



**TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
March 17, 2022
6:30 PM**

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Interim Planner & Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 12 members of the public physically in attendance, and 22 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS:

A. Arbor Day 2022 Proclamation

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

Mayor Dize read Proclamation 20220317A for Arbor Day 2022.

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

B. National Library Week 2022 Proclamation

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

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

C. Proclamation Honoring Ann Rutledge’s Retirement

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

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

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

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Richard Burger, resident and Library Board chair

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

Dianne Davis, resident

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

Loraine Huchler, property owner

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

Abigail Courtney, partner in Seagrass Floral

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

David Gammino, Hotel Cape Charles

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

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

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

CONSENT AGENDA

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

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Central Park Fountain Modification Contract Amendment:

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

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

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

D. Town Priorities:

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

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

TOWN MANAGER COMMENTS

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

MAYOR AND COUNCIL COMMENTS

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

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

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

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

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

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

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

Mayor Dize read the announcements.

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

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

Mayor Dize

Town Clerk

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

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

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

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

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

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

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

Dianne Davis, Cape Charles resident

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

I am Dianne Davis of 601 Jefferson Avenue – resident.

This evening, I just have a few concerns:

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

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

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

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

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

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

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

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

Loraine Huchler, property owner

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

I have some questions.

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

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

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

Thank you for listening.

Abigail Courtney, business owner

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

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

David Gammino, Hotel Cape Charles

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

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

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

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

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

I seek an expedited schedule for two primary reasons:

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

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

(end of allotted 3 minutes)

Julie Jones, Cape Charles resident

Subject: Please don't sell the library!

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

Please do not sell the library.

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

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

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

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

Sincerely yours,
Julie Jones

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

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

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

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

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

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

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

Thank you.
Sam Jones

Town Manager Memorandum

March 17, 2022

RE: Town Priorities



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

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



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on March 17, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution of Intent 20220317A (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 17th day of March 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION OF INTENT 20220317A

**ZONING TEXT AMENDMENT REGARDING
SECTION 4.2 (J) - ACCESSORY DWELLING UNITS AND
SECTION 2.9 - DEFINITIONS**

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

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

WHEREAS, Cape Charles Zoning Ordinance §4.2 (J) – Accessory Dwelling Units was adopted in November 2018 and a review was performed to ascertain if the ordinance was working as intended by the Planning Commission, including a review of §2.9 – Definitions for terms associated with the Accessory Dwelling Units zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance §4.2 (J) and 2.9 – Definitions, as proposed by the Planning Commission and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on March 17, 2022.

By: _____
Mayor Dize

Attest:

Town Clerk



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on March 17, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution of Intent 20220317B (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 17th day of March 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION OF INTENT 20220317B

CONDITIONAL REZONING MAP AMENDMENT APPLICATION FOR 238 RANDOLPH AVENUE FROM RESIDENTIAL-1 TO COMMERCIAL-1

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

WHEREAS, the owner of 238 Randolph Avenue, a parcel within the Residential-1, has requested a conditional rezoning to Commercial-1 with proffers to limit the allowable commercial activity to provide support services to the adjacent commercial property, currently identified and operating as Hotel Cape Charles

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Map by modifying the land use for one parcel from Residential-1 to Commercial-1 with proffers to match the land use of adjacent parcels to the south of it and to refer said application to the Planning Commission to initiate and undertake review and required public notification of said application.

Adopted by the Town Council of the Town of Cape Charles on March 17, 2022.

By: _____
Mayor Dize

Attest:

Town Clerk



PROCLAMATION 20220317A

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Cape Charles is the first designated Tree City USA community in Northampton County, Virginia.

NOW, THEREFORE, be it proclaimed that the Cape Charles Town Council hereby designates April 30, 2022 as Arbor Day in the Town of Cape Charles and urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Adopted by the Town Council of Cape Charles on this 17th day of March 2022.

Mayor William "Smitty" Dize

ATTEST:

Town Clerk

PROCLAMATION 20220317B
National Library Week
April 3 – 9, 2022
“Connect with Your Library”

WHEREAS, libraries are accessible and inclusive places that foster a sense of connection and build community;

WHEREAS, libraries connect people to technology, providing access to broadband internet, computers, and training that are critical for accessing education and employment opportunities;

WHEREAS, libraries offer opportunities for everyone to connect with new ideas and become their best selves through access to multimedia content, programs, and classes – in addition to books;

WHEREAS, today’s libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources;

WHEREAS, in times of crisis, libraries and library professionals play an invaluable role in supporting their communities both in person and virtually;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

WHEREAS, to adapt to our changing world, libraries are expanding their resources and continuing to meet the needs of their patrons;

WHEREAS, libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it proclaimed that the Cape Charles Town Council hereby designates April 3-9, 2022 as National Library Week, and encourages all residents to connect with their library by visiting online or in person to access resources and services.

Adopted by the Town Council of Cape Charles on this 17th day of March 2022.

Mayor William “Smitty” Dize

ATTEST:

Town Clerk

PROCLAMATION 20220317C
Honoring Ann Rutledge
on Her Retirement

WHEREAS, Ann Rutledge will be retiring from the Town of Cape Charles on April 1, 2022; and

WHEREAS, Ann has served the Town and community with distinction since April 2002 as librarian of the Cape Charles Memorial Library; and

WHEREAS, Ann has developed numerous programs benefitting the children and youth living in the Town and surrounding areas of Northampton County; and

WHEREAS, Ann has continuously strived to leverage the Library as a means to encourage community engagement and inclusion; and

WHEREAS, Ann has represented the Town of Cape Charles on the Eastern Shore Public Library Board of Trustees; and

WHEREAS, Ann has consistently served the residents of the Town and Northampton County with dedication and innovation throughout her tenure; and

WHEREAS, Ann will be missed both professionally and as a friend.

NOW, THEREFORE, be it proclaimed that the Cape Charles Town Council hereby extends our sincere appreciation for Ann Rutledge's contributions to the Town and our community and offers our best wishes for a long and happy retirement as she journeys into the next phase of her life.

Adopted by the Town Council of Cape Charles on this 17th day of March 2022.

Mayor William "Smitty" Dize

ATTEST:

Town Clerk



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

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

Motion made by Councilman Buchholz, seconded by Councilman Grossman, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Town Manager's Evaluation

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

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

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

At 7:52 p.m. Councilman Follmer went outside to notify the members of the public of the end of the closed portion of the meeting. There were no members of the public waiting to enter the meeting.

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

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

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

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

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

Mayor Dize

Town Clerk