



TOWN COUNCIL
Regular Meeting, Work Session & Executive Session
March 18, 2021
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Recognition of Visitors / Presentations / Recognitions
 - A. Proclamation Honoring Councilman L.G. “Chris” Bannon
 - B. Recognition of Town Employee Celebrating Significant Anniversary
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of January 31, 2021 Financial Report
6. Unfinished Business: None
7. Recess to Work Session
8. Work Session Discussion Topic:
 - A. Review Public Comment and Amend the Draft Community Strategic Plan as Necessary
9. Reconvene Regular Meeting
10. New Business:
 - *A. Adoption of Community Strategic Plan
 - *B. Petition to Schedule a Special Election
 - *C. Set Public Hearing – Rezoning Application 303 and 309 Jefferson Avenue from R-1 to C-1
 - *D. IT Support Services Contract Renewal
11. Town Manager Comments
12. Mayor & Council Comments (5 minutes per speaker)
13. Announcements
 - April 1, 2021 – Town Council Special Meeting
 - April 15, 2021 – Town Council Regular Meeting
14. Motion to go into Closed Session

Code of Virginia § 2.2-3711-A, Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specified public officers, appointees, or employees of any public body.

Specifically: Town Manager Performance Evaluation

Specifically: Discussion of Potential Candidates to Fill Town Council Vacancy

15. Members of the Public Requested to Leave the Room
16. Return to Open Session and Invite Members of the Public Back into the Room

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

17. Adjournment

The Mayor, Town Council and management are confident that the Civic Center can safely accommodate ten guests and members of the public for in-person attendance while meeting the social distancing guidelines. The first ten individuals arriving at the Civic Center will be admitted. If more than ten people arrive for the meeting, individuals will be asked to leave the building after providing their comments to allow entry for others. Masks will be required. This meeting will be [live streamed on Facebook](#) and the computer lab at the Cape Charles Memorial Library will be open for those who do not have internet or computer access at their homes. Public comments may be emailed to clerk@capecharles.org prior to the meeting and during the Public Comment period.



DRAFT
TOWN COUNCIL/PLANNING COMMISSION
Strategic Planning Retreat – Day 1
Cape Charles Volunteer Fire Company
February 6, 2021
10:00 a.m.

At approximately 10:00 a.m., Mayor William “Smitty” Dize called to order the Town Council Strategic Planning Retreat. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, present were Town Manager John Hozey, Town Clerk Libby Hume, and Community Relations Manager Jen Lewis.

Planning Commission Chair Bill Stramm called to order the Planning Commission Work Session. In addition to Commissioner Stramm, present were Commissioners Butta, D’Amico and Holloway, and Councilman Grossman-Town Council representative to the Planning Commission.

The department heads in attendance were: Capital Projects Manager Bob Panek, Code Official Jeb Brady, Human Resources Manager Jodi Outland, Library Manager Ann Rutledge, Public Works Manager John Lockwood, Treasurer Deborah Pocock, and Wastewater Plant Manager Patrick Christman.

Cape Charles Main Street Executive Director Karen Zamorski was also in attendance.

There were two members of the public in attendance.

Temperature checks were done on each attendee, including members of the public.

Mayor Dize thanked everyone in attendance for taking the time on a Saturday to participate in the strategic planning retreat which was vital to the Town. Town Manager John Hozey had put a lot of work into preparations and would guide us through the process.

John Hozey thanked the Cape Charles Volunteer Fire Company for the use of their hall. The retreat could not have been held without the use of this space due to the number of attendees and proper social distancing. He asked everyone to lower their masks when speaking so they could be heard and understood. John Hozey explained that his role was to facilitate the process and he would be providing his personal opinions. The Town Council hired him due to his experience and background. He would not dictate actions but would offer his opinions and asked that everyone do the same and show respect for other speakers. He suggested that the attendees write down their thoughts while others were speaking so they could offer this input afterwards. There would be free discussion, and all were equals today. Everyone was here for a specific reason which was to bring their expertise to the process. This process would only work with public buy-in, which was another step. After this group had completed their discussion, the plans would be provided to community groups for review, then to the public for their input. There was a tendency among people to disregard Town staff because they were paid by the taxpayers. But this was a naïve and short-sighted viewpoint since staff knew all the nuances in the Town. Town staff must implement what was decided. Staff was a critical part of the process and it was imperative to get their buy-in.

John Hozey explained the following: i) The previous sessions labeled as strategic planning were not true strategic planning sessions. Everyone came with a list of projects that were prioritized. A true strategic planning was establishing primary values. All other actions took authority from the strategic plan. Unfortunately, strategic plans typically lasted as long as the elected officials remained in office and changed with new people being elected to Council. It was not easy to get public buy-in. The last time he did a strategic plan in Valdez, AK, he made the same request to the Town Council, took the plan to the public, then Council rejected it. In Valdez, Council members served two-year

terms; ii) A strategic plan and comprehensive plan were similar in theory but very different in practice. He was still trying to learn the rules with Virginia being a Dillon Rule state. Review and update of a comprehensive plan was a long, drawn-out process. In general, there were two types of approaches to a comprehensive plan 1) a broad overview approach, and 2) a detailed, philosophical approach. Neither one worked since they both lack specifics and direction. It was difficult to capture and maintain the enthusiasm of the public during the comprehensive plan process. A strategic plan was much easier to capture the public's interest. After approval of a strategic plan, the comprehensive plan could find balance using the strategic goals as a guide. He realized that the Planning Commission had put a lot of work into the current comprehensive plan update and did not want to offend anyone. He could only work from the last published comprehensive plan which was adopted in 2016.

John Hozey went on with a review of the strategic planning overview for the next couple of days: i) The Vision – There would be discussion regarding what we wanted for our community and an inspirational vision statement would be developed; ii) Goals – The vision would be broken down into specific strategies and projects; iii) Process Development – There would be discussion regarding how to pay for the specific projects and goals; iv) Implementation – The draft strategic plan would be published for public review. A Town Hall meeting would be scheduled to obtain citizen input. Council would then hold a work session to incorporate public input into a draft community strategic plan; and v) Long-term steps needed to be discussed – how to get the long-term community buy-in. Adjustments would be made as necessary.

The definitions, Community Values and example vision statement from Valdez were reviewed.

There was some discussion as follows: i) Councilman Grossman stated that a comprehensive plan was updated every five years and asked how often a strategic plan needed to be updated. John Hozey responded that a strategic plan was nimbler than a comprehensive plan and needed to be updated more often. In his past, Council would ask a group of volunteers (Planning Commission) to work on a comprehensive plan. Council typically wouldn't make any changes and approve the proposed plan, but they did not buy in to the plan, so it sat on a shelf. This was why he invited the Planning Commissioners to participate in this process. After these sessions, the Commission could go back and complete their work on the comprehensive plan with more confidence; ii) Councilman Buchholz agreed. When he was on the Commission, the biggest problem was that the Commissioners received no guidance or direction from the Town Council; and iii) John Hozey added that the goals would be determined first, followed by development of a process. The strategic plan could be reviewed and updated annually.

All attendees were tasked with completing a Visioning Questionnaire. Afterwards, John Hozey went around the room and asked each attendee for their thoughts regarding 1) What made Cape Charles, Cape Charles; 2) What are the community's core values today? Will these still be valid in 10 years; 3) What is Cape Charles' greatest challenge; 4) What does the town's future population look like (10 years from now), by percentage. Where did the attendee think it was going and where would they like it to go; 5) Describe the town's future economy (10 years from now), by percentage. Where did the attendee think it was going and where would they like it to go; and 6) If the attendee was given \$10M and told they could invest it in anything they wanted within the corporate boundaries of Cape Charles, what would they do with it?

There was much discussion regarding the items on the questionnaire and the following consensus were reached: i) Future Population. The percentage of full-time residents versus second homeowners or investors was 70/15/15. The percentage of retirees versus working professionals or young families was 30/20/20; ii) Future Economy. Councilman Follmer noted that restaurants and retail businesses were listed under Tourism on the question regarding the economy, adding that this needed to be considered when deciding on the preferred percentages. The percentage for Tourism (including full-time residents going to restaurants and retail businesses), Mixed

Commercial, Agriculture/Aquaculture, Industrial/Manufacturing was 45/40/5/10; iii) Use of \$10M. After everyone expressed their wishes, the consensus was for affordable housing, infrastructure/municipal center, and purchasing and developing the railroad property.

John Hozey distributed an excerpt from the current comprehensive plan that was adopted on December 15, 2016 and went on to read the current vision statement asking everyone to focus on the action words. He asked everyone to write down a brief, two- or three-line, vision statement. It needed to be inspirational, forward-looking, with achievable goals. We went around the room and each attendee read their statement. Some thoughts reflected in a number of statements included small-town charm, history, culture, quality of life, nature/natural beauty, sense of place, people/diversity. A consensus was reached on the following for the vision statement: *"While preserving our historical, natural and cultural resources, foster a sense of community that enhances well-being and prosperity, now and for generations to come."* Five actionable phrases from the statement were identified as "preserve natural resources, preserve cultural resources, foster a sense of community, enhance well-being, and enhance prosperity."

Discussion followed to identify one or two achievable goals for each of the five actionable items along with metrics for measuring achievement.

1. Preserve Natural Resources:
 - Protect and maintain the beach
 - No degradation
 - Preventing erosion, maintaining the sand
 - Development of a beach management plan along with the existing dune management plan
2. Protect and maintain the harbor (for commercial and recreational use)
 - Development of a maintenance/replacement plan
 - Maintain a high occupancy rate
3. Plan for Coastal Resiliency
 - Develop a coastal resiliency plan
4. Protect Green Infrastructure/Open Space
 - Develop a green infrastructure/open space plan
5. Maintain the historic character of the historic district
 - Encourage the missions of historic preservation organizations
 - Maintain the Town's status on the National Registry
6. Preserve the Character of Cape Charles
 - Preserve/promote the arts and entertainment
 - Create a venue or opportunities for businesses and community service organizations to work cooperatively
 - Create an environment that promotes a sense of engagement and inclusion
7. Promote Educational, Recreational and Social Activities
8. Meet Citizens' Expectation for Town Services
 - Services for seniors, access to the library, computers, ability to pay bills online, police for safety, etc.
 - Metric – no complaints
9. Retaining and Expanding Businesses
 - Maintenance and increase in business

- Metric - possibly track permit issuance
- Metric – possibly track the number of jobs. A question could be added to the BPOL forms asking for the number of full-time and part-time employees. This is also a required metric for the tourism and technology zone tax incentive programs.

10. Increasing the available workforce

- Supporting educational facilities to build workforce. (Without education, can't have a qualified workforce)
- Improve businesses' access to workforce. (Without housing, can't have the workforce. Can't have a workforce without housing and transportation)

11. Develop Affordable Housing for Young Families and Workforce

- Measurable by increase in young families by census.

John Hozey stated that the various goals would be reviewed during tomorrow's session and the objectives to achieve the goals would be identified. The next steps after developing the objectives would be to compare them to the current Capital Asset Management Program (CAMP), and a revenue plan.

Motion made by Councilman Grossman, seconded by Commissioner D'Amico, to recess the Planning Commission Work Session until Sunday, February 7, 2021, beginning at noon. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to recess the Town Council/Planning Commission Strategic Planning Retreat until February 7, 2021, beginning at noon. The motion was approved by unanimous vote.

The meeting recessed at 4:59 p.m.

Commissioner Stramm

Mayor Dize

Town Clerk



Strategic Planning Retreat

February 6-7, 2021

Vision

- Dream – what do we want for our community (aspirational discussion)
- Develop inspirational vision statement

Goals

- Break vision down by component ideals/areas/specialties (not specific projects)
- Develop incremental concepts (goals) to achieve these ideals
- Prioritize goals
- Sort goals into short/intermediate/long ranges
- Within each time horizon, determine logical order
- For each goal determine metric for completion

Process Development

- Identify specific projects/processes associated with each goal (objectives)
- Develop milestones for each objective
- Organize milestones into annual work plans (minimum six-year program)
- Align annual milestones with CAMP schedules
- Determine resources necessary and develop six-year revenue forecast
- Determine revenue strategy to achieve requirements
- Collapse vision, goals, and work plans into a draft Community Strategic Plan

Implementation

- Publish draft Community Strategic Plan
- Conduct public town hall meeting on draft Community Strategic Plan
- Hold work session to incorporate public input into draft Community Strategic Plan
- Short-term:
 - Adopt Community Strategic Plan by resolution
 - Adopt Strategic Revenue Program by resolution
 - Develop FY22 Town Budget based on Community Strategic Plan program
 - Amend CAMP schedules a/r in coordination with new budget adoption
- Long-term:
 - Seek broad public endorsement of Community Strategic Plan, amend as required



The Town of Cape Charles will use the following definitions during Strategic Planning:

- Vision** A brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics desired in a future state.
- Goals** End results. Typically general and overarching desires expressed as clearly, concisely, and descriptively as possible. Represents component parts needed to achieve the Vision.
- Objectives** Specific strategies toward attaining a goal. They are discreet, measurable, deliverables that must also be affordable and implementable
- Milestones** Set of very specific, short-term tasks that are implementable and necessary to complete an objective. The "what, who, how, and when" that are needed to achieve progress and are included as part of an annual budget planning process

Additional Definitions:

- Measurable** An objective criterion can be used to determine when an action is complete (establishment of a metric)
- Affordable** Falls within known or projected fiscal resources and represents a reasonable allocation against other competing needs
- Implementable** Sufficient human (and other) resources are available to accomplish the task, consistent with all other community priorities



*Community Strategic Planning
February 2021*

Community Values

Values are concepts or principles that are intrinsically important and desirable. They help define who we are and what we stand for — both as individuals and as a community. Values are unchanging; no matter what happens, they remain the same. In strategic planning, values shape the community's vision and goals and provide a common focus. They are the shared ideals that guide us in making decisions and articulating what we stand for.

Examples of some Community Values (there can be many more):

Equality, Diversity, Tolerance, Compassion, Justice, Loyalty, Resourcefulness, Respect, Open-mindedness, Friendliness, Generosity, Adaptability, Integrity, Fairness, Kindness, Optimism, Leadership, Authenticity, Accountability, Hard-working, Curiosity, Citizenship, Autonomy, Hope, Collaboration, Responsibility, Determination, Faith, Harmony, Traditional, Etc.

Now, close your eyes and think to yourself – **Cape Charles, Virginia**
explore the town in your mind

What values do you sense, pick the first two values that come to mind, the ones that most define this community as it is now. Then repeat the exercise, this time look 10 years into the future, are those two values still present; if not, what two values would you hope were in place

Write these values down and be prepared to share them at the retreat

EXAMPLE

Community of Valdez Strategic Plan

Our Vision

*Capitalizing on the intrinsic qualities of our area and its people;
creating a place our grandchildren will be proud to call home.*

In 2010, the City Council developed the above Vision Statement as an inspirational statement about the future of our Community.

This Vision contains a compelling outcome: a place our grandchildren will be proud to call home. But to get there we'll first need to capitalize on what we have readily available, the unique qualities of our area and its people. It also implies that an economy, as well as a quality of life, must be developed sufficient to not just enable future generations to live here, but to make it possible for them to truly want to live here.

The Strategic Plan participants were asked to keep this image in mind as they began the process of identifying Goals, Objectives, and Milestones. Could these steps, if achieved, make Valdez a place our grandchildren will be proud to call home?



Figure 9: Valdez from the Air, 2011

*Capitalizing on the intrinsic qualities
of our area and its people*

*Creating a place our grandchildren
will be proud to call home*



DRAFT
TOWN COUNCIL/PLANNING COMMISSION
Strategic Planning Retreat – Day 2
Cape Charles Volunteer Fire Company
February 7, 2021
12:00 p.m.

At 12:11 p.m., Vice Mayor Steve Bennett reconvened the Town Council Strategic Planning Retreat. In addition to Vice Mayor Bennett, present were Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, present were Town Manager John Hozey, Town Clerk Libby Hume, and Community Relations Manager Jen Lewis.

Planning Commission Chair Bill Stramm reconvened the Planning Commission Work Session. In addition to Commissioner Stramm, present were Commissioners Butta, D'Amico and Holloway.

The department heads in attendance were: Capital Projects Manager Bob Panek, Public Works Manager John Lockwood, and Treasurer Deborah Pocock.

There was one member of the public in attendance.

Temperature checks were done on each attendee.

John Hozey stated that he tried to consolidate the work completed yesterday adding that he was impressed with the amount of work done.

The Future View was reviewed and the percentages for the future economy were revised to: Tourism/Local Spending 45%, Mixed Commercial 35%, Agriculture/Aquaculture 2%, Industrial/Manufacturing(year-round) 18%.

The updated vision and goals were reviewed. There was discussion regarding each goal: 1) To retain the small town character of Cape Charles; 2) To maintain the authentic character of the historic district; 3) To protect and maintain the beach; 4) To protect and maintain the harbor; 5) To plan for coastal resiliency; 6) To protect green/open space infrastructure; 7) To retain and expand businesses in a business friendly environment; 8) To advance affordable housing for younger families and workforce; 9) To promote educational, recreational, and social activities; and 10) To meet our residents' expectation for Town services. Some refinements were made to the goals and some objectives and metrics were added to several of the goals.

Goal #1 – To retain the small town character of Cape Charles.

There was much discussion regarding volunteerism and how to recognize the volunteers for their efforts. In the past, the Town held an appreciation event for members of the board and commission, but it was suggested that this be expanded to include volunteers for other community service organizations. Some other ideas were: i) Invitation for the Town's boards and commission, and other volunteer groups to come to a Town Council meeting to provide annual or semi-annual reports; ii) Volunteer appreciation event in the summer; iii) Possibly recognizing a volunteer of the year; iv) Feature a board or commissioner in the Gazette, possibly done on a quarterly basis; v) Annual strategic plan forum for all community civic groups; and vi) When new members were added to a board or the commission, publish a profile of the new member.

To increase citizen engagement, the following ideas were suggested: i) Post meetings as Facebook events. Residents felt much more connected with the ability to view the meetings on Facebook; ii) Use the utility bill to send information/announcement to the residents on a monthly basis. Clip the upcoming events portion from the Gazette and include it in the monthly utility bills; iii) Provide name tags for Council, Commission and Board members to wear during events to identify them to the citizens. Commissioner Stramm stated that he had a laminated Planning Commission name badge that he could wear; iii) Hold quarterly Town Hall meetings. It was noted that the Town held Town Hall meetings in past years with various department heads there to answer questions; iv) More presence from the police department and volunteer fire department, etc.

Ideas to maintain/improve walkability were: i) Continue the community trail program; ii) sidewalk infill; iii) rails and trails; iv) maintain the existing hiking trails around the area.

To foster a safe golf cart culture: i) signage; ii) enforcement issues, especially with underage drivers. Currently, officers escort the underage driver to their parents; iii) requiring golf cart rules be displayed in vacation rental homes. The town has magnets; iv) requiring golf cart rules be included in vacation rental agreements; v) install charging stations and have dedicated parking spaces for golf carts; vi) Golf cart path. Possible public-private partnership with the Cape Charles Brewing Company, Beach Market and others along Stone Road to dedicate area for a golf cart path. The entrance to the golf cart path must be on Stone Road to be successful.

Promote Quirky Events: i) Thoughts were that the Town did a good job; ii) Need to get to the point where all businesses and organizations work together with various events so they were not all scheduled on the same date; iii) The new Cape Charles Virginia's Cape website would have an area where people could add their own events. This site could possibly help with scheduling because someone who went online to add their event could see other events that might already be scheduled. This could be a centralized event calendar; iv) The Town could post private events scheduled in town venues as well.

Promote Arts and Entertainment: i) Promotion of events doesn't mean financial support, but providing encouragement of arts and assisting by making venues available; ii) The current \$100 fee for use of facilities were currently waived for non-profit organizations. It was noted that the fee needed to be increased; iii) Provide services from Town offices for events. Staff currently provides assistance for various events; iv) The Town needed to recover costs for events scheduled for for-profit entities. This would be discussed further during the budget sessions.

Homestay: i) Study short-term rentals and provide recommendations.

Goal #2 – To maintain the authentic character of the historic district.

Encourage the mission of historic preservation organizations/efforts: i) Invite groups/organizations to come to provide briefings to the Town Council; ii) Something needed to be done regarding boat parking on the streets since this was a safety issue. Council started working on this issue, but the Town needed an alternate location for people to store their boats; iii) Review the study from Christopher Newport University regarding their perceptions on preservation in Cape Charles; iv) Review and update ordinances and historic guidelines.

Goal #3 – To protect and maintain the beach.

Prevent Erosion – potential projects: i) The Town had a detailed dune management plan, but the beach was not discussed much in the plan. Need to update the beach/dune management plan. The Wetlands Board needed to be contacted to update the plan to include more about the beach. The public works department would be included in the meetings to provide input; ii) Continue to survey the beach; iii) Continue to budget for sand replenishment.

Goal #4 – To protect and maintain the harbor.

Promote a healthy balance of commercial and recreational users: i) Limited opportunities to promote commercial use in the harbor at large. Some restraints on use of slips. Discounted rates for commercial watermen; ii) Encourage a cooperative market for watermen to sell to the public. Need to research, but limited resources with staff, money, etc.; ii) A possible RFP to see if there was an interest for a commercial coop at the harbor; iii) Review and update the harbor district ordinance and guidelines.

Goal #5 – To plan for coastal resiliency. Develop an implemental plan.

Goal #6 – To protect green/open space infrastructure. Develop an implementa plan.

Goal #7 – To retain and expand businesses in a business-friendly environment.

Improve business access to workforce resources: i) Develop programs with education facilities. Cape Charles Main Street was currently working on this; ii) Job fair with the Northampton County Chamber of Commerce; iii) Develop internships and apprenticeships with Department of Labor and Industry (DOLI).

Goal #8 – To advance affordable housing for younger families and workforce.

i) Participate in regional housing study and evaluate recommendations. The Accomack-Northampton Planning District Commission was currently working on this; ii) Review for ordinance barriers to workforce housing and evaluate recommendations (initiative from Northampton County); iii) Explore viability of workforce housing ordinances.

Goal #9 – To promote educational, recreational, and social activities.

i) Market and manage available venues; ii) Town sponsored events such as the July 4 activities.

Goal #10 – To meet our residents' expectation for Town services.

i) Establish service standards/response time for certain services; ii) Employee customer service training and other types of training/cross-training; iii) Tracking system for citizens' concerns; iv) Promote citizen use of tracking system; v) Follow-up to Town Council with citizen comments during meetings.

John Hozey stated that the objectives portion was done and he would compile everything for review. He had scheduled a work session after the February 18 Town Council Regular Meeting, but the next steps were probably more involved so he recommended another Saturday. Some dates were discussed and the consensus was to schedule day 3 of the strategic planning retreat for Saturday, February 20.

Vice Mayor Bennett thanked everyone for their participation, especially Libby Hume and Jen Lewis, and went on as follows: i) He was very encouraged by what had been accomplished this weekend; ii) He was also very encouraged that John Hozey would follow-up on this and added that Mr. Hozey did a fantastic job facilitating; and iii) It was a great effort by everyone and he looked forward to completion and implementation of the plan.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council/Planning Commission Strategic Planning Retreat. The motion was approved by unanimous vote.

Motion made by Commissioner Holloway, seconded by Commissioner Butta, to adjourn the Town Council/Planning Commission Strategic Planning Retreat. The motion was approved by unanimous vote.

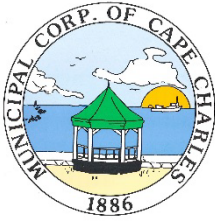
The meeting adjourned at 4:21 p.m.

Commissioner Stramm

Vice Mayor Bennett

Town Clerk

DRAFT



DRAFT
TOWN COUNCIL
Regular Meeting & Work Session
Cape Charles Civic Center
February 18, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Regular Meeting and Work Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Chief Jim Pruitt, Community Relations Manager Jennifer Lewis and Town Clerk Libby Hume. There were four members of the public, with items on the agenda, physically in attendance, and 48 viewers on Facebook Live.

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

Mayor Dize asked that item #5A-approval of the agenda format be moved to the beginning of the meeting prior to item #3-Recognition of Visitors / Presentations / Recognitions.

Motion made by Councilman Follmer, seconded by Councilman Bannon, to move item #5A forward ahead of item #3 on the agenda. The motion was approved by unanimous vote.

Approval of Agenda Format

Mayor Dize stated that he had misread the information pertaining to item #7E-COVID-19 Victims and Survivors Memorial Day Resolution and asked for a motion to remove this item from the agenda.

Motion by Vice Mayor Bennett, seconded by Councilman Follmer, to remove item #7E from the agenda. The motion was approved by unanimous vote.

Councilman Follmer suggested that tonight's presentation from the Concerned Citizens of Cape Charles be moved to another evening and potentially to another venue due to the amount of public interest. The new sound system had not yet been installed in the Civic Center and he did not feel it met the transparency to allow all to participate effectively. If the presentation was moved to a work session in about two weeks, the Governor's restrictions limiting public gatherings to 10 people might be lifted.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to reschedule the Concerned Citizens for Cape Charles' presentation.

John Hozey stated that government operations, staff meetings and Council meetings were exempt from the 10-person maximum, but he needed a ruling from the attorney regarding a large public meeting.

Councilwoman Holloway stated that the Governor's current executive order was due to expire on February 28 and the limitation could be loosened.

The motion was approved by unanimous vote.

RECOGNITION OF VISITORS / PRESENTATIONS:

A. *Concerned Citizens of Cape Charles – Bill Ballard*

This item was postponed to a later date.

PUBLIC COMMENTS:

Town Clerk Libby Hume read comments submitted in writing from Phillipa Wilcox, Mollie Pickron, Margaret Ballard, Elizabeth Sutphen, Mary Barrow, Dianne Davis, Phil Goetkin, David Parham, Jane Edwards, Margot Gorske, Loraine Huchler, Jon Dempster, and Stuart Smith. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format – moved to the beginning of the meeting
- B. Approval of Minutes:
 - i. January 21, 2021 Regular Meeting
- C. Approval of December 31, 2020 Financial Report

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

UNFINISHED BUSINESS:

- A. *2021 Harbor Fees and Rates:*

Town Manager John Hozey began by stating that it was unfortunate that this meeting had to be closed to the public. Messrs. Tim Wivell and Mark Henry provided much input into the rate structure so were invited to attend this evening. Mr. Wivell was in attendance. Mr. Henry responded that his concerns were addressed so he would watch the meeting online. John Hozey proceeded to review the proposed charges as follows: i) At the January 21 Town Council Regular Meeting, proposed new harbor rate structures for the upcoming season were presented. The matter was deferred until this meeting to allow for more research of competing rates and other information; ii) In September 2020, Council approved a new management agreement with the Cape Charles Yacht Center to handle the day-to-day operation of the Town Harbor. The purpose of the management company was to increase revenue at the harbor; iii) The discounts were revised giving watermen a 50% discount and town residents a 30% discount; iv) The Town historically provided discounts on fuel sales. Charter boats and annual slip holders received a discount of \$.05 per gallon and watermen received a discount of \$.12 per gallon. Since the annual slip holder dockage category was eliminated, the proposal included extending the \$.05 per gallon discount to charter boats and residents using long-term monthly dockage. The \$.12 per gallon discount to watermen would remain in place; v) There was much discussion last month regarding after-hours fueling. Since that meeting, he found out that it was no longer permitted by state law. All fueling must be done with a qualified attendant. The Town did not realize that the law had changed. He consulted the attorney and found that the law did apply to the Town. There was some discussion regarding this issue and John Hozey noted that two people had used the after-hours fueling six times over the course of one year; vi) Electric rates were also an issue. The Town did not have published monthly rates for electricity so monthly rates were charged arbitrarily. The charge for 30-amp service were reasonable to industry standard but the charge for 50-amp service was grossly underpriced. The proposed rates for 50-amp service going forward were consistent with industry standards. There was some discussion regarding having the electric meters repaired or replaced since they were preferable to charging a flat rate; vii) There had been some pushback to the charge for pressure washing and this could be removed if Council preferred. There was some discussion and Council opted to remove the charge for pressure washing; viii) Mayor Dize brought up the 20' x 20' area for storage of commercial gear, pots, etc., and stated his preference to offer a seven-day grace period for watermen to clean or repair their gear before moving them into the water. If the watermen wanted to use an area to store their equipment, they should be charged from day one; and ix) Wharfage rates were added since they also required Council approval. Mr. Wivell assisted quite a bit and he recommended the change to the unit of measurement calculation. John Hozey noted an error in the printed rates and explained that the fee for a 32-gallon fish barrel should show \$1.00 versus \$1.50. There was much discussion regarding measurements and containers. Scallops were brought in by the sack and horseshoe crabs were in vats. There were many different sizes of vats, so the standard size of 60" to 72" would be used. Mr. Wivell stated that there were not many horseshoe crabs coming in so it probably would not be a big concern.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to approve the harbor fees and rates with the following adjustments: fish barrels would cost \$1.00 versus \$1.50, scallops would be measured by sack, horseshoe crabs would be measured by vat, there would

be no charge for pressure washing, there would be a seven-day grace period on the 20' x 20' storage area, and once the electric meters were repaired, the cost of electrical would be readdressed. The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Revisions to Town Code – Chapters 19, 34 and 42:*

Capital Projects Manager Bob Panek explained the proposed revisions as follows: i) The flaw in Town Code § 42-7 was that it omitted the requirement to install official signage to prohibit the operation of non-motorized vehicles on sidewalks. There was no authority for a blanket prohibition without signage. The proposed revision conformed to state law. If adopted, Council would need to designate by separate action those sidewalks subject to the prohibition and official signage would need to be implemented through the VDOT process; ii) Chapter 19 was enacted in 1997 and no changes had been made since the initial adoption. It was an odd combination of land use regulation and provisions prohibiting gambling, obscene behavior, intoxication, and prostitution. The Zoning Ordinance currently allowed commercial recreation centers in only two districts – Harbor by conditional use, and Planned Unit Developments. Chapter 19 was unnecessary and should be struck; iii) Chapter 34 was enacted in 1975, twenty years before the first Zoning Ordinance, and no changes had been made since initial adoption. Clearly, the intent was to prohibit junkyards. The Zoning Ordinance did not allow junkyards in any district. Chapter 34 was unnecessary and should be struck; and iv) The adoption of an ordinance was necessary for Town Code revisions.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to adopt Ordinance 20210218 to adopt the revisions to the Town Code Chapter 42, and deleting Chapters 19 and 34 as presented. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. *Consideration to Advance PPEA Unsolicited Proposals for Further Evaluation:*

John Hozey stated the following: i) It had been a long process since the Town was first approached in May 2020. Much of the time was used to develop the Public-Private Education Facilities and Infrastructure Act (PPEA) guidelines; ii) He would research the comments read earlier this evening regarding posting of the conceptual proposals. He would get the documents posted. The public would still have time to comment. The documents had always been available to them upon request; iii) It was still unknown whether the sale of the facilities would be good for the Town. The proposals needed to be evaluated. There was a request for proposals out for PPEA Utility Consulting Services which would close on March 16; iv) Both companies had been responsive to his requests and were waiting on the process; v) By advancing both proposals to the detail phase, the companies could work on their proposals while the Town worked to hire a consultant. Each company would be given until April 1 to submit their detailed proposal, which would be the earliest that he could bring a consulting contract to Council for approval; and vi) His recommendation was to advance both companies to the next stage. He noted that he had also received a request for information from a third company, Aquatech in Pennsylvania expressing an interest in submitting a proposal. They came to Town to inspect our facilities. He informed them that the Town was not taking bids but accepting unsolicited proposals. The process would not be slowed down for the third company.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to advance Virginia American Water and Aqua to the detail stage. The motion was approved by unanimous vote.

C. *Appointment of Zoning Administrator:*

John Hozey stated that the current planner/zoning administrator recently resigned, and the Town was actively recruiting for a full-time replacement. This was a very difficult position to fill and it could take some time to find a qualified candidate. This position had been a challenge since he began his job at Cape Charles. It took six months until the Town found Allyson Finchum, who was an experienced zoning professional. Things started to get backed up with Ms. Finchum's focus and she decided to move on. It wasn't the best fit. The Town could not be without a zoning administrator. An agreement was reached with Katherine Nunez to perform this function on a

part-time, temporary basis while we continued our recruitment. In addition to zoning administrator, we were also required by Code to have a subdivision agent. Ms. Nunez had extensive experience in this area, as well as familiarity with the Eastern Shore and Northampton County. We were fortunate that she was willing to pitch in and help the Town in this capacity. John Hozey strongly recommended the appointment of Katherine Nunez as zoning administrator and subdivision agent.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to appoint Ms. Katherine Nunez as the zoning administrator and subdivision agent for the Town of Cape Charles.

There was some discussion regarding hiring a new planner and depending on their experience, the Town might need to keep Ms. Nunez on board to train the new planner. The Town was receiving applications from individuals with some planning experience but not zoning which was critically important. Town Council did approve a second position during the budget amendment.

The motion was approved by unanimous vote.

D. *USDA Rural Development Loan Resolution:*

John Hozey stated that the Town applied for a 35% grant/65% loan from USDA Rural Development for utility fund projects to replace a pickup truck, and purchase 100 remote read water meters, including the software, equipment, conversion kits and training. The application was approved and closing documents were being prepared. This resolution was part of the standard paperwork required by the USDA for the grant/loan. This would not cover all the water meters. The water meter replacement would take about two to three years to complete. Although approved, he planned to hold off on the purchase of the water meters until the unsolicited proposals had been evaluated and Council decided whether to sell the facilities. If the Town did not move forward with the sale, the water meters must be upgraded.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20210218 USDA Rural Development Loan Resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) He was monitoring the COVID numbers and they continued to go down. He felt the Governor would be loosening the restrictions. As long as the numbers continued to trend downwards, his intent was for the Town to go back to a phased reopening starting March 1. If the numbers continued to decline, the Town would fully reopen on April 1.
- 2) Day 3 of the strategic planning was scheduled for this weekend and he thanked everyone for their time and effort. The first hour would be dedicated to Northampton County's draft comprehensive plan. He had not had the opportunity to review the document, so Councilman Grossman offered to lead that discussion. If anyone would be arriving late to the session, please submit your written comments to him and Councilman Grossman so that they could be incorporated into the discussion.
- 3) Jen Lewis was back in the business of events. Cape Charles Day was scheduled for March 6 and staff needed to know Council's thoughts on whether to move forward with the event or not so the food could be ordered. We would not know about the Governor's restrictions until closer to the event date.

There was some discussion regarding the Governor's upcoming update and the thoughts were that the restrictions would be loosened. If the Governor did not increase the number of people permitted in a public gathering, we might not have a choice but to cancel or postpone the event. We could also continue with the event and have the citizens drive-by to pick up their food.

- 4) There had not been any special meetings for the last couple of months, but we had one scheduled for March 4. Human Resources Manager Jodi Outland would be presenting information regarding health care coverage options.

MAYOR AND COUNCIL COMMENTS

Mayor Dize commented as follows: i) He thanked Bob Panek and John Hozey for their efforts regarding the Town Code adding the importance of trying to get some of the language updated; ii) He thanked John Hozey for his work regarding the strategic planning. The documents emailed to Council looked professional; and iii) He appreciated Council members talking to him yesterday.

Vice Mayor Bennett stated that he did not receive Councilman Grossman's email about the comprehensive plan. John Hozey explained that two emails were sent by Councilman Grossman and the subject line on both stated strategic planning.

Councilwoman Holloway and Councilmen Buchholz and Bannon had no additional comments.

Councilman Follmer expressed his agreement with Mayor Dize in thanking Bob Panek for his work to clean up the Town Code. Some housekeeping issues were addressed such as sidewalks. The Town was moving forward doing things correctly. People would appreciate it. He thanked the whole team.

Councilman Grossman commented as follows: i) He wanted to publicly recognize Ja'Quana Ward for maintaining her deputy treasurer certification. She was one of twelve certified deputy treasurers in Virginia; ii) He sent information to the Mayor and Council regarding local elections. Senate Bill 1157 passed both the house and senate and was on the way to the Governor for his signature. After January 1, 2022, local elections were moved to November with terms commencing on January 1 of the following year. The State Code would override the Town's charter which stated that elections were held in May. Mayor Dize stated that the election information on the Town's website and in the Charter needed to be updated on the website. Libby Hume noted that changes to the Town Charter required approval by the Virginia General Assembly.

Mayor Dize read the announcements.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to close the regular meeting and move to the work session. The motion was approved by unanimous vote.

Work Session Order of Business: Discussion of Current Town Priorities

John Hozey noted that typically the video would be turned off for the work session, but since the meeting was closed to in-person public attendance, the video and Facebook live stream would remain on for public viewing.

John Hozey went on to state that this session was different from the strategic plan. The staff report listed a number of projects in his recommended order of priority and he asked for Council concurrence to move any of the projects up or down in priority. The projects were:

- Facilitate, draft, and publish a new Community Strategic Plan.
- Meet with Departments and begin the FY 2022 budget development process.
- Coordinate a critical administrative update to the zoning ordinance and hire a new zoning administrator.
- Manage the ongoing PPEA process for potential utility sale and recruit/hire consultant to advise.
- Review and revise HDRB ordinances, guidelines, and procedures.
- Assist in the development of the Town's Comprehensive Plan update.
- Push through the "reverse the reverse" parking issue on Mason Avenue.
- Assist with development projects as they come up (ie., old ferry dock area or potential rezones).
- Address options for Town Hall replacement/renovation (#1 on the CAMP).
- Continue cooperative efforts with CPS to minimize their operational impact to the Town.

- Develop and bring forward short-term rental regulations/ordinances.
- Develop a plan with recommendations for boat/RV parking issues in the historic district.
- Develop tougher ordinances on golf cart violations.

There was discussion as follows: i) Mayor Dize stated that the Town had been working on short-term rentals, golf carts and boat parking for quite some time and they needed to be moved up in priority. Councilwoman Holloway appreciated Mayor Dize's comments but added that it was late in the year to begin working again on short-term rentals, etc. It was already too late in the year to make any changes. Council could work on these issues, but they could not become effective until next year's season; ii) Vice Mayor Bennett expressed his agreement with the top three items but felt their order needed to be reversed. He also felt that the Town Hall replacement needed to move down since currently there was nothing that could be done about it, but it needed to be kept at the top of the CAMP. John Hozey informed Council that the Town was working with an architect who was providing his effort pro bono. It was not costing the Town anything to evaluate. Not a lot could be done since the Town did not have the money for this project, but it was still important to remain on the top of the CAMP list; iii) Councilwoman Holloway felt that the HDRB guidelines, etc. needed to be moved up and could possibly be switched with the PPEA process. Work needed to begin on the HDRB guidelines. Mayor Dize added that all the Town's ordinances needed to be reviewed. Councilman Grossman did not see the HDRB guidelines project being moved up above the others that were already listed. John Hozey interjected that just because the HDRB projects were listed below the PPEA and other projects, did not mean that work would not be done. Council just approved moving the unsolicited proposals to the detail phase to allow the bidders to move forward with the proposals. An RFP was currently out for a consultant, but there was not a lot of staff work to do on the PPEA issue at this time. The PPEA project would take priority in late March to early April; iv) Councilman Follmer expressed his agreement in the list mostly as presented but felt that short-term rentals could move below golf carts. Councilwoman Holloway felt that short-term rentals needed to be above boat/RV parking but would be okay with the list as it was presented; v) John Hozey stated that the last three projects on the list, no matter where it was moved in the list of priorities, would not get attention until mid-summer; vi) Councilman Grossman asked whether the zoning map was included with the zoning ordinance update project. John Hozey stated that the zoning map and subdivision ordinance were part of the zoning ordinance project.

A Council consensus was reached to keep the priority list in the order recommended by John Hozey.

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

The meeting adjourned at 8:10 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
February 18, 2021 Town Council Regular Meeting**

Phillipa Wilcox

Subject: Cement plant encroachment

As a Bay Creek resident, I recently walked the boardwalk was stunned to see all the trees cut down, this is an important ecological area and I beg you to consider carefully before you take any more action to expand the plant. I am expecting you to keep the CC citizenry involvement.

Phillipa Wilcox
401 Cassatt Knoll
Cape Charles

Mollie Pickron

Good Evening Mr. Mayor and Council Members:

The purpose for this message is to ask you for support and action to protect the economic and lifestyle well being of the Cape Charles residents, businesses, and visitors.

My name is Mollie Pickron and my husband and I have owned the house at 501 Monroe Ave since 2000. We are members of the Concerned Citizens group relating to the noise, dust, and ugly landscape of the concrete plant (which I never noticed much in the previous 18 years before the plant was sold to the current owners). The Concerned Citizens group approached the plant with a good neighbor relationship attitude last year but unhappily the noise and dust are still huge problems.

I recently reviewed the Town Comprehensive Plan updates from 2019 where workshops collected important data on priorities and vision from the public. These priorities include among other things, Healthy Living, Economic Development, Economic Resiliency, and Concrete Plant Cleanup.

The current state of the concrete plant's excessive noise and dust negatively impacts each of these items and it seems as if the plant is operating as if they are zoned heavy industrial. Here are some of the impacts I see to the Comprehensive Plan updates:

- **Healthy Living**-It is obvious to anyone that the dust and noise generated by the plant are health hazards.
- **Economic Development**-Cape Charles has made great strides in this area. The Treasurer's Report from Oct 31, 2020 shows great growth even considering the pandemic. I believe the continued excess noise will adversely affect the attraction and satisfaction of tourists and cause current residents to seek retirement elsewhere where there is peace and quiet. All this will certainly affect the bottom line for our businesses and for the Town. We have made great progress in our growth previous to the new plant owners getting established.

Transient Occupancy Tax -**21.9% increase** over the previous fiscal year

Sales & Use Tax - **2.2% increase**

Business License Tax - **97.5% increase**

Harbor dockage - **61.8% increase**

- **Concrete Plant Cleanup**- The visual impact of the plant is a big negative and the plant intends to continue to grow. The promise by the Plant to build a shielding wall to help with noise and negative visual appeal has stalled and there is no definitive timeline on its completion.
- **Economic resiliency**- If our residents move away and tourists choose to visit elsewhere, our economic condition will certainly deteriorate, and businesses will falter and close.

I've worked with the Cape Charles Main Street organization for several years and have witnessed the tremendous effort expended in partnership with the Town to support and grow the town businesses, attract new businesses, enhance the sense of community pride and the quality of life for the local residents, and solidify our area as a valued destination for visitors. Neither tourists nor residents want to be awakened at 5 am by the plant noise. Who wants to enjoy a cocktail outside at a local establishment overlooking the beautiful bay or in a backyard gathering and have to shout over the beeping and crashing of heavy equipment? In addition, we have already heard from some boaters who were in the CC Harbor this past summer who say they will not come back because of the noise and dust.

I am concerned that all the effort and progress of the Town will be negated if we cannot find a solution to the adverse environmental impact of the plant.

We are not asking for the plant to be shut down! The plant provides jobs and contributes to the town tax revenues. We are concerned about the quality of life for the residents and tourists which will preserve and encourage the growth of the town!

Specifically, we are asking you to: 1) Support light industrial zoning ONLY, 2) Pressure the plant to finish the wall the owners promised to build. The wall may not completely fix the problems, but hopefully will help.

Thank you for your consideration.
Mollie Pickron
501 Monroe Ave
pickronm@gmail.com
410-440-3236

Margaret Ballard

Subject: State Code: Civil Penalties for Violations of Noise Ordinances

Dear Mayor Dize and Honorable Members of the Cape Charles Town Council,

On behalf of the Concerned Citizens for Cape Charles (CCCC), a grassroots coalition of approximately 35 residents and property owners in the Historic District and Bay Creek, I implore the Town Council to take control of the overpowering and disturbing noise emitted by the Precast Coastal plant all hours of the day and night.

To that end, I respectfully ASK that the council members join our efforts in advocating to our state delegate (Delegate Bob Bloxom) and state senator (Senator Lynwood Lewis) that they carry legislation in the 2022 Virginia General Assembly session to amend the state code and allow Cape Charles's elected officials to control its noise ordinance.

As you all and our CCCC members understand, state code in Virginia has precedence over local ordinances. The state code **exempts** "industrial property," i.e. the Precast plant, from local noise regulation. We will ask our state delegation to amend the state code by **striking the exemption** which will provide our Town Council the authority it needs to enact a local industrial noise ordinance.

We appreciate your attention to this issue and look forward to hearing from you that you will join our efforts.

Sincerely,
Margaret Ballard
115 Mason Avenue
Cape Charles, VA 23310
mballard1617@gmail.com
757-406-9431

Elizabeth Sutphen

Subject: Public comment email please for 18 Feb 2021 Town Council Meeting/thank you

Dear Cape Charles Mayor, Town Manager, and Town Council Members,

As a participant in the growing organization known as Citizens Concerned for Cape Charles (CCCC), I request your action to address mounting public problems associated with Coastal Precast Systems (CPS3). The indisputable facts concerning the impact of CPS3's operations on the tax paying citizens of Cape Charles are as follows:

1. The noise and air pollution from CPS3 are disturbing a growing number of Cape Charles citizens. This applies to citizens that live full time in Cape Charles and weekenders who are subjected to negative heavy industry operations on the Saturdays and Sundays at all hours.

2. CPS3 has not taken adequate measures to reduce their heavy industry disturbances on the town residents in spite of their promises to "be a good neighbor, in harmony with the community" in a 26 May 2020 meeting with Mr. Dize and Mr. Hozey and documented in a followup letter to DEQ inspector on 28 May 2020. (Reference - letter from Gary Shrieves, Coastal Precast Systems, LLC to Matthew Slemple, Air Compliance Inspector, DEQ, dated 28 May 2020/obtained via FOIA request.)

3. The Cape Charles Town leaders have not implemented acceptable measures to protect the Cape Charles community from further negative CPS3 impacts over the last 9 months since the initial meeting with CPS3 on 26 May 2020.

As Cape Charles Town leaders, you are in position to take action through a variety of positive measures. These include:

1. Limit expansion of heavy industry operations in or near the Town of Cape Charles now and into the future.
2. Extend tax or other incentives for CPS3 to install noise control infrastructure and measures that have proved effective for heavy industry operations elsewhere. (Example: www.enoisecontrol.com/.products/outdoor-sound-curtains/)
3. Dedicate Town financial resources and/or secure public grants to install additional sound reducing infrastructure (e.g. acoustical panels, sound curtains, sound blankets) for placement in key locations next to the Cape Charles Historic District and the DCR Cape Charles Natural Area Preserve. This will assist in protecting these valuable state recognized assets from the heavy industry noise intrusion and also help to address development of serious public health issues in our town.

Thank you for your time and attention to this important matter.

Sincerely,
Dr. Elizabeth Sutphen
Member of CCCC

Mary Barrow

Subject: Make Noise the Priority

Dear Mayor and Council Members,

I have spent the past several hours reading about the effects of noise pollution on populations close to industrial plants and have found little to broaden the data that has been presented by Margot Gorske, Bill Ballard, Mollie Pickron, David Parham and others in town.

However, interestingly as it pertains directly to the demographics of Cape Charles, according to a study presented in *Noise and Health* (7 May 2014) 'elderly people were found to be more susceptible to noise annoyance' which resulted in more displaced aggression. I mention this as it may highlight why so many of us are not only deeply saddened/disturbed by the introduction of the noise from the cement plant, but more irritated generally.

While this may seem a 'soft' consideration, it is one that is worth noting. Why would those of us who moved here for a quiet retirement want to stay in a place that causes constant irritation?

Finally, yesterday I stood on the outside back steps listening to the industrial thunder and double beeping noise from the plant. I wondered if this was going to become ever more constant – if I could no longer expect to hear the birds in the morning, or the quiet.

My request is that council members address the noise from the cement plant now as a priority.
Thank you,
Mary Barrow

Dianne Davis

Good evening Mr. Mayor, members of the Town Council, Town Manager, Town Clerk and other present

Wow! It is really interesting about the discussions occurring now about the concrete plant.

In 1964 when the Bayshore Concrete Plant decided to open a business here, and it was really an exciting time for our area because they hired roughly 350 people who had full time jobs with benefits.

The southern part of the Eastern Shore really did not have that many businesses other than the small ones that had less than ten employees, and many of them were family members.

We were really sad to learn that the Bayshore Concrete Plant was closing, and all their employees had to find other jobs. As you know, or maybe you do not know, there were not that many places that they could go to

look for employment. The Chesapeake Bay Bridge Tunnel could not hire all those persons that lost their jobs. Some of them ended up unemployed and others were working on jobs that were part time and no benefits.

It was great after a little over a year finding out that the plant was purchased by a new owner in 2019—Coastal Precast Systems. Finally, some of the persons who lost their job could go back to work.

Now can you believe that we have people that are complaining about all the noise (IT IS A PLANT WHAT DO PEOPLE EXPECT?) and other things that is no different than when we had Bayshore Concrete. This is a plant where people are working to make money so that they can take care of their families. The people have been here for years trying to make a living and need to work.

These people are not retirees that have moved here and maybe had jobs paying six figures. We are glad to have these people here, but they must understand we have people who have always been here and need to make a decent salary.

What I do not understand is that Bayshore Concrete Plant opened here in 1964 and did not close until 2018. Were these people who are complaining living here doing that time? Coastal Precast Systems opened within a year or so later. This plant was already in existence and I am sure that those complaining had to know about the plant but decided to take up residence here anyway.

The concern is not for the people who need jobs on the Eastern Shore, but it seems more about doing something about the concerns that were listed in the Eastern Shore Post.

Some people have done very well and have been blessed to make the type of money that they can really enjoy retirement, but the employees at the Plant have not been that fortunate. These people are working hard still trying to make a living, and probably will never be able to retire.

You know, regardless as what the employer decides to do about the complaints, some of the persons complaining will never be satisfied until the plant is closed. The Bayshore Concrete Plant was here for more than 50 years. We now have Coastal Precast Systems here and they have not been in operation here three years and we are hearing all kinds of complaints.

My hope is that this company will continue to grow and not get tired of people complaining and decide to leave this area. The people who have lived here all of their lives need these jobs—**full time jobs as well as benefits.**

PLEASE BE CONCERNED ABOUT THE WELL-BEING OF ALL MANKIND

Phil Goetkin, 602 Jefferson Ave

To: The Mayor and The Town Council

Subject: Coastal Precast Systems Potential Rezoning of Plant Expansion

Date: February 18, 2021

Background and Issues: I have lived with my wife at 602 Jefferson Avenue in Cape Charles since June of 2015. Prior to that time, we lived for six months in Bay Creek. One of the primary reasons we moved to Cape Charles was its incredible natural beauty including the Chesapeake Bay, its vast wildlife and other natural areas. During this time, I have been generally supportive of the activities of Bayshore Concrete Products. However, since the new owners, Coastal Precast Systems (CPS), have taken over operation, I have become quite disturbed especially from the standpoint of pollution and the degradation of Cape Charles' natural assets, resources and environment. Not only has the viewshed of our natural resources been adversely affected by CPS's development, sound and air pollution has put these precious assets at serious risk.

Just make a visit to the Cape Charles Natural Area Preserve; take a walk along the beach; or take a ride in a boat in the harbor out into the Bay. Sound, air and light pollution being generated by CPS is extensive.

As stated in section II.5 of the current Comprehensive Plan:

An abundance of natural resources exist in Cape Charles. Critical wildlife habitats, such as wetlands, natural areas, and the public beach, are present within the town's boundaries and nearby. These natural environments are delicate and should be protected from degradation. **Land use policies must continue to take into account the importance of the local environment to protect these resources for present and future generations.**

The intent of the Cape Charles Master Tree Plan, an addendum to the Comprehensive Plan, is to develop vibrant green infrastructure in **all** town districts by promoting the planting of appropriate new trees, and

protecting appropriate existing trees. The plan's purpose is to ensure the beauty and ecological health of Cape Charles for its citizens and guests. In the last few months, CPS has cut down virtually every tree right up to its property line. Tens if not hundreds of mature native trees have been cut down adjacent to the Cape Charles Natural Area Preserve. I walk the Preserve boardwalk almost every day. Now, with no buffer between CPS and the Preserve, the noise, dust and light pollution is dramatic, not only for me, but more importantly for the plants and animals that live in this preserve. Recently, CPS has been conducting open fires that have produced smoke and ash that has further degraded the preserve. Nothing better than enjoying nature while having problems seeing and breathing.

Conclusion: CPS's development and operation has had significant negative impacts on Cape Charles' natural assets and the quality of life for its citizens. As CPS continues to expand its operations on its current property, it is considering further expanding its operation through additional land acquisition.

I would urge that the Mayor, the Town Council and the Town Staff closely monitor all activities of Coastal Precast Systems.

David Parham

Dear Mayor Dize and Honorable Members of Town Council:

I am requesting the Town Council require that the air and noise pollution from the Coastal Precast Systems plant be reduced to acceptable levels and operations be limited to acceptable hours.

I am NOT asking that the plant be shut down, but it be held responsible to limit its harmful effects on the residents, businesses, marina & beach.

I am not knowledgeable as to the processes used by Coastal Precast Systems compared to their predecessor Bayshore Concrete, but for the prior twelve years before Coastal Precast started operations in 2020, we did not experience these negative, harmful effects.

I am addressing the unacceptable air and noise pollution which comes from the Coastal Precast Systems plant. Their operations not only cause intolerable disruptions to the peace and serenity of the Town but also creates serious health concerns for the residents and tourists in Cape Charles.

The Air Pollution from the plant is a major health concern. I have notified the Council previously with concerns of boats in the Town Harbor being covered with dust/debris from the Coastal Precast Systems plant last summer, certainly a nuisance and undesirable, but of greater concern is the particulate matter that remains airborne and is breathed into the lungs of our residents and tourists. Numerous health studies have shown the correlation between exposure to particulate matter in the air we breathe and serious health risks negatively affecting cardiovascular and respiratory systems. These risks include heart attacks, asthma, bronchitis, and lung cancer, among others. This is especially true for people with pre-existing heart or lung disease, older people, and young children.

As Cape Charles is a Town with an average resident age in the late 50s and a tourist town which attracts families with young children, this concern would be magnified.

It should be noted that reports have indicated that inhaling concrete dust is especially damaging as it is composed of damaging chemicals and can stay airborne for several days.

Now we all know that on most days we have wind in Cape Charles. Per Weather Spark, the average annual wind speed is between 9-13 miles per hour. At these wind speeds, both small and large particulate matter will become airborne. The typical winds from April through August are from the south. This means that dust & particulate matter from the Coastal plant will blow into the Historic District during the summer period when town is full of tourists and renters.

It makes sense that Section 3.13 of the Town Zoning Ordinances for the Industrial District makes it clear that **"NO outside storage of parts, material, fossil fuels, raw materials or petroleum shall be permitted within the M-2 District"**. The zoning requirement goes further to state, **"NO dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property."**

I am requesting the Town Council to enforce these requirements which are needed for the health and benefits of the residents and entire Town.

The noise pollution from the plant must also be addressed as it is detrimental to the wellbeing of the town and its residents.

Definition of noise is “unwanted or disturbing sound” that causes a temporary disruption in the natural balance. Disturbing sound is unwanted when it either interferes with normal activities such as sleeping or conversation or disrupts or diminishes one quality of life. Studies have shown that there are direct links between noise and health. Problems related to noise include stress related illnesses, high blood pressure, speech interference, hearing loss and sleep disruption. The noises from the plant are unnatural in their volume and their frequency. The environment in Cape Charles as a small town, is such that it has become difficult if not impossible to escape the damaging noises six days a week and from early morning till late evening. No one wants to sit on the beach or their porch and hear clanking, banging, and beeping from the plant all day. Apparently, the Cape Charles Town Ordinances agree, as they strictly enforce noise levels on residents in town, and I see no reason why the CPS plant should not be held to similar restrictions. According to Sec. 46-3 dealing with Loud, disturbing noise in town, it states:

It shall be unlawful and a class 4 misdemeanor for any person to create any unreasonable loud, disturbing, and unnecessary noise in the town or **any noise of such character, intensity, and duration as to be detrimental to the life or health of any person or unreasonably disturb or annoy the quiet, comfort or repose of any person.** I believe the Town Planners and Town Council completely understand the negative impacts of noise pollution on the residents, businesses, marina, and beach which is why they clearly address this issue. This is also why in Section 3.13 of the Town Zoning Ordinances for the Industrial District it is clear that **“NO outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property.”** The zoning also prohibits transmission of products to or from the plant before 8 AM or after 9 PM Monday through Saturday.

I am requesting that the Town Council take steps to enforce these requirements for the safety and health of our residents and wellbeing of the town.

In closing, I will reiterate I am not requesting the plant be closed but held accountable and in accordance with town ordinances to reduce the air and noise pollution to acceptable levels at acceptable times. This can and should be done.

Thank you for your time and consideration.
Best Regards,
David J. Parham

Jane Edwards

Subject: Fwd: Concerned Citizens of Cape Charles

Town Clerk Libby Hume,

I am writing in support of Concerned Citizens of Cape Charles and the issues they have raised with Coastal Precast Concrete. I live in Bay Creek (resident since 2012) and I hear the noise at my home and on walks with my dog through out the Bay Creek property. My enjoyment of our screened porch and patio are impacted most months of the year (we use those features of our home about 8 months out of twelve). I also work in my garden almost year round in the early morning and I hear the plant. I can only imagine how aggravating the noise and dust are for those who live closer to the plant!

I further support the Concerned Citizens of Cape Charles with concerns of the plant expansion of their operations. The nature preserve and Bay Creek’s beauty would be severely impacted by enlarging the plant’s footprint.

I do not advocate shutting the plant down. I only want more consideration for the citizens of Cape Charles and our tourist/visitor industry.

Thank you for putting my letter into the record for tomorrow’s Town Council meeting.

Jane Edwards
202 Arnie’s Loop
Cape Charles

Margot Gorske

Subject: and all council members

Dear Mayor and Council Members;

The plant is here to grow and make a profit. It is not here to do so at our expense. It exists in a residential area. Not in an industrial park. Our community has a right to be protected from the worst side effects of its operation and to preserve our health, investment, and quality of life.

1. **Dust; Cement** dust causes lung function impairment, chronic obstructive lung disease, restrictive lung disease, pneumoconiosis and carcinoma of the lungs, stomach and colon. Sulfur dioxide (SO₂) affects breathing aggravates existing respiratory and cardiovascular disease. Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children, and the elderly.

Additional health hazards are presented with water runoff into the bay and groundwater and other odorless gases.

2. **Noise**; Research has shown that regular exposure to high noise levels results in higher cases of nausea, **headaches**, argumentativeness, and changes in mood and **anxiety**. Insomnia and developmental delays in children are also associated with noise pollution.

3. **Hours of operation**: directly tied to noise and a solution may be to have the noisiest part of the operation during the day and the silent parts during the night.

We have a window of opportunity to play the long game and use state, federal, and local legal protections to balance the profit goal of the plant with our residential district.

Sincerely,
Margot and Scot Gorske

Loraine Huchler

***Public Comment Statement regarding agenda item, "Consideration to advance
PPEA unsolicited proposals for further evaluation"***

Submitted by Loraine Huchler, P.E., CMC®, FIMC, huchler@martechsystems.com, 609-865-8151 (cell).

I am an Eastern Shore resident and a licensed professional engineer specializing in water and wastewater. I've been following the Town's progress evaluating the option to sell the Water & Wastewater assets and outsource the services. On September 3, 2020, the town adopted and posted the local Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA guidelines). The Town accepted an unsolicited conceptual proposal from Aqua on October 9, 2020 and accepted a finalized conceptual proposal from Virginia American Water (VAW) shortly after receipt of clarifications on January 8, 2021.

There's a requirement to post conceptual proposals for public access. "Why aren't these two conceptual proposals currently available to the public on the Town's website as required by the PPEA guideline?" Section V.B.5.a. of the local PPEA guidelines reprinted below, requires that solicited and unsolicited proposals shall be posted to the Town's website within 10 days of acceptance.

5. Posting Requirements:

- a. A conceptual proposal, whether solicited or unsolicited, shall be posted by the Town within 10 working days after the acceptance of such proposals. Posting shall be on the Town's website. In addition, a summary of the conceptual proposal may be posted by publication, in a newspaper of general circulation in the area in which the contract is to be performed. The posting shall identify the location where copies of the proposal are available for public inspection. At its discretion, the Town may also post on the VBO site.

As of Thursday morning (2/18/21), I was not able to find these two proposals on the Town's website. This requirement applies even if the proposals contain information labeled "confidential" that Town officials redact prior to posting the document.

Today's agenda includes a request for the council to move from the Conceptual Phase Review to the next phase. Is it appropriate for the Town Council to approve advancing these conceptual proposals to the Detailed Phase when the Town Manager has failed to comply with the PPEA requirement to post the two accepted conceptual proposals to the Town's website within 10 days of acceptance? Why would you violate the PPEA guideline and deny stakeholders their legal right to access these documents in a timely manner?

In tonight's request for deliberation, the town manager has stated that "it would appear to be in the Town's best interest to continue this investigation to determine if the sale of our utilities could be in the best interest of the Town." "What constitutes "best interest in the Town?"

Water and sewer rates and fees are a critical issue for stakeholders. The submissions in the Detailed Review Phase requires bidders to define rates and fees (Section D.1.iv.); however, there's no requirement to disclose these fees and rates to the stakeholders.

Numerous studies have documented the high probability that the rates and fees will increase after privatization because corporate profits, dividends and income taxes can add 20 to 30 percent to the operation and maintenance costs – and these costs are passed on to the ratepayers.^{1,2} "How important is the issue of the projection of rates and fees in Town Council's decision?"

On February 5, 2021, the Town of Cape Charles released a Request for Proposal (RFP) for PPEA Utility Consulting Services. There are seven (7) tasks: Background research, PPEA processes & procedures, asset appraisal, rate forecast & capital investment strategy, evaluation and contract monitoring metrics, meet with Cape Charles staff, and participate in town hall meetings & assist with PPEA agreement. This is a significant amount of work: "What is the budget for these consulting services? "How will the town pay for this work?" "Shouldn't the appraisal of the assets and the financial analysis – defining the capital investments and forecasting the rates – be done first to understand what is a fair purchase price?" "If the town decides not to complete a deal with either bidder, does any of the expense for the consultant's work have tangible value?" There's no sense in spending money to conduct intensive due diligence if the Town determines part-way through the process that the deal is not "in the best interest of the town."

Finally, I'll continue to ask the questions that I've asked for the past six weeks, "Why? Why does the town want to sell the water plant?" and "After paying off the current debt, how does the Town plan to spend the proceeds of the sale of these assets?" As ratepayers and stakeholders, we deserve transparent actions and timely answers to our questions.

¹ <https://www.foodandwaterwatch.org/sites/default/files/Public%20Private%20Water%20Service%20FS%20Apr%202010.pdf>

² https://www.foodandwaterwatch.org/sites/default/files/qa_public_private_water_fs_june_2009.pdf

Jon Dempster

Dear Council,

My name is Jon Dempster, owner of "The Shanty" at 33 Marina Rd. I am here to address the ongoing debate about rates in the harbor, specifically as they regard to commercial waterman. I understand that you, The Council, reached an agreement last September to lease the operations of the Town Harbor to the Cape Charles Yacht Center. And while some of that decision does effect "The Shanty" in terms of our operations, maintenance of public areas, events, and other, I have remained silent until now out of trust of your decisions.

However, as local watermen are not only our friends at The Shanty, but also our local vendors and the inspiration for this business to exist in the first place, I feel we have a right to speak to these terms.

When I arrived here, by boat, eleven years ago I lived in this harbor. Surrounded by almost nothing but commercial vessels. It was this that reminded me of being home in Gloucester, Massachusetts. It was also this that made me believe a local seafood joint on the water, supported by it's own community of local watermen, was the opportunity of a lifetime.

That opportunity has had a lot to do with the shape of this community over the past 10 years. And it was built upon a working harbor, with working watermen, who were the priority for a blue collar seafood joint, long before we needed 130 more slips for private vessels.

We should all be thankful for how this has gone, but we should always water our roots.

It came to my attention about a month ago that the "annual" slip holder rates, which several watermen maintain faithfully, had been removed. More so it also came to my attention that the rates for commercial vessels would increase significantly. Still I sat by as I understood the vernacular of the deal ultimately allows you, The Council, control of the rates. I hold hope that you will honor our watermen.

After seeing the proposed rates for tonight's meeting I have to say I was disappointed. Yes the rates have come down significantly from the last proposal in terms of the "Long Term" rate which includes substantial percentage discounts to both locals and commercial vessels. However, the proposed wharfage, 20x20 rentals, cleaning and other charges not included in the "per foot" rate bring this beyond where it began in the previously unacceptable proposal.

The addition of these previously unimposed, or non existent fees, make this proposal a Red Herring. Do we believe the watermen are not intelligent enough to calculate these new costs? Beyond the fact that there has been no addressing the "Off Hours" Fueling issue. Nothing has really been given here, there is no compromise. Simply a restructure at which costs are actually higher than previously proposed.

If these rates are approved I would be afraid that you have set a precedent of increases that these commercial watermen will not only have to fight each year, but will become financially unsustainable for their vitality.

The Shanty, although open year round now, used to base our operational season on the beginning of Crab Season. This year on March 17th I hope to see the same familiar Tangier, and other faces, pulling into the harbor to begin a successful harvest season.

More so I hope year round to see the same familiar faces returning to the harbor each day after a long hard day with the bounty of our Bay.

Council you have my faith. You are all intelligent people who can see through this for what it is. I would encourage you to protect your community. To protect it's roots. And to make sure we are not driving our original economic vitality out but protecting it for years to come from what we have become.

Sincerely yours,
Jon Dempster
The Shanty
508-284-3318
jondempster@yahoo.com

Stuart Smith, 27 Kings Court

Despite Council's admonishment at the January 2021 Council Meeting against including rates far out of Cape Charles, CCYC has chosen to write a marketing piece that can best be described as mostly aspirational. Indeed marketing is the art of creating preference for your product or service even if some of the arguments are based on what you would like the facts to be.

Let's look at some more facts. The survey (attached) was conducted in 1 hour using marina websites. It covers the Patuxent River marinas southward to the Elizabeth River. The average rate for a transient night (not including power) is **\$1.89/ft**. This puts the proposed rates for Cape Charles at 59% above the average marina. Marinas in the far northeast have very short seasons (typically Memorial Day to at best Columbus Day) or 4 1/2 months compared to our 8 month season, so naturally rates are higher.

I want to highlight one marina in the CCYC survey, Charleston Harbor Marina. I have stayed there for a month at a time on two ICW cruises (2018, 2020). The property has two first class hotels, 3 pools (one heated in the winter months), a hot tub, a beach club where once a month entertainment is provided around a seasonal theme (like an oyster roast), a first class restaurant (Fish House), a shuttle van which takes boaters to downtown Charleston, grocery stores and West Marine, and to a local plantation. Two newspapers are free, with free coffee and hot chocolate in winter months. Showers and laundry are above average. The view from the marina is the Cooper River with the Charleston skyline and the Ravenel Bridge. Our view is of the Concrete Plant. So International yacht owners are coming to Cape Charles for our beautiful view? Where is our pool going to be located?

Cape Charles proposed rates are 36% above Charleston Harbor! Marketing hype does nothing to create real value for boaters.

Another inconvenient fact is that CCYC rates were raised in the Spring of 2020 in anticipation of submitting their RFP response.

The exact general rate structure proposed including fixed electric rates are the same as posted by CCYC last year. Before that monthly rates were \$6/ft, below Cape Charles seasonal rate of \$6.41.

There is a cry for improvements that needs additional capital and more events. Under a prior harbormaster Cape Charles had many waterfront events including a tall ships festival for many years which attracted large crowds of visitors. Council stopped all events due to losses incurred and lack of financial support from the extended community to continue the tall ships events. Tall ship visits are very expensive due to individual ship requirements for appearance fees.

"For years Cape Charles Harbor has been underpriced for transients".

Another inconvenient fact, Cape Charles for many years had rates that were appropriate for the facilities, older poorly maintained smaller fixed docks, showers that can be charitably called basic, mostly smaller boats, watermen, with very little seasonal slip availability even for residents.

When MD and VA stopped the winter crab harvest rates were significantly increased to make up for the loss of watermen revenue. And current rates have been raised the last few years 30% to \$2.25/ft/night compared to the survey average of \$1.89.

Another reality check— it's a tired old argument that lower rates generate negative perception no matter how smooth the marketing speak. So does lower rates in Charleston Harbor Resort, St. Augustine, and Annapolis mean substandard facilities and amenities. Really? Just because it's written in the rate proposal marketing piece doesn't make it a fact.

And finally, about discounts during busy summer season. These discounts typically have been extended to yacht clubs who bring 10 or more boats. Old Point Comfort Yacht Club has been visiting Cape Charles Harbor for over 35 years every Memorial Day weekend. With the construction of the new floating docks they now typically bring 35 or more boats. It's clear that CCYC intends to remove these discounts. A perfect insult to a very long term supporter.

If you do the sums on the CCYC proposed rate sheet survey using Cape Charles at 2.25/ft the average rate is **\$2.35!!** Again \$3.00/ft is 28% above their own data.

Does Council really think Cape Charles is not going to be judged against many other alternatives? Adopting the proposed rates positions Cape Charles Harbor as one the most expensive transient marinas in the Chesapeake Bay and beyond.

Does Council remember what happened the last time it raised rates substantially?

Table 1

Marina	Price per foot	
Deltaville Yachting Center	1.00	BoatUS
Fishing Bay Marina	2.00	
Dozier's Regatta Point	1.75	BoatUS
Mobjack Marina	1.00	
Riverwalk (Yorktown)	\$2.00	1.50 M-Th
York River Yacht Haven	2.00	
SouthHall Landing (Hampton)	1.25	Stay 4 get 1 free
Salt Ponds (Hampton)	1.25	Stay 5 get 2 free
Old Point Comfort	2.00	Yacht club discounts
Bluewater Yachting Center	2.00	
Hampton Public Piers	1.25	BoatUS rate
Willoughby Harbor Marina	2.00	
Waterside Marina (Norfolk)	2.00	
Tidewater Marina (Portsmouth)	2.00	
Portsmouth Boating Center	2.00	
Bay Pointe (Little Creek)	2.50	
Little Creek Marina	2.00	
Cobbs Marina	2.00	
Oyster Farm	2.50	
Onancock Town Harbor	2.00	
Somers Cove (Crisfield)	1.95	
Point Lookout Marina(Potomac)	1.50	
Spring Cove (Solomons)	2.50	
Solomons Yachting Center	2.50	
Safe Harbor Zahnisers (Solomons)	2.25	
Average	1.89	



DRAFT
Town Council/Planning Commission
Strategic Planning Retreat – Day 3
Oyster Farm Cabana Room
February 20, 2021
10:00 a.m.

At 10:13 a.m., Vice Mayor Steve Bennett called to order the Town Council Strategic Planning Retreat. In addition to Vice Mayor Bennett, present were Councilmen Grossman, Bannon, Follmer and Buchholz, and Councilwoman Holloway. Mayor Dize arrived at approximately 11:30 a.m. Also, present were Town Manager John Hozey, and Community Relations Manager Jen Lewis.

Planning Commissioner D'Amico called to order the Planning Commission Work Session. In addition to Commissioner D'Amico, present were Commissioners Butta, Strub, Holloway, and Councilman Grossman – Town Council representative to the Planning Commission. Commission Chair Bill Stramm arrived at approximately 11:00 a.m.

The department heads in attendance were: Capital Projects Manager Bob Panek, and Public Works Manager John Lockwood. Treasurer Deborah Pocock arrived at approximately 11:00 a.m.

There was one member of the public in attendance.

Temperature checks were done on each attendee, including members of the public.

John Hozey thanked all who were in attendance for their time on the weekend. He passed out an agenda and other documents that would be needed throughout the day. He noted the first item on the agenda was to review the Northampton County Draft Comprehensive Plan for local input. He was not able to put as much attention into the plan as he would hope, but fortunately, Councilman Grossman had done extensive research and was prepared to lead the discussion. He then turned this portion of the discussion over to Councilman Grossman.

Councilman Grossman started by going over a few ground rules to include keeping comments focused on the discussion and reminding everyone of the ability to submit personal comments on the County website. The topics to be discussed today included Town edge/gateway concept, utilities extension, housing, Cape Charles tourism zone, harbor, education, and the 143 implementation (how many strategies the county has). He asked if there were any additional items to be discussed and Bob Panek added that page 61, item 12 addressed developing additional marine resources in lower Bayside Northampton County. We currently had three at this time that we struggled to fill up.

Councilman Grossman led the discussion on the following: i) Town edge, gateway concept. Bob Panek shared that if the county was not willing to provide sewage or water supply it was a non-starter. ii) Utilities buying into the Town edge. Vice Mayor Bennett stated that if the county wanted to pay then the Town would be happy to have that discussion. iii) Housing. Councilman Grossman stated there was currently no point of contact in the County for housing and they were relying on individual groups. The Town recommendation should be for the County to appoint a contact person. iv) Tourism. Comments to take forward to the county would be for the County to recognize and promote the Town(s). At this time the Town(s) were more of a grey area. Financial support for recreational services needed to be improved. v) Harbor. The language addressing the Cape Charles Town Harbor as a fishing port needed to be addressed. This was where Bob Panek's comments should be addressed about adding additional marinas to lower Northampton County. vi) Education. There was currently no promotion for education. Education required everyone working together to

drive apprenticeships and work opportunities. The message to send was that we needed to see the implementation metric and then decide if we had the ability to move forward. vii) Councilwoman Holloway noted that on page 57 the technology zone was addressed but there was no reference to Cape Charles. There was currently no strategy to utilize or take advantage of those resources which could benefit work force housing and other similar issues. Coastal Precast needed to be added as a main job contributor. viii) Commissioner Holloway referenced page 140 as a good place to address county resources for the Rosenwald School Initiative. ix) Vice Mayor Bennett added that the rails to trails were represented in the graphics as ending at the water and this information needed to be corrected to show that it stopped at the hump. x) Commissioner Holloway added that he was color blind and could not read the graphics. Councilman Grossman directed Commissioner Holloway to the comment on the County website as this was vital input for many.

Councilman Grossman thanked everyone for the discussion and turned the meeting back over to Mr. Hozey.

John Hozey again thanked everyone for attending today. He was confident the goals that had been captured at the last session covered what we were trying to accomplish. We would continue to make best guesses, but the future was always unknown. Objectives would get done and over time others would be added. John Hozey asked everyone to review the goals and objectives to make sure nothing was missed from sessions 1 and 2. Councilman Grossman Page 5, 8b and asked whether these were grant recommendations. John Hozey stated 8c should be viability and not liability. Bob Panek commented that on page 4. 7 should be 6, 6 should be 5 and 5 should be 7. There were no further comments.

Councilwoman Holloway voiced a concern about the flow of the vision. Everyone took a few minutes to review. The new mission did not need changes but a better flow. The corrected vision would read, "Preserve our historical, natural, and cultural resources while fostering a sense of community that enhances well-being and prosperity, now and for generations to come."

John Hozey proceeded to ask if Council would like to see the list of goals prioritized. It was decided to keep the goals numbered for reference only at this time and once presented for public review the numbers would be changed to bullet points. There was discussion about the wording of affordable housing. The newest term being used was diversified inventory of housing. The final recommendation was to change Goal 8 to advance a variety of housing options for younger families and work force.

John Hozey moved on to objectives. We were currently doing some of the objectives listed but needed to make sure we continued to capture them. There was discussion regarding how to implement a business portion since there was no longer a Cape Charles Business Association since it was absorbed by Cape Charles Main Street. It was noted that this might take a group approach. 5c was added and read, developing private and public collaboration to guide business development and remove barriers. The milestones were i) specific reviews of ordinances, processes and regulations, ii) Main Street would be a tool kit for starting new business. Objective 7 was changed to Protect and improve public green/open space. 7b was added to review existing plans (UVA) to include the County plan.

John Hozey asked that the Task Organization chart be reviewed individually before starting a group discussion. While reviewing it was important to remember that there were three areas to consider, to include time, money and staffing. Councilman Grossman pointed out that it was better to identify a current organization or title versus a person in the event that person left the tasks remained with the group. The group continued to go through the tasks list and assigned completion dates and staff to each task. A few tasks were removed. While filling out the tasks sheet the group spent a large amount of time discussing budgeting restraints, as well as possible solutions and changes that could

be made during budgeting and billing processes. John Hozey circulated several handouts that helped in explaining the Town's past, current and future budget numbers.

John Hozey informed the group that he would take all the information that was received today to work into a manageable document to begin taking to the public. The next step would be for Council approval and then the process to take the document to the public for input. Once input was obtained from the public, changes would be made if necessary, to prepare for final adoption by Council. Mr. Hozey informed the group that if there were a significant amount of changes to be made, this group might need to meet again to discuss those changes.

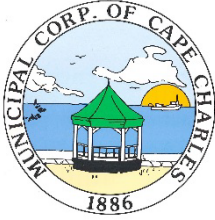
Motion made by Commissioner Stramm to adjourn the meeting, seconded by Councilman Grossman. The motion was approved by unanimous vote.

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

The meeting was adjourned at 3:29 p.m.

Mayor Dize

Community Relations Manager



DRAFT
TOWN COUNCIL
Executive Session
via Electronic Communications
February 23, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwoman Holloway. Councilmen Bannon and Follmer were not in attendance. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There were nine members of the public viewing the open portions of the meeting on Facebook.

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

Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Interview to Fill the Vacancy on the Historic District Review Board

The video feed to Facebook was stopped at 6:33 p.m.

The video feed to Facebook was restarted at 6:59 p.m.

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

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

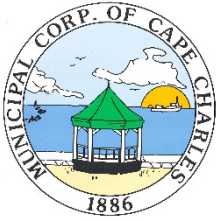
Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to appoint Ms. Kathy Glaser to the Historic District Review Board. The motion was approved by unanimous vote.

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

The meeting was adjourned at 7:00 p.m.

Mayor Dize

Town Clerk



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
March 4, 2021
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwoman Holloway. Councilman Bannon was not in attendance. Also, in attendance were Town Manager John Hozey, Capital Projects Manager Bob Panek, Human Resources Manager Jodi Outland, Community Relations Manager Jennifer Lewis and Town Clerk Libby Hume. There were two members of the public physically in attendance, and 13 viewers on Facebook Live.

PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):

Beth Walker, Assistant Secretary of Cape Charles Rosenwald School Restoration Initiative, Inc.

Ms. Walker stated that Ms. Tevya Griffin had submitted a letter to be read into the record and she and Charles Williams were here to answer any questions. Ms. Walker thanked Council for their consideration.

Town Clerk Libby Hume read comments submitted in writing from Tevya Griffin, president of the Cape Charles Rosenwald School Restoration Initiative, Inc. (Please see attached.)

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

SPECIAL MEETING ORDER OF BUSINESS:

A. Health Insurance Renewal Presentation:

Human Resources Manager Jodi Outland presented Council with information regarding the 2021-2022 employee health insurance plan options. (Please see attached.)

Motion made by Councilman Buchholz, seconded by Councilman Follmer, to move the coverage back to Anthem and maintaining the same benefit structure as the 2020-2021 plan year as recommended by staff. The motion was approved by unanimous vote.

B. Real Property Disposal:

Town Manager John Hozey explained that the Town owned tax parcel 83A3-A-14, which was currently leased to South Port Investors, LLC, with the exception of the northern portion which was reserved for the wastewater treatment plant and future expansion. The original lease was to the Industrial Development Authority as part of the Sustainable Technologies Industrial Park (STIP) and was assumed by South Port Investors when they purchased the STIP. The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) owned tax parcel 83A4-A-23 fronting Old Cape Charles Road and bounded by the Town’s property on the north, south and west. South Port was supportive of CCRSRI and would consider terminating their lease if the Town would consider transferring a portion of parcel 14 to CCRSRI to allow them to better develop their existing property to hold fundraising and other community events. CCRSRI would also like to clean up and preserve the natural area in the center of parcel 14, which was currently undevelopable since it was in the resource protection area (RPA). This would be a win-win transaction in that the Town would regain immediate access to usable portions of the parcel while helping the CCRSRI effort. Town staff, CCRSRI and South Port Investors developed a proposed real property conveyance that met the needs of CCRSRI and preserved the Town’s ability to expand public facilities in the future. The Code of Virginia § 15.2-1800 allowed a locality to dispose of real property by either public or private sale and required that a public hearing be held prior to disposal. Code of Virginia § 15.2-2100 also required that such sale be made pursuant

to an ordinance passed by a recorded affirmative vote of three-fourths of Council. Parcel 14 would need to be subdivided prior to disposal action.

Council had some questions for Ms. Walker.

Ms. Walker stated that CCRSRI had plans to hold outdoor activities on the property and to create winding paths which were symbolic of the different paths people took in their lives and different obstacles people faced. CCRSRI had looked at the area and were aware of the restrictions in the RPA.

Councilman Buchholz questioned if non-permanent structures could be constructed in the RPA.

Capital Projects Manager Bob Panek stated that walkways could be construction and explained that the RPA was the 100-foot buffer from the wetlands, not the actual wetlands.

Beth Walker added that, assuming that gatherings were permitted in May, CCRSRI proposed to hold a clean-up event asking for volunteers to help with the effort.

There was a consensus among Council to move forward with the disposal of a portion of parcel 14 as discussed.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- 1) The draft Community Strategic Plan was released to the public on Monday, March 1. He tried to disseminate it as widely as possible via a Special Gazette, on Facebook, Nixle, etc. He also made a video as suggested and posted it on Facebook. There were 140 views so far on Facebook when he checked earlier today. A public input session was scheduled for Saturday, March 13, beginning at 2:00 p.m. The session would strongly resemble a public hearing format with public attendance being limited to ten at a time in the building. The Governor did not lift the restrictions for indoor attendance and removed the government exemption. The meeting would last as long as it took to hear from everyone. There would be no deliberation during Saturday's meeting. A work session was scheduled on March 18 as part of the regular Council meeting and Council would have the opportunity to consider all comments and offer adjustments to the plan. If Council felt comfortable with the changes, they could go back into the regular meeting and approve the plan. If there were extensive revisions to be made, another meeting would be scheduled for Council to review the plan for approval.
- 2) His next big project was the Historic District Review ordinances and guidelines. He began reviewing the documents and requested time with Councilman Grossman next week.
- 3) He submitted a letter to the editor of the Eastern Shore Post in response to two recent letters to the editor regarding the unsolicited proposals. His letter was accepted and would be published either this week or next.
- 4) If Council had no objection, he would be taking Friday off. The weather had been dry all week and he had a lot of outdoor work to be done.

MAYOR AND COUNCIL COMMENTS

Mayor Dize expressed his appreciation to Council, Planning Commission and staff for all the hard work that went into the strategic planning sessions and development of a plan. It was a good plan and now Council needed to figure out how to pay for the projects.

Councilman Follmer reiterated his thanks to John Hozey for his leadership and it was exciting to see us all come together as a group to focus on strategy. It was a lot of work over three days. He thanked the Planning Commission and staff who spent time with Council during this process. It was a living document with an easy format to read. He added that it was critical for implementation to obtain everyone's input, including the residents in the community. He asked the community to review the plan and provide their input.

Councilman Grossman reminded Council of the March 8 deadline to provide their input regarding the town manager's performance evaluation.

Vice Mayor Bennett echoed the thoughts of Mayor Dize and Councilman Follmer regarding the strategic plan. He had been on Council for 12 years and had gone through the process a couple of times, but Council had never gotten past the brainstorming session. He was excited about where we were and where we were headed and having someone in the town manager seat to ensure the plan moved forward. It was important to obtain public input and it was a shame that we could not get a large group of people together at this time. When Council held the meeting to discuss the parking issue, there were over 50 people in attendance, and it was a great session. He looked forward to when this type of meeting could be held again. On the flip side, John Hozey uncovered and reinforced the fact that the Town had been in a deficit spending mode for several years, and it was now time to pay the piper. He appreciated John Hozey's work to get us to this point.

Councilwoman Holloway commented as follows: i) She expressed her concurrence with Vice Mayor Bennett, especially his last comments and added that it was important for the public to look at the plan. Priorities needed to be made as a group and it would take some difficult decisions to prioritize and make things happen. She asked the public who was listening on Facebook, to help. Everyone needed to be braced for the difficult decisions. She encouraged Council to share John Hozey's video and information on Facebook. Anyone involved in churches, and community groups needed to pass along this information. Cape Charles Main Street would be putting out the information tomorrow in a Main Street Connect; and ii) She congratulated the public works crew for the installation on the new street signs which looked wonderful. She thanked Public Works Manager John Lockwood for all the hard work to make it happen.

Councilmen Buchholz concurred with everything already stated by the Mayor and Council. Public input was definitely needed for the strategic plan. The more people involved, the better the plan would be. Everyone needed to be on the same page.

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

The meeting adjourned at 7:16 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
March 4, 2021 Town Council Special Meeting**

Tevya W. Griffin, President, Cape Charles Rosenwald School Restoration Initiative, Inc.

Board of Directors

*Tevya W. Griffin, President
Pastor Felton Sessoms, Vice President
Michael Chandler, Treasurer
Shirley Galloway, Financial Secretary
Cheryl Fenderson, Secretary
Beth Walker, Assistant Secretary
Eyre Baldwin
Charles Bell
Bishop James E. Davis, Jr.
Valentine Evans
Dr. Cynthia Jacobs Carter
William Knight
Mabel Mitchell
Roberta Newman
Beth Walker
Charles Williams
Dr. Linda Schulz*



**Cape Charles Rosenwald School Restoration Initiative, Inc.
P.O. Box 294
Cape Charles, Virginia 23310**

March 2, 2021

Honorable Mayor William Dize and Cape Charles Town Council
2 Plum Street
Cape Charles, Virginia 23310

Dear Mayor Dize:

On behalf of the Board of Directors of the Cape Charles Rosenwald School Restoration Initiative, Inc. this letter is written to express appreciation of the continued support of our organization and its mission. Specifically, the Board extends our gratitude for the sale of public land to the Initiative located adjacent to our property at 1200 Old Cape Charles Road.

We see this beautiful area as an extension of the indoor spaces used for innovation, learning, gathering, and discussion. The open space will provide additional opportunities for meditation, and events. The Board envisions an interpretative walking trail, a public art element, and a nod to the rich history of the school, and its community with an annual May Day festival. To say we are excited and ready to advance is an understatement. This purchase will move us closer to our goal and bode favorably as we begin a rigorous funding campaign.

As in the past, the Board will continue to keep the Town of Cape Charles abreast of our progress as we move forward.

With Kindest Regards and Appreciation,

Tevya Williams Griffin, AICP
President
CCRSRI, Inc.



HEALTH INSURANCE RENEWAL

2021-2022

SUMMARY

For the past two years town employees have been covered by ALLIED, which uses the Cigna network. In 2019 the town moved to a “self funded” plan. A “stop loss” prevents the town from incurring any liability for excessively large claims, however, claim history affects premiums for the following year.

Because of claim history, Allied imposed a large increase to the town. Not only that, but feedback from employees showed that Rx were more expensive, the network was not as expansive as Anthem and customer service was less than stellar.

The town proposes to make the move back to Anthem, but to stay with a self (level) funded plan. Taking advantage of level funding premiums with more options for the employees is a win-win. As you will see in the next few slides, the town will be able to offer a cost effective health insurance plan for 2021.

Dental premiums have remained the same and employees still have the option to enroll in a Flexible Savings Account as well as voluntary vision and AFLAC products.

- For 2020-2021 the predicted annual cost was \$227,522 based on 28 employees. The actual cost for the plan year was \$220,542 (\$6,979). This can be attributed to employees who ultimately chose a lower cost plan that was paired with a \$500 FSA, and attrition.
- We learned that two factors boosted morale and put money into employees hands: the \$500 FSA and the \$100 monthly subsidy for dependents.
- The cost of an employer funded FSA ends up being less of a cost to the Town than the premium of the more costly, lower deductible, plan.
- The subsidy helps offset payroll deduction costs for employees with dependents. Also, by encouraging employees to enroll their dependent children, it lowers our age demographic and brings down premium costs.

NEW PLAN YEAR: 2021-2022

ANTHEM PLAN	1	2	3
DEDUCTIBLE	\$500	\$2,500	\$4,000
Out-of-pocket max	\$6000	\$6,500	\$7,500
Co-insurance	20%	20%	20%
Copay for PCP	\$25	\$40	\$40
Copay for specialist	\$50	\$75	\$75
Employee-only premium (monthly)	\$549.62	\$484.25	\$450.28

COMPARISON

2021-2022

2020-2021

PLAN	ANTHEM 1	ANTHEM 2	ANTHEM 3	CIGNA 1	CIGNA 2
Deductible	\$500	\$2,500	\$4000	\$1,500	\$3,500
Out-of-pocket max	\$6000	\$6,500	\$7,500	\$7,900	\$7,900
Co-insurance	20%	20%	20%	30%	20%
Copay	\$25	\$40	\$40	\$35	\$35
Employee only premium (monthly)	\$549.62	\$484.25	\$450.28	\$677.15	\$589.81

MEDICAL INSURANCE COST SAVINGS FOR THIS YEAR:

- 2020-2021 Actual Cost: \$220,542
- 2021-2022 Proposed Cost: \$165,990
- Savings over last year \$54,552

WHAT ABOUT THE REAL BENEFITS?

- Continue to cover the employee-only premiums at 100%.
- Propose again this year to give employees who enroll in the higher deductible plan a \$500 funded FSA.
- Keep the \$100 per month subsidy for dependent costs for plans 2 & 3.
- Propose to give employees who take Plan 3, (\$4000) deductible *with dependents*, a \$500 funded FSA as well. – this would be new for 2021-22. It helps contain some costs for the Town and it helps employees who need to minimize their payroll deductions.
- As the Town did last year, provide monetary increases of salary to Medicare eligible employees who enroll in Medicare which helps them to afford their Medicare premiums every month. Also, provide subsidies for dental and vision coverage. This cost is still lower than the monthly cost of group insurance.
- As has been done in past years, provide a \$500 funded FSA to any employee who waives the health insurance and dental and vision subsidies.

HOW DOES THIS NOW LOOK FOR THE EMPLOYEE:

- Employees with children covered by their insurance plan who move from the CIGNA \$3,500 to the Anthem \$4000 plan will save \$ 70 per pay period, \$1,820 a year! And they will have \$500 in an FSA to spend on medical expenses.
- Employees with children, who move from the \$3,500 deductible to the \$2,500 deductible plan will save \$ 42 per pay period or \$1,092 per year!

Who would not want to come work for the Town with these great benefits!



LET'S TALK OVERALL SAVINGS:

Once we calculate the funded FSA's, subsidies and Medicare salary increases what do the final savings look like:

- 2020-2021 \$250,318 annual cost
- 2021-2022 \$207,228 annual cost (proposed)
\$43,089 savings from last year (17.2%)*

*Recommend that a portion of savings is put into contingency fund for possible future employee turnover.



January 2021 Treasurer's Report

Page 1 – Cash Position

- There was a \$137,000 debt service payment made on the Pinnacle Loans.

Page 2 – Revenue vs. Expenditures

- The Annual Budget column was updated to reflect the mid-year budget amendments.
- The YTD Harbor performance is much improved over FY20. Dockage is already at budget estimate for the year. The revenue estimate had been reduced due to COVID-19 projections.

Page 3 – Capital Projects

- Public Works lawn maintenance equipment was purchased.
- The Inner Harbor rehab project is in process.

Page 4 – Tax Collection Rate

- No comments.

Page 5 – Tax Revenue Trends

- The very high increase in dockage may be partially due to a corrective change in invoicing practices at the harbor in FY20 and FY21 for seasonal and annual slip-holders. If this is the case, the increase should level out by the end of this fiscal year, except for natural growth.
- Business License (BPOL) is higher by 55.6% than 2020, however the due date for BPOL was extended from April to September.
- Sales and Use tax revenue is 14% higher than in 2020.

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

<u>Cash on Hand</u>	<u>12/31/2020</u>	<u>1/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$605,499	\$494,219	-\$111,281
Atlantic Union Bank Money Market Account	\$2,428,337	\$2,428,733	\$396
LGIP Account 1 - Unrestricted	\$104,177	\$104,188	\$11
LGIP Account 2 - Unrestricted	\$305,236	\$305,272	\$36
Total Cash On Hand	\$3,443,249	\$3,332,412	\$0

<u>Restricted and Reserved Cash Balances</u>	<u>12/31/2020</u>	<u>1/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,079,281	\$1,079,281	\$0
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$25,890	\$25,890	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$4,465	\$4,628	\$163
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,585	\$1
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,898	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Total Cash Held in Reserve	\$1,371,310	\$1,371,474	\$164
Total Cash - All Accounts	\$4,814,559	\$4,703,886	-\$110,674

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$6,889,081
---	-------------

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

January 31, 2021

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY21
GENERAL						
REVENUE - Operating	\$218,220	\$2,289,042	\$2,573,405	\$284,362.60	\$4,177,677	61.60%
EXPENDED - Operating	\$184,529	\$1,446,668	\$1,763,218	\$316,550.33	\$3,866,830	45.60%
NET	33,691	842,374	810,187	(32,188)	310,847	
REVENUE - CAPITAL GRANTS & LOANS	0	2,042	0	(2,042)	329,817	0.00%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	46,559	242,637	126,824	(115,813)	640,664	19.80%
TRANSFER TO HARBOR TO TRUE UP FUND						
BALANCE	0	0	0	0	0	
TOWN CONTRIB. & PENDING GRANTS	(46,559)	(240,595)	(126,824)	113,771	(310,847)	
PUBLIC UTILITIES						
REVENUE - Operating	140,379	1,004,735	1,048,345	43,610	1,750,836	59.88%
EXPENDED - Operating	43,898	486,964	383,876	(103,088)	1,604,799	23.92%
NET	96,481	517,771	664,469	146,698	146,037	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	33,550	184,868	223,610	38,742	275,551	81.15%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	149,978	564,648	504,958	(59,690)	421,588	119.78%
TOWN CONTRIB. & PENDING GRANTS	(116,428)	(379,780)	(281,348)	98,432	(146,037)	
HARBOR						
REVENUE - Operating	15,020	408,061	609,721	201,660	761,102	80.11%
EXPENDED - Operating	29,306	429,848	478,948	49,100	681,900	70.24%
NET	(14,286)	(21,787)	130,773	152,560	79,202	
REVENUE - GRANTS & LOANS	0	18,803	0	(18,803)	95,054	0.00%
TRANSFERRED FM GEN FUND TO TRUE UP FUND BALANCE	0	0	0	0	110,101	
EXPENDED - Capital Projects, Debt Svc	8,613	164,891	108,285	(56,606)	284,357	38.08%
TOWN CONTRIB. & PENDING GRANTS	(8,613)	(146,088)	(108,285)	37,803	(79,202)	
SANITATION						
REVENUE	16,900	117,962	118,642	679	220,274	53.86%
EXPENDED	17,727	115,824	118,311	2,487	220,274	53.71%
NET	(827)	2,138	331	(1,807)	0	

FY 2021 Capital Improvement Project Tracking Report

As of:
1/31/2021

	FY21 Status or Start Date	Percent of Completion	FY21 Budgeted	FY21 QTR 1 Expended	FY21 QTR 2 Expended	FY21 QTR 3 Expended	FY21 QTR 4 Expended	FY21 YTD Expended	(Over)/Under Budget
General Fund									
Police Vehicle	Pending	0%	\$ 38,940	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38,940
Permit Department Software	Pending	0%	\$ 7,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,000
Public Works Shop Heaters	Complete	100%	\$ 6,868	\$ -	\$ 6,528	\$ -	\$ -	\$ 6,528	\$ 340
Grounds Maintenance Equipment	Complete	132%	\$ 22,240	\$ -	\$ -	\$ 29,412	\$ -	\$ 29,412	\$ (7,172)
Central Park Zipline	Pending	0%	\$ 14,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,000
Portable ADA Equipped Restroom Trailer	On Hold	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason Avenue Re-striping	On Hold	0%	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000
Parking Lots (Mason & Harbor Shanty Area)	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Video Surveillance System	Bid award	0%	\$ 35,000	\$ -	\$ 56	\$ -	\$ -	\$ 56	\$ 34,944
Municipal Building Project Evaluation	Preliminary process	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Multi-Use Trail Phase 2 Closeout	Pending	0%	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000
<i>subtotal</i>			\$ 519,048	\$ -	\$ 6,584	\$ 29,412	\$ -	\$ 35,995	\$ 483,053
Water Fund									
SCADA System	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Remote Read Water Meters - starter setup	pending	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
Pickup Truck	pending	0%	\$ 32,766	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,766
Water Tower Mixers	pending	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
<i>subtotal</i>			\$ 154,751	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 154,751
Harbor Fund									
Inner Harbor Rehabilitation Phase I carryover	Complete	100%	\$ 60,390	\$ 60,390	\$ -	\$ -	\$ -	\$ 60,390	\$ (0)
WiFi/Security Cameras/Lighting Project	In process	26%	\$ 35,000		\$ 8,201	\$ 1,010		\$ 9,211	\$ 25,789
Inner Harbor Rehabilitation Phase II	In process	14%	\$ 85,700	\$ -	\$ 5,359	\$ 6,957	\$ -	\$ 12,316	\$ 73,384
<i>subtotal</i>			\$ 181,090	\$ 60,390	\$ 13,559	\$ 7,967	\$ -	\$ 81,917	\$ 99,173
Sanitation Fund									
Trash Can Replacements	Complete	100%	\$ 11,796	\$ -	\$ 11,796	\$ -	\$ -	\$ -	\$ 11,796
<i>subtotal</i>			\$ 11,796	\$ -	\$ 11,796	\$ -	\$ -	\$ -	\$ 11,796
TOTAL			\$ 866,685	\$ 60,390	\$ 31,939	\$ 37,379	\$ -	\$ 117,912	\$ 748,773

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
January 31, 2021

YTD 2020 Real Estate Tax Collections

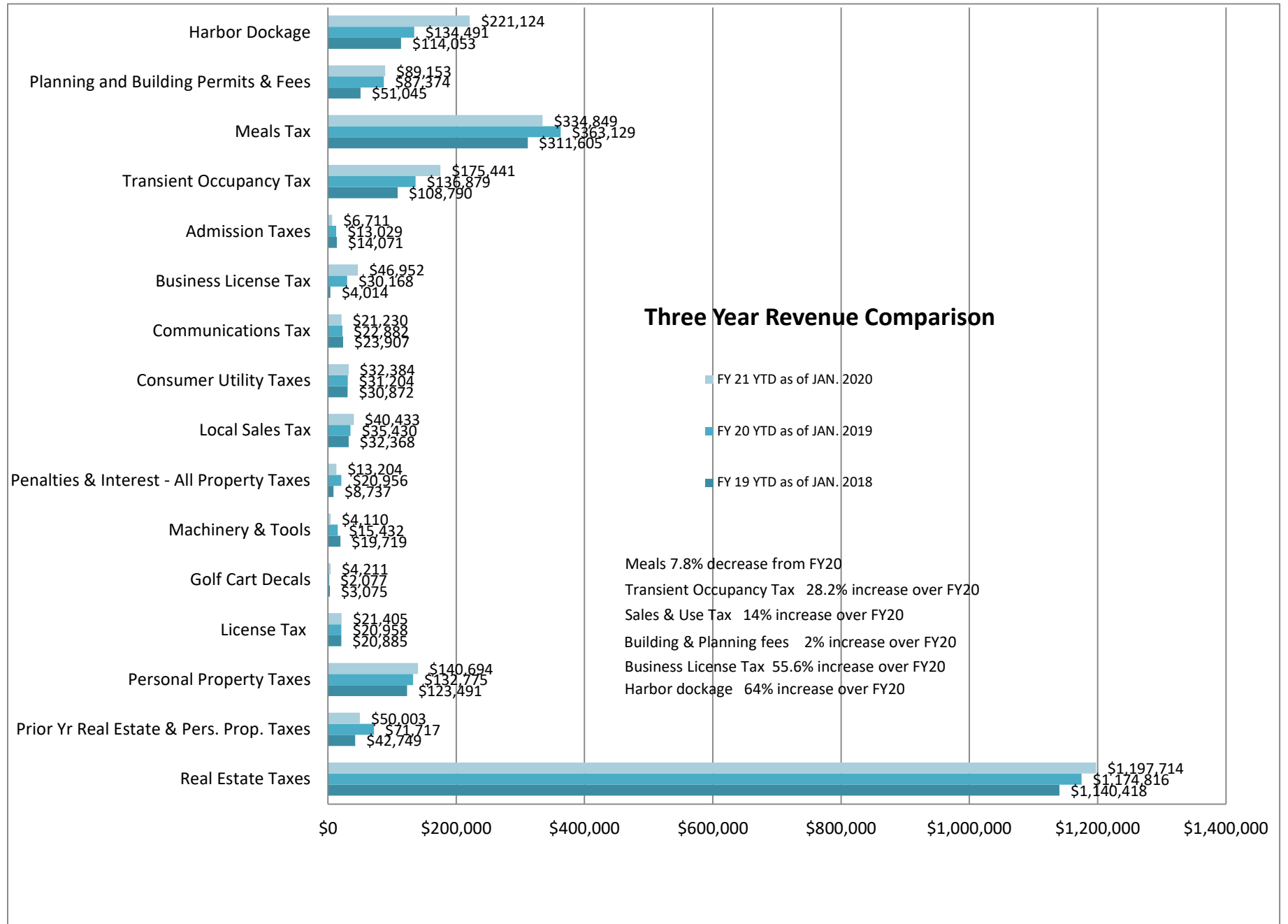
Total Taxable Land Value	179,736,100	
Total Improvement Value	291,966,800	
Exemptions	(2,650,000)	
Additional Assessments (SCC Utility)	3,796,381	
Total Real Estate Value (taxable)	472,849,281	
Total Budgeted	1,223,505	
Total Tax Billed	1,291,310	
Total Adjustments	(3,919)	
Total Collected YTD (percent of billed)	<u>1,197,714</u>	93%
Amount Due per Accounts Receivable	89,678	

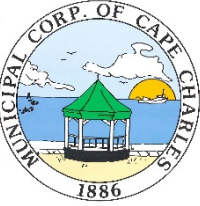
**YTD 2020 Personal Property Tax, Machinery and Tools Tax
& 2020 License Tax Collections**

Total Personal Property Value	13,824,800	
2020 Initial Assessment Exonerations	(393,342)	
Personal Property Value, billed	13,431,458	
Total Budgeted	175,000	
Total Tax Billed less PPTRA	207,905	
Total Adjustments & Additional Exonerations	(7,043)	
Total Collected YTD (percent of billed)	<u>166,209</u>	83%
Amount Due per Accounts Receivable	34,653	

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

Total Budgeted	75,300	
Total Collected (percent of budget)	<u>63,207</u>	84%
Amount Due Per Budget	12,093	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Adoption of Community Strategic Plan		AGENDA DATE March 18, 2021
	SUBJECT/PROPOSAL/REQUEST: Adoption of our Community Strategic Plan		ITEM NUMBER: 10A
	ATTACHMENTS: 2021 Draft Community Strategic Plan		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

During a planning retreat held on February 6, 7, & 20, 2021, the Mayor, Town Council, and the Town Planning Commission met to discuss a new Community Strategic Plan. This retreat was open to the public, though public comment was not taken at that time. A final draft of this plan was released for public review on March 1, 2021. Public input was requested, either in writing or during an open public input session held on March 13, 2021. All comments received were then considered during the work session preceding this agenda item.

ITEM SPECIFICS:

Unlike the many Town Comprehensive Plans that have come before, this Community Strategic Plan is a new approach to long term planning. Comprehensive plans are generally long, detailed, complex tools, that are mandated by state code. This can make them uninviting to the typical community member. Strategic Plans on the other hand are simpler, more aspirational, and easier for everyone to follow; they also work to complement the comprehensive plan or to inform a comprehensive plan update.

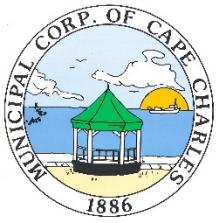
A Community Strategic Plan is a living document, updated often. It provides important guidance to the town manager as he works with staff to draft the annual town budget, and for how to best use town resources throughout the year. The Community Strategic Plan can also assist the Town Council in making future decisions by offering an easy-to-follow road map, and why citizen validation of the plan's vision, goals, and objectives is so important.

Adoption of this year's plan was unfortunately constrained due to limitations imposed by the COVID-19 pandemic. The process for development and adoption was therefore less than ideal this year. But it is nevertheless important to proceed expeditiously so that the development of the next town budget can begin using a strategic view.

If the work session earlier this evening provided sufficient opportunity for the Council to consider public comment and amend the original draft Strategic Plan as necessary, this is now an opportunity to formally adopt it. If however, the Council feels additional time is needed to finalize the plan, this item can be deferred to a more appropriate time.

RECOMMENDATION:

Staff recommends that the Council consider all public input to the draft Community Strategic Plan, and upon satisfactory revisions as may be deemed necessary, adopt the plan.



Municipal Corp. of Cape Charles

March 1, 2021

Greetings Cape Charles,

I am so thrilled to let you know about a new strategic planning effort that the Town Council, the Town Planning Commission, and I have recently worked on, which is now ready for your review and feedback.

Cape Charles is a wonderful place to live, work, and visit and we all want to keep it that way. So it is important for us to come together as a community to help define just what it is that makes Cape Charles, Cape Charles. To express our community values, to develop a vision for our future, and to shape the strategies needed to get us there. That's community strategic planning, and we would sure appreciate your thoughts on what we have come up with so far.

The attached draft plan is intended to be relatively short and hopefully easy to follow. It is meant to represent the character and priorities of the town, which can be updated every year. And unlike other planning efforts that never seem to go anywhere, we are hopeful this one can succeed because of you. With enough citizen involvement, this plan becomes a true "community" plan, serving to inspire town decision makers appropriately.

Unfortunately, the current pandemic is putting a crimp in our plans for the hoped-for public interaction. This plan deserves a full-blown Town Hall style meeting where we can properly engage with community members. And while that is what we will certainly do for future updates; this year's COVID restrictions will require a modified format.

While we'd be very happy to take your written comments, if you'd like to come and provide your thoughts in-person, there will be a public input session on Saturday, March 13th at the Civic Center. We'll start at 2:00 pm and stay until everyone is heard. We ask that you also provide your comments in writing to the Town Clerk for the record. The meeting will be live-streamed on Facebook as well. Please understand that if we reach maximum capacity, we'll need to ask speakers to leave once they've finished their comments to allow others to come in. So this will resemble a public hearing.

But once the public has weighed in, and this plan is properly adopted, the town will finally have a meaningful roadmap to the future; and I'm so excited to pledge my support to help facilitate it.

I want to thank you for your time and attention, and we look forward to hearing from you.

Mayor William "Smitty" Dize



The Town of Cape Charles
Draft
Community Strategic Plan
2021



Community Strategic Plan

What is a Strategic Plan, and what makes it different than our Comprehensive Plan? These are great questions, and understanding this difference is critical to any evaluation of this document.

A local Comprehensive Plan is required by Virginia Administrative Code, which prescribes a detailed set of procedures and requirements. A Comprehensive Plan is a lengthy, intricate document, that can take a very long time to create. Due to its complexity and the length of the process to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler, they can be customized to the particular needs of the community, and can be more easily digestible by members of the public. Strategic Plans can also happen quicker, which facilitates more interest and better participation by community members.

A good Strategic Plan can help implement an existing Comprehensive Plan, and/or can serve to inform the development of a Comprehensive Plan update (the Planning Commission is working on that now). Strategic Plans generally capture the broader aspirations of the community and can be updated frequently (as much as annually if desired), making the Strategic Plan a living document; flexible enough to react to current community developments in real time.

This Strategic Plan starts broad, and then becomes more specific. It begins with community ideals. Those values that are important to us and define us as a community. These values then inspire a vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics desired in our future.

The plan then focuses on the discrete goals needed to achieve the vision. These goals are defined by metrics and can be ongoing. The vision and goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its annual work plans.

Objectives are the most fluid part of the Strategic Plan. As certain objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or final word, but rather what is considered important or desirable to consider first.

Future updates to the Strategic Plan will solicit input from town boards and commissions, other community groups, and the public at large. Ultimately, public approval and validation of the Strategic Plan is what will be needed to provide the authority required to ensure its implementation.

Community Strategic Plan

Our Community Values:

- Friendliness
- Sense of Community
- Heritage – Traditional
- Diversity – Tolerance
- Determination
- Caring
- Hope – Optimism
- Adaptability
- Respect
- Citizenship



Our Vision:

Preserve our historical, natural, and cultural resources, while fostering a sense of community that enhances well-being and prosperity, now and for generations to come

Community Strategic Plan

Our Goals*:

- **To retain the small-town character of Cape Charles**
 - Metric: citizen confirmation in annual survey
- **To maintain the authentic character of the historic district**
 - Metric: maintain status on the national registry and a satisfactory audit from the Dept of Historic Resources
- **To protect and maintain the beach**
 - Metric: no degradation via annual survey
- **To protect and maintain the harbor**
 - Metric: maintain/increase occupancy
- **To plan for coastal resiliency**
 - Metric: develop an implementable plan
- **To protect and improve public green/open space infrastructure**
 - Metric: develop an implementable plan
- **To retain and expand businesses in a business-friendly environment**
 - Metric: increase in business licenses, increase in business-related taxes, and data from building permits issued and an annual questionnaire on employment
- **To advance a variety of housing options for younger families and workforce**
 - Metric: increase in related census data
- **To meet our residents' expectation for Town services**
 - Metric: minimal complaints (annual survey)

*Not in any particular order

Community Strategic Plan

Our Objectives:



- Retain the small-town character of Cape Charles:
 - a. Encourage a sense of engagement and inclusion among our community service organizations:
 - i. Boards and Commissions asked to provide a semi-annual briefing to Council
 - ii. Create a social volunteer appreciation event – volunteer of the year award
 - iii. Hold an annual strategic plan forum to get input from all civic groups
 - iv. Quarterly recognition of a board or commission member in the Gazette

Note: Current Cape Charles Civic Groups – Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter

- b. Encourage Citizen Engagement:
 - i. Create Facebook events for public events (continue post COVID)
 - ii. Add calendar of public meetings to monthly water bills
 - iii. Name badges or Town clothing for officials to wear during public events
 - iv. Hold a State of the Town – Town Hall semi-annual meeting

Community Strategic Plan

- c. Maintain/improve walkability:
 - i. Continue Community Trail
 - ii. Improve and add sidewalks
 - a. Press for state maintenance
 - b. Explore ordinance changes for rehabilitation and resale
 - iii. Support Rails to Trails project
 - d. Promote community/quirky events:
 - i. Centralized calendar of events (sharing information)
 - e. Promote the arts and entertainment:
 - i. Providing services and venues at no cost to local non-profits
 - f. Study short-term rental regulations and make recommendations
 - g. Foster a safe golf cart culture:
 - i. Better signage
 - ii. Better enforcement (Information to Rentals)
 - iii. Establish charging stations
 - iv. Designate golf cart parking spots
 - v. Foster positive relationship with golf cart rental companies
- Maintain the authentic character of the historic district:
 - a. Review and update the ordinances and guidelines of the Historic District Review Board
 - b. Encourage the mission of historic preservation organizations/efforts
 - i. Invite to provide Council briefings
 - c. Review the Christopher Newport University perception on Cape Charles preservation
 - Protect and maintain the beach:
 - a. Update beach/dune management plan to include specific parameters for beach management and desired beach size/characteristics
 - b. Continue annual surveys and sand replenishment budget
 - c. Evaluate survey data to determine erosion protection strategy

Community Strategic Plan

- Protect and maintain the harbor:
 - a. Issue a Request for Proposals (RFP) to determine market forces (i.e. Co-Op markets) necessary to promote a healthy balance of commercial and recreational users
 - b. Develop long-term major maintenance and replacement plan
- Plan for coastal resiliency:
 - a. Develop an implementable plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations
- Protect and improve public green/open space infrastructure:
 - a. Review existing/previous plans and develop an implementable plan
- Retain and expand businesses in a business-friendly environment:
 - b. Develop a public/private collaboration effort to guide business development and help remove obstacles (i.e. Cape Charles Main Street (CCMS))
 - i. Review ordinances, regulations, and processes to identify business impediments
 - ii. Work with CCMS to develop a business tool kit to assist with common questions/concerns
 - c. Improve business access to workforce resources:
 - i. Develop programs with high schools & Eastern Shore Community College (ESCC)
 - ii. Job Fairs through Northampton County Chamber of Commerce, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism
 - iii. Develop internships and apprenticeships (Dept of Labor & Industry - DOLI)
 - d. Improve availability of a variety of workforce housing options (see below)
- Advance a variety of housing options for younger families and workforce:
 - b. Participate in regional housing study and evaluate recommendations
 - c. Participate in ordinance barriers to workforce housing study and develop recommendations
 - d. Explore the viability of a workforce housing ordinance

Community Strategic Plan

- Meet our residents' expectation for Town services:
 - a. Establish service standards
 - b. Improve employee training (cross training, customer service training, etc.)
 - c. Develop citizen concerns tracking system
 - i. Promote citizen use of tracking system
 - ii. Follow up public comments expressed during council meetings and through emails received from citizens

Implementation:

Any plan is only as good as its implementation strategy. And while everyone would like to see all these objectives accomplished immediately, that is not practical. Therefore, the Strategic Plan uses a six-year planning horizon. We must also concede that the success of implementation strategies is completely dependent on political will, money, the people to do the work, and the time to do it. Each of these things represents its own unique challenges.

Political will has been demonstrated by the Mayor, Town Council, and Planning Commission by their participation in the long work session days required to develop the initial draft of the Strategic Plan. However, as representatives of the people, that will can only be sustained with public endorsement of the plan. The Strategic Plan cannot be seen as the Town Council's plan, but rather must be perceived as the community's plan. This public buy-in will be sought via annual Town Hall style meetings to obtain input and address any questions/concerns. The Town will also initiate an annual citizen survey to gain input over time regarding community satisfaction.

Money is the tougher nut to crack. In fiscal year 2021 (FY21), the Town of Cape Charles operated at a fiscal deficit of over \$200,000. This was not due to the 2020 pandemic, but rather represents a structural problem with the budget. The Town has not significantly raised taxes in at least twelve years, and that has finally caught up with us. Therefore, increased revenues will likely be needed in FY22 just to balance the budget, let alone implement anything in this plan. As a result, the implementation schedule for the listed objectives will prioritize those actions that can be accomplished with minimal additional cost in FY22.

The staff resource necessary to carry out the plan is similarly constrained. There are insufficient funds to hire more staff, and the current Town staff are fully engaged in their current day-to-day duties, which does not afford significant additional capacity to take on new objectives. Volunteer

Community Strategic Plan

resources can often help, but volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help can be an excellent force multiplier but cannot be counted upon as a resource in formal implementation planning.

This brings us back to time, and why the implementation planning horizon is six years. As a practical matter, it will take more time than we would like to achieve the desired results of this plan in a cost-effective manner.

Work Plans:

Despite the challenges described above, good faith efforts will be attempted to “begin” a majority of the objectives listed (within available resources) during the balance of FY21 and during FY22. However, due to resource limitations, the objectives that are currently scheduled in FY23 or beyond include:

- Work on the Community Trail beyond Phase 3 (Peach Street). Phase 3 is not currently funded but will be considered during the development of the FY22 budget
- Improving or expanding sidewalks, except when funded by VDOT
- Building new infrastructure for golf carts
- Analyzing beach survey data to develop long-range erosion protection strategies
- Develop/issue an RFP to determine market forces associated with the harbor to help balance commercial/recreational use
- Review ordinances, regulations, and processes to identify business impediments
- Develop programs with high schools and the ESCC for business placement
- Promote Job Fairs through Northampton County Chamber of Commerce, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism
- Develop internships and apprenticeships (DOLI as a resource)
- Develop an implementable plan for coastal resiliency, to include RAFT recommendations
- Review existing/previous plans for open/green space and develop an implementable plan
- Improve availability of a variety of workforce housing options
- Explore the viability of a workforce housing ordinance



 TOWN OF CAPE CHARLES	AGENDA TITLE: Petition to Schedule a Special Election		AGENDA DATE: March 18, 2021
	SUBJECT/PROPOSAL/REQUEST: Adoption of Resolution to petition Northampton County Circuit Court to schedule a special election		ITEM NUMBER: 10B
	ATTACHMENTS: Code of Virginia Section 24.2-226, Resolution 20210318		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

On May 1, 2018, an election was held, and L.G. “Chris” Bannon was elected as a council member for the Town. His term of office was from July 1, 2018 through June 30, 2022. On March 4, 2021, Councilman Bannon tendered his resignation from Council.

DISCUSSION:

In accordance with Code of Virginia § 24.2-226, the Town needs to petition the Northampton County Circuit Court to issue a writ of election to fill the vacancy on Council. Upon receipt of the petition, the court shall issue the writ ordering the special election to be held on the date of the next general election. The next general election for the Commonwealth of Virginia is scheduled for November 2, 2021.

A resolution must be adopted approving submittal of the petition to the circuit court by the March 19, 2021 deadline.

RECOMMENDATION:

Staff requests Council adoption of Resolution 20210318 approving petitioning the Northampton County Circuit Court to schedule a special election to coincide with the November 2, 2021 general election.

§ 24.2-226. Election to fill vacancy

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or elected school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

Code 1950, §§ 24-145, 24-147.1; 1958, c. 621; 1970, c. 462, §§ 24.1-76, 24.1-79; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1045, 1070; 2003, c. 1015; 2010, cc. 431, 449, 645; 2011, c. 206; 2014, c. 476.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

RESOLUTION 20210318
PETITION TO SCHEDULE A SPECIAL ELECTION

WHEREAS, Mr. Lawrence G. “Chris” Bannon was elected to be a member of the Town Council of Cape Charles effective July 1, 2018; and

WHEREAS, Mr. Bannon tendered his resignation on March 4, 2021; and

WHEREAS, in accordance with the Code of Virginia, Section 24.2-228(A), within 45 days of the date the vacancy occurred, the Town Council of Cape Charles will be appointing a qualified voter of the Town to fill the vacancy until a special election can be held; and

WHEREAS, the Code of Virginia, Section 24.2-226 requires the governing body to petition the circuit court to issue a writ of election to schedule a special election within 15 days of the date the vacancy occurred; now

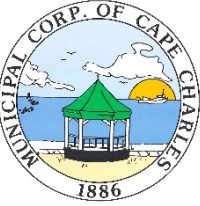
NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Cape Charles, this 18th day of March 2021, that the Northampton County Circuit Court be petitioned to schedule a special election for this purpose on November 2, 2021 to coincide with the Commonwealth’s general election if possible.

Adopted by the Town Council of the Town of Cape Charles on March 18, 2021.

By: _____
Mayor

ATTEST:

Clerk of Council / Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Set Public Hearing – Rezoning Application 303 and 309 Jefferson Avenue		AGENDA DATE March 18, 2021
	SUBJECT/PROPOSAL/REQUEST: Consider scheduling Public Hearing on Rezoning Application from 303 and 309 Jefferson Avenue from Residential-1 to Commercial-1		ITEM NUMBER: 10C
	ATTACHMENTS: Planning Commission March Agenda Packet for Rezoning: Staff Report, Application and associated correspondence; and 301/309 Jefferson Avenue Proffer		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Interim Planning/Zoning Director	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town is in receipt of a rezoning application from Patina Green, LLC dba Suzy's Old Fashioned Frozen Custard (Suzanne Baker) to rezone two parcels at 303 and 309 Jefferson Avenue from Residential-1 to Commercial-1. The applicant is seeking to expand the services of the previous business to offer the addition of a golf cart drive-thru service window and improve exterior seating; the intent is to operate a frozen custard shop in the existing structure with a golf-cart drive-thru service. The prior establishment at 309 Jefferson Avenue was a business called CC Kool EatZ (ice cream and sandwich shop) which operated under a variance granted on September 9, 2015; prior to that, the property had been a barbershop for approximately 50 years until 2014.

The Planning Commission has held a public hearing at their March 2, 2021 meeting and are working with the applicant to further refine the applicant to a conditional rezoning application and will be taking this matter up at their April 6, 2021 meeting to vote on their recommendation concerning the rezoning request.

ITEM SPECIFICS:

A rezoning application requires both the Planning Commission hold a public hearing and provide a recommendation to Town Council and then Town Council is required to hold a public hearing to take final action on the disposition of the rezoning application.

Therefore, staff is requesting authorization from the Town Council to schedule a public hearing for Town Council on the rezoning application for 303 and 309 Jefferson Avenue for the April 15, 2021 meeting. This authorization will allow us to place the legal advertisement as required to meet the legal notice deadlines required by the Code of Virginia for a rezoning application.

RECOMMENDATION:

Authorize a public hearing be scheduled for Thursday, April 15, 2021 and staff will move forward with placing all required legal notices and property owner notifications.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: March 2, 2021

Item #: 5a

Prepared By: Katie H. Nunez, Interim Planning/Zoning Administrator
Site Address: 303 & 309 Jefferson Avenue (Tax Map #83A1-184C &81C)
Applicant: Suzanne B. Baker
Owner: Patina Green, LLC dba Suzy's Old Fashioned Frozen Custard

Rezoning Application:

To rezone two parcels from Residential-1 (R-1) to Commercial-1 (C-1)

Proposed Development:

To expand the services of the previous business to offer the addition of a golf cart drive-thru service window and improve exterior seating; the intent is to operate a frozen custard shop in the existing structure with a golf-cart drive-thru service. The prior establishment at 309 Jefferson Avenue was a business called CC Kool EatZ (ice cream and sandwich shop) which operated under a variance granted on September 9, 2015; previous to that, the property had been a barbershop for approximately 50 years until 2014.

Current Zoning:

Single-Family Residential (R-1): This zoning district is intended to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states "These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments," and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

Historic District Overlay: The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated historic areas and historic landmarks and other historic or architectural

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

PROPOSED REQUESTED ZONING:

Commercial (C-1): This zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

The Historic District Overlay would remain on this property and in conjunction with the underlying zoning.

Site Description:

The subject property has an existing structure which has been used as a commercial property for almost 54 years. It is located on the corner of Jefferson Avenue and Strawberry Street. Directly adjacent to the north is a residence and to the east is a church. Across Jefferson Avenue to the south are several residences and across Strawberry Street to the west are two vacant house lots and then several residences.



History of the Property

The property was a barbershop for approximately 50 years and ceased as such in 2014. This use was deemed a non-conforming use pursuant to the Cape Charles Zoning Ordinance Section 2.5.

In 2015, the property was purchased by John Hanson, Dawn Hanson and Carol Selby to convert the use of the structure from a barbershop to a restaurant, specifically an ice cream and sandwich shop/restaurant. They filed an application with the Town and were advised to seek a variance from the Board of Zoning Appeals to receive a determination if this proposed use would be considered a use of a similar nature, pursuant to Cape Charles Zoning Ordinance Section 2.5.4 which states that *“the use of a non-conforming building or structure may be changed to the same use or a use of a more restrictive classification, but where the use of a non-conforming building or structure is hereafter changed to a use of a more restrictive nature, it shall not thereafter be changed to a use of a less restrictive nature with the exception of existing duplexes specifically designed as such.”*

It was deemed that the use would be a continuation of the non-conforming use of the property & structure since the barbershop use would have been considered a personal services usage which was a use allowed by right under the Commercial District uses and a restaurant is also a use allowed by right under the Commercial District uses, thus a “like” or similar use. During this hearing, the adjacent vacant lot was referenced and noted that this lot may have been used informally as on-site parking but was not part of the non-conforming use and could not be considered for any expansion of the non-conforming use since that is not allowed per the Cape Charles Zoning Ordinance Section 2.5.1 (A) (1) which states that *“No such non-conforming use, building, or structure shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption of this ordinance, unless said enlargement does not result in an increase in nonconformity or result in a change to a use permitted in the district.”*

From 2015 to 2020, the building was home to Kool EatZ Ice Cream and Sandwich Shop which had indoor seating of approximately 10 seats and outdoor seating directly adjacent to the building on both Randolph and Strawberry Street.

The property sold in 2020 and the new property owner, Patina Green, Inc., indicated that they would like to continue operating a similar type of business (restaurant, specifically frozen custard as well as coffee and pastries and other baked and prepared goods) but wished to add a drive-thru window component for golf cart use only with the drive-thru proposed to be located on the adjacent vacant lot and to expand the outdoor seating capacity on the adjacent vacant lot.

The proposed expansion of the business operation onto the vacant lot is not permissible under the non-conforming section of the Town Zoning Ordinance (Section 2.5.1 (A) (1) and the applicant was advised that the only way to proceed was to petition the Town to rezone this property from Residential to Commercial where the proposed use would be a use allowed by right.

Description of Proposed Project:

The owner has consolidated the two lots through a vacation of the lot lines between the parcels, which was approved by the Town on 2/2/2021 and recorded on February 9, 2021. The owner is seeking to rezone the property from Residential-1 (R-1) to Commercial (C-1) in order

to operate a small business for drive-up and carry out food and beverage production and sales; specifically, the addition of addition of a drive-thru window to the existing structure solely for golf-cart drive-thru usage and expanded outdoor seating.

The applicant has provided in a letter dated November 6, 2020 the following narrative:

“The intended use of 303 and 309 Jefferson is a contiguous business location of Suzy’s Old Fashioned Frozen Custard, purveying seasonal (April through October) desserts constructed primarily with soft-serve frozen custard made on premises, 7 days a week. Food and beverage will be prepared and purchased from the existing 303 Jefferson Building...Walk up customers will enter the building from the existing Strawberry Street door. There will not be indoor customer seating.”

The applicant, in this same letter, indicated that there would be a drive-thru window for golf cart drive-thru service, the ability of three golf carts to park on the property for customer usage only, and to have increased outdoor seating.

The applicant has supplemented her application via e-mail dated February 15, 2021 with clarifying information about the hours and days of operation, # of anticipated employees, and the manner in which lighting, and trash will be addressed on the property to mitigate the impact to any adjacent property. She has also included information regarding landscaping and materials for all improvements to the building and outside furniture/property improvements for Historic District Review Board compliance.

Staff Analysis:

The building located on 309 Randolph Street is deemed a legal, non-conforming use since it has had a business for over 54 years (first a barbershop then transitioned to a restaurant in 2015 which was deemed a similar use in accordance with the non-conforming ordinance requirements. There appeared to be nominal impact to the neighborhood with the hours of operation during the daytime hours and the customer base was both vehicular and pedestrian. The proposed expansion of the business into the vacant adjacent lot for expanded outdoor seating and a drive-thru window for golf cart patrons is changing the character and nature of the historic nature of the usage on this property and the neighborhood as a whole.

The Comprehensive Plan Future Land Use (Section III.2.1.3) lists this area as continued Traditional Residential which is described as primarily as single-family dwellings with some multi-family housings, including row houses containing two to four dwelling units per structure and single-family house which have been converted into two-or multi-family dwelling units. This category is intended to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature. Uses that support the civic, social and recreational needs of the town residents should be compatible with this category.

While the Comprehensive Plan does support the provision and expansion of economic activity that supports the commercial needs of the community, including the tourists/vacation/and

second home owners as well as full-time residents and the type of establishment being proposed by the applicant fits within these economic objectives (Section III-1 thru 4), the type of expanded commercial activity being sought by rezoning from Residential-1 to Commercial-1 within the confines of a residential neighborhood is not fully compatible with the Comprehensive Plan, since a rezoning without any limitations opens up the property and the neighborhood to all of the uses allowed by-right in the Commercial-1 district

If the Town supports favorably this rezoning application, Historic District Review Board review and approval is still required as well as all required zoning clearances and building permits.

Staff Recommendation:

Staff recommends a recommendation of **DENIAL** of a Rezoning of 303 & 309 Jefferson Avenue (Tax Map #83A1-184C &81C) from Residential-1 to Commercial-1 for the reasons contained within the Staff Analysis Section of this report.

Attachments:

Attachment 1 – Application and Packet

Attachment 2 – Letter from Adjacent Property Owner received as of 2/23/2021



ZONING MAP AMENDMENT APPLICATION

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

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

- ☒ Completed application
- ☒ Letter of intent
- ☒ Existing site plan or survey
- ☒ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☒ Payment of fees (\$1,000)

PROJECT INFORMATION

Name of Project: Suzy's Old Fashioned Frozen Custard
Property Address: 303 and 309 Jefferson Avenue, Cape Charles, VA 23310
Brief Description of Project: Food/beverage prep/sales-bldg; cart drive-thru/seating on lot
Current Zoning District: R-1 Proposed Zoning District: _____
Current Use: Commercial bldg/vacant lot Proposed Use: Commercial

OWNER INFORMATION

Name and Company: Patina Green, LLC dba Suzy's Old Fashioned Frozen Custard
Mailing Address: 208 Bay Avenue
Phone Number: 484-809-0875 Email: cinnamonsuzy@gmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: SUZANNE B. BAKER
Mailing Address: 208 Bay Ave, Cape Charles, VA 23310
Phone Number: 484-809-0875 Email: cinnamonsuzy@gmail.com

CERTIFICATION OF APPLICANT

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

Signature of Applicant: Suzanne B Baker Date: 1 FEB 2021

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



SUZANNE BAKER

Owner-Operator

CONTACT

PHONE:
484-809-0875

Patina Green, LLC
208 Bay Avenue
Cape Charles, VA 23310

EMAIL:
cinnamonsuzy@gmail.com

Planning & Zoning Department
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

1 February 2021

Dear Ms. Finchum,

I am requesting a zone map amendment to allow commercial use of my property on the corner of Strawberry Street and Jefferson Avenue in Cape Charles.

Currently the lots are 303 and 309 Jefferson Avenue owned by Patina Green, LLC dba Suzy's Old Fashioned Frozen Custard. The building is vacant, awaiting Town modification authorizations.

By 2 February 2021, the enclosed proposed survey will be notarized and delivered to the Town for approval.

VDOT approved a curb cut and plans for a concrete apron and landscaping on the State right of way.

My intention is to operate the consolidated lot as small business for drive up and carry out food and beverage production and sales.

Two existing ground level decks provide seating for two parties of 4, on the carry out entrance side of the building. There is no customer seating inside the building. My intention is to build an at-grade deck in the center of the cart path "U", seating four parties of 2, and a smaller deck against the low (4 foot) fence on the East property line, seating 4.

I cannot offer a safe and comfortable area for customers, other than the public sidewalk, if not allowed to use the whole property commercially. Realistically, I won't have the capability to stop customers from congregating on the lot that is obviously Suzy's real estate. In short, I need to have authorization for the building and the outside area, to operate the business successfully.

Regards.


Suzanne Baker

Existing Site plan / Survey

Parcel 1: All that certain lot or parcel of land beginning at the northeast corner of Strawberry Street and Jefferson Avenue, thence running in a northerly direction thirty-four feet (34 ft.) along Strawberry Street to a certain stob, thence in an easterly direction forty feet (40 ft.) to Lot No. 81, thence in a southerly direction along Lot No. 81, thirty-four feet (34 ft.) to Jefferson Avenue, and thence in a westerly direction along Jefferson Avenue to the point of beginning. It being the most southerly thirty-four feet (34 ft.) of Lot No. 84, according to a map or plat of the Town of Cape Charles recorded in the Clerk's Office of Northampton County Circuit Court, with a deed from William L. Scott and wife to William Bauman, in Deed Book 41, at pages 483, 484 and 485, and more particularly described on the plat made by G. W. Doult, on February 25, 1951, and attached to a certain deed dated March 2, 1961 and recorded in Deed Book 144 at page 7, in the aforesaid Clerk's Office.

And being the same parcel of land conveyed to the Grantors by deed from Barkley E. Sample, Evelyn Sample-Oates, Sabrina Sample, John Barkley Sample, IV and Courtney Alyce Sample, dated May 20, 2015, and recorded in the aforementioned Clerk's Office as Instrument Number 150000734.

(For Identification Purposes Only: Tax Map #83A1-1-84C)

Parcel 2: All that certain lot or parcel of land, with the buildings thereon, situate and being on the easterly side of Strawberry Street, between Jefferson and Washington Avenues, in the Town of Cape Charles, Virginia, consisting and comprising a part of the lot numbered with the number Eighty-One (81) according to the plat of the said Town of record in the Clerk's Office of Northampton County, Virginia, with a deed from William

L. Scott et ux, to William Bauman, et als, in Deed Book 41, pages 483 et seq, unto which reference is made. This land is further described as starting from the southeast corner of Lot Number 81 and running a due westerly course forty feet, thence in a due northerly course a distance of thirty-four feet, thence a due easterly course a distance of forty feet, thence a due southerly course a distance of thirty-four feet to the starting point. It being the most southerly thirty-four feet (34 ft.) of Lot No. 81, according to a map or plat of the Town of Cape Charles recorded in the Clerk's Office of Northampton County Circuit Court, with a deed from William L. Scott and wife to William Bauman, in Deed Book 41, at pages 483, 484 and 485.

And being the same parcel of land conveyed to the Grantors by deed from James W. Elliott, Special Commissioner, on behalf of Paul Edward Sample, Louise W. Battle and Oliver C. Battle, dated April 28, 2015, and recorded in the aforementioned Clerk's Office as Instrument Number 150000580.

(For Identification Purposes Only: Tax Map #83A1-1-81C)

Proposed Survey

GENERAL NOTES:

1. TAX PARCEL: 83A1-1-81C & 83A1-1-84C
2. OWNERS: PATINA GREEN LLC
3. SOURCE OF TITLE: INST #200001386.
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN JULY 2015 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C 0295 F, DATED 3-2-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
7. PLAT REFERENCES:
 - A) MAP OF THE TOWN OF CAPE CHARLES (D.B. 41, P. 484 - PLAT)
 - B) PROPERTY TO BE CONVEYED BY ROSS SAWYER WILSON TO JOHN SAMPLE, JR. (D.B. 144, P. 09)
 - C) THE PURPOSE OF THIS PLAT IS TO VACATE THE PROPERTY LINE BETWEEN PARCELS 83A1-1-81C & 83A1-1-84C. NO PHYSICAL FEATURES SHOWN.

SURVEYORS CERTIFICATION:

I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



OWNER'S CONSENT AND DEDICATION

THE PROPERTY LINE VACATION AND CREATION OF "PARCEL A" IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE: _____

MANAGING MEMBER PATINA GREEN LLC

COUNTY OF _____, STATE OF _____, TO WIT:

I, _____, A NOTARY PUBLIC IN, AND FOR

THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT

WHOSE NAME IS SIGNED TO THE FOREGOING WRITING,

BEARING DATE ON THE _____ DAY OF _____, 20____

HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY

AND STATE AFORESAID, GIVEN UNDER MY HAND THIS _____

DAY OF _____, 20____.

NOTARY PUBLIC

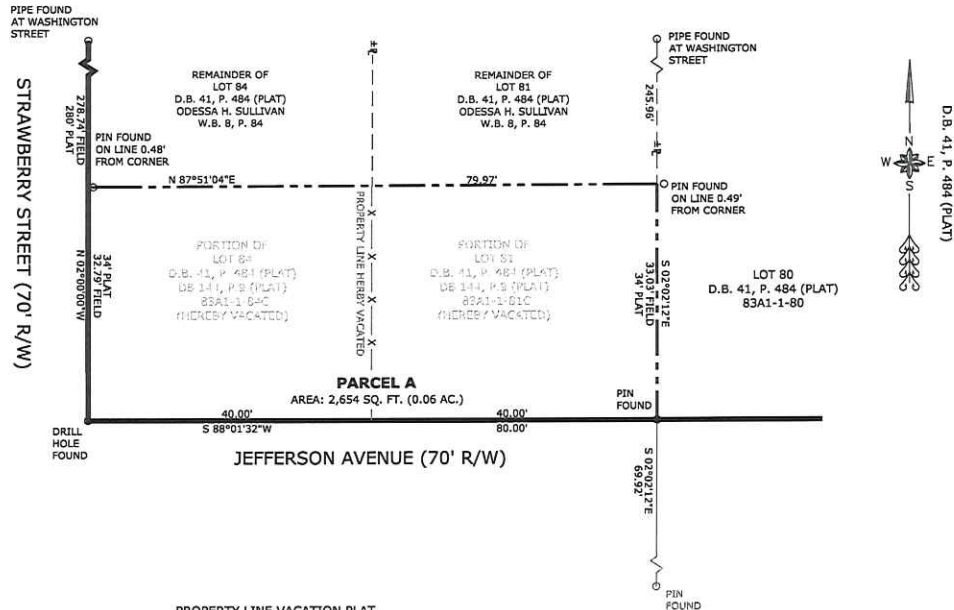
MY COMMISSION EXPIRES: _____

APPROVED:

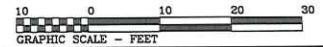
THIS PLAT OF SURVEY IS APPROVED TO BE RECORDED INTO THE LAND RECORDS OF NORTHAMPTON COUNTY, VIRGINIA.

DATE: _____

TOWN OF CAPE CHARLES, VIRGINIA



PROPERTY LINE VACATION PLAT
CREATING
"PARCEL A"
PORTIONS OF
LOTS 81 & 84
MAP OF THE
TOWN OF
CAPE CHARLES
(DEED BOOK 41, PAGE 484-PLAT)
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
JANUARY 30, 2021



ACCOMACK-NORTHAMPTON SURVEYING & MAPPING PLLC	
36308 Lankford Highway, Belle Haven, Virginia 23306	
MAIL: 22248 Parker's Landing Road Bloxom, Virginia 23308	
Phone: (757) 709-4192	
DRAWN BY: PARKS	SCALE: 1"=10'
CHKD BY: 2995	BACK TRAV. BY: MBP
FIELD BOOK: NEVO	JOB NUMBER: 1134

EXISTING DECKING

6 FOOT PRIVACY FENCE 44'6"
WOODEN DOG EAR FENCE

CLAM SHELL CART PATH 365 SQ FT 67 FT X 5 FT WIDE

CLAM SHELL CART PARKING 300 SQ FT 18 X 18

PL

HVAC

DRIVE THRU SERVICE WINDOW

BENCHES

PLANTERS

AT-GRADE DECKING
WITH PICNIC TABLES
15'6" X 17'7"

AT-GRADE DECKING
WITH PICNIC TABLES
10' X 10'

3 FOOT FENCE
33 FT WOODEN PICKET

TING CONCRETE SIDEWALKS

REMOVE CONCRETE

EXISTING CURB CUT

NEW STREET TREES

NEW CURB CUT
AND APRON

* VDOT HAS ISSUES
PERMIT FOR THIS WORK.

From: cinnamonsuzy@gmail.com
To: [Tracy Outten](mailto:Tracy.Outten)
Subject: FW: Suzy's Old Fashioned Frozen Custard Zoning Application - Amplification
Date: Monday, February 15, 2021 11:13:33 AM
Attachments: [VDOT PERMIT 536-124194.pdf](#)

Email address correction...

From: cinnamonsuzy@gmail.com <cinnamonsuzy@gmail.com>
Sent: Monday, February 15, 2021 10:37 AM
To: tracyoutten@capecharles.org
Subject: Suzy's Old Fashioned Frozen Custard Zoning Application - Amplification

Tracy,

Katie Nunez requested the attachment (VDOT permit to install curb cut on 309 Jefferson) and following clarifications:

- 1 – **GOLF CART PATH:** Building drive through service window height and adjacent drive up path are restricted via width, stabilizing underlayment, design, and sign to GOLF CART and SURREY use only.
- 2 – **OPERATING HOURS:** 7 days a week, 0600 to 2100.
- 3 – **EMPLOYEES:** 2 employees will be on-site from 0530 to 2200 Monday – Thursday. 3 employees will be on-site from 0530 to 2200 Friday-Sunday. A maximum of 6 employees will be in the building on weekends, during shift change.
- 4 – **LIGHTING:** The building already has under-eave recessed lights. After awnings are installed (over all windows), the drive through windows will probably need additional illumination. The planned Victorian era 5-globe streetlight centered at top of the golf cart path is powder-coated aluminum (that looks like cast iron) 11-foot lamp post with commercial grade polycarbonate globes (clear cracked ice texture). Metal-Halide 100 watt bulbs (8,500 lumens) (typical streetlights are 150 watt/13,300 lumens). Exterior lighting will be energized during business hours (0600 to 0800 on sunny days; 1630 to 2100 every day; 0600-2100 stormy days).
- 5 – **TRASH:** 4 replicas of the Town's blue-roof trash boxes will be staged around the property and emptied daily (minimum) by staff into the Town's wheeled carts. Water, Sewer, Trash utility is already active.

Regards,
Suzanne Baker

Commonwealth Of Virginia

Department Of Transportation

Land Use Permit



Permit No 536-124194

Status APPROVED

This permit only grants permission to use whatever rights the Commonwealth Transportation Board and the Department of Transportation have in the right of way and no more, and it is the obligation of the permittee to secure any other releases or permission that may be needed in order to perform the work.

Effective Date Oct 06, 2020

Expiration Date Apr 04, 2021

Reinstatement Date

Permittee Information		Your Job#	Surety & Account Receivable Information
Owner & Address	Patina Green 208 Bay Avenue Cape Charles Virginia 23310	Agent	Name Patina Green / Navy Federal Credit Union
Contact	Suzanne B. Baker	Contact	Surety Account 1195
Phone#	484-809-0875	Phone#	Surety Type Cash/Check
Fax#		Fax#	Amount 500.00
24 Hr#	484-723-3572	24 Hr#	Obligation Amount 500.00
			Surety Holder CUSTOMER

AUTHORIZATION: In compliance with your application, permission is hereby given insofar as the Commonwealth Transportation Board has the right, power, and authority under sections 33.2 - 210;33.2 - 240;33.2 - 241 of the Code of Virginia as amended, to grant by Special Agreement and/or by Land Use Permit for you to perform the work and or activity(s) described below:

Location			
County/City/Town	Northampton County	Highway Route(s)	1103 - Jefferson Avenue
From Route Number		From Route Name	
To Route Number		To Route Name	

Work Description

Install 6' wide depressed curb and concrete golf cart entrance at Tax Map No. 83A1-01-81C in Cape Charles. Also remove old concrete driveway and landscaping between sidewalk and curb and replace with three new crepe myrtle trees planted at least 3' behind curb. All construction methods and materials shall be in accordance with current VDOT standards and specifications. Contact Dale Pusey @ 757-787-5932 with any other technical questions and to provide at least 48 hours notice prior to commencement of ANY work approved by this permit. All areas of the VDOT R/W disturbed by this work shall be restored, stabilized, and seeded prior to acceptance.

NOTES: TRAFFIC CONTROLS, SIGNAGE, FLAGGING OPERATIONS, ETC. REQUIRED SHALL CONFORM TO THE 2011 (REVISION 2) VA WORK AREA PROTECTION MANUAL AND MUTCD GUIDELINES

Fee Description	Fee
Permit Fee	\$100.00

Applicant has compiled with VA Code Section 56-265.15 Affidavit is attached.

TERMS: Applicable as stated in the VDOT Land Use Permit Regulations (current edition) and/or as per approved plans, and/or regulatory instructions, including but not limited to the LUP-SPG and/or agreement(s) attached hereto.

COMMONWEALTH TRANSPORTATION BOARD



By:

Oct 07, 2020

Dale Pusey, PE

- C Call before you dig
- A Allow the required time for marking
- R Respect and protect the marks/flags
- E Excavate carefully

Call Miss Utility
811

[] When checkbox is marked, by approving this permit, the issuing official certifies that the entrance was designed in accordance with Appendix F of the Road Design Manual

FINAL INSPECTION & SURETY REQUIREMENTS: Upon completion of the work or activity(s) authorized under this Land Use Permit, the permittee shall contact the following office in writing or by electronic communication to request final inspection and release of the surety obligation for this permit.

Accomac Residency
23096 Courthouse Ave Email: HRpermits@vdot.virginia.gov
Accomac VA 23301

Permit No.536-124194

VDOT's Web Site: www.vdot.virginia.gov

Permittee Copy



PRE-APPLICATION INFORMATION FORM

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

APPLICANT INFORMATION

Name: Patina Green, LLC dba Suzy's Old Fashioned Frozen Custard
Mailing Address: 208 Bay Avenue; Cape Charles VA 23310
Phone Number: 484-809-0875 Email: cinnamonsuzy@gmail.com

PROJECT SUMMARY

Address of Project: 303 and 309 Jefferson Avenue
Application Type (rezoning, variance, etc.): Zoning variance & window/door replacement
Total Acreage of Project: .04 Each Parcel (i.e., .08 acre)

Detailed Description (Include proposed use(s) and square footage of floor area for each use):
Provide Golf Cart drive-thru window service (replace and enlarge windows with vertical
"double hung" pass through windows on 303 Jefferson East Wall), landscape 309
Jefferson with golf cart one-way path, 3 space parking, at-grade decks umbrella 4-top
table seating.

Signature of Applicant: *Reganne Baker* Date: 23 Nov 2020

For Internal Use Only:

Pre-Application Meeting Date: _____

Staff Printed Name: _____ Signed: _____

HDRB Rep Printed Name: _____ Signed: _____

Patina Green, LLC
DBA Suzy's Old Fashioned Frozen Custard
208 Bay Avenue
Cape Charles, VA 23310
484-809-0875

Town of Cape Charles Planning & Zoning Department
2 Plum Street
Cape Charles, VA 23310

6 November 2020

Ms. Allyson Finchum,

Patina Green, LLC purchased two parcels of land identified by emergency calling as 303 Jefferson (land and building) and 309 Jefferson Avenue (land) with intent to own and operate Suzy's Old Fashioned Frozen Custard. 303 Jefferson is zoned commercial; CC Kool EatZ operated from the site since 2015. 309 Jefferson is the adjacent 34' X 40' vacant lot, zoned residential. To the passerby, the lot appears to be the small side yard of 303 Jefferson.

The intended use of 303 and 309 Jefferson is a contiguous business location of Suzy's Old Fashioned Frozen Custard, purveying seasonal (April through October) desserts constructed primarily with soft-serve frozen custard made on premises, 7 days a week. Food and beverages will be prepared and purchased from the existing 303 Jefferson building (after painting, awnings, windows, A/C compressor relocation approved by Historic Review Board). Walk up customers will enter the building from the existing Strawberry Street door. There will not be indoor customer seating. Upon approval of this Variance Application, customers of Suzy's Old Fashioned Frozen Custard will be able to drive a golf cart onto 309 Jefferson via an existing curb cut on 303 Jefferson (currently zoned commercial), purchase food and beverages from 303 Jefferson's drive through window, park in three cart spaces on 309 Jefferson parcel, or exit the property via the curb cut on 309 Jefferson. Per the attached landscaping plan, 309 Jefferson will have outdoor seating similar in construction and appearance to the existing decks on the Strawberry Street entrance side of the property, furthering a cohesive street appearance.

VDOT issued Patina Green, LLC a permit on 10/6/2020 to install a curb cut and concrete apron on 309 Jefferson (the vacant lot) and to maintain the existing curb cut with concrete apron on 303 Jefferson, enabling a one-way golf cart path to enter 303 Jefferson and exit 309 Jefferson. The path on the North side of the sidewalk will be reinforced and covered with oyster shells. Going forward with the VDOT permit and with our Landscape contract relies on receiving the Town zoning variance allowing commercial use of the 309 Jefferson parcel. Your earliest approval of our application is greatly appreciated.

Suzanne B. Baker
Member/Owner

cinnamonsuzy@gmail.com
484.809.0875

From: [Odessa Sullivan](#)
To: [Tracy Outten](#)
Subject: Request of rezoning at 303 Jefferson Ave
Date: Thursday, February 18, 2021 10:44:01 AM

My name is Odessa Sullivan. My address is 606 Strawberry St at Jefferson Ave. I am contacting you regarding rezoning at 303 Jefferson Ave at Strawberry St. My answer is NO.

I have lived here for many years. This area has always been residential. I was born on this very spot 74 years ago. I do not wish to live in a commercial area.

With the previous owners of the eatery; several times I had to go in and request that the car be moved from blocking my driveway. There was a lot of traffic without a golf-cart window. Adding a drive thru will increase traffic. I as well want to enjoy my summer, but without commercial traffic.

The more people in a commercial area the more careless they become discarding their trash. It's a NO for me. Resident and taxpayer of the town of Cape Charles.

ODESSA Sullivan

Notary Public: _____ Notary Registration
Number: _____ My Commission Expires: _____ Commonwealth of
Virginia, County of Accomack, sworn and subscribed to before me this _____ day of _____,
2020, whose name is signed to the above.

Original Proffers: _____

Amendment: _____

PROFFER STATEMENT

Applicant: Suzanne B. Baker

Project Name: Suzy's Old Fashioned Frozen Custard

Street Address: 303 & 309 Jefferson Avenue

Tax Map and Parcel Number(s): 83A1-1-84C & 81C

Owner(s) of Record: Patina Green, LLC

Date: 9 March 2021

Approximately 2,654.00 square feet (0.06 AC) to be rezoned from Residential-1 (R-1) to Commercial-1 (C-1).

Patina Green, LLC is the owner (the "Owner") of Tax Map and Parcel Number 83A1-1-84C and 83A1-1-81C (the "Property"), which is the subject of a rezoning application ("Application") submitted by Suzanne B. Baker, principal of Patina Green, LLC for a project known as "Suzy's Old Fashioned Frozen Custard" (the "Project"). The Application seeks to rezone Tax Map Parcel 83A1-1-84C and 83A1-1-81C from Residential -1 (R-1) to Commercial -1 (C-1) ("Rezoned Property").

Pursuant to Section 2.7.5 of the Cape Charles Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable:

1. Permitted Uses:

(a) Under the Cape Charles Zoning Ordinance Commercial-1 (C-1) Permitted Uses, the Owner will continue to use the structure and property as allowed under Section 3.6 (B) (5) – Bakeries, confectionaries, delicatessens, and catering services – and Section 3.6 (B) (30) – Restaurants and is relinquishing the rights to all other permitted uses provided in Section 3.6 (B).

(b) The owner voluntarily proffers the following restrictions on existing 29-foot X 33-foot structure and 30' x 40' adjacent land: The building footprint and height will not be expanded in any direction and no additional sales spaces will be erected on the adjacent land, in any form (permanent, temporary, sales table, booth, food cart). All product preparation will take place inside the building. The adjacent land will not be used for smokers, grills, butchering, or commerce.

(c) To address area residents' concerns regarding loitering: The owner voluntarily proffers to restrict the product line of the Project and to disallow indoor seating. The Project will sell comestibles clearly intended for immediate consumption (i.e., hot coffee, single serving baked goods, single serving frozen

custard, single serving bottled water and soda), and a small line of coffee and frozen custard accessories (i.e, store logo products, hand sanitizer, coffee mugs, custard toppings, daily newspaper).

(d) The owner voluntarily proffers to promote public safety and employee health, to prevent spread of contagious disease, and to allay residents' concerns over loitering by promoting visitor brevity through providing and cleaning outdoor umbrella tables and park benches, and by providing golf cart and surrey drive through window ordering and pick up service.

(e) The owner voluntarily proffers further restrictions to promote consideration of area residents: Posted and enforced No Smoking/Vaping/Spitting policies for employees and customers, posted and enforced modesty dress code (no bare or near-bare torsos or buttocks). There will be no sales of lottery or other games of chance sold, and no consumption or sales of alcohol except as used in coffee flavoring and baking (i.e, vanilla extract). There will be no outdoor audio visual equipment or entertainment.

(f) The owner voluntarily proffers providing a minimum of three 6-ft X 11-ft golf cart parking spaces on the Property, to reduce area street parking by customers and to promote driver safety. Employees will not be allowed to leave parked cars, carts, motorcycles in the R-1 District, while working at the Project. Cart parking signs posted on the Project screening fence will make clear the parking is free and provided for the duration of enjoying their purchase.

(g) To address residents' concerns of property trespass and street safety concerns, the owner voluntarily proffers to split the cost 50-50 with The Town of Cape Charles, up to \$2,000 maximum, to install VDOT approved cement sidewalks on the two Strawberry Street lots, east side of road, between Jefferson and Washington that currently have no public sidewalk. The new sidewalks will connect two existing lots' sidewalks (including The Project) to provide a continuous public walkway from the Promenade on Washington, to the Property. In exchange, the Owner would like the Project's 5-inch diameter logo imbedded in one of the new sidewalk squares closest to the Property.

 TOWN OF CAPE CHARLES	AGENDA TITLE: IT Support Services Contract Renewal		AGENDA DATE: March 18, 2021
	SUBJECT/PROPOSAL/REQUEST: Authorize town manager to execute contract renewal with Inversa Minds, LLC for IT support services for a two-year period		ITEM NUMBER: 10D
	ATTACHMENTS: None		FOR COUNCIL: Action (x) Information ()
	CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

On April 24, 2010, the Town of Cape Charles entered into a two-year, non-exclusive contract with Inversa Minds, LLC for IT Support Services. The contract included a provision for subsequent renewals at two-year intervals.

Inversa Minds is contracted on a “break and fix” approach to providing professional support services, with an hourly billable rate of \$80\hour for standard support, and \$120\hour for emergency support, billable in thirty-minute increments.

The Town has received excellent service and timely responses from Inversa Minds during the initial term of this contract and enthusiastically recommends continuing this contract to provide this critical support.

This is a two-year renewal contract. Either party may withdraw from the agreement with at least 30 days’ notice.

The town retains the right to solicit and select other firms to provide additional services, such as telephone.

RECOMMENDATION:

Staff recommends Council authorize the town manager to execute a two-year contract renewal with Inversa Minds, LLC for IT support services.