know that the Federal Government allows this money to be spent on water and sewer infrastructure. Were these funds included in NewGen's 10-year budget projections for rate increases? If not, why wasn't this scenario included to reduce the increase in rates for the status quo case? How much money is available and when are public discussions scheduled to discuss the use of these funds?

Thank you for listening.

Abigail Courtney, business owner

My name is Abigail Courtney, I reside at 22076 Verlinda Landing North in Cape Charles. Together with my twin sister we own and operate Seagrass Floral at 235 Mason Avenue. We have worked hard to build our small business and are very proud of what we have been able to achieve for both locals and tourists providing floral and healing services for individuals.

I am here in support of a zoning variance that we hope we can prioritize and have taken care of sooner than normal protocol. While we realize there are rules and regulations for procedures on these types of requests, the business owners who are on this strip will feel an immediate hardship in how they deal with waste management if there is not a simple and quick resolution. I appreciate your time and consideration on this matter.

David Gammino, Hotel Cape Charles

Good evening, my name is David Gammino-my wife Kathryn and I own the Hotel CC.

I am here tonight to address Council regarding my effort to resolve an ongoing zoning violation on the vacant lot at 238 Randolph Ave behind the Hotel.

Before you is a Resolution of Intent to consider a change to the Zoning Map in the C1 District. This is my proposal to change the zoning of the vacant lot at 238 Randolph from R1 to C1-with strict limitations on any future commercial activity. In essence, I seek to codify what has been the historic activity and the current activity on this lot.

The staff report before you sets forth a prospective schedule that concludes at the earliest on August 18, 2022-and the latest on April 5, 2023. I am asking Council to set forth an expedited schedule rather than that proposed.

The Code of Virginia allows Town Council to shorten the timeframe allotted to the Planning Commission for its review and recommendation. This process can be further expedited by request of the Town Council to hold a joint Planning Commission/Town Council public hearing on the proposed amendment.

I seek an expedited schedule for two primary reasons:

First, and most importantly-the Hotel faces possible sanctions due to the enforcement of the violation. The commercial activity which is the subject of the pending violation is critical to the Hotel's operations. If the Hotel's operations cannot continue due to enforcement sanctions, we would possibly need to pause both reservations and operations-and inform our guests of this-as soon as possible.

Second, I submit that separate public hearings are a redundant process unnecessary with a zoning amendment so limited to a single parcel. I believe that a joint public hearing would allow the full consideration of the facts in support of this amendment as well as any opposition to be fully heard. If during those hearings, Town Council believes additional restrictions or definitions are necessary—the Code of Virginia allows Council to accept amended proffers once the public hearing has begun. In other words, during the public hearing there could be additional conditions requested the Town and accepted by the applicant.

(end of allotted 3 minutes)

Julie Jones, Cape Charles resident

Subject: Please don't sell the library!

Dear Town Manager Hozey, Mayor Dize, and Town Council Members,

Please do not sell the library.

In a world dominated by electronic devices, children need to know the comfort and joy of having someone read a "real" book to them, and ultimately learning the pleasure of selecting and reading a book themselves.

Having the library located within easy walking distance of the homes in the historic district is one of the things we love about Cape Charles.

We look forward to the day when our little grandson, Oliver, is old enough for us to take to the library. Oliver already loves books and being read to. We can only imagine the thrill it will be for him to be introduced to the library.

Please find another way to finance the Town's projects, and leave the library where it is, for all the children who are in Cape Charles.

Sincerely yours,
Julie Jones

Sam Jones, Cape Charles resident
Subject: FW: Accessory Dwelling Units

Mr. Mayor, members of the Town Council and Town Manager:

First, thank you for your service to the community. It is much appreciated.

My name is Sam Jones and I live at 538 Monroe Avenue.

As you consider the issue of accessory dwelling units (ADU's), to date the discussion has centered on the use of these units as long-term rentals to address workforce/affordable housing. While an important issue and one that can be addressed through the permitting process, there are other uses of accessory dwelling units that should be considered as well. These include:

1. When the main house is a short-term rental and the owner of the property intends to live in the ADU. This can also be addressed through the permitting process.
2. When the owner wants to include the ADU as part of a short-term rental. This can be addressed in the Town's annual approval of short-term rentals. Note that the ADU should be included as part of the short-term rental of the main house so there are not two short-term rentals at the same time/address.
3. Finally, there is the situation where the owner is not renting either the main house or the ADU at all but wants to use the ADU for overflow housing for family and friends who visit. This should be a "by right" use of the property and not require a permit since there is no rental involved.

All of these uses have come before the Planning Commission as requests for Conditional Use Permits. Addressing these issues in any ordinances or policies you approve will streamline the approval process in the future.

Thank you.
Sam Jones

Town Manager Memorandum

March 17, 2022

RE: Town Priorities



At their March 17, 2022 regular Council meeting, the Town Council validated the following prioritized Town work plan for calendar year 2022:

1. Continue to evaluate the merits of a potential sale of our water/wastewater utilities
 - a. Negotiate terms for final agreements
 - b. Continue public process
 - c. If deemed beneficial, file with the SCC
2. Work with consultant to finish revision of the Historic District Design Guidelines and associated zoning
3. Work with consultant to finish Comprehensive Plan update
 - a. Determine Harbor District vision for inclusion in Comp Plan
4. Trail Project – Phase 3 – Peach Street
5. Work with consultant to finish Zoning Ordinance updates (outside of historic district updates)
6. Work with consultant to finish overall municipal code update (outside of zoning)
7. Work with consultant to finish addressing options regarding Town office space deficiencies/safety
8. Put together options for public discussion of ARPA funding
9. Develop comprehensive parking strategies for the historic and commercial districts
10. Develop short-term rental regulations/ordinances
11. Work with developers/agencies to develop options for workforce housing
12. Pursue development of shared revenue agreement with the County
13. Put together comprehensive beach/dune development and maintenance plan
14. Pursue legislative priorities
15. 2022 Strategic Plan end-of-year annual survey and update



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
March 17, 2022
Immediately Following the Regular Meeting

At approximately 8:18 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance was Town Manager John Hozey. There were no members of the public physically in attendance during the open portions of the meeting.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 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: Town Manager's Evaluation

Mayor Dize stated that the meeting would be closed to the public during the executive session and reopened at the conclusion of the executive session.

Councilman Grossman noted that there were no members of the public in attendance.

Council went into executive session at 8:19 p.m.

At 7:52 p.m. Councilman Follmer 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 enter the meeting.

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

The open portion of the meeting resumed at 8:53 p.m.

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

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

The Executive Session adjourned at 8:54 p.m.

Mayor Dize

Town Clerk



DRAFT
**TOWN COUNCIL, PLANNING COMMISSION &
HARBOR AREA REVIEW BOARD**
Joint Work Session
Cape Charles Civic Center
March 22, 2022
6:00 PM

At approximately 6:00 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilman Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, and Interim Planner & Zoning Administrator Katie Nunez. There were no members of the public in attendance.

Planning Commission Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, in attendance were Commissioners Ken Butta, Diane D’Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub.

Harbor Area Review Board Chairman Stuart Smith, having established a quorum, called to order the work Session of the Harbor Area Review Board. In addition to Chairman Smith, in attendance were Steve Bennett, Ken Butta, Diane D’Amico, Rob Harris, Benjamin Lewis, and Herbert Thom.

The purpose of the joint work session was to discuss the harbor area focusing on the zoning district, the overlay district, and examining the land use designations from a Future Land Use Map perspective and the current Zoning Map. Guidance provided during this work session would be provided to the consultant working on the comprehensive plan update. (Please see attached for agenda packet documentation.)

Town Manager John Hozey and Interim Planning & Zoning Administrator Katie Nunez facilitated the work session discussion. There was discussion regarding i) Whether there was a need for a historic harbor overlay district; ii) If it was determined to keep a historic harbor overlay district, the areas for inclusion in the overlay district needed to be identified; iii) Whether there was a need for separate Historic District Review and Harbor Area Review Boards or if one architectural review board would suffice to review the design guidelines for both districts.

After much discussion, a general consensus was reached as follows: i) A harbor overlay district was necessary; ii) A map from the Harbor Area Designs Standard document (page 4 of the agenda packet) was reviewed. A portion of the area designated as the Mason Avenue Transition Zone (shaded in orange) would be removed from this overlay and included in the historic overlay district. This area would run along the south side of Mason Avenue and be the same standard depth as the lots on the north side of Mason Avenue. This area would run from the “hump” on the east end to the area shaded in purple to the west. All other areas (shaded in salmon and purple) would remain in the harbor overlay district, with the purple shaded area extending to the east property line of the concrete plant property; iii) Consideration should be given to creating a new architectural review board to replace both the historic district review board and the harbor area review board, with design guidelines that would have unique sections for each overlay; iv) the comprehensive plan consultant could use the guidance in the existing plan as a starting point with the exception that reference to the Harbor Conceptual Master Plan should be omitted as this plan is now obsolete.

Mayor Dize stated that we had to remember that Cape Charles had a working harbor and was a Harbor of Refuge. He went on to express his concern of the railroad property being sold in the future for development and individuals moving to Cape Charles and complaining about the watermen and their equipment in the harbor, leasing boat slips which could increase the cost to the watermen, and complaining about the noise, etc., similar to the complaints received about the concrete plant.

There was some further discussion regarding the potential land uses in the harbor area.

John Hozey thanked everyone for participating in the work session and providing their input. He felt there was enough information to provide to the consultants to develop the first draft of the comprehensive plan.

Motion made by Rob Harris, seconded by Steve Bennett, to adjourn the Harbor Area Review Board Work Session. The motion was approved by unanimous vote.

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

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

The meeting adjourned at approximately 8:00 p.m.

Mayor William "Smitty" Dize

Chairman Bill Stramm

Chairman Stuart Smith

Town Clerk

**Information Provided in Writing
March 22, 2022 Joint Work Session – Town Council, Planning Commission
& Harbor Area Review Board**

Agenda Packet Documentation:



**JOINT MEETING WITH
TOWN COUNCIL, PLANNING COMMISSION
& HARBOR AREA REVIEW BOARD
STAFF REPORT**

Meeting Date: March 22, 2022

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: March 16, 2022

JOINT MEETING: Discussion of Harbor Area re: Comprehensive Plan

As work is progressing on the Update to the Comprehensive Plan, it is essential that we focus on the Harbor as a whole district and examine the land designations that have been assigned to property around the harbor both from a Future Land Use Map perspective and current Zoning Map designation.

The questions that are posed to the members of these various boards is the following:

- 1) Do we need a Historic Harbor Overlay District which is governed pursuant to Cape Charles Zoning Ordinance Article IX? How is this map different from the designated parcels as Harbor Zoning and shown on the Cape Charles Zoning Map which is governed by the regulations in Cape Charles Zoning Ordinance Article 3, Section 3.9?
- 2) If we need an Historic Harbor Overlay District, have we identified the Harbor Overlay area as we intend and would also like reflected in the Town's Comprehensive Plan?
- 3) How does the Comprehensive Plan elucidate the importance of the harbor itself and the adjacent land uses as an economic driver relative to maintaining the Town's partnership with the Federal Government (Army Corps of Engineers) re: the parameters for federal investment in the ongoing maintenance & dredging of the harbor or potentially expanding the depth of the harbor dredging to meet increased business needs relative to direct harbor commerce thru dockage/wharfage, etc?
- 4) Does the Comprehensive Plan and the Town Zoning Ordinance reflect the latest survey data from fall 2021 collected by Town Administration regarding economic diversity in the harbor area – tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type businesses and other business associated with a working harbor?
- 5) The latest survey date from fall 2021 collected by Town Administrator included a question concerning the Town providing additional recreational amenities, such as a basketball court with possible locations for said amenities. The majority responses favored locating such an amenity south of Rayfield's pharmacy on a portion of the railroad property which would fall within the currently identified Historic Harbor Overlay District – does the Comprehensive Plan need to be updated to reflect this type of usage and is this compatible with the uses envisioned in the Harbor Overlay District as well as in the Zoning Ordinance?

STAFF REPORT dated 3-16-2022

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BELOW is information to assist discussing and reaching a consensus for each of the questions listed above. It is our intention to focus on confirming the area designated as the Harbor District/Overlay and general uses envisioned there so we can forward that information to the Town's Consultants working on the update to the Comprehensive Plan.

I. MAPS OF HARBOR AREA

Since the Town adopted the Zoning Map on June 6, 2008, which shows several parcels designated as Harbor Zoning pursuant to CCZO Section 3.9, there have been several Zoning Map Amendments (ZMA) to parcels in and around the Harbor since then. Below I have included a GIS Map outlining the parcels that are around the Harbor or may have been affiliated as part of the harbor due to their connection/relation to former STIP or PD-STIP (the former Sustainable Technologies Industrial Park). I have included a note as to when the zoning map designation changed.

It is relevant to have this updated zoning map for this area since there is a difference in this map to what I believe is the adopted Harbor Overlay Map, which was voted by Town Council on November 19, 2019, Town Council which I have enclosed below the revised Town Zoning Map.

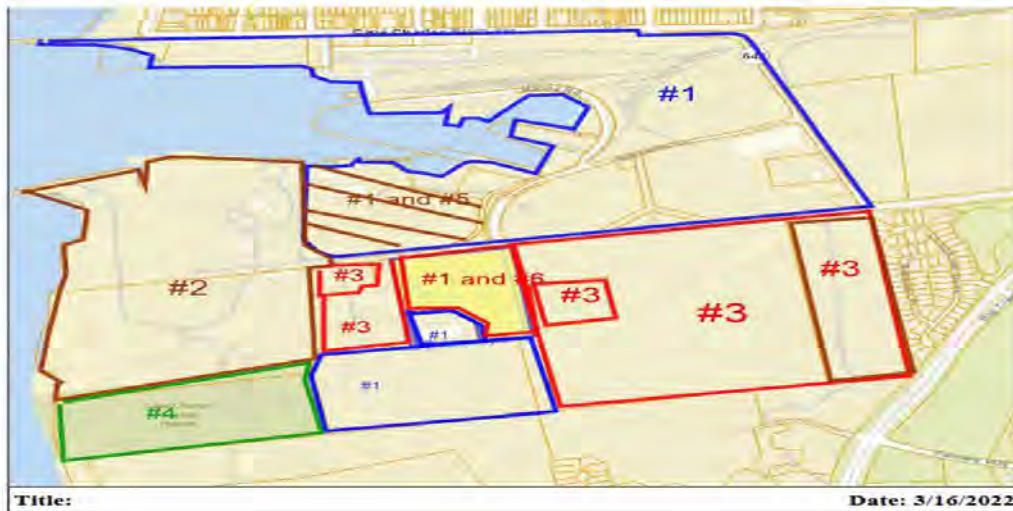
CURRENT ZONING MAP OF THE HARBOR AREA

LEGEND:

Blue Outline – Harbor District
Brown Outline – Industrial M-2
Red Outline – General Business
Industrial -Harbor-1 (GBI-H1)
Green Outline – Open Space

NOTES – Rezoning Map Amendment Votes:

- #1 – 6/2/2008 Adopted Town Zoning Map – shown as Harbor Zoning
- #2 – 4/8/2010 ZMA Adopted from STIP to Industrial M-2
- #3 – 4/8/2010 ZMA Adopted from PD-STIP to GBI-H1
- #4 – 4/8/2010 ZMA Adopted from PD-STIP to Open Space
- #5 – 8/18/2016 ZMA Adopted from Harbor to Industrial M-2
- #6 – 8/19/2021 ZMA Adopted from Harbor to GBI- HI



STAFF REPORT dated 3-16-2022

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The zoning map amendments were advanced relative to increased economic activity: 1) Coastal Pre-Cast purchasing the Bayshore Concrete property and expanded business opportunities, including the possibility of supplying & assembling and storage of components for off-shore wind turbines; and 2) Establishment of the Cape Charles Yacht Center and associated boat dockage, visitation, repairs, maintenance and storage. On the north side of the harbor, there has been a resumption of seafood unloading for commercial distribution and sale.

Additionally, the railroad has formerly ceased operations and ownership status of the underlying land is currently impeding the potential redevelopment of this property which we anticipate will be resolved in the near future, so it is imperative that the Town has adequately Planning and Land Use documents to ensure that this area of the town is developed within our established vision for the harbor area.

An Eastern Shore Rail to Trail Foundation has been formed through the Accomack Northampton Transportation District Commission and the Accomack-Northampton Planning District Commission is actively working with the communities of the Eastern Shore, including Cape Charles, to apply for state transportation funding to being implementation of the rails-to-trail segment components.

Other concept plans shared with the Town for possible development in the harbor area include a hotel with restaurant and outdoor pavilion as entertainment venue.

CURRENT HARBOR OVERLAY MAP

11/21/2019 Town Council Vote amending the Historic Harbor Overlay District Map included this map as part of the agenda packet – there was no legend provided



STAFF REPORT dated 3-16-2022

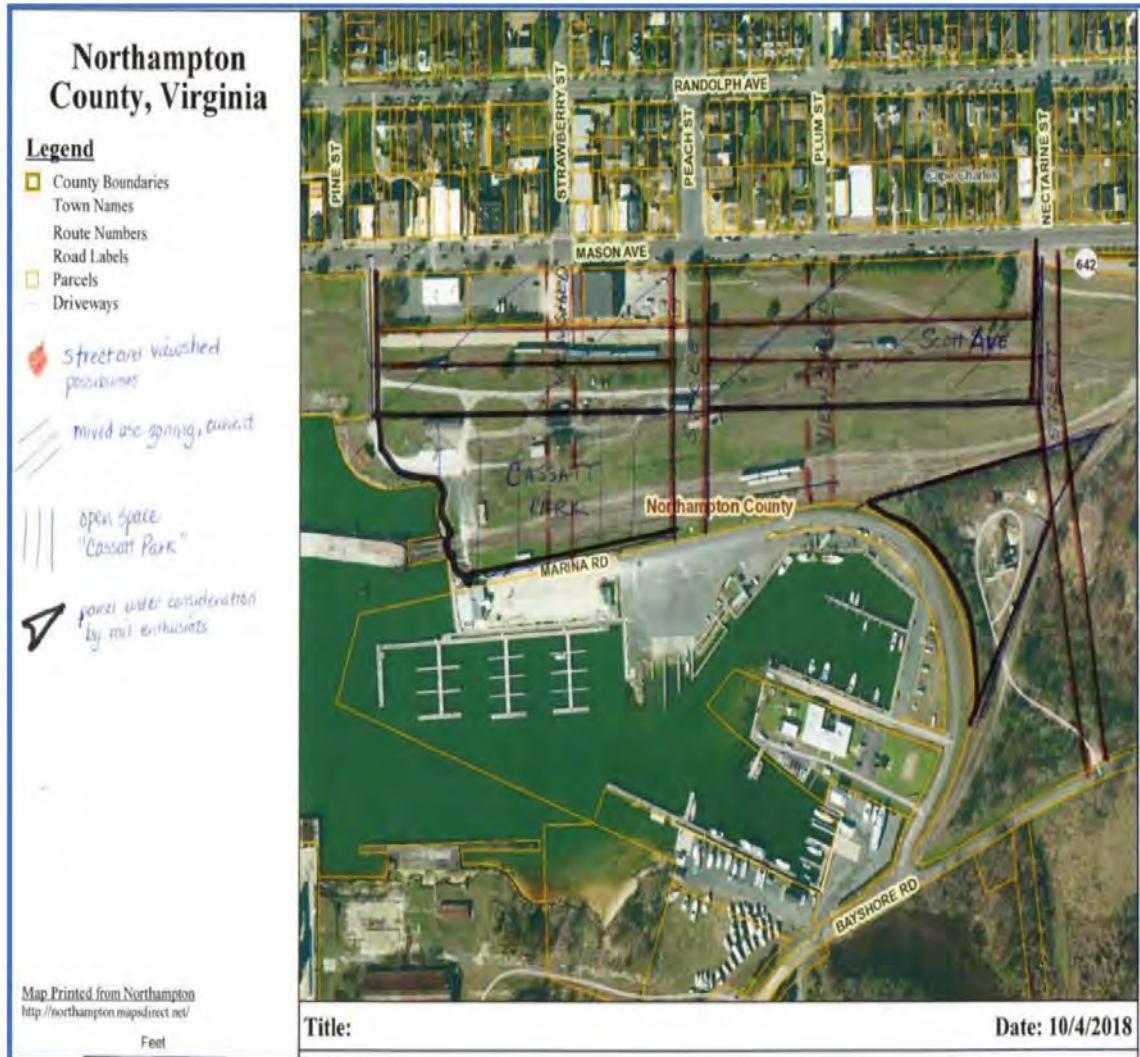
Page 3 of 6

11/21/2019 Town Council Meeting – Planning Commission staff report referenced a map from page 7 of the Harbor Area Designs Standard document dated 9/9/2010 which may be of interest to the group for this discussion



OTHER MAPS OF POTENTIAL INTEREST

Councilman Paul Grossman and former Councilwoman Cela Burge developed a concept document to further illustrate some of the concepts from the various Planning documents and Design Guidelines, including community trails, re-use considerations for railroad property as part of Rails to Trails, street viewshed concepts, etc., which is provided below.



Similar conceptual layouts were also included in the Harbor Area Conceptual Master Plan & Design Guidelines on page 15 through 19 which can be accessed through this link:
document1463053057090513.pdf (municipalcms.com).

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II. CURRENT COMP EXCERPTS RE: HARBOR AREA

Included as an attachment to this document are the sections of the current Comprehensive Plan that concern the harbor area. As you will see, these start with the framework concepts of the document:

- 1) LAND USE defining Harbor Mixed Use and Planned Unit Development which is a zoning consideration that could be utilized to implement the vision for the harbor area
- 2) EMPLOYMENT Sector as it is considered in relation to each of the Land Use Types
- 3) FUTURE LAND USE CONSIDERATIONS
- 4) ECONOMIC VITALITY
- 5) AMENITIES
- 6) IMPLEMENTATION STRATEGIES
- 7) FUTURE LAND USE MAP

III. TOWN SURVEY DATA from FALL 2021

The two questions that relate to the Harbor Area are attached to this document with the full detailed responses included from the survey respondents.

ATTACHMENTS:

- 1 – Current Comp Plan Excerpts re: Harbor Area
- 2 – TOCC Fall Survey Economic Diversity Results
- 3 – TOCC Fall Survey Basketball Data

CURRENT COMP PLAN EXCERPTS RE: HARBOR

LAND USE FRAMEWORK

III.2.1.2 Harbor Mixed Use (Harbor)

The Harbor Mixed Use designation was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, placed for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestrian environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor for all modes of transportation.

The **Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines** serve as an overall guide to the future development and redevelopment of this area. Any change in the zoning classification in this area should result in this area becoming Harbor Mixed Use. The town intends to pursue a connection between Mason Avenue and the Harbor and increase parking in the area as redevelopment occurs and land use shift.

III.2.1.5 Planned Unit Development

The Planned Unit Development (PUD) designation should be compatible with others in the town and immediate surroundings, with commercial uses concentrated in the areas shown as Commercial PUD on the Future Land Use Map, and with uses in general mixed to encourage walkable communities. The PUD category designates a mix of uses that can include residential, specialty commercial, commercial, and general business/industrial. The intention of this category is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is generally possible. It is also intended to promote more efficient use of the land while encouraging variety, convenience, the development of recreational areas and open spaces, and creates an integrated land use development with common landscaping, architectural and design elements. The Historic District's traditional grid plan for local roads is typically not found in the PUD.

EMPLOYMENT AREAS

III.3 Employment Areas

The Future Land Use Map includes a designation of several Employment Area categories:

- Harbor
- Industrial

- General Business/Light Industrial H-1
- Industrial District M-2
- Main Street Mixed Use

III.3.1 Harbor

The Harbor designation a mixed use area, was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, places for people to conduct business and to live, meet, relax, encounter nature, and lean of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses predominantly on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestrian environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal transportation.

III.3.2 Industrial

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

III.3.3 Industrial District M-2

The Industrial District M-2 designation provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and the historic Port of Cape 16 Charles and Northampton County, create family-wage employment and training opportunities for local residents, serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers, and encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

III.3.4 General Business/Light Industrial H-1 District

The General Business/Light Industrial H-1 designation allows for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic Port of Cape Charles and Northampton County; creates family-wage employment and training opportunities for local residents; serves as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers; and incorporate comprehensive, cost-

effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

III.3.5 Main Street Mixed Use District

The purpose of this designation is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. See Section III.2.1.1 above for description.

III.5 Land Use Category and Uses Summary

CATEGORY	USES
Main Street Mixed Use (Commercial Residential)	Land uses in this category includes a mix of activity-generating uses on the first floor storefront space that can include commercial, retail, office, with residential uses located above the first floor.
Harbor Mixed Use (Harbor)	Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor and railroad uses.
Traditional Residential Mixed Use (R1, R2, R3)	Land uses in these categories includes a mix of residential single family, single family patio, and duplex dwelling units.
Low Density Residential (RE)	Land uses in this designation should consist primarily of single family dwelling in low-density residential areas intended to have a gross density of between 1-5 acres per unit, and to be clustered to protect significant areas of open space. Development proposals that seek higher density ranges in order to utilize desired clustering methods and preserve open space should also be considered.
Planned Unit Development (PUD)	Land uses in this category promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional regulations. It is intended to promote more efficient use of the land while encouraging variety and convenience for the development and/or recreational areas and open spaces within the project.
Industrial (GB, M-1)	Land uses in this category permits certain industries, which may detract from the residential desirability, and

	will not be permitted to locate in any area adjacent to a residential area.
Industrial District (M-2)	Land use in this category provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and historic Port of Cape Charles.
General Business/Light Industrial H-1	Land use in this category provides for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic port of Cape Charles.
Railroad	Land use in this category is identified as railroad and future Harbor Mixed Use designation. The open space designated to handle harbor dredge spoils should only be held for that use.

III.6 Future Use Approach

III.6.3 Future Land Use Recommendations – Long Term or Strategic

In addition to the recommendations listed above, these recommendations are targeted for implementation beyond the five year time frame.

- The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation and their redevelopment should be guided by the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines.
- Bayshore Concrete Products is an important economic anchor for both the town and the county. The plant is in the process of expanding and capital improvements. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.
- The property currently owned by the government and used as a United States Coast Guard Station Cape Charles facility performs a necessary and important safety and security function for the entire area. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

Section III-A – Quality and Diverse Neighborhoods

Overall Policies for development of Neighborhoods

(10.) Extend the concept of the historic grid network to new development.

Applies to Neighborhoods: ➤ Residential	Description:
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➤ Mixed Use ➤ Business & Industry Note: The historic grid network of the street system is a valuable asset for the Town and provides ample connections between residential and commercial uses for both the automobile and the pedestrian. Designing roads that serve new development in a system of interconnected blocks as a “grid” will improve overall network connectivity, promote greater accessibility for both traffic and emergency access, and foster compatibility of streetscape design for the whole town.	• The historic grid system works well in the core of the town and should be extended into new development including street width, turning radii and diagonal parking • Extend Fig Street with an at-grade crossing over the Railroad property to Old Cape Charles Road • Protect the view sheds • Maintain the “hump” as an alternate emergency vehicle route
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III-A.5.2 New Developments

Maritime and Mixed-Use Developments on the Harbor

The underdeveloped land, private and public, around the Cape Charles Harbor has been approved for development. Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses should support the existing harbor and railroad. These developments are:

- Cape Charles Yacht Center
- Town Harbor

Section III-B – Economic Vitality

III-B.5.3 Goal: Facilitate Business Start-Up, Expansions and Relocations

Despite the attractiveness of Cape Charles’ location in a regional context, the town must aggressively seek out partnerships with existing businesses, educational institutions, telecommunications providers, regional economic development groups, among others and pursue economic development opportunities, capitalizing to the extent possible on existing strengths. In December 2013, Bayshore Concrete Products successfully applied and was approved for the Cape Charles Technology Zone Incentive which gives a tax benefit for a maximum of five years. The plant is in the process of expanding and capital improvements of \$4 million are planned.

The town has the potential to grow over the coming years and the hospitality industry, including conference and convention center facilities, should be part of that growth. This industry brings visitors to Cape Charles and requires a cadre of well-trained workers to support

that growth. These visitors will require restaurants and other businesses to support them and the demand for quality support staff will be strong. Living accommodations within a reasonable distance area needed, making the Town Edge important in future land development.

While the town continues its focus on conducting business in a friendly efficient and effective manner, it should also continue to emphasize an “easy to do business with” attitude in dealings with both businesses and citizens alike.

Strategy:

- Capitalize on the existing and planned maritime industry cluster. 28
- Promote the dredging of the harbor from the current 18 feet to 35 feet to support economic development in the Harbor Mixed Use District.
- Pursue a study to determine markets for the Cape Charles Harbor.
- Attract new and/or additional major maritime, high technology, hospitality and small conference center business uses to Cape Charles.
- Foster small business development and home-based businesses.
- Promote tax incentives such as:
 - Enterprise Zone or Free (Foreign) Trade Zone
 - Town Commercial Rehabilitation
 - Northampton County Commercial and Residential Rehabilitation
 - Assessment/Tax Freeze
 - Technology Zone
 - Tourism Zone
 - Historical Tax Credits
 - HUB Zone
- Partner with educational institutions and appropriate organizations to research training and economic development opportunities.
- Promote Cape Charles Harbor as an ideal port of call

Section III-D Amenities

III-D.1 Cape Charles Harbor

Cape Charles Harbor is unique and vital to the future of the town. It currently serves the Bay Coast Railroad, Bay Shore Concrete, United States Coast Guard, Cape Charles Yacht Center, Mid-Atlantic Maritime Academy, industrial port and warehousing facilities, commercial fishermen and recreational boaters. The harbor has been upgraded with the installation of new docks, fuel tanks, floating docks, walkway, bathhouse and a restaurant. New development has been proposed on private parcels around the harbor as well. In response to increased usage and interest in the harbor, in 2007, Town Council approved the Harbor Historical District, the Harbor Zone, the Harbor Master Plan and Design Guidelines, and the Cape Charles Harbor Redevelopment Plan. To encourage sustainable marketability and growth of the harbor, the town will:

- Develop and implement a plan with Bay Coast Railroad for public crossings at Fig Street and at the waterfront.
- Fully implement the plan for construction of breakwaters to allow for greater protection of the harbor for use by all types of boaters.
- Support the Harbor Redevelopment Plan to increase funding for new facilities and greater dockage as well as dockside spaces for retail and recreation.
- Work with private developers to encourage employment opportunities for residents.
- Coordinate plans with the various stakeholders around the harbor to connect the proposed multi modal trail with the Historic District.
- Implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines to ensure cohesive and appropriate development around the harbor.
- Create a public recreational meeting area at the harbor for use by all fishermen, boaters, Cape Charles citizens and visitors.
- Encourage Virginia Clean Marina Standards at all marinas and maintain the Clean Marina at the harbor.

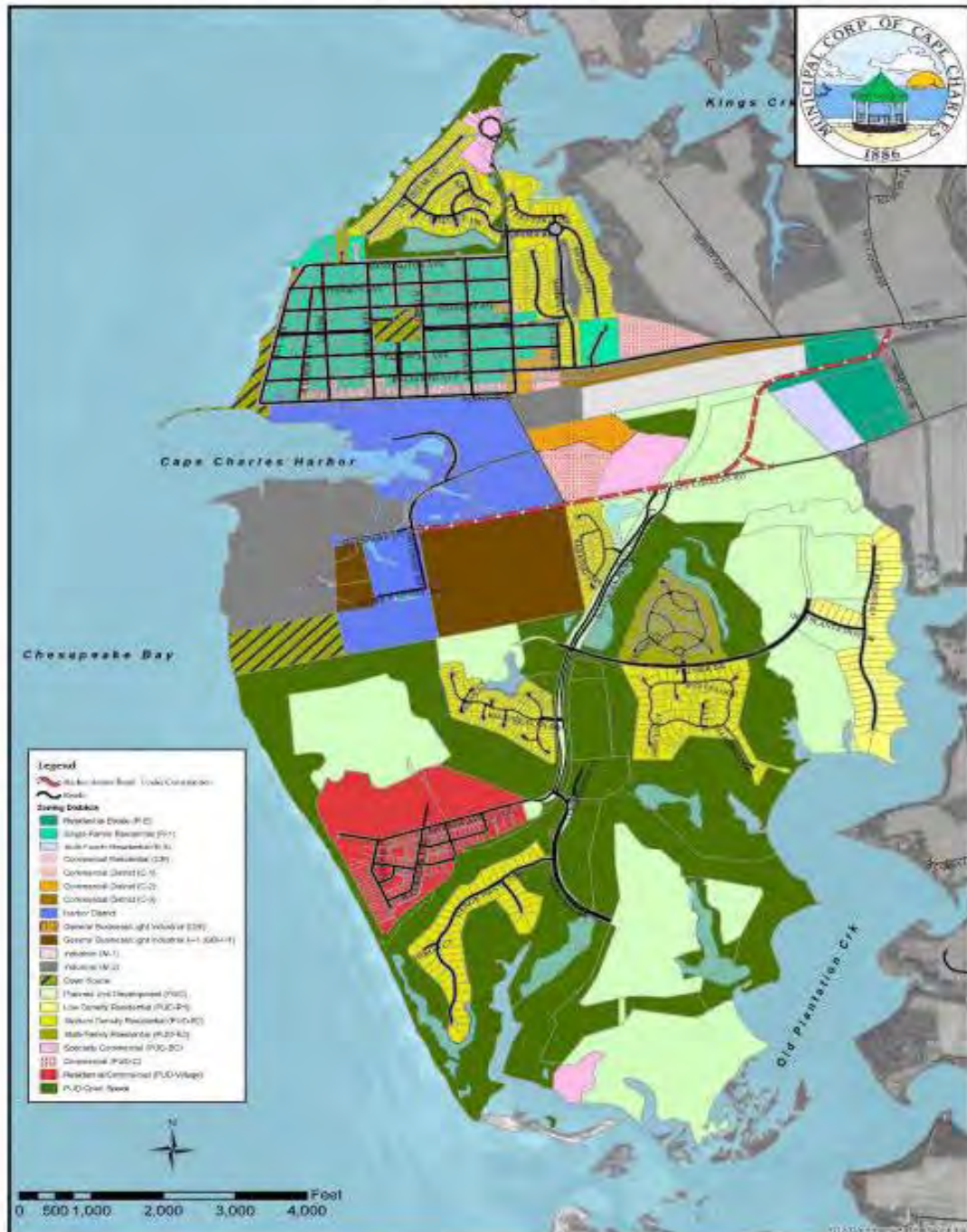
Section IV – Implementation

IV.2 Harbor Conceptual Master Plan

- Inventory historic site in the harbor area and encourage rehabilitation
- Commemorate historic sites such as the Meteor Site
- Establish an Architecture Plan for the harbor • Encourage rail development for commuter and scenic routes
- At-grade railroad crossing should be encouraged where feasible
- Integrate a pedestrian network from town to harbor
- Develop additional docking facilities at the harbor
- Keep parking areas green by using means such as pervious material
- New parking structures, if used, should be compatible with adjacent structures
- Incorporate traffic calming features to slow traffic in the Historic Core
- Maintain the harbor as a multi-modal transportation hub
- Minimize dependence on private auto transportation
- Preservation and restoration of the Rosenwald School
- Enhance jetty maintenance
- Create a public recreation meeting area
- Raise the level of the channel jetty to above mean high water

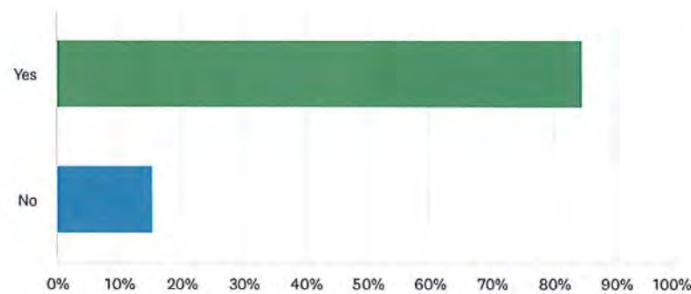
VI.2 Land Use ~~Zoning District~~ Map

Town of Cape Charles ~~Zoning~~ Map



Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

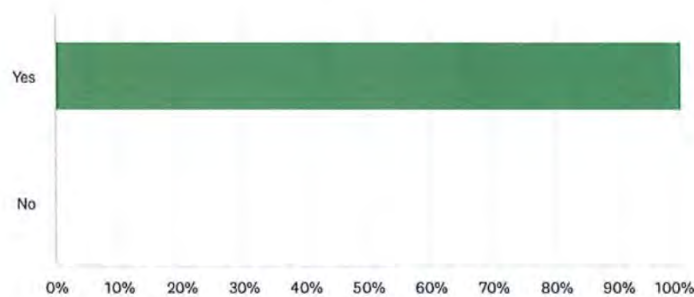
Answered: 441 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	84.58%	373
No	15.42%	68
TOTAL		441

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Answered: 373 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		100.00%	373
No		0.00%	0
TOTAL			373

#	COMMENTS	DATE
1	If it wasn't for industry and manufacturing this town would not be here. Please continue your support.	12/30/2021 10:28 AM
2	The approach makes a lot of sense	12/30/2021 10:26 AM
3	As long as tourism doesn't take over the town. It is impossible for those of us who live here to get a dinner reservation in the summer. Many of us just hide. Not sure how it can be done, but is there a way to control the number of homes that are vacation rentals? They are now trying to market the rentals during the Winter months!!!!	12/30/2021 10:22 AM
4	--Yes, understanding that visibility/viewshed/noise impact of manufacturing/light industrial south of the harbor will always be a consideration. --As to the idea of a working harbor, we see	12/30/2021 10:20 AM

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how something like the clam operation on the north side of the harbor impacts the potential for diversity of economic sectors. A careful review of what is allowable in the Harbor Zoning is important. --Note that the beach should not be neglected as part of maintaining economic diversity. This includes adequate sand on the beach and multiple entryways along Bay Avenue.

5	Being new, I wish a map had accompanied this question so I would have a better vision of what areas north of the harbor and south of the harbor are. I do support a healthy mix of economic sectors....provided the plans for development are transparent and allow for community input and questions.	12/30/2021 10:20 AM
6	But, please do not over tax tourism. In my view hotel or vacation rentals taxes are unfair. They are voted by locals and the taxpayers out of town can't vote. Among others this country was founded on no taxation without representation. I'm not against taxes, taxes are the price for our civilization. But I'm against tax misuse and tax benefits for special interest.	12/30/2021 10:19 AM
7	Comments made suggesting limiting the commercial component to only any business related to tourism is not realistic nor desirable from a diversity point of view. However, zoning ordinance needs to be updated to weed out those businesses that we feel are unrealistic (e.g., coal yards and heliport in M-1 district, Recycling drop-off collection centers and Utility installations in M-2 as examples).	12/30/2021 10:18 AM
8	The key being that "these activities are thoughtfully located and regulated to minimize conflicts."	12/30/2021 10:18 AM
9	However, there is major concern for the industrial area directly behind the New Quarter area of Bay Creek. Noise, odors, storage and hovering large equipment along with unattractive industrial buildings would ruin property value and would be a huge disturbance to this section of the Cape Charles community. We have major concerns about the use of this area.	12/30/2021 10:14 AM
10	Provided it doesn't take away from the appearance of the harbor	12/30/2021 10:13 AM
11	I agree that tourism and a small town character can coexist with a working harbor and manufacturing/light industrial activity. I believe there should be regulations for both parties as long as it doesn't choke the businesses to where they can't grow and provide jobs. We need both but one can't choke the growth of the other. I don't think the location of the clamming operation takes away from the character of what we want cape charles to be, actually this is part of our culture on the shore and should be out there for others to observe and be educated in this area. I have observed tourists being interested in the operation works. Probably having never encountered this type of business. It is just one more thing to add to the uniqueness of out town, plus it gives jobs.	12/29/2021 3:57 PM
12	I believe that economic diversity is essential for the town's future. But, when there is an appearance that the interests of investors rather than townspeople are being served, then resentment and opposition increase.	12/29/2021 3:55 PM
13	The town has to be very careful that the industries are compatible with the tourists and the historic character. Restaurants on the water are very compatible as is the boat maintenance business and the fishermen who use the harbor. Please let us know which businesses you are considering so the the community can have a voice. Not all industry is compatible.	12/29/2021 3:49 PM
14	Though tourism (specifically rental properties) may need to be controlled at some point (e.g. Onancock ideas).	12/29/2021 3:49 PM
15	Although I said yes, the statement "as long as these activities are thoughtfully located and regulated to minimize conflicts" makes me wonder what this really means. I agree that light industry should be located south of the harbor, but it should also be closely monitored to make sure there are no ordinances broken or negative environmental impacts resulting from irresponsible operations. BTW, I am still waiting to find out how the town is going to handle the unauthorized clear cutting done by PreCast last summer.	12/29/2021 3:48 PM
16	As long as green space , industrial related noise and pollution regulations are strictly enforced.	12/29/2021 3:31 PM
17	It would be nice to have a small market (groceries) in town that accommodated not only the residents but also the transient visitors. I imagine a market would be particularly convenient to visitors arriving by boat who may be looking to replenish supplies.	12/29/2021 3:30 PM
18	The manufacturing and light industry are critical for employment in the area, helping build the tax base, attracting more services and improving the schools. The trick is keeping the	12/29/2021 3:24 PM

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	balance..... As the town hopefully expands into the old railroad property, managing that development will be critical.	
19	However, need to stop industrial scale operations, like current clam off-loading and develop guidelines to limit industrial noise. Guidelines and hours of operations on north side.	12/29/2021 3:20 PM
20	Even though tourism is a large part of our economy we need to remember that residents on the shore need year round employment.	12/29/2021 3:19 PM
21	Beware short term rentals- I know I live in Va beach	12/29/2021 2:19 PM
22	But oppose more manufacturing/industrial south of harbor	12/20/2021 11:36 AM
23	We need all the businesses we can get that pay good money. Coastal precast pays good money. We need more like that.	12/20/2021 11:29 AM
24	I agree with the councils view regarding economic diversity. I am against expansion of the concrete industrial area. The noise pollution alone is a degradation to the charm of CC. You can hear it all the way to Cherrystone on many days. We also must preserve our green areas and walkways near the industrial area and near the Baycreek neighborhoods.	12/20/2021 11:04 AM
25	As long as the light industrial is operating under normal and acceptable hours (i.e. not 3am)	12/17/2021 5:59 PM
26	But Never should have given up harbor	12/17/2021 11:48 AM
27	Light industrial on the property south of the harbor and west of Precast would be a great use of this property (wind mill propellers??)	12/17/2021 11:05 AM
28	Jobs are at the heart of a small town.	12/17/2021 9:59 AM
29	In regard to the harbor and tourism, yes. But remember that economic diversity also includes allowing families of lower socioeconomic status to enjoy what our "small town" has to offer.	12/17/2021 6:49 AM
30	Economic diversity is the best plan for the town's long range well being !	12/17/2021 1:55 AM
31	Yes, not just within Cape Charles town limits, but in general, on the southern part of the peninsula on the Eastern Shore, there is not enough affordable housing. We should work together as a community to look to expand and support economic diversity.	12/16/2021 6:25 PM
32	While I agree, if there is no affordable housing, where will the employees live and spend their paychecks.	12/16/2021 4:35 PM
33	It would be interesting to consider the rail yard property and how that would then steer purchase and development.	12/16/2021 3:23 PM
34	Seems to be working so far...	12/16/2021 2:50 PM
35	But Never should have given up harbor	12/16/2021 12:24 PM
36	I consider the clamming operation on the north side of the harbor more than light industrial.	12/16/2021 11:50 AM
37	However, I have been in Cape Charles since 1984 and there was a working harbor on the north side and it was fine, but multiple 18 wheelers idling all night, stench from the clams, noise from people clanging metal crates and people hollering at 1, 2 and 3 o'clock in the morning is unacceptable and not good for tourism.	12/16/2021 10:10 AM
38	I think that there should also include language to show an intent and purpose to expand business offerings to be year-round businesses, especially in the food-service industry.	12/16/2021 9:49 AM
39	Important to have a mix of jobs for all.	12/16/2021 9:22 AM
40	However, this is a very fine balance as one would not want the commercial endeavors to conflict with the tourism industry, especially in making the area less attractive and noisy.	12/15/2021 10:03 PM
41	I wish it had a yes and no answer, I believe in economic diversity but have little faith in the same industry that thrived while the town crawled and now we think that's going to change or it's going to threaten the industries that did actually resuscitate the town?	12/14/2021 11:00 PM
42	The deep water port is an incredible asset that in no way maximizes its potential currently. See savannah GA for what it could become...but better	12/14/2021 6:24 PM
43	In general this makes sense. However you do have housing south of the harbor so its would	12/14/2021 4:45 PM

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	make sense to ensure that landscape buffers be included to help shield activities and beautify facilities.	
44	I agree to an extent. I don't agree of rezoning south of the harbor for light industrial when it interferes with nature and the wetlands. I also wonder what damage the cement plant is doing to the bay at their location. Do we have reports of their environmental impact?	12/14/2021 4:04 PM
45	My hope is that the hunger for business does not have additional negative impacts on our mom and pop businesses by drawing larger chain stores.	12/13/2021 9:38 PM
46	If these activities are thoughtfully located and regulated to minimize conflicts	12/13/2021 3:14 PM
47	More in favor of mfg/light industrial uses to draw more full time residents	12/13/2021 11:30 AM
48	We should see what the town could do to assist in the reconstruction of the Rosenwald School, should the board of the 501c3 working on this effort want assistance. The town could continue to apply pressure and increase pressure on the owners of "casually maintained properties". They need to "love it (fix it up — at least the exterior) or list it. Three that quickly come to mind are two on Randolph and one in the 600 block of Monroe.	12/13/2021 11:04 AM
49	The sight of vacant shops on Mason Ave is daunting. We seem to need more practical businesses- i.e.a bike shop, family restaurants, hardware store, garden store.	12/13/2021 10:04 AM
50	I really don't want Cape Charles to be a retirement community and I think having diversity of jobs available will attract families to live here keeping our town vibrant	12/13/2021 9:57 AM
51	I'm fine with the concrete factory, I applaud it in fact. I am NOT ok with the commercial activity in the field across from the Northampton Hotel. For God's sake, who allowed that??? The trucks spew exhaust that I can smell at my house at 109 Monroe. The noise too, I didn't mind the sound of the concrete factory but I do mind the idling of 4 or 5 or 6 gigantic trucks. Again, someone is going to get killed with those trucks coming through town. Really awful. That is prime waterfront property, ideal for anything but a truck parking lot!!! I had heard that Eyre Baldwin has a stake in the business, or something, sorry, 3rd hand info here, but do think it is high time he stop being allowed to run the table in this town. He does not have to LIVE here and SMELL the exhaust. If I were a property owner on Mason across from that mess, I would be very upset indeed.	12/12/2021 2:17 PM
52	I agree, but let's do it right, without the business interests dragging us by the nose. Coastal Precast is not being a good neighbor, and neither is Eyre Baldwin. Council needs to hold them accountable, but unfortunately has shown no inclination to do so.	12/9/2021 4:14 PM
53	Also support the concrete plant	12/9/2021 12:13 PM
54	I agree but for example, the level of noise that is being created on Mason Avenue, across from the old hotel by the new seafood business, is not acceptable. We need to be able to set a noise limit or time limit on the noise created. I have talked with people who live at that end of town who are very disturbed by the noise level this creates. So if we are going to mix commercial and residential we need to be more respectful to the residents who are needed here to make the town work. The people who are most disturbed are the full time residents. This is an example of the problem with losing more full time people to people who live away and collect the rental income. We can not afford to run off the people who are full time here.	12/8/2021 7:28 PM
55	I agree with economic diversity but not at the cost of harming the tourism or service oriented businesses- restaurants and shops. How can a industrial or working harbor exist where it is now — across the street from a boutique hotel, rental cottages, small businesses? this makes no sense as it now exists. Stick to the Community Strategic Plan and move it.	12/8/2021 3:50 PM
56	However, a strong noise ordinance should be enforced and buffers required.	12/7/2021 5:19 PM
57	Yes with a ?... AS LONG AS COUNCIL FOLLOWS THROUGH WITH THE APPROPRIATE ZONING AND THEN ENFORCEMENT, WHEN/WHERE AND WITH WHOM, WHEN NEEDED!!!	12/6/2021 4:13 PM
58	I completely agree with the economic diversity that is so important to the eastern shore, but feel that the impact of manufacturing/light industrial type of businesses on the historic district and beach should be considered. For example, while I recognize the importance of the concrete plant, it is an eyesore to the town and creates sound pollution. Both issues could be resolved or improved with some creativity.	12/3/2021 9:04 PM

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59	I have no problem if businesses want to move to town, it sounds like the problems that comes with a small town with thriving tourism are being thought about. I do fear bringing in people that are not from the area and want to bring their "this is how it's done where we're from" attitude and ways. We don't need to change the town to appease people that don't appreciate what is already here. Also, I live in Charlottesville, a gentrified town. Lower income people can't afford to live here because they can't pay the high taxes and high rent that college kids parents can pay. I don't want to see Cape Charles do the same because it seems most towns only worry about affordable housing once they have displaced the ones that can't afford it. Maybe it's by design and unfortunately it seems to be already be happening.	12/3/2021 6:33 PM
60	I just hope all are thought through thoroughly and we consider all outcomes on these decisions. It would be difficult to go back if we ended up with an undesired outcome.	12/3/2021 11:34 AM
61	The town has experienced a large turnover in properties the past 5-7 years, and I doubt that many of the new owners have a good understanding or appreciation of the town's historical dependence on the harbor and industry.	12/3/2021 11:27 AM
62	Other than we would not consider the clam operation works with this vision	12/3/2021 11:26 AM
63	Yes, yes and yes!!! Diversification is key	12/3/2021 11:24 AM
64	I feel most would agree with this statement if positioned correctly. Recent council meetings have shown a lack of trust for council members and their ability to make impartial decisions. Generally, a better communication system with the population would go a long way. The council cannot expect residents to tune in to council meetings for several hours at a time to stay in the know.	12/1/2021 9:17 AM
65	Need to add health or senior care to the mix	12/1/2021 7:03 AM
66	I dunno why people hate the cement plant so much when it's been there longer than most residents of the town. lol	12/1/2021 3:38 AM
67	I beleive a mix of economic and tourism will be good for the town. I also feel the town should be selective in what businesses are allowed in town. There is a great mix of tourism shops currently but very few lifestyle type options. Trying to encourage food or market type shops would be helpful to the town and keep people in town more than having to run out to food lion all the time. Just a thought.	11/30/2021 10:19 AM
68	The Town needs to do more to ensure that the concrete plant is a good neighbor. I still hear their trucks beeping loudly, and for extended periods of time. I also read that they illegally clear-cutted trees. They should be forced to plant 3 trees for every one they felled. Also, what on earth is up with the clamming operation on the north side of the Harbor?! That operation seems to run counter to the Town's view. It is an utter eyesore and embarrassment.	11/29/2021 6:52 PM
69	If you want tourism to thrive alongside industrial, the noise pollution and ugly views of industrial must be minimized. We specifically did not purchase a home on Mason or Randolph due to the incessant beeping from the concrete plant.	11/29/2021 3:19 PM
70	Tourism is great, but housing need is real for people working in town!!! Perhaps we should address that at some point, before it is too late?	11/29/2021 11:17 AM
71	The Bay Creek people that formed the group against the concrete plant have lost their mind. (My home is in Marina Village). Tourism must co-exist with a working waterfront.	11/29/2021 11:02 AM
72	The town is to small and can not handle the number of tourist in the summer time. The beach is tiny and 2 hour waiting time for a restaurant is insane. Because of the huge number of rental properties there are not enough fulltime families...without the families the businesses do not have enough employees.	11/29/2021 10:06 AM
73	This statement belies the actions of Council to rezone based on special interests of a select few.	11/28/2021 12:01 PM
74	I am happy to have a working harbor but there should be some regulation as to the hours of work. Sometimes the cement plant and the clam ships/trucks are going early in the morning or very late t night. There is also much dust and dirt. It was also very disheartening when the cement plant expanded south stripping much natural habitat. I no longer enjoy walking the trail with the plant being so visible and loud.	11/28/2021 10:36 AM
75	Utilities may hinder the recruitment of advanced manufacturing. Need more housing to provide	11/27/2021 5:06 PM

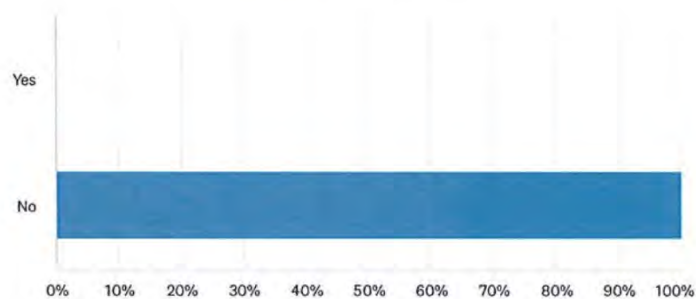
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workforce or look into a community college/ workforce center to cater to businesses the town would like to attract. The town or county needs an economic development director to steer both county and town in recruiting business expansion.

76	Go CAPE CHARLES CITY!	11/25/2021 8:17 PM
77	But I believe in flexibility. Not a strict adherence to a North / South divide.	11/24/2021 11:32 PM
78	The non-tourism sectors of our economy are important and should be increased.	11/24/2021 12:10 PM
79	The council might have this intention, but they have not yet convinced the key stakeholders like CC Main Street and owners of businesses that cater to tourists about the importance in serving year-round working class residents. The antagonism demonstrated during the zoning discussion for the concrete plant is a tip-off that folks don't yet understand the importance of economic diversity. If we cater to the tourists, we will continue to lack residents who are willing to serve on the town's committees and contribute to building a sustainable, year-round community.	11/24/2021 7:43 AM
80	I think the town officials do a great job considering both working vibrancy and laid back beauty.	11/23/2021 7:51 PM

Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

Answered: 68 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		0.00%	0
No		100.00%	68
TOTAL			68

#	COMMENTS	DATE
1	Updating zoning? The damage has been done	1/10/2022 11:12 AM
2	The lower income community that have lived in Cape Charles for years, can no longer afford to shop or live there. It has been taken over by those who are in a higher tax bracket so that regular folks can't afford it. I owned a home & ran a business there but sold out due to expenses. Can no longer pay a huge Cape Charles tax plus the Northampton County tax as well. It's impossible! The only reason that I go into town now is to pick up a prescription or walk on the solitude of the beach in which a place to park & solitude is non existent today, very sad .	12/30/2021 10:27 AM
3	Light industrial, yes, however they extend the word " conditional " use. This is an open end situation, they have already stepped beyond " conditional" use. The only persons who won on	12/30/2021 10:26 AM

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this Ayer Baldwin and the concert plant.

4	What Council says and reality, as far as the clamming operation, seem to be in conflict. The concrete plant seems to at least try to be a good neighbor, but the clamming seems determined to punish the town by running operations 24/7. Where is Northampton County in providing jobs and business? It seems that all of the jobs being created are the burden on Cape Charles, at the expense of the peace and quiet that drew people to the town. I cannot begin to imagine how the clamming has impacted the three houses and Northampton Inn on Mason Avenue. Does Council care about those businesses?	12/30/2021 10:24 AM
5	They approved changes to zoning without gaining any concessions (financial or general). There was no facts as to the accurate employment at the plant from Cape Charles or even Northampton County. In addition, this Clamming Operation "north" of the Harbor, defies the intent listed above to keep the Historic district protected from industrial activities.	12/30/2021 10:24 AM
6	Clam boats unloading all night long every 3 days in a commercial zone that is not in compliance. South side of harbor is not zoned industrial. I do not consider this light industrial with the noise and arc lighting.	12/30/2021 10:07 AM
7	Do not support manufacturing/light industrial type of business in Cape Charles	12/30/2021 9:52 AM
8	Manufacturing/light industrial activity	12/29/2021 3:59 PM
9	Need to consider the water usage and the small amount of space in the whole area. We don't need more traffic and the protection of the bay and its habitants/wildlife should be first.	12/29/2021 3:56 PM
10	Proposal needs to be more specific	12/29/2021 3:53 PM
11	Need more information on this matter	12/29/2021 3:48 PM
12	The town's main interest is the tourist! The town has chased away local fisherman by raisen docking fees and regulations. The town constancely battles the concrete plant. Its an eyesore and noisy for the tourist. Doesnt sound very friendly. And refuses to enforce golf cart laws. The town has lost its appeal. Who in their right mind wants to back in parking!!	12/29/2021 3:29 PM
13	Manufacturing/light industrial activity should in NO WAY effect the residential areas of Bay Creek.	12/29/2021 3:27 PM
14	You must curb tourism to maintain your base of full-time residents.	12/29/2021 3:26 PM
15	This town can be Cape May, NJ or Elizabeth, NJ but it can't be both.	12/29/2021 3:24 PM
16	The concrete plant and clam operations have ruined the area with little revenue or cape charles.	12/29/2021 3:15 PM
17	We do not agree the Councils view regarding economic diversity. To us, the definition of "light industry" would never include a huge concrete plant whose noise reaches MANY of the residential blocks day and night. The town has not effectively reached an agreement with the plant's managers about the noise or the particulate matter that drifts over the open waters of the harbor and bay, AND reaches the residential area. This is detrimental to the health of the residents and visitors. Fishing is a vital part of any working harbor but the current clamming operation with the rows of idling diesel tractor trailers causing air pollution, light pollution and noise pollution, all hours of the day and night, is NOT acceptable. It should be located on the South side of the harbor. It is detrimental to the town and our residents and visitors. Although this town was founded on the transportation industry over one hundred years ago, it is now experiencing a Renaissance due to the tourism industry. The Council needs to appreciate this and protect this trend/opportunity. A study of the history of similar towns will show that this is not uncommon to experience a change of focus. Chincoteague, for example, has historically had a poultry industry, a menhaden processing industry, a fishing industry, however it now relies predominantly on tourism...and it is a THRIVING municipal economy.	12/29/2021 3:06 PM
18	Only if is closely watched and regulated, which I don't believe is presently being done. The town council does not put the residents needs first. at times it appears the town is being run by a few wealthy people.	12/29/2021 3:05 PM
19	Depends on what commercial activity is defined as by the Council. If it includes harvesting oysters &/or clams from the harbor and loading them into trucks in the evenings and nights, then no! Evening and late night commercial businesses should not be permitted to operate in areas north of the harbor, especially if they are not "quiet and respectful of neighbors".	12/29/2021 3:04 PM

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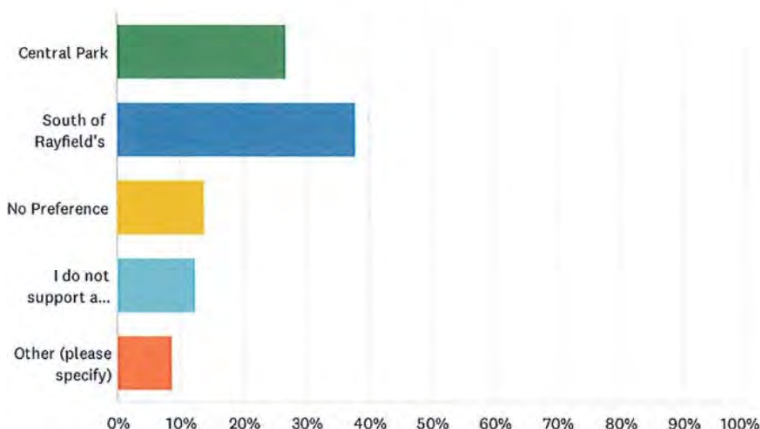
20	Too vague.	12/29/2021 3:03 PM
21	The new wording for manufacturing/light industrial type of business is not acceptable. You should reverse it to what it was, especially not to allow outdoor manufacturing. Also it would be appropriate to add some proffer in order to maintain the appearance of the manufacturing properties the way they look now from the town: 50 feet trees barrier minimum; no buildings above the tree line. The town is generating most of its revenues from tourism. This is the area that the town should privilege and facilitate in terms of services and occupations: more entertainment; stores and maybe a hotel big enough to accommodate weekenders around the year and for special events such as golf tournaments at bay creek.	12/29/2021 3:01 PM
22	The towns best growth and development prospects are clearly related to tourism, which has created many businesses and driving home values.	12/29/2021 2:48 PM
23	It is relatively well documented that creating zones for specific types of economic activity stratifies the economic basis of he community. While the "north of harbor" and "south of harbor" idea fits with recent and current uses, there should be a mix of these economic areas in future planning for them to truly thrive and provide opportunities for all of the town's citizens. For example, the Hook at Harvey places in the middle of the industrial site for the yacht building works well. I am not suggesting we place industrial right in the middle of the commercial zone or residential zone, while I am suggesting that keeping only industrial development south of the harbor will not improve the view shed not increase a mixing of the needs of the town for economic diversity.	12/28/2021 10:08 PM
24	Left a question mark between both answers so didn't have a certain response	12/28/2021 9:35 PM
25	Although the demarcation of areas makes sense on the surface I would encourage the town council to maintain flexibility in allowing for future growth of all types on both sides of the harbor by adopting a variable zoning class. An example, permitting residential or commercial (or mixed use) on the south side of the harbor.	12/17/2021 4:04 PM
26	The concrete plant is an eyesore and it's growing footprint is concerning to the surrounding environment.	12/17/2021 11:44 AM
27	If you are truly a tourist beach town, no businesses manufacturing / light industrial activity should be visible from the tourist sector of the town. The town has a large parcel of land on Mason Ave. on the water, and very few know what it is being used for. The town cuts the grass for parking on 4th of July so I am assuming the town owns it. It has no sign to designate the business name and no explanation of public access. The public has no guidance if they are allowed on the new concrete dock area. Across on the South side, in no way can you call the newly expanded Rock Quarry, "Light Industrial Activity." Town needs to do all they can to showcase areas close to the water as tourist friendly. People spending money in town through taxes, rent, etc. should not be worried about what businesses are on prime waterfront real estate blocking their view.	12/16/2021 9:41 PM
28	Manufacturing/Light industrial activity should be further outside the historical town limits... Not south of the harbor. Remember, we need to preserve history and culture... And that includes preserving land, wildlife, forestry, and coastal habitats. Tourists do not need to have access to our light manufacturing development. I strongly advise NOT to develop south of the harbor, as the town will have actions that will most certainly conflict with the intensions of the plan.	12/16/2021 7:18 PM
29	It amazes me that the town would contract out the harbor in the first place and put local persons out of work?? Also seems to me that the working waterman is no longer really wanted at the harbor and if anyone has kept things going over the past 100 years it's the working waterman. Then the complaints about the cement plant - DUST AND NOISE - who are you kidding! What about employment and feeding one's family? That should be a top priority but sense there are very few actual residence in Cape Charles and most are vacation rentals for visitors - I guess the local families don't rank as high a the money renters are making that don't even actually live in the town. Diversity?? Who are you kidding - more like reversing diversity. Cape Charles has survived so many different changes thru the years and we who are local know what diversity means but we never said that word growing up because we lived it. Get a grip on your "high society" "dollars only matter" mind sets and let us get back to actually living life on the Eastern Shore as we know it - SIMPLE AND FREE!!	12/16/2021 2:31 PM
30	Pushing any time of business to the outskirts of town is a bad idea	12/16/2021 12:50 PM
31	I disagree that "light" industrial operations have any place in the future of Cape Charles. And planned further expansion of industrial operations south of the harbor threatens open space,	12/15/2021 7:36 PM

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	noise pollution, is visually unappealing, and had the potential to leave long-term scars on the landscape right in the heart of Cape Charles. There is a huge amount of under-developed land throughout Northampton County, why does this development need to take place right here? I believe the Council is being extremely short-sighted in its approach to zoning south of the harbor. The jobs and revenue being provided are time limited. Once construction of the CBBT is complete, those benefits will be shut off, leaving the town with an albatross of expanded and abandoned industrial mess.	
32	The council has not made this happen. The town decision makers are not acting appropriately and are allowing 1 individual to confront the industrial development of the town in spit of public outcry. It is shocking and needs to be stopped.	12/15/2021 8:45 AM
33	I don't honk manufacturing is beneficial to the town.	12/14/2021 4:44 PM
34	I would need to see the specific zoning changes to agree or disagree	12/14/2021 12:33 PM
35	The presence of industrial businesses within ear shot and sight of the commercial businesses is a tremendous detriment to the service oriented businesses. I can't count the amount of guests in our home who have asked, what is that eye soar across the harbor? and what is that pounding sound? It is a massive conflict and I believe all industrial businesses should be restricted that close to town.	12/14/2021 9:43 AM
36	Tractor Trailers and truck entrance on Mason are not acceptable	12/13/2021 3:05 PM
37	I was not on council at the time of this draft of the Comprehensive Plan. The town needs to work hard to identify and attract businesses that have a green footprint. 2021 has been a tough year for the harbor. The town was ripped apart as it considered re-zoning to permit the sale of a piece of property. The projected 'opportunity' did not occur, new jobs did not happen, and the towns people suffered as they battled to protect the natural resource. Many residents feel that their opinions do not matter.	12/12/2021 6:07 PM
38	I believe in and agree with a healthy mix of economic sectors, including all those listed; however, the success (and continued growth of the tourism and service sectors) depends on where and how all sectors are enabled to expand. The idea that the industrial sector can be just across the water of the harbor, let alone grow in that area, will continue to negatively impact the north side of the harbor. There's a large area of land practically unused east of the marina and coast guard; industrial growth in that direction would have minimal negative impact to the further growth and success of the town. Even keeping a small buffer south of the harbor and enabling growth only beyond that buffer would greatly impact the appeal of the harbor itself.	12/9/2021 9:30 AM
39	The industrial area south of the bay should not have been voted to expand.	12/8/2021 2:14 PM
40	No response	12/3/2021 1:10 PM
41	The small town feel and beach community are what makes Cape Charles special, makes people want to live here, and keeps visitors coming back. Manufacturing or harbor activity that produces too much pollution (dust, odors, noise, etc.) can make the beach and town inhospitable and impact the quality of life of in the Town. While having diversification of business types is a good thing, forcing them together when they are not complementary can lead to very negative results.	11/29/2021 12:52 PM
42	another missed opportunity for the town. develop the waterfront in a way that does not impact the environment and quality of life for all. A working harbor is much different than what has happened and the direction the town is going in.	11/26/2021 10:33 AM
43	I am not sure. Please provide a visual of this like a map to help us understand how and where activities would take place. Please do something to screen the concrete plant and to get rid of tractor trailers disrupting residents enjoyment of their homes and life in Cape Charles. On the flip side I heard the harbor is no longer friendly to watermen trying to fuel their vehicles. Where is the balance?	11/25/2021 5:52 PM

Q14 The town is exploring new recreational amenities including a basketball court. There is room for a half court in the southeast corner of Central Park. There is also potentially space available on property just south of Rayfield's Pharmacy that could be part of a multi-use recreation area. Of these locations, where would you prefer to see a basketball court?

Answered: 442 Skipped: 0



ANSWER CHOICES		RESPONSES
Central Park		26.92% 119
South of Rayfield's		38.01% 168
No Preference		13.80% 61
I do not support a basketball court		12.44% 55
Other (please specify)		8.82% 39
TOTAL		442

#	OTHER (PLEASE SPECIFY)	DATE
1	Please don't ruin the look of our park with a basketball court. History in this town has proven nothing good happens on a basketball court.	12/30/2021 10:28 AM
2	South of Rayfield's would also be an option. I think it would be a great addition for the youth in the town	12/30/2021 10:26 AM
3	Not in Central Park. Think about it. Council members already referenced problems with the basketball court when it was by the old School: cursing, gun shots, trash, police having to be called. Do you really think that people who want to play basketball are going to respect a concert going on Central Park, or some other private event going on in Central Park? Do you	12/30/2021 10:24 AM

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think that families will want to use the proposed benches/tables/checkers/etc if right next to them, people are playing basketball? The basketball court by the old school went away for a reason, and there is good reason to believe that the same problems will return, if a basketball court is located in Central Park. If you are going to relocate the police/fire station, put the basketball courts there. It would provide something for the officers/volunteers to do when on duty, allowing them to build relationships with whoever else wants to play basketball. It also might go a long way towards keeping the behaviors under control. As a teacher, you can manage behaviors by walking around the classroom and positioning yourself close to kids who might otherwise be tempted to misbehave. The Town is working on walking trails within the town. Make this accessible by running sidewalks/golf cart path/etc to it. TM Hozey indicated the police force is already stretched thin. Having to answer calls to basketball misconduct in Central Park will stress out the police force. Cape Charles Baptist Church has already graciously made available a half court basketball court. The fact that some folks don't think this is good enough speaks to the behavior that they want to engage in on the court. Just asking for trouble if you put a basketball court in Central Park. The summer tournaments that some folks referenced were before our time, but seriously? In Central Park? If people want something like that, it would definitely have to go somewhere else. Having basketball tournaments in Central Park would mean no one else would be able to use the park during that time. And where would these people park? There's only one restroom in the park, and porta-potties don't smell that great in the summer.

4	--I do not support adding a half court at Central Park. There will be conflict with concerts, weddings and other Park activities. --Suggest co-locating a court with Town office relocation.	12/30/2021 10:20 AM
5	A basketball court SHOULD NOT be placed in a residential area such as the park location.	12/30/2021 10:18 AM
6	I have no preference of location, only that it is monitored for appropriate behavior of the players (no bullying...)	12/30/2021 10:15 AM
7	Who comes to Cape Charles to play basketball	12/30/2021 10:14 AM
8	Remove tennis courts and replace with basketball courts. Tennis courts get little to no use.	12/30/2021 9:52 AM
9	While a "sports complex south of Rayfield's might be the eventual location for a basketball court, until that comes to fruition, then I think Central Park is the appropriate place. However, I don't think that the basketball half-court should be located in the southeast corner of the park. I think it should be located near the tennis/pickle ball courts (even if it means relocating part of all of the children's playground). The lighting requirements and noise concerns of these activities suggest that they should be located together.	12/29/2021 3:55 PM
10	Not sure how the town will care for a recreation area, when they presently can't keep up with the park, playground and tennis courts we have now. the town is very understaffed.	12/29/2021 3:05 PM
11	Cape Charles does not have sufficient population, or the demand, to support a multi use recreation area or a basketball court. I do support those activities but we should not spend the town's money for construction, leases or maintenance on this. Northampton County should do it. On basketball specifically, those who play basketball tend to be late teen to adults in their 20's and they tend to play an aggressive and loud game. If there were to be a court built, it should not be in Central Park.	12/29/2021 3:03 PM
12	At residence or private property	12/20/2021 11:31 AM
13	I support the addition of a basketball court within town limits-location is not a factor	12/20/2021 11:26 AM
14	Both Locations	12/20/2021 10:30 AM
15	The town basketball court should be in an area where residents with "sensitive ears" won't be offended. Central Park is ideally situated but I could see the basketball court interfering with other events that are held in the park. The area near rayfields is probably the better choice for a multi-use recreation area. Glad to hear that the town is reconsidering a basketball court.	12/17/2021 4:04 PM
16	Joint venture with churches and Christian school etc , since we had\$200k deficit.	12/17/2021 11:48 AM
17	The Central Park location would be ideal... it does not need to be a "half court" however... it could be a 2/3 or 1/2 size.. NOT half court please... full court, only smaller than a regulation size.	12/17/2021 11:05 AM
18	Either place is good. What I don't support is a zip-line. That just seems of limited interest and counter-intuitive for our town.	12/17/2021 10:53 AM

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19	Both	12/17/2021 9:59 AM
20	I like the idea of a multi use recreation area, so that'd be my first choice. But the park would be fine, too. We need this!	12/17/2021 8:04 AM
21	If a court is implemented it should be part of a multi-use area south of Rayfields and not at the Park.	12/17/2021 1:55 AM
22	Both areas would give access to many more games!	12/16/2021 11:40 PM
23	Multi-use recreation area near Rayfield's would be amazing! I support that, as my first and as an alternative, at central park	12/16/2021 6:25 PM
24	Either as long as it gets done, it's long overdue, seems the Rayfield property may have more room for multi use and larger crowds to enjoy at the same time.	12/16/2021 3:23 PM
25	Either would be nice but I would think residents surrounding the park would prefer the noise elsewhere and south of Rayfields sounds like a nice alternative	12/16/2021 2:50 PM
26	Use the two lots behind the fire department, seems the the safest environment there	12/16/2021 12:50 PM
27	Joint venture with churches and Christian school etc , since we had\$200k deficit.	12/16/2021 12:24 PM
28	where ever it is, I think there should be security cameras on it.	12/16/2021 12:19 PM
29	If the rec facility was for local or residents then Would support however if it brought people from out of the area to use the facility then not a great use but that would be difficult to enforce	12/16/2021 8:35 AM
30	We support a court and believe it's a must have. We take our son to the church in town often to use their basketball hoop.	12/15/2021 10:07 PM
31	Depends on how far south. Needs lighting and easy accessibility. I also have it problems with it in the park if rules are set for timing, language etc...	12/15/2021 3:19 PM
32	Hard to say without knowing pros/cons and cost difference	12/14/2021 12:33 PM
33	Central Park or South or Rayfields would be great. I would love to have a basketball court in town!	12/14/2021 9:43 AM
34	use central park for a half court basket ball court, people play tennis and pickle ball there already, why not consider a satellite parking lot just south of rayfields?	12/12/2021 6:07 PM
35	I support the Central Park location. It's close to where the kids can walk to it safely. Having kids from Seabreeze walk to Rayfields is unreasonable.	12/9/2021 4:14 PM
36	I think a full basketball court would be better, and I really like the idea of a multi-use recreation area.	12/5/2021 12:35 PM
37	I don't care as long as there are funds available. If there is a deficit, which it sounds like it is according to the report, then not until the town is out of the red.	12/3/2021 6:33 PM
38	I just want to say I don't think it makes sense to pour a slab of concrete In the communities main green space. Isn't the church basketball court open to the public most days?	12/3/2021 11:34 AM
39	I think south of rayfields is the best option. there are less homes there and things like basketball games get loud and the general nature of the sport is loud (ball hitting pavement) which would be unfair to the houses immediately surrounding the park	11/29/2021 10:18 AM



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
March 31, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Councilman Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Vice Mayor Bennett was unable to attend. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Deborah Pocock, and Town Clerk Libby Hume. There were two members of the public in attendance.

Items for discussion during this work session were A) Town Office Space Needs Study; B) FY 2023 Proposed Capital Improvement Plan; and C) Strategic Revenue Plan.

A. *Town Offices Space Needs Study Presentation:*

Town Manager John Hozey went through the presentation which outlined the analyses of space needs by department compared to existing facilities and provided four space allocation options for review. John Hozey recommended option 1. (Please see attached.)

There was some discussion regarding: i) the various options and estimated costs; ii) the potential sale of the municipal building, civic center, the library building, with the exception of the first floor, and the lots behind the library building; iii) not doing anything was NOT an option; iv) flexibility needed to be built in for future growth; v) Mayor Dize stated that he liked option 1, but suggested option 5, which would leave the library at its current location, and move the staff currently in the municipal building into the new building. He felt that a lot of issues would be discovered when renovating the current municipal building and civic center since both buildings were old. All new infrastructure would be necessary, and an elevator would need to be installed at the municipal building. There was also the issue of displacing employees during renovations. If all were to go into the new building, this would not be an issue; vi) Mayor Dize also expressed the need a meeting room adjacent to the Council Chambers for closed meetings. Town Clerk Libby Hume stated that was her intent when she requested a separate meeting room for closed sessions and staff meetings adjacent to the Council/Board meeting room, but all four options had this meeting room in a separate building from the Council Chambers; vii) Councilwoman Holloway expressed her opinion that having everyone, with the exception of the library and utility plants, in one location, if it could work financially, was the best option.

There was a general consensus with Council regarding option 5. John Hozey and Bob Panek would contact HBA to finalize option 5, and prepare a staff report to include all five options and associated cost estimates, and the potential sale of town-owned property as discussed. This would be on the April 21 regular meeting agenda for Council review and action.

B. *FY 2023 Proposed Capital Improvement Plan:*

John Hozey reviewed the Proposed Capital Improvement Plan by Fund.

General Fund. There was discussion regarding i) additional improvements in the municipal parking lot and the possibility of requesting additional land to lease from Canonic Railroad; ii) restrooms on Mason Avenue and the beach; iii) beach accesses; iv) trash can replacements throughout the Town's public areas (in addition to the trash receptacles for residential and businesses); v) sidewalk infill; vi) the adult game area in Central Park which was proposed by

the Citizens for Central Park. The Town's portion would be 25% of the cost; vii) John Hozey was approached by an individual who was interested in forming a grass roots organization to manage a sports/recreation field in an area south of Rayfield's. John Hozey had spoken to Mr. Spencer Murray about leasing the land from Canonie and it was not unreasonable for the Town to possibly acquire a lease to develop the area into a recreation field. If so, a restroom facility would be necessary. Another potential benefit to leasing this land, would be the ability to provide golf cart access to Bay Creek residents.

Harbor Fund. i) The fuel system was on the top of the priority list for the Harbor Fund; ii) The floating dock anchor pile guide replacements was another high priority item but John Hozey was hopeful that it could be completed this year; iii) Mayor Dize stated that when he was harbormaster, he obtained quotes for an in-ground manifold for the fuel pumps which were about half the cost of catwalks, and he actually had a concrete pad poured by the shed. He recommended that this option be researched again. It would also be a safer option than a catwalk; iv) Councilman Grossman expressed his concern of the number of projects shown on the list and the potential number that would not get completed; v) Mayor Dize noted that the fishing pier was also aging and needed to be added to the Capital Project List for maintenance/repairs. John Hozey agreed and stated that he would add it to the General Fund list.

Utility Fund. i) John Hozey informed Council that staff received an update on the capacity study and the limiting factor was water. The Keck well connection was about 90% designed. Funding was included to take this to full design. Funding was also included to add another main to take the treated water out. This would also provide the infrastructure needed for the time when the Keck property could be developed. Councilman Grossman noted that the Virginia Department of Health just received \$100M for drinking water grants and this project could qualify for funding. Bob Panek added that these grants typically were awarded to areas in the western part of the state where the water supply had been contaminated by mining. John Hozey would research information about the grant; ii) The water treatment plan expansion/refurbishment was included for FYs 2024-2026 as a placeholder until the study results were received; iii) The water tower mixers project had been on the project list for several years and was pushed back another year. There were competing opinions on how to address this project; iv) the wastewater treatment plant membrane replacement project was included for FY 2025-2026. The membranes were beyond their original proposed lifespan but were still holding up and performing well; v) The Washington Avenue pump station project was moved to FY 2025 but needed to be addressed; vi) Remote read water meters. Our system was inefficient. If the utility plants were not sold, we would have to upgrade the meters; vii) The water treatment plant emergency bypass project was pushed to FY 2025; viii) The water treatment plant backwash holding tank project was put in FY 2026; ix) Mason Avenue pump station was upgraded in 2012, and the renovation project was proposed for FY 2027, making it 15 years since the last upgrade; x) The wastewater treatment plant expansion was projected for FY 2028. The capacity study results, which should be received within a month, were needed to better determine the timeframe. There was some discussion regarding being over capacity at certain times and the issues with inflow and infiltration.

Sanitation Fund. The trash receptacles needed to be replaced every few years so was projected for FY 2026.

C. *Strategic Revenue Plan:*

John Hozey began by stating that the Strategic Revenue Program (SRP) was adopted in 2020 and was a program to assist in projecting future revenue needs beyond the current spending cycle based on the strategic goals and projects predetermined by Council and other planning processes. All revenue sources needed to be considered, however real estate property tax remained the largest source of potential funds. Prior to rebalancing the real estate property tax rate, a strategic revenue projection should be in place so that rebalancing could still achieve

long-term goals. The Town currently had a number of special projects in progress such as the updates to the comprehensive plan, zoning ordinance and Town Code all requiring consultants. In a quick review of the strategic plan, there were other ordinances on walkability, dune management and other that would require engineering assistance. We also had the issue of workforce housing and the current barriers of such housing in the ordinances. Town staff already had their day-to-day workload, and did not have the time to take on additional projects, so consultants were a necessary tool. We needed to determine how to fund the projects, taking into account the potential of one-time grant funding. Everything needed to be brought together when projecting our capital needs. We also had issues with the recent increase in property assessments and would get pressure from citizens to equalize the rate down to a zero increase. The Town got into trouble in the past by repeatedly balancing the rate down to a zero increase. Councilman Buchholz noted that even if the Town equalized the rate down to within the permitted 1% revenue growth, the county's taxes would still be higher since the assessments were so much higher within the Town versus properties in the county. Northampton County would be equalizing their tax rate for the county as a whole, but Cape Charles residents would be still paying much more. There was much discussion regarding the county's tax rate.

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 8:43 p.m.

Mayor William "Smitty" Dize

Town Clerk

Town Facilities Needs/Deficiencies Study

Analysis of Alternatives
March 31, 2022



Analysis of Alternatives

- Covers Administrative, Police, Legislative, and Library functions
- Space needs assessment
- Existing facilities and potential building site assessment
- Space allocation options
- Recommended options
- Next steps

Space Needs Assessment

- Input from Department Heads
- Considered internal synergy and improved public service
- Shared work-spaces: Finance, Building, Planning & Zoning, Police
- Centralized files and group meeting space
- Some room for growth
- Judged reasonable by HBA consultant
- Additional efficiencies will be pursued during design phase

Space Needs Assessment

<u>Administrative</u>	<u>Square Feet</u>
Administration – Manager, Asst., Project Mgr.	434
Clerk – Clerk, Asst., Central Files, Storage	563
Archive Storage	450
Finance – Treasurer, Staff (4), Storage	859
Human Resources – Manager, Intern	243
Building – Code Official, Staff (2), Plans & Storage	845
Planning & Zoning – Planner, Staff (2), Storage	645
Meeting Room/Break Room w/Kitchenette	480
Restrooms (4)	<u>256</u>
Subtotal	4,775

Space Needs Assessment

<u>Police</u>	<u>Square Feet</u>
Chief, Staff (7), Evidence, Armory, Shower, Restroom, Kitchenette	1,487
Garage	<u>1,500</u>
Subtotal	2,987
<u>Council Chambers</u>	
Meeting Room, Storage, Kitchenette, Restrooms (2)	1,520
<u>Library</u>	
Collection, Office, Meeting/Programs Room Computer Lab, Restrooms (2)	2,948
<u>Grand Total</u>	<u>12,230</u>
Adjusted by 0.767 efficiency ratio (walls, hallways, etc.)	15,945

Facilities and Building Site Assessment

Size of existing facilities (square feet):

Municipal Building – first floor	2,925
second floor	2,925
Library Building – first floor & rear mezzanine	2,800
third floor & front mezzanine	2,760
Civic Center Building	<u>1,378</u>
Total	12,788

Facilities and Building Site Assessment

- Inadequate space to properly accommodate all functions; about 3,100 square feet short
- Condition assessment of existing facilities
 - *Structurally sound*
 - *Safety and compliance concerns*
 - *Requires extensive renovation, including new systems*
 - *Expansion limited due to site constraints*
 - *Need elevators at both Municipal and Library buildings*
- Impractical to accommodate all needs within existing facilities
- Suggests building a separate police station at a minimum

Facilities and Building Site Assessment

- Building site of about 2.1 acres is available on Cassatt Parkway
 - *Lot subdivided from Parcel 14; near Rosenwald School*
 - *Central location with good access*
 - *Close to existing water and sewer service*
- Building site condition assessment
 - *Close to former dump but only minor debris on site*
 - *No contamination*
 - *Outside Chesapeake Bay Resource Protection Area*
 - *Small area of non-tidal wetlands*

Space Allocation Options

Considerations

- Relative cost
 - *Renovation is less expensive than new construction with site development*
 - *Renovation of Municipal building is less expensive than Library building due to type of construction and need for a three-story elevator at the latter*
- Synergy created by collocating certain functions
- Space available at the three existing facilities
- Space available at the potential building site
- Potential for divestiture of property to generate revenue

Four initial options tested

Space Allocation Options

Option 1 – Renovate Municipal Building; and construct a new building on Cassatt Parkway

- All administrative functions can fit in the Municipal Building
- Police, Council Chambers, and Archives in new building; 7,100 square feet - one level
- Library remains at current location and current size
- Divestitures
 - *Civic Center Building*
 - *Library Building; lease/buy back Library space*
 - *Two lots on Randolph behind Library Building*

Space Allocation Options

Option 2 – Renovate Municipal and Civic Center buildings; construct new building on Cassatt Parkway

- Library moved to first floor of Municipal Building, but would be constrained to current size
- All administrative functions will not fit on the second floor of the Municipal and Civic Center buildings alone; would need to move some functions to new building
- Police, Council Chambers, Archives, and TBD administrative functions in new building; 8400 square feet - Might need to add second floor
- Divestitures
 - *Library Building*
 - *Two lots on Randolph behind Library Building*

Space Allocation Options

Option 3 – Renovate Civic Center Building; construct new building on Cassatt Parkway

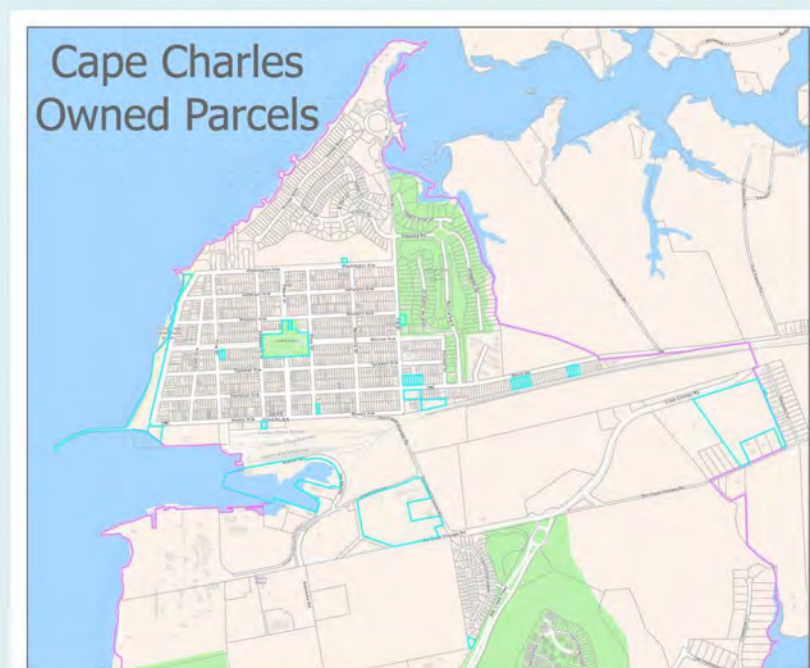
- Council Chambers remain at Civic Center though constrained to existing size; about 500 square feet short
- All Administrative, Library, and Police functions located at the new building; Two floors - 16,650 square feet
- Divestitures
 - *Municipal Building*
 - *Library Building*
 - *Two lots on Randolph behind Library Building*

Space Allocation Options

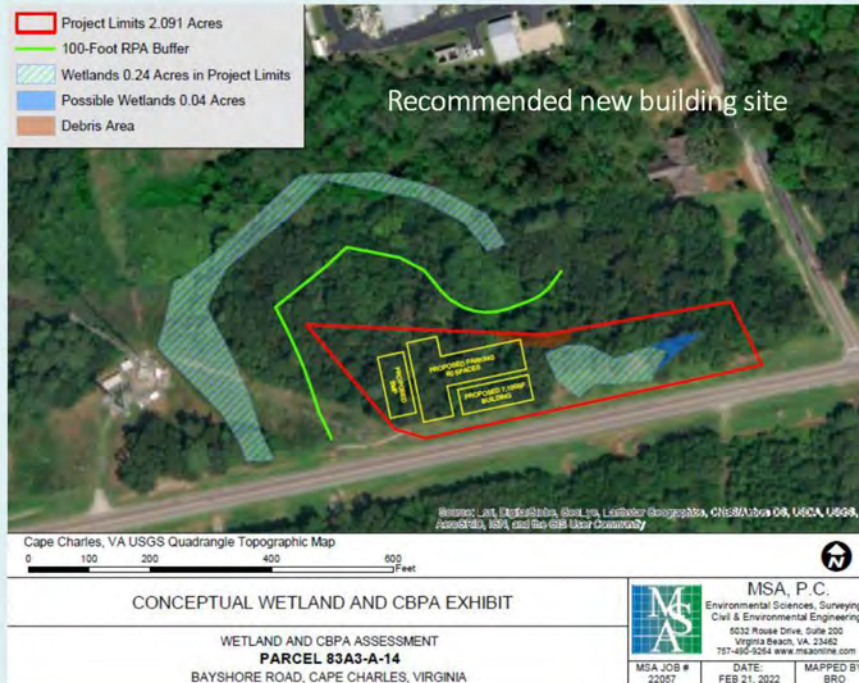
Option 4 – Renovate Library and Civic Center buildings; construct new building on Cassatt Parkway

- Library remains at current location and current size
- All administrative functions will not fit on the third floor/front mezzanine of Library Building and at the Civic Center alone; would need to move some functions to new building
- Police, Council Chambers, Archives, and TBD administrative functions in new building; 8600 square feet - Would need to add second floor
- Divestiture
 - *Municipal Building*

Space Allocation Options



Space Allocation Options



Recommended Option

- Staff recommends Option 1
- Collocates all Administrative functions – maximum synergy
- Cost efficient renovation and can be phased
- Central location for Police and Council Chambers
- Increases space available for public meetings
- Library remains a unique feature in the heart of town
- Retains Library while reducing ownership burden for the building
- Likely maximum revenue from divestitures – Library Building (excluding first floor), lots on Randolph, Civic Center Building

Next Steps

- Develop initial cost estimates for selected renovation and new construction option(s)
- Develop revenue estimates for property to be divested
- Incorporate estimates into CAMP and FY 2023 budget
- Amend HBA contract to commence design and engineering phase, including updated cost estimates

DRAFT

Page 1 – Cash Position

- The debt service balance on this page was reconciled – current long-term debt is now at just over \$5.9 million. In previous months the principal balance of the VRA zero interest loan had reflected the original amount of \$5.51 million on the data table, vs. the \$4.856 million that was the final drawdown on the bond.
- The Surety Bond Escrow Account is being steadily reduced as construction is completed.

Page 2 – Revenue vs. Expenditures

- Harbor fuel purchased for sale wasn't booked until March, causing harbor net revenue to appear higher than it should. It will level out in March.
- Sanitation net revenue appears high however Davis did not bill the town for September until April. In addition, town customers are billed in the month of service, but Davis Disposal bills the town in arrears.

Page 3 – Capital Projects

- The ad for work on the inshore breakwater repair was placed.
- Two payments for the Municipal Center Study were made.

Page 4 – Tax Collection Rate

- Real property tax collection is at 97% of billed and 100% of budgeted as of the end of February.

Page 5 – Tax Revenue Trends

- Building and zoning/planning revenue has greatly increased.
- Business license applications received through April 20th have exceeded budget. The drop in February is not significant and is partly attributable to the late BPOL due date for calendar year 2020 due to COVID (which caused the BPOL revenue in FY21 to be artificially high.)

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
February 28, 2022

<u>Cash on Hand</u>	<u>1/31/2022</u>	<u>2/28/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$353,929	\$443,023	\$89,094
Atlantic Union Bank Money Market Account	\$4,021,701	\$4,021,793	\$93
LGIP Account 1 - Unrestricted	\$104,269	\$104,279	\$11
LGIP Account 2 - Unrestricted	\$295,607	\$295,641	\$34
Total Cash On Hand	\$4,775,506	\$4,864,737	\$89,231

<u>Restricted and Reserved Cash Balances</u>	<u>1/31/2022</u>	<u>2/28/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$7,052	\$7,173	\$121
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,586	\$1
Wells Fargo 2010 Debt Service pass through account #300	\$28,823	\$2,898	-\$25,925
Wells Fargo 2010 Debt Service pass through account #308	\$140,761	\$761	-\$140,000
Atlantic Union Money Market # ARPA CRF #5847	\$528,687	\$528,699	\$12
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,736,488	\$1,736,675	\$187
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$1,252,338	\$910,944	-\$341,394
Total Cash Held in Reserve	\$3,999,106	\$3,492,109	-\$506,997
Total Cash - All Accounts	\$8,774,612	\$8,356,846	-\$417,766

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$5,919,321

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

February 28, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$162,675	\$2,418,691	\$3,119,936	\$701,245	\$3,536,507	88.22%
EXPENDITURES	\$227,790	\$2,014,835	\$2,012,337	-\$2,498	\$3,536,507	56.90%
NET	(\$65,115)	903,248	\$1,107,599	\$204,351	\$0	
GENERAL Capital						
REVENUE	\$1,232	\$378,282	\$47,100	-\$331,182	\$1,197,762	3.93%
EXPENDITURES	\$2,784	\$378,282	\$36,371	-\$341,911	\$1,197,762	3.04%
NET	(\$1,552)	\$0	\$10,729	\$10,729	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$121,110	\$222,069	\$100,959	\$258,614	85.87%
EXPENDITURES	\$0	\$121,110	\$222,069	\$100,959	\$258,614	85.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$2,301	\$0	\$359,480	\$359,480	\$948,115	37.92%
EXPENDITURES	\$9,345	\$0	\$342,875	\$342,875	\$948,115	36.16%
NET	(\$7,045)	\$0	\$16,605	\$16,605	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

February 28, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$163,838	\$1,190,056	\$1,276,942	\$86,886	\$1,825,021	69.97%
EXPENDITURES - Operating	\$75,348	\$436,231	\$790,230	\$353,999	\$993,224	79.56%
NET	\$88,490	\$753,824	\$486,712	(\$267,112)	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$0	\$0	\$0	\$104,751	0.00%
REVENUE - FACILITY FEES	\$106,000	\$248,510	\$389,952	\$141,443	\$254,400	153.28%
EXPENDED - CAPITAL PROJECTS,DEBT SVC	\$0	\$595,602	\$348,480	-\$247,122	\$936,548	37.21%
TOWN CONTRIB. & PENDING GRANTS	\$106,000	(\$347,093)	\$41,472	\$388,565	(\$831,797)	
HARBOR						
REVENUE - Operating	\$16,942	\$635,770	\$491,409	-\$144,361	\$833,500	58.96%
EXPENDITURES - Operating	\$8,720	\$485,810	\$394,691	-\$91,119	\$772,500	51.09%
NET	\$8,222	\$149,960	\$96,718	(\$53,242)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$30,754	\$30,754	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$102,954	\$102,954	\$102,657	100.29%
EXPENDED - Capital Projects, Debt Svc	\$0	\$191,081	\$143,054	-\$48,027	\$163,657	87.41%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$191,081)	(\$9,346)	\$181,735	(\$61,000)	
SANITATION						
REVENUE	\$19,157	\$135,819	\$163,257	\$27,438	\$390,595	41.80%
EXPENDITURES	\$21,010	\$136,038	\$133,661	-\$2,377	\$390,595	34.22%
NET	(\$1,853)	(\$218)	\$29,597	\$29,815	\$0	

FY 2022 Capital Improvement Project Tracking Report

As of:
2/28/2022

	FY22 Status or Start Date	Percent of Completion	FY22 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY22 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Pending</u>	1%	\$ 929,922	\$ 848	\$ 5,876	\$ -	\$ -	\$ 6,724	\$ 923,198
Mason Avenue Parking, Planning & Construction	<u>Suspended</u>	0%	\$ 34,240	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,240
Storm Sewer Video-Mapping, Phase 2	<u>Suspended</u>	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Municipal Center Replacement	<u>In process</u>	23%	\$ 130,000	\$ -	\$ -	\$ 29,546	\$ -	\$ 29,546	\$ 100,454
Central Park Gazebo Upgrades	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Fountain	<u>In process</u>	0%	\$ 36,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000
Public Trash Cans	<u>Pending</u>	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Final Installation of Zipline	<u>Complete</u>	42%	\$ 2,600	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100	\$ 1,500
subtotal	\$ -		\$ 1,197,762	\$ 1,948	\$ 5,876	\$ 29,546	\$ -	\$ 37,371	\$ 1,160,391
Utility Fund -Water									
Water Tank Mixer/Power Vent (FY2021 carryover)	<u>Suspended</u>	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Remote Read Water Meters - starter setup carryover	<u>Suspended</u>	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
(AMI)/AMR Auto Read Water Meters - Phase 2	<u>Suspended</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Utility Fund - Wastewater									
Washington Avenue Pump Station Rehab Phase	<u>Suspended</u>	0%	\$ 39,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,151
Sewer Pod Controller Upgrades Phase 1 of 5	<u>In process</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 180,636	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180,636
Harbor Fund									
Harbor Capital Evaluation Plan	Complete	0%	\$ 40,100	\$ -	\$ -	\$ 40,100	\$ -	\$ -	\$ 40,100
Structural Piling Repair	deferred	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
In-Shore Breakwater Repair	Pending	0%	\$ 121,380	\$ -	\$ -	\$ 68	\$ -	\$ 68	\$ 121,312
subtotal	\$ -		\$ 161,480	\$ -	\$ -	\$ 40,168	\$ -	\$ 68	\$ 161,412
TOTAL	\$ -		\$ 1,539,878	\$ 1,948	\$ 5,876	\$ 69,714	\$ -	\$ 37,438	\$ 1,502,439

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

February 28, 2022

YTD 2021 Real Estate Tax Collections

Total Taxable Land Value	179,657,188	
Total Improvement Value	306,863,500	
Exemptions	(4,196,393)	
Additional Assessments (SCC Utility)	3,702,099	
Total Real Estate Value (taxable)	486,026,394	
Total Budgeted	1,484,511	
Total Tax Billed	1,527,451	
Total Adjustments	(10,758)	
Total Collected YTD (percent of billed)	<u>1,484,688</u>	97%
Amount Due per Accounts Receivable	32,005	

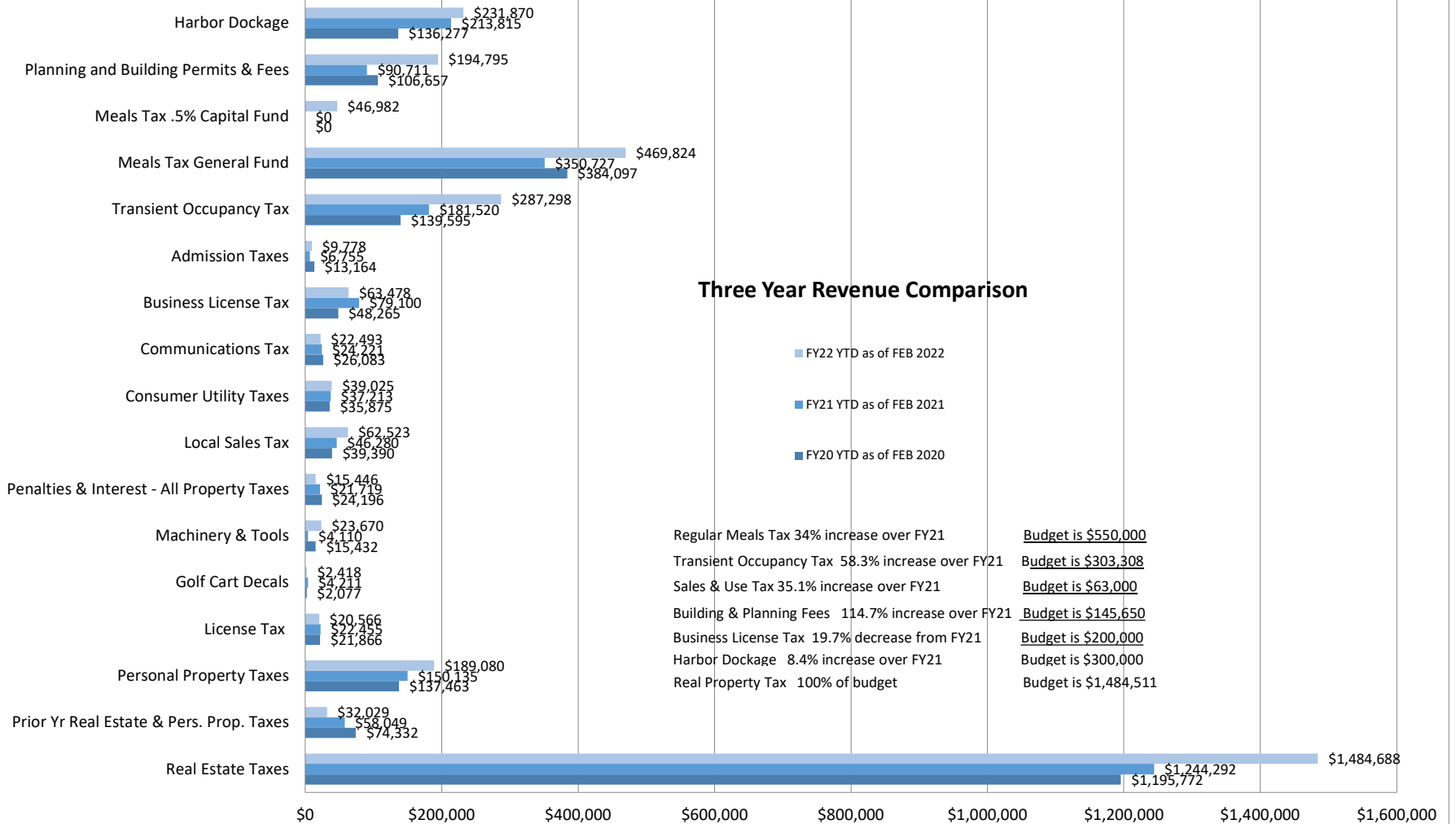
**YTD 2021 Personal Property Tax, Machinery and Tools Tax
& 2021 License Tax Collections**

Total Personal Property Value	23,415,700	
2021 Initial Assesement Exonerations & Proration	(424,083)	
Personal Property Value, billed	22,991,617	
2021 Supplemental Assessments	-	
2021 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2021 and 2021 supplemental	22,991,617	
Total Budgeted	153,000	
Total Tax Billed less PPTRA	303,178	
2021 Supplemental Tax Billing	(48,568)	
Total Adjustments & Additional Exonerations	-	
Total Collected YTD (percent of billed)	<u>233,317</u>	77%
Amount Due per Accounts Receivable	21,293	

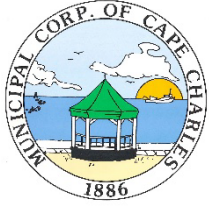
YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

Total Budgeted	86,150	
Total Collected (percent of budget)	<u>47,474</u>	55%
Amount Due Per Budget	38,676	

Three Year Revenue Comparison



Regular Meals Tax 34% increase over FY21	Budget is \$550,000
Transient Occupancy Tax 58.3% increase over FY21	Budget is \$303,308
Sales & Use Tax 35.1% increase over FY21	Budget is \$63,000
Building & Planning Fees 114.7% increase over FY21	Budget is \$145,650
Business License Tax 19.7% decrease from FY21	Budget is \$200,000
Harbor Dockage 8.4% increase over FY21	Budget is \$300,000
Real Property Tax 100% of budget	Budget is \$1,484,511

 TOWN OF CAPE CHARLES	AGENDA TITLE: Town Facilities Options		AGENDA DATE April 21, 2022
	SUBJECT/PROPOSAL/REQUEST: Select option to advance to the design and engineering phase		ITEM NUMBER: 7A
	ATTACHMENTS: (1) Summary of Options, (2) Cost Estimates, (3) Estimating Factors, (4) Assessed Values		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

An analysis of alternatives to address the many deficiencies of the current Town facilities housing the administrative, police, library, and council chamber functions has been completed. Four options for renovation of existing buildings and construction of a new building on Cassatt Parkway were presented to Council in the Work Session of March 31, 2022. Council added a fifth option to be considered and requested that the matter be brought back for a decision.

DISCUSSION:

Option 1 – Renovate Municipal building for all administrative functions, new building for police, archives and council chambers, library remains at current location. Sell Civic Center and third floor of Library building.

Option 2 – Renovate Municipal and Civic Center buildings for most administrative and library functions, new building for police, archives, council chambers and some administrative functions. Sell all of Library building.

Option 3 – Renovate Civic Center building for continued use as council chambers, new building for all other functions. Sell Municipal building and all of Library building.

Option 4 – Renovate Library and Civic Center buildings. Library remains at current location. Administrative functions spread among third floor of Library building, Civic Center building and new building. New building for police, archives, council chambers and some administrative functions. Sell Municipal building.

Option 5 – New building for all functions except library. Library remains at current location. Sell Municipal and Civic Center buildings and third floor of Library building.

The attachments contain the estimating factors, assessed values of existing properties to be sold to generate revenue, and **initial** cost estimates for each option. Note that all systems and restrooms at first floor of Library building require renovation if the function remains at that location. Also, 50% of assessed value is assumed for sale of third floor of Library building. This will be refined during negotiations with a developer. Design/engineering/construction admin are placeholder figures only (12%) and will be formally proposed by HBA after selection of preferred option. Note: construction contingency placeholder also included (5%).

RECOMMENDATION:

While discussion and “back of the envelop” calculations during the work session seemed to favor option 5, following development of detailed estimates, Option 1 appears to be the most cost effective. Staff therefore recommends Option 1.

Summary of Town Facilities Options

21-Apr-22

	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Option 5</u>
Renovation	1,450,000	1,418,040	248,040	1,218,040	280,000
Construction	2,255,000	2,645,000	5,120,000	2,705,000	4,565,000
Design/Eng/CA/Cntcy	629,850	690,717	912,567	666,917	823,650
Total	4,334,850	4,753,757	6,280,607	4,589,957	5,668,650
Building Sales	<u>828,050</u>	<u>1,203,500</u>	<u>1,554,200</u>	<u>350,700</u>	<u>1,178,750</u>
Total	3,506,800	3,550,257	4,726,407	4,239,257	4,489,900
Randolph Lot Sales	<u>340,000</u>	<u>340,000</u>	<u>340,000</u>	<u>*</u>	<u>340,000</u>
Total	3,166,800	3,210,257	4,386,407	4,239,257	4,149,900

*Assumes keeping lots for parking if Library third floor is used for Town offices.

Town Facilities Cost Estimates, April 21, 2022

<u>Option 1</u>	<u>Sq. Ft.</u>	<u>\$/sq. ft.</u>	<u>Cost</u>
Municipal Building	5,850	200	\$ 1,170,000
New Building	7,100	300	\$ 2,130,000
Water & Sewer			\$ 125,000
Library First Floor	2,800	100	\$ 280,000
Design/Eng/CA/Contgcy			\$ 629,850
Total			\$ 4,334,850
<u>Divestitures</u>			
Civic Center			\$ 226,300
Library Third Floor			\$ 601,750
Total			\$ 828,050
Net			\$ 3,506,800
Randolph Lots			\$ 340,000
Net			\$ 3,166,800

<u>Option 2</u>			
Municipal Building	5,850	200	\$ 1,170,000
Civic Center	1,378	180	\$ 248,040
New Building	8,400	300	\$ 2,520,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 690,717
Total			\$ 4,753,757
<u>Divestitures</u>			
Library Building			\$ 1,203,500
Net			\$ 3,550,257
Randolph Lots			\$ 340,000
Net			\$ 3,210,257

<u>Option 3</u>			
Civic Center	1,378	180	\$ 248,040
New Building	16,650	300	\$ 4,995,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 912,567
Total			\$ 6,280,607
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Library Building			\$ 1,203,500
Total			\$ 1,554,200
Net			\$ 4,726,407
Randolph Lots			\$ 340,000
Net			\$ 4,386,407

<u>Option 4</u>	<u>Sq. Ft.</u>	<u>\$/sq. ft.</u>	<u>Cost</u>
Library First Floor	2,800	100	\$ 280,000
Library Third Floor	2,760	250	\$ 690,000
Civic Center	1,378	180	\$ 248,040
New Building	8,600	300	\$ 2,580,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 666,917
Total			\$ 4,589,957
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Net			\$ 4,239,257
Randolph Lots*			\$ -
(*needed for parking)			
Net			\$ 4,239,257

<u>Option 5</u>			
Library First Floor	2,800	100	\$ 280,000
New Building	14,800	300	\$ 4,440,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 823,650
Total			\$ 5,668,650
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Library Third Floor			\$ 601,750
Civic Center			\$ 226,300
Total			\$ 1,178,750
Net			\$ 4,489,900
Randolph Lots			\$ 340,000
Net			\$ 4,149,900

Estimating Factors
April 21, 2022

<u>Size</u>	<u>Square Feet</u>
Municipal Bldg. – first floor	2,925
Municipal Bldg. – second floor	2,925
Library Bldg. – first floor & rear mezzanine	2,800
Library Bldg. – third floor & front mezzanine	2,760
Civic Center Bldg.	1,378

<u>Renovation Cost</u>	<u>Per Sq. Ft.</u>
Municipal Bldg.	200 (including elevator)
Library Bldg. – first floor & rear mezzanine	100 (systems, restrooms, etc.)
Library Bldg. – third floor & front mezzanine	250 (including elevator)
Civic Center Bldg.	180

<u>New Construction Cost</u>	
Including site work, parking, stormwater, etc.	300
Water & sewer (700', pump station, etc.)	\$125,000

Assessed Value (2022)

April 21, 2022

<u>Property</u>	<u>Parcel</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Municipal Bldg.	587	150,000	200,700	350,700
Library Bldg.	643	387,500	586,000	973,500
Library paved lots	642B	230,000	0	230,000
Civic Center Bldg.	476	100,000	126,300	226,300
Randolph Lots	644	170,000	0	170,000
	641	170,000	0	170,000