

TOWN COUNCIL
Public Hearing & Regular Meeting
February 17, 2022
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. [Public Hearing:](#)
 - A. A Conditional Use Permit application from Claudine Pierce, Peacock Cottage LLC, with consent from the property owners Steve and Kate Keeler at 630 Tazewell Avenue (Tax Map #'s 83A3-1-436 & 437) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
 - B. A Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue (Tax Map # 83A3-1-580) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
4. Recognition of Visitors / Presentations / Recognitions
 - A. FY 2023 Employee Health Insurance Renewal Presentation
5. Public Comments for items not subject to the advertised public hearing (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of December 31, 2021 Financial Report](#)
7. Unfinished Business: None
8. New Business:
 - *A. [Conditional Use Permit – Accessory Dwelling Unit at 630 Tazewell Avenue](#)
 - *B. [Conditional Use Permit – Accessory Dwelling Unit at 520 Randolph Avenue](#)
 - *C. [2022-2023 Employee Health Insurance Renewal](#)
 - *D. [Inshore Breakwater Repairs Contract Award](#)
 - *E. [Regulation of Conveyances on Sidewalks](#)
 - *F. [Approval of VDOT Proposal for Angled Parking on Mason Avenue](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - February 19, 2022 – Town Council Town Hall Meeting re: PPEA, 2:00 PM
 - February 21, 2022 – Town Offices closed for Presidents' Day
 - March 3, 2022 – Town Council Work Session, 6:30 PM
 - March 5, 2022 – Cape Charles Day
 - March 17, 2022 – Town Council Regular Meeting & Executive Session, 6:30 PM
 - March 31, 2022 – Town Council Work Session, 6:30 PM
12. Adjournment of Regular Meeting

TOWN OF CAPE CHARLES
Planning Commission – Public Hearing
Town Council – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, February 1, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following request:

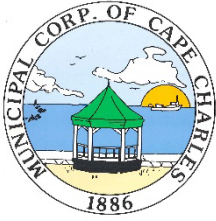
- A. A Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue (Tax Map # 83A3-1-580) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)

The Cape Charles Town Council will hold a public hearing on Thursday, February 17, 2022, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. A Conditional Use Permit application from Claudine Pierce, Peacock Cottage LLC, with consent from the property owners Steve and Kate Keeler at 630 Tazewell Avenue (Tax Map #'s 83A3-1-436 & 437) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
- B. A Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue (Tax Map # 83A3-1-580) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post - Wednesday, January 19, 2022
AD TO RUN: Friday, January 21, 2022 & January 28, 2022



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
January 13, 2022
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 Cape Charles Town Council. In addition to Mayor Dize, in attendance physically were Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwomen Holloway and O'Brien. Councilman Follmer was out of town and participated via teleconference from Minocqua, WI. Also, in attendance were Town Manager John Hozey, Assistant to the Town Manager Julie Pruitt, Officers Garrett and Lynch and Town Clerk Libby Hume. There were 11 members of the public physically in attendance, and 26 viewers on Facebook.

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

PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):

Comments were received from Jim Granger, John Coker, Loraine Huchler, and Martin Mayer. (Please see attached.)

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

SPECIAL MEETING ORDER OF BUSINESS:

A. *Review and Selection of PPEA Proposer*

Town Manager John Hozey stated that approximately 18 months ago, the Town was approached by a private utility company proposing to purchase the Town's utilities. This type of application was possible through the state procurement process under the Public-Private Education Facilities and Infrastructure Act (PPEA). The PPEA process enabled evaluation of the proposals. Upon adoption of local PPEA procedures, the Town was required to advertise the receipt of an unsolicited proposal and invite others to propose as well. This advertisement resulted in a second proposal. A consultant was hired to assist the Town with conducting a proper due diligence. There were no costs to the Town for consulting fees as they were passed along to the proposers as part of the PPEA process. Due to the confidential nature of the proposals, the Town Council held an executive session, along with the consultant, to interview representatives from the two companies. Both companies were determined to be legitimate providers worthy of further consideration. Council needed to select one of the companies to move forward to the next phase of the evaluation which would include public participation. John Hozey stressed that choosing a company to move forward to the public process did not commit the Town in any way. Once one company had been chosen to move forward, the information associated with that company's proposal could be discussed openly and the public dialogue could begin. Public interaction was necessary to help the Town determine if selling the utilities was best for the community. Following the selection, the Town would start publishing additional details and schedule Town Hall meetings to obtain input from the public and answer any of their questions.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to move forward with Virginia American Water.

There was discussion as follows:

Councilman Grossman asked about the likelihood of re-engaging discussions with the Hampton Roads Sanitation District (HRSR) as suggested by Supervisor Coker. John Hozey responded as follows: i) He met with the outgoing executive director of HSRD to discuss the southern Eastern Shore and HSRD was only interested in the wastewater plant, not the water plant; ii) Partnering

with HRSD would not solve the Town's water issues; iii) HRSD was unable to pay the Town for the wastewater plant so the partnership would not relieve our debt. Exmore was able to obtain a grant to pay off their debt but we were told that there was no guarantee that the same could be done for Cape Charles; iv) He reached out to HRSD and would meet with them next week. Part of the problem was the lack of density in the southern portion of the county so only a portion along Route 13 could be included in a regional system; v) He spoke to both proposers regarding inclusion of a regional mechanism if Council opted for the process to move forward. The best interest of Cape Charles needed to be considered since the residents currently paid for the system.

Councilman Holloway stated that a lot of comments were made tonight, and questions needed to be answered as clearly as possible as we moved forward. The only decision to be made tonight was to choose one company to move forward with. All information would be supplied to the public very soon to help answer their questions. Two Town Hall meetings were scheduled for the public to learn more about the process. It was important for every resident to get accurate information. The Council had done a lot of research on the issue and she encouraged everyone to get clarification if they did not understand. Councilwoman Holloway added that although a new Town Hall was needed, it was not why Council was looking at the potential sale of the utilities.

The motion was approved by unanimous vote.

B. *Presentation of Community Survey Responses*

John Hozey stated that he wanted to present the survey response information to Council and thanked Julie Pruitt for her work in compiling the information. The presentation and survey information had been posted online for public review as well. (Please see attached for the presentation slides and the Summary of Comment Trends.)

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The Historic District Guidelines rewrite draft was received from the consultants and a public meeting had been scheduled for January 27. The draft document would be emailed to Council and the Historic District Review Board for review. He asked Council to send him any comments. The project committee would review all comments and submit them to the consultants.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows: i) Council interviewed a number of candidates for the Town's boards and he congratulated Rob Harris and Benjamin Lewis for their appointments to the Harbor Area Review Board, Cathy Fox for her appointment to the Library Board, and Laura Weigand for her appointment to the Board of Zoning Appeals. He thanked everyone who had submitted their applications. Council had one more interview for the Historic District Review Board before making a decision regarding that vacancy; ii) All data had been collected from the Accomack Northampton Regional Housing Survey. Over 500 responses were received. We should start seeing the information in mid-February regarding the needs within the community; iii) He attended the Board of Supervisors meeting last Tuesday. A subcommittee was named with Supervisors Coker and Leatherbury to work with the Northampton County Planning Commission to review the housing zoning issues; iv) The Economic Development Authority for Northampton County was creating a subcommittee to promote work force housing. The subcommittee would be meeting next week; and v) The Eastern Shore Coalition on Housing would be going to Richmond to discuss all subjects relative to housing and where we could seek assistance.

Councilwoman O'Brien encouraged everyone to participate in the PPEA process as we moved forward. It was the key to transparency and harmonious communications. Everyone needed to be on the same page.

Councilman Buchholz stated his agreement with Councilwoman O'Brien and had no other comments.

Vice Mayor Bennett stated that most of the comments heard this evening had a negative tone which he felt was pretty typical. Most people were quicker to complain than compliment. He wanted to hear all comments. This Council was the most diverse group that he had worked with during his tenure on Council. Decisions were not taken lightly. He wanted everyone to be assured that Council had everyone's best interests at heart. It was a long, difficult and arduous process. There was a lot of research to be done and a lot of information to go through. No one on the Council was taking this lightly.

Councilwoman Holloway commented as follows: i) She was the Town's representative on the Eastern Shore of Virginia Tourism Commission. There was an exciting opportunity for a regional grant application to include the Eastern Shore, Western Shore, Virginia Beach, Norfolk, etc. The city of Norfolk was leading the efforts. Our request would be for a permanent bathroom; and ii) The train car had been moved to its permanent location. She thanked Jim Outland of Canonie and Supervisor Coker for their help in making this happen. Two Northampton County Infrastructure Grants were used for the tracks and physical move. Canonie agreed to pay for the asbestos removal. Cape Charles Main Street would be doing some fundraising to restore the car.

Councilman Follmer reiterated Vice Mayor Bennett's comments and the importance of people getting engaged in the process and listening to the facts. No decision had been made yet, but there was a lot of speculation, rumors and opinions out there.

Mayor Dize agreed that members of the Council had more privileged information but encouraged everyone to get involved in the process, paying attention to the information being released. The more participation by the public, the easier it would be for Council to make a decision. For three years, he has had the pleasure to work with the talented people sitting at the dais. This was not a decision that Council would take lightly. This was a long process and in moving forward, he encouraged everyone to ask questions. Send questions to the town manager. He and Council were not hiding anything and wanted to be as transparent as possible.

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

The Special Meeting adjourned at 7:35 p.m.

Mayor Dize

Town Clerk

**January 13, 2022 Town Council Special Meeting
Comments and Information Provided in Writing**

Jim Granger, resident of Cape Charles

Mayor Dize, Members of Town Council, Mr. Hozey, Town Staff,

I have been supporting the Navy as an officer, government civilian, and now a contractor for almost 37 years. Over that time I have seen many public-private partnerships, and only a tiny percentage have worked well. Whether the water plant is privatized or not, I can guarantee that the costs to citizens will go up, and probably significantly. Companies don't offer to purchase public utilities out of the goodness of their wonderful charitable hearts - they're in it to make a profit, which is automatically an increase over current town costs. I would like to know the following:

1 - Why would the Town do this? What's the benefit to the citizens of the Town?

- Did the discovery process reveal issues in the water plant? (I've heard rumors that the technology changed shortly after the plant was built and it's essentially obsolete, with parts becoming hard and expensive to find)

- Are we having trouble finding/keeping qualified staff, especially with the shortage of lower cost housing in Northampton County?

- We have had to close the beach several times after major rainstorms; is the potential privatization related to those problems?

- Do you have a rough idea how much costs would go up, and can the Town protect itself? We don't want to find ourselves in a situation like Portsmouth, where Elizabeth River Crossings can legally extort drivers at the tunnels

2 - If the plant is privatized, will it be used to serve Northampton County beyond the town?

3 - Having lived the Hampton Roads Sanitation District nightmare, I'm not encouraging it, but I know that that HRSD is taking over wastewater for Exmore, Onancock, and others. Have we investigated if working with HRSD might be a better option?

4 - Our beach and harbor are our greatest assets - if the plant is privatized, how can we protect ourselves against mismanagement?

Thank you,
Jim Granger

John Coker, resident of Northampton County, and Northampton County District 1 Supervisor

Good evening, Mr. Mayor and members of the Town Council. Thank you for hearing me. My name is John Coker and I live at 1530 Elliotts Creek Ln, Cape Charles, VA. I am here tonight as a citizen on Northampton County and as the District 1 Northampton County Supervisor.

First, I want to say that I think you are doing exactly the right thing by looking at having a professional firm take over the running of your sewer plant. The complexity of operating and the ever-changing regulations in this industry are far beyond the capabilities affordable to a small town like Cape Charles.

Having said that, I strongly believe it is the wrong direction to sell the plant to a "for profit" organization. A few years ago all the towns in Northampton County and the County itself agreed to become part of the Hampton Roads Sanitation District (HRSD), as did all of Accomack County. As we properly said at the time this obligated us to nothing but offered us the opportunity to solicit their help it and when we felt we were in need.

That time is now. HRSD is not a profit-based organization and has been historically well supported by the Commonwealth of Virginia. In fact, HRSD is a political subdivision of the Commonwealth of Virginia.

Hopefully you know about and have investigated the benefits that HRSD is currently in the process of bringing to Exmore and Nassawadox. Granted these towns have much older and less sophisticated sewer systems than Cape Charles but they will soon have first class capabilities and will no longer have to maintain the complexity of their own operations. These towns and the County see this as a long-term partnership that will endure for decades and will allow for expansion and growth without having to worry about significant capital expenses and large escalations of the fees charged to their citizens. Yes, the HRSD fees will increase but HRSD services approximately 1.7 million people, all in the Commonwealth of Virginia, which clearly assures them strong representation in Richmond to prevent unreasonable fee escalation. This will not be the case with a “for profit” solution.

Also, you have to know that there are billions of grant dollars available at the state and federal level for this type of infrastructure and Exmore and Onancock working with HRSD have already been able to get many millions of it.

Finally, I do wear a County hat here today and I strongly believe HRSD can be a County solution not just a solution for Cape Charles. HRSD is in the process of doing amazing extensions in Accomack County and may actually reach to Chincoteague from Onancock. A similar expansion in Northampton County could help the Cape Charles Route 13 area, possibly Cheriton, and it could go as far north as Eastville.

So please consider the long-term financial implications to the citizens of your town since “for profit” companies work for the benefit of their shareholders wallets not the wallets of your citizens.

Thank you all for your time and I would like this transcript placed in the permanent record of this meeting.

Loraine Huchler, a business and commercial property owner

I am an engineer by training and run a water and wastewater consulting business for the last 33 years. I have two questions: 1) The Town of Cape Charles currently has a 0% interest loan to pay a small portion of the cost of building this state-of-the art water and wastewater plant. The town has acquired an asset at a huge discount. Is not the right time to sell it? Why isn't the town considering retaining ownership of the water and wastewater plants and outsourcing the operation, maintenance and billing services to a third party – as a comparison to selling the assets and outsourcing the management? 2) There's been some information that the Town wants to build a new Town Hall with the funds from the sale of the water and wastewater plant. The value to the citizens of the Town for a new municipal building is not very much. Most of the value accrues to the town employees who work in the Town Hall. Does it improve the value of services to the residents? Not likely. Does it reduce any taxes? Not likely. What is the value of building a new Town Hall to the residents of Cape Charles?

Martin Mayer, resident of Cape Charles

There are generally two reasons why a municipality enters into an agreement to sell their water utilities, a lack of public capital and a lack of public sector capacity. Private corporations provide a “solution” to municipal budget problems and aging water systems. A solution that more often than not leaves communities with higher rates, worse service, and fewer local jobs.

Accountability is a critical issue. Water corporations are primarily accountable to their shareholders, not the public. There is a limited transparency and often unequitable expansion.

And then, you have the rate increases. Privately owned water utilities have been found to charge roughly 60% more than local government providers for water and wastewater. The simplest explanation is higher operating costs. A lack of competition during the sale, increased ancillary costs like income taxes and dividends and the most interesting in our example is the cost of financing projects and improvements. Local government municipal bonds are often half the rate that private financing may cost. All of this is passed along. I know this is early in the process, but it hasn't been without substantial cost in terms of consulting fees.



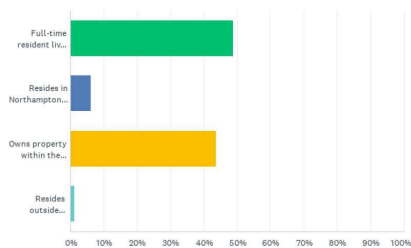
Town of Cape Charles Community Survey 2021

RESULTS AND ANALYSIS

Overview

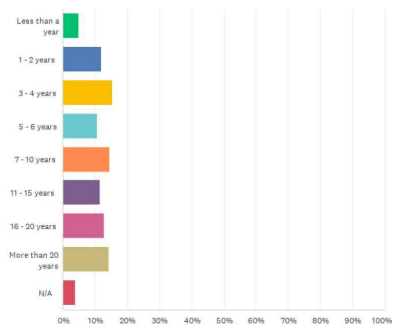
► The Following represents data collected from 442 Surveys

- 236 responses were submitted through Survey Monkey online
- 206 responses were submitted via paper and data was then entered onto Survey Monkey



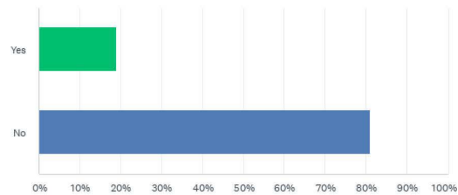
ANSWER CHOICES	RESPONSES
Full-time resident living within the corporate limits of Cape Charles	48.87% 216
Resides in Northampton County but outside the corporate limits of Cape Charles	6.11% 27
Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town	43.67% 193
Resides outside Northampton County but a frequent visitor to Cape Charles	1.36% 6
TOTAL	442

Q1: Please choose the closest one that applies to you



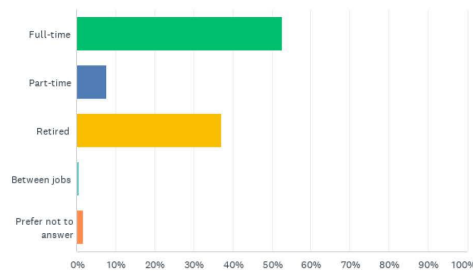
ANSWER CHOICES	RESPONSES
Less than a year	22
1 - 2 years	53
3 - 4 years	68
5 - 6 years	47
7 - 10 years	64
11 - 15 years	51
16 - 20 years	56
More than 20 years	63
N/A	17
TOTAL	441

Q2: How long have you lived or owned property in Cape Charles?



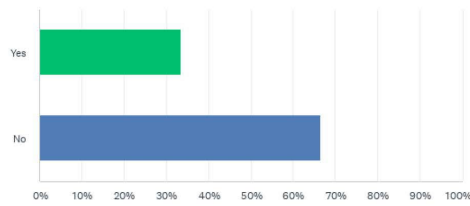
ANSWER CHOICES	RESPONSES
Yes	84
No	358
TOTAL	442

3: Do you own a business in Cape Charles?



ANSWER CHOICES	RESPONSES
Full-time	233
Part-time	34
Retired	164
Between jobs	3
Prefer not to answer	8
TOTAL	442

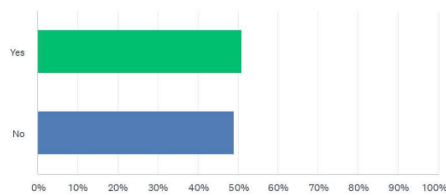
Q4: Are you employed? Select the closest that applies



ANSWER CHOICES	RESPONSES
Yes	33.45%
No	66.55%
TOTAL	284

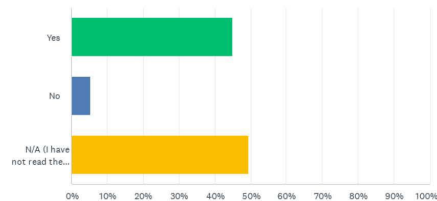
Note: This data excludes responses who identified as retired in question 5

Q5: Is your employment based primarily from your home?



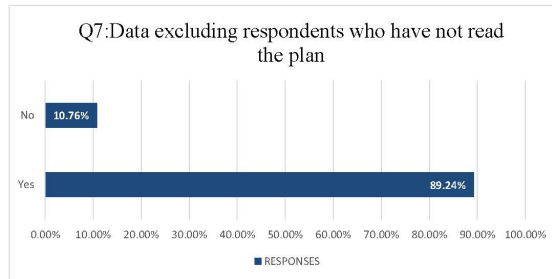
ANSWER CHOICES	RESPONSES
Yes	50.90%
No	49.10%
TOTAL	442

Q6: The Town Council approved the current Community Strategic Plan on 03/18/21. Have you read this plan?



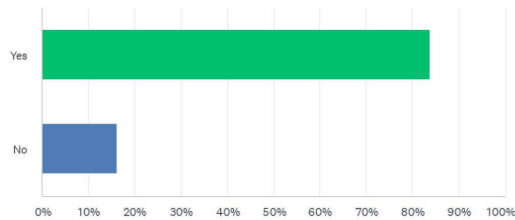
ANSWER CHOICES	RESPONSES
Yes	45.02%
No	5.43%
N/A (I have not read the plan)	49.55%
TOTAL	442

Q7: If you have read the Community Strategic Plan, do you agree with the plan's goals?



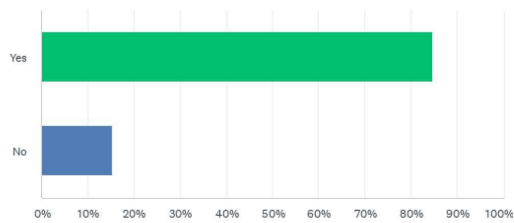
ANSWER CHOICES	RESPONSES
Yes	89.24% 199
No	10.76% 24
TOTAL	223

Q7A: Data from those who did read the current Strategic Plan



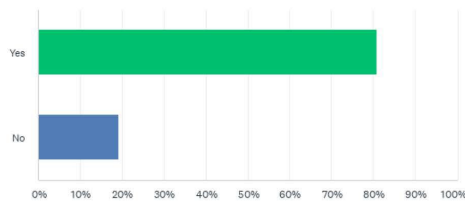
ANSWER CHOICES	RESPONSES
Yes	83.90% 370
No	16.10% 71
TOTAL	441

Q8: Has the Town maintained or improved its small-town character in recent years?



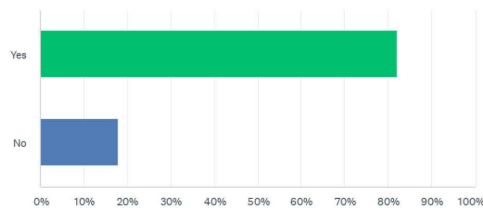
ANSWER CHOICES	RESPONSES
Yes	84.58% 373
No	15.42% 68
TOTAL	441

Q9: Do you agree with the Council's view regarding economic diversity?



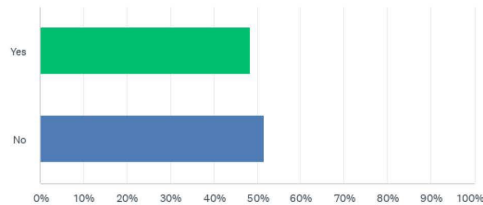
ANSWER CHOICES	RESPONSES
Yes	80.77% 357
No	19.23% 85
TOTAL	442

Q10: Are town public services appropriate for a community of our size?



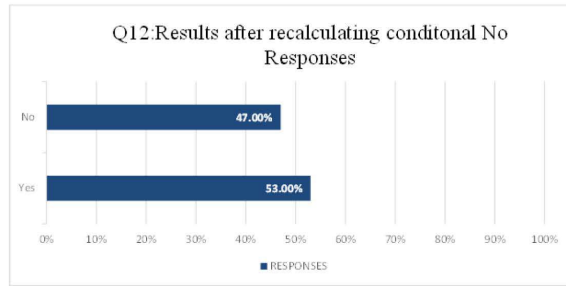
ANSWER CHOICES	RESPONSES
Yes	82.13% 363
No	17.87% 79
TOTAL	442

Q11: Is the quality of town public services satisfactory?



ANSWER CHOICES	RESPONSES
Yes	48.38% 194
No	51.62% 207
TOTAL	401

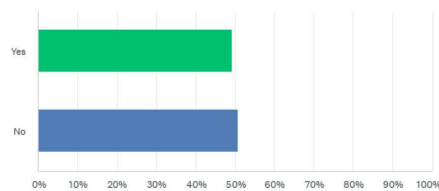
Q12: Would you be willing to pay approximately \$9.00 per month more for trash service (\$26/mo total) to implement a curb side recycling program in town? (this would not include glass)



ANSWER CHOICES	RESPONSES
Yes	53.00% 217
No	47.00% 184
TOTAL	401

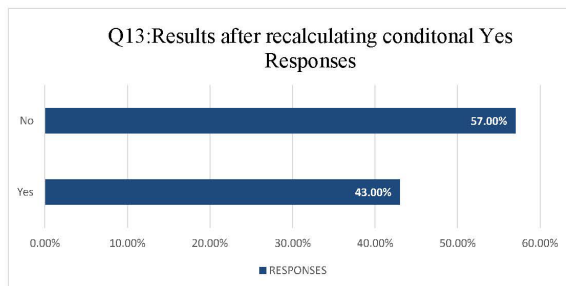
Q12A:

There were 23 conditional No responses indicating that if glass was included, they would have likely said Yes. Recalculation of these conditional No's is shown for a vendor who would accept glass



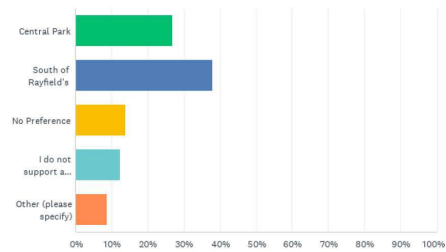
ANSWER CHOICES	RESPONSES
Yes	49.21% 217
No	50.79% 224
TOTAL	441

Q13: Would you support paid parking in town as outlined?



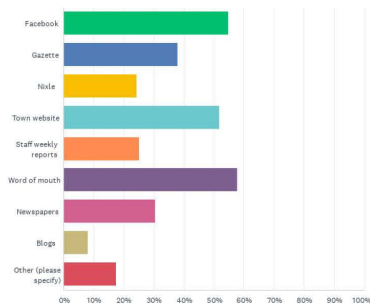
ANSWER CHOICES	RESPONSES
Yes	43.00% 187
No	57.00% 254
TOTAL	441

Q13A: There were 30 Yes responses that conditioned that support on terms beyond the program design. Recalculation of results is shown after these conditional Yes responses are omitted



ANSWER CHOICES	RESPONSES
Central Park	26.92% 119
South of Rayfield's	38.01% 168
No Preference	13.80% 61
I do not support a basketball court	12.44% 55
Other (please specify)	8.92% 39
TOTAL	442

Q14: Where would you prefer to see a basketball court?



ANSWER CHOICES	RESPONSES
Facebook	54.75% 242
Gazette	38.01% 168
Nixie	24.21% 107
Town website	51.81% 229
Staff weekly reports	25.11% 111
Word of mouth	57.69% 255
Newspapers	30.54% 135
Blogs	8.14% 36
Other (please specify)	17.42% 77
Total Respondents:	442

Q15: What tools do you use to stay in touch with town happenings? Select all that apply

Summary of Comment Trends:



Community Strategic Plan Citizen Survey - 2021

Summary of Comment Trends (442 surveys)

The following is offered as an overview only, tracking general trends, not every comment could be captured here.
Note: Questions 1 through 6 were straightforward and did not generate significant comment.

Question 7: Do you agree with the Strategic Plan goals – of those who read it, 89% agreed

Do not agree comments

- Feel the plan although good, is not being carried out as it says (3 responses)
- Feel Town is bending rules for contractors, no checks on accessory dwellings or other codes for proper compliance. Feel there are too many rentals, and that tourists are forcing out residents. Businesses cater mostly to tourists; hours consistent in summer only (10 responses)
- No workforce housing (4 responses)
- Concrete Plant/Clamming operation issues (5 responses)

Agree comments

- Agreed with the plan but felt there needs to be more emphasis on improving the community for full time residents. The primary improvement needed is housing for year around residents and the workforce (6 responses)
- Some commented, “for the most part” (8 responses)
- Said yes but felt the goals or implementation was vague (8 responses)
- Agreed but felt it caters to tourists and begs the question, “does the Town serve the residents or the visitors” (6 responses)

Additional comments

- More emphasis needed on maintenance and improvement of the beach (6 responses)
- Details were too vague regarding vacation rentals, golf carts, etc. (3 responses)
- Need more specifics around preserving our town’s historic character (3 responses)
- More emphasis needed on walkability and sidewalks
- Asked the question, “Can police or town employees afford to live in town”

Question 8: Has the Town maintained its small-town character – 84% responded Yes

Yes response comments

- Said yes but felt there is an over-emphasis on tourism and that tourism is starting to take over. Merchandise and new amenities in town are priced too high for locals, and that these amenities are only available to accommodate tourists (14 responses)
- Community events and functions, like concerts in park, 4th of July, grand illumination, festive Fridays, etc. really help the small-town feel and sense of community
- Said yes but felt concrete plant/clamming operations are taking a toll (4 responses)
- Responded yes and no, or “to some degree” (5 responses)
- Felt beach improvement is vital (5 responses)
- Said yes but felt on the verge of losing our charm (4 responses)

No response comments

- The single largest concern over losing our small-town feel is due to too many vacation rentals/tourists (27 responses)
- Feel Council tends to make decisions mostly to benefit tourism (10 responses)
- Clam operations and concrete plant concerns (6 responses)
- Parking issues (6 responses)

Additional comments

- Vacation rental signs should not be allowed, detracts from small town feel
- Long term renters being forced out for short term
- No affordable housing for the workforce
- Not enough amenities like restaurants or public restrooms
- Becoming too much like Ocean City, VA beach, or New Jersey

Question 9: Do you agree with the Council's view regarding Economic Diversity – 85% responded Yes

Yes response comments

- Yes, but felt the clamming operation does not fit within this view (13 responses)
- Yes, but strongly conditioned support on, "as long as these activities are thoughtfully located and regulated to minimize conflicts" and the need for noise/time of day limits (14 responses)
- Yes, but there also needs to be some flexibility (3 responses)
- Yes, but felt that workforce housing needs to be a higher priority (6 responses)

No response comments

- Felt the industrial sector has caused issues for the town, environment, and quality of life (19 responses)
- Feel Council has not made this happen
- Feel waterman and locals have been pushed out

Additional comments

- Should be more situations like Hook at Harvey and Yacht Center mixed w/industrial
- Light Industry does not mean huge concrete plant

Question 10: Are Public Services appropriate for a community our size – 81% responded Yes

No response comments

- Public works needs more staff with workload continuing to grow (6 responses)
- Because there are so many tourists, the services needed exceeds the number of employees the town has (10 responses)
- Employees are hardworking, but simply not enough of them (4 responses)
- More Police needed, especially in the summer (5 responses)
- Building and planning understaffed (4 responses)
- Beach maintenance needs to be prioritized (9 responses)
- Need more public restrooms (7 responses)

Question 11: Is the quality of Town Public Services Satisfactory – 82% responded Yes

No response comments

- Water quality unacceptable and hard on plumbing /appliances (13 responses)
- Tourist growth exceeds staff and causes staff to cater mostly to tourists (7 responses)
- Public works: Trash/leaves needs to be ramped up on the weekends, beach entrances, dunes, and Bay Ave. also need more attention (5 Responses)

Additional comments

- There was general concern regarding boats, old cars, trailers, motor homes, etc. parked throughout town (8 Responses)

Question 12: Would you be willing to pay more for curb side recycling – 52% responded No

Yes response comments

- Yes, but raised the question why glass isn't included. (13 responses)

No response comments

- Said would consider if glass was included (23 responses)
- Said no because they felt rental guests would not utilize properly (2 responses)
- Said no because it is easier to drop it off in Cheriton (19 responses)

Analysis: 194 people said they would like recycling under the stated conditions, and 207 said no. But 23 of the no respondents said they would have said yes if glass was included. Therefore, if a vendor could be found that would

also accept glass, it is likely the 23 no responses would become yes, thus shifting the overall outcome to a positive response of 217 yes (53%), and 184 no.

Question 13: Support for paid parking along Bay and Mason Aves – 51% responded No

Yes response comments

- Responded yes but only if residents in Northampton County would receive passes, rental property guests would receive passes, and there were exemptions for golf carts and anyone who works in town (13 responses)
- Responded yes but only if residents and property owners were not charged (17 responses)
- Said yes but also felt a paid lot elsewhere would be more suitable
- Said yes but only if the town limited how many cars rental guests could have per property

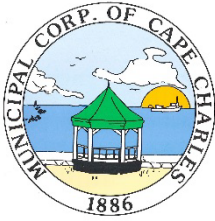
No response comments

- A very large concern that this would diminish our small-town atmosphere (24 responses)
- Creating a parking garage or lot would be better (10 responses)
- Felt the town didn't have the resources to do it, and it would create other problems (4 responses)
- Cost of this would outweigh the profit (5 responses)
- Would create worse parking problems on residential streets (9 responses)

Additional comments

- Felt the town should concentrate on getting boats, trailers, and old cars off the streets first (6 Responses)

Analysis: 217 people said they were in favor of paid parking, while 224 said no. However, up to 30 of the yes respondents conditioned their support on free passes or exemptions that would not likely be included in such a program. Therefore, there are potentially 30 additional no responses to any likely program, shifting the overall outcome more negative, with only 187 responding yes and 254 responding no (57%).



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
January 20, 2022
6:00 PM

At approximately 6:00 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 and Grossman, and Councilwomen Holloway and O’Brien. Councilman Follmer was not in attendance. Also, in attendance were Town Manager John Hozey, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were no members of the public physically in attendance and four viewers on Facebook 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: Interview to fill a vacancy on the Historic District Review Board.

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.

Council went into executive session at 6:02 p.m.

At 6:31 p.m. Libby Hume went outside to notify the members of the public of the end of the closed portion of the meeting. There were no members of the public waiting to 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 6:32 p.m.

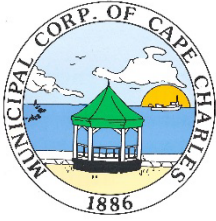
Certification, to the best of each member’s knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed,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

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

The Executive Session adjourned at 6:33 p.m.

Mayor Dize

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
January 20, 2022
6:30 PM

At 6:34 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 and Grossman, and Councilwomen Holloway and O'Brien. Councilman Follmer was not in attendance. Also, in attendance were Town Manager John Hozey, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were no members of the public physically in attendance, and 10 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS:

A. There were no visitors or presentations.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. December 2, 2021 Town Council Executive Session
 - ii. December 16, 2021 Town Council Public Hearing & Regular Meeting
 - iii. December 16, 2021 Town Council Work Session
 - iv. December 16, 2021 Town Council Executive Session
 - v. January 6, 2022 Town Council Public Hearing & Special Meeting
 - vi. January 6, 2022 Town Council Work Session
 - vii. January 12, 2022 Town Council Executive Session
- C. Approval of November 30, 2021 Financial Report
- D. Set Public Hearings on February 17, 2022 for Conditional Use Permits:
 - i. 520 Randolph Avenue for Accessory Dwelling Unit
 - ii. 630 Tazewell Avenue for Accessory Dwelling Unit

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *Town of Cape Charles Employee Personnel Manual Update:*

Town Manager John Hozey stated that he and Jodi Outland wanted to thank the Council for the work put into reviewing the updated personnel manual. All comments were incorporated into the version presented this evening. Following the January 6, 2022 work session, additional consultation was sought from the Town's Virginia Risk Sharing Association's (VRSA) Human Resource consultant and several additional revisions were included in this manual based on their recommendation: i) The addition of the Uniformed Services Employment and Re-Employment Act of 1994 (USERRA) to the Appendices; ii) In section VI.B.7(b) – Military Leave Without Pay, language from USERRA was added; and iii) In section XIII.J. – Retirement, VRSA stated that an

employer should never attempt to determine whether an employee was disabled, mentally or physically and recommended that the second paragraph be deleted. Also, Councilman Grossman had submitted a comment regarding vacation leave being granted in advance of accrual (Section VI.B.1. – Annual Vacation Leave), but the item was not addressed during the work session. Staff reviewed this item and decided to authorize this leave on a limited basis with Town Manager approval. The granting of leave in advance of accrual would be used typically for newer hires with limited leave and would be authorized for a maximum of two days only. If the employee were to leave the Town's employment prior to earning the leave, the amount would be deducted from their final paycheck.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve updated Town Personnel Manual as presented. The motion was approved by unanimous vote.

B. *Appointment of Historic District Review Board Member:*

Edward Wells opted not to seek reappointment which created a vacancy on the Historic District Review Board effective January 8, 2022. Council interviewed one applicant on January 12, and a second applicant earlier this evening.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to appoint David Howgill to the Historic District Review Board to fill the current vacancy, and Adam Charney was named as an alternate to fill any future vacancy. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) Library Manager Ann Rutledge informed the Town of her intention to retire in the spring. We were sorry to see her go, but very happy for her. The position would be advertised soon. Councilman Grossman brought up the qualifications for the position stating that many libraries, mainly larger ones, required a degree in library science, but with our library being very small with routine tasks, he did not feel that it should be a requirement. John Hozey stated that a degree in library science would be included in the advertisement as a preference, not a requirement; ii) The planning & zoning department was understaffed and an additional position was currently authorized, but unfilled. We currently had a volunteer helping in the department doing a great job. Staff would like to hire this individual on an interim basis to work as a part-time zoning compliance officer. The current zoning administrator was also working on an interim basis due to her personal situation. This individual was currently on the Planning Commission. Research was done with other localities in the state, and this did not appear to be prohibited. Many localities had restrictions, similar to Cape Charles, prohibiting employees to run for elected office in the locality, but no locality had any restrictions regarding employees serving on boards or commissions with the locality. There was some discussion regarding this position and perceived conflicts. Councilman Grossman stated that this was no different as to when he filled in as planner after Zach Ponds left and he was on Council and the Planning Commission during that time. Councilman Grossman added that he currently works with staff doing research and providing information regarding a number of issues. Councilman Buchholz added that the Commission only made recommendations to Council, and it was the Council that made the final decisions relating to zoning. Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwoman O'Brien supported hiring this individual for the interim position; iii) The consultant for long-term capital planning at the harbor submitted their report and more detailed discussion was needed. A meeting was scheduled for he and Capital Projects Manager Bob Panek to meet with Cape Charles Marine Services, the management company for the harbor. The immediate issue was the inner breakwater that was damaged last year. The condition was getting worse and expected to deteriorate further with the winter storms. Immediate repairs were necessary. A quote was obtained in the amount of \$120K from the contractor that installed the breakwater. The uses for the American Rescue Plan Act funding had recently been expanded. The Town currently had about \$500K appropriated and would receive another \$500K later this year. Some of that funding could be used to repair the breakwater. There was no other resource at this

time to fund the repairs. This issue would be brought to Council for a formal vote at the next special or regular meeting. Vice Mayor Bennett asked for a copy of the report to review; iv) PPEA Message #2 was published in a Special Gazette on Monday evening, January 17. It was posted on the website and linked to Facebook on Monday and was included in Tuesday's e-Notifications. It reached 300 people on Facebook and received four "Likes." The first message provided the background, and the second message informed the public of the selection of Virginia American Water along with other information explaining an enterprise fund, information relating to any potential rate increases needing to be approved by the State Corporation Commission, why the sale was being considered, etc. Councilwoman Holloway stated that she did not receive any notification in her email and added that she needed to know when communications were sent to the public. Vice Mayor Bennett also stated that he had not seen the notification. The Mayor, Councilmen Buchholz and Grossman, and Councilwoman O'Brien confirmed their receipt of the notification. In the future, all communications would be emailed to the Mayor and Council as well as the usual postings. There was some discussion regarding providing answers to frequently asked questions (FAQs) on the website. Following additional discussion regarding FAQs, questions would be placed on the website linking to the specific message that contained the answer; v) The February 24 Special Meeting which was put on the calendar as a placeholder for discussion about the PPEA process, was being removed. The auditors would be coming to Town and using the Civic Center for several days, including the 24th; and vi) Due to the uncertainty with the weather, and the possibility of icy conditions in the morning, the offices would be opening at 9:30 tomorrow morning. He would keep an eye on the weather forecasts for tomorrow and might close the offices early if needed.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett, Councilman Buchholz, and Councilwomen Holloway and O'Brien did not have any additional comments.

Councilman Grossman commented on the following: i) He thanked Libby Hume for the seven sets of detailed minutes included in this evening's agenda packet; and ii) There were several items in the latest Virginia Municipal League (VML) electronic newsletter relating to possible changes to the Freedom of Information Act (FOIA). He was in favor of one of the bills proposing to change the definition of "meeting" for purposes of FOIA to a "quorum of the members of the public body" versus three as currently defined. Councilwoman Holloway was unaware of the VML electronic newsletter and asked how to subscribe. The link would be provided to Council to subscribe if they did not already receive the newsletter.

Mayor Dize commented as follows: i) Thanked Jodi Outland for the work done on the personnel manual. It was professionally done; and ii) He thanked John Lockwood and the Public Works crew for a job well done on the Dropping of the Crab Pot. Everything was very nice, and a lot of people attended the event. John Lockwood also took the great photos of the crab pot which were in the January Gazette.

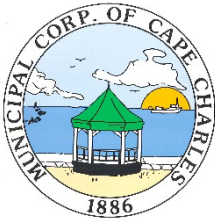
Mayor Dize read the announcements, adding the March 5, 2022 Cape Charles Day event.

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

The Regular Meeting adjourned at 7:16 p.m.

Mayor Dize

Town Clerk



DRAFT
TOWN COUNCIL
Town Hall Meeting
Cape Charles Civic Center
January 27, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Town Hall Meeting. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwomen Holloway and O’Brien. Councilman Follmer participated in the meeting via teleconference from Minocqua, WI. Also, in attendance were Town Manager John Hozey, Zoning Administrator Katie Nunez, Officers Tom Lynch and Will Garrett, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. In attendance from Commonwealth Preservation Group were Paige Pollard, Katie Paulson, and Jeryl Rose Phillips. There were 5 members of the public physically in attendance, and 18 viewers on Facebook.

Mayor Dize thanked everyone for coming and informed all that the purpose of this evening’s Town Hall Meeting was to provide Commonwealth Preservation Group an opportunity to present information regarding the Historic District Design Guidelines Update project and results from the public opinion survey. There would be a brief question and answer period after the presentation.

Town Manager John Hozey provided the background regarding the project as follows: i) In December 2001, Town Council adopted the Historic District Overlay Zoning Ordinance which established the local overlay zone; ii) The local Historic District Overlay sat on top of the underlying zoning districts. Those areas were more restrictive with the intent to preserve the historic character of the structures; iii) This was not to be confused with the Cape Charles Historic District listed in the National Register of Historic Places. The local overlay regulated the exteriors of historic properties, demolition, etc.; iv) The Cape Charles Historic District Design Guidelines was first adopted in 2001 and updated in 2018. The Town recently contracted with Commonwealth Preservation Group to work on updating the guidelines since a lot had changed since 2018 with Cape Charles transitioning into more of a vacation rental community; v) Some new investors were aware that they were purchasing property in the local historic district, but others were not, nor did realtors explain the issues to them. The result was that some work had been done without permits and some properties were even demolished without approval; vi) The current guidelines did not provide adequate information. Commonwealth Preservation Group had worked with other towns in Virginia such as Herndon, Virginia Beach and Suffolk. We were hopeful to have the project wrapped up in the spring; and vii) Paige Pollard, owner of Commonwealth Preservation Group, was here this evening with several of her team members to present an overview of the first draft of the guidelines. Once the Town received the revised draft of the guidelines, it would be posted on the website for public review to obtain comments from everyone. Please send any comments to him directly as he was the main point of contact for the project.

Ms. Paige Pollard proceeded with the presentation. (Please see attached.)

There was a Question and Answer period after the presentation. (Please see attached.)

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

The meeting adjourned at 8:07 p.m.

Mayor Dize

Town Clerk

DRAFT

January 27, 2022 Town Hall Meeting
Presentation Slides and Q&As

Cape Charles Historic District Design Guidelines Update

Public Presentation
Thursday, January 27th, 2021



Paige Pollard
Principal



Katie Paulson
Project Manager



Jeryl Rose Phillips, AICP
*Planning & Ordinance Analysis,
Content Development*



Jess Archer
*Graphics & Content
Development*



Project Team



Overview of Cape Charles Historic District

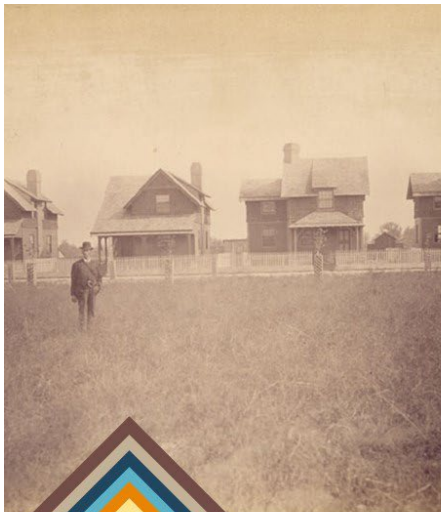
- History of the District
- Enabling Authority
- 2022 Design Guidelines Update

Stakeholder Engagement Summary

Preview of Guidelines

Questions

Tonight's Agenda



CPG was hired by the Town to:

- Engage with Stakeholders
- Review HD Boundaries
- Review Ordinance
- Develop Updated Historic District Design Guidelines

Scope of Project



Cape Charles Historic District

- Established in late 1980s after survey; updated 2018
- Designated on:
 - Virginia Landmarks Register
 - National Register of Historic Places

Historic District Overlay zoning ordinance

- Adopted by Town Council
- Established a local Historic Review Board
- First set of Design Guidelines written
- Certified Local Government established in 2007

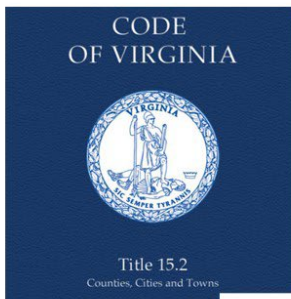
Historic Preservation Plan

- Guiding policies for historic preservation in Town's Comprehensive Plan

Comprehensive Plan 2019 Update

- Citizen's survey
 - Indicated preservation of the Historic District ranked high among public importance

History of Preservation in Cape Charles

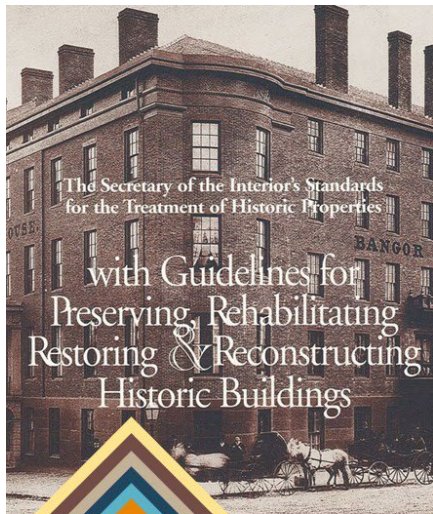


State and Local Enabling Authority

- Code of Virginia (15.2-2306)
- Established by Zoning Ordinance Article VIII, Section 8)
- Purpose is to protect against adverse impacts to the historic area

§ 15.2-2306. Preservation of historical sites and architectural areas.
A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial

Enabling Authority for Local Overlay



The Secretary of the Interior's Standards for Rehabilitation:

- Promotes long-term preservation of property's significance through the preservation of historic materials & features
- Pertains to historic buildings of all materials, construction types, sizes, and occupancy
- Encompasses exterior, landscape features, site and environment, as well as attached, adjacent, or related new construction

Least restrictive Standards that follow Professional Best Practices for Historic Preservation

Secretary of the Interior's Standards for Rehabilitation

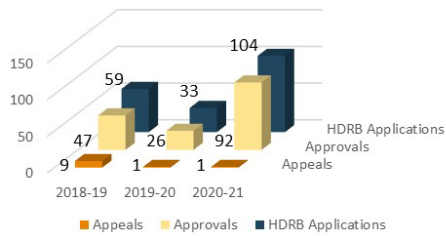


Certified Local Government

- Partnership with State and Federal Governments
 - Recognition of historic preservation activities
 - Connection between Cape Charles and other historic communities
 - Allows Town to provide formal comment on nominations of individual properties
 - Grant funding
 - Access to technical assistant
- Requires Level of Professionalism
- Encourages Consistency in Review

Maintaining Certified Local Government Status

Certificates of Appropriateness
Applications Per Year

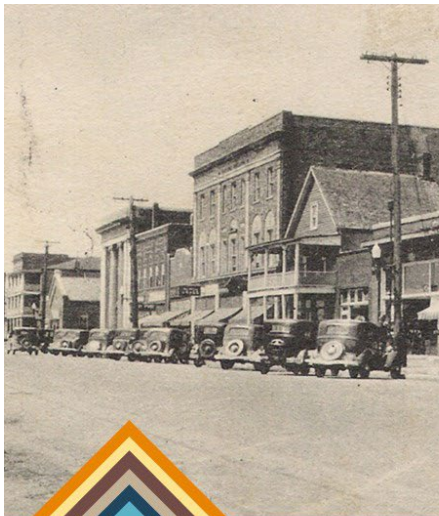


* These numbers were provided as of 1/26/2022 by the Town Clerk records

The role of the HDRB entails:

- Review alterations, additions, demolition and new construction within the Historic Overlay District
- Provide consistent review of non-administrative items, based on adopted design guidelines
- Treat each applicant with respect while rendering decisions in keeping with the design guidelines

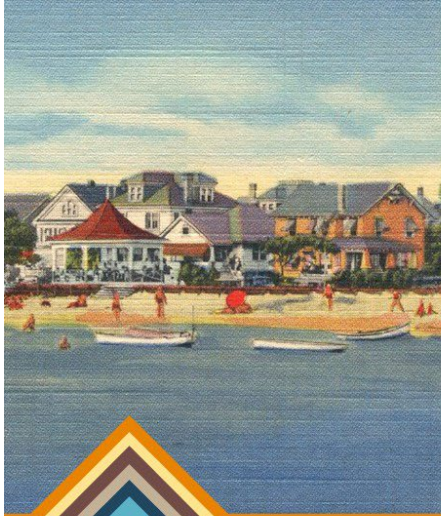
Historic District Review Board Role



Feedback among all internal stakeholders shared similar ideas regarding:

- Desire to maintain the architectural “look and feel” of the Historic District
- Streamlining the application process
- Clarity
 - In guidelines themselves
 - Of roles and responsibilities
 - New Construction and Infill projects
- Ease of use for property owners, Town staff, and the Historic District Review Board (HDRB)

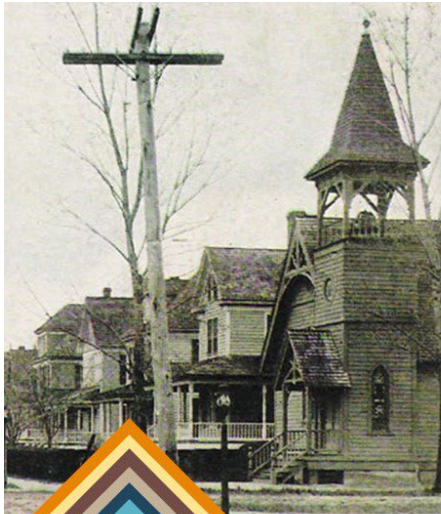
Internal Stakeholder Interviews



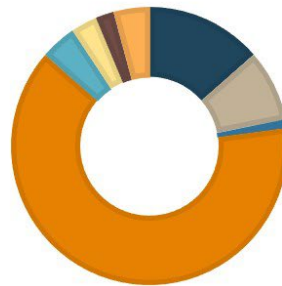
Public Opinion Survey

- Available November 9th – December 11th
 - Announced in public utility flyer
 - Link provided on town website
 - Provided at initial public meeting on November 9th
- Gained insight into public opinion of Historic District
- Obtained feedback on current guidelines and process
- 105 respondents

Online Public Input Survey Results



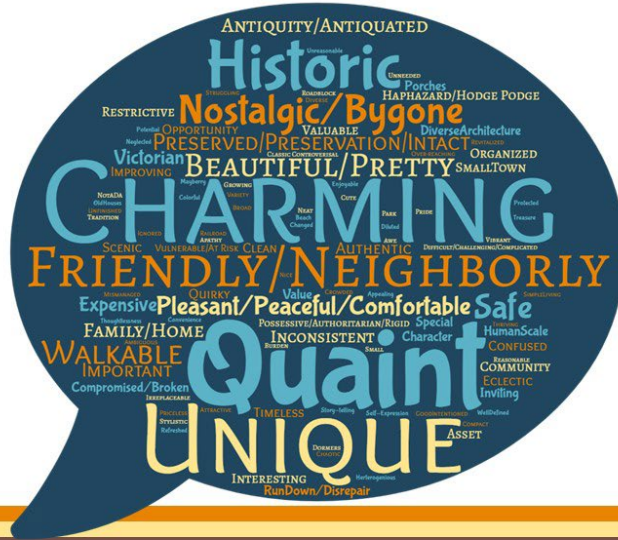
Of the 105 responses:



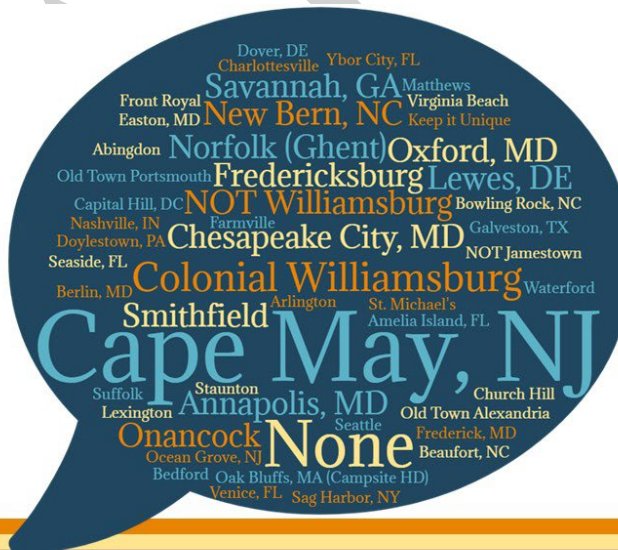
- 64% Owner of historic property
- 4% Owner of business located in historic buildings or District
- 3% Preservation or museum non-profit board member or staff person
- 2% Appointed to a Town commission
- 14% Interested in local history/preservation
- 8% Enjoy visiting historic places or sites
- 1% New to preservation
- 4% Other

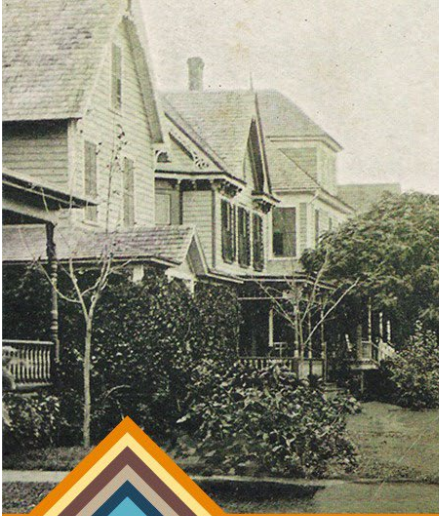
Online Public Input Survey Results

Online Public Input Survey Results: A Range of Views



Online Public Input Survey Results: A Range of Views





Community Values

- High appreciation of aesthetics
- Commitment to character of District

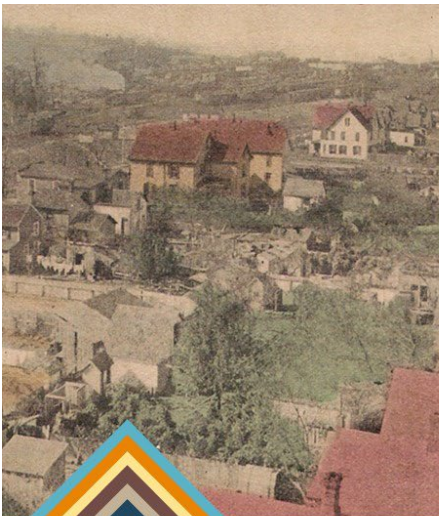
Community Desires

- Streamlined process
- Clarity in guidelines, including emerging issues
- Consistency in decision making
- Information to aid stakeholders

Manage Change

- Property ownership turn over
- Staff & board turn over
- Composition of community

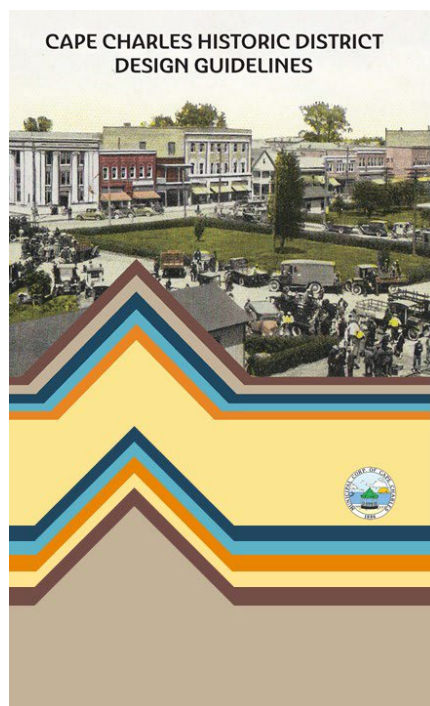
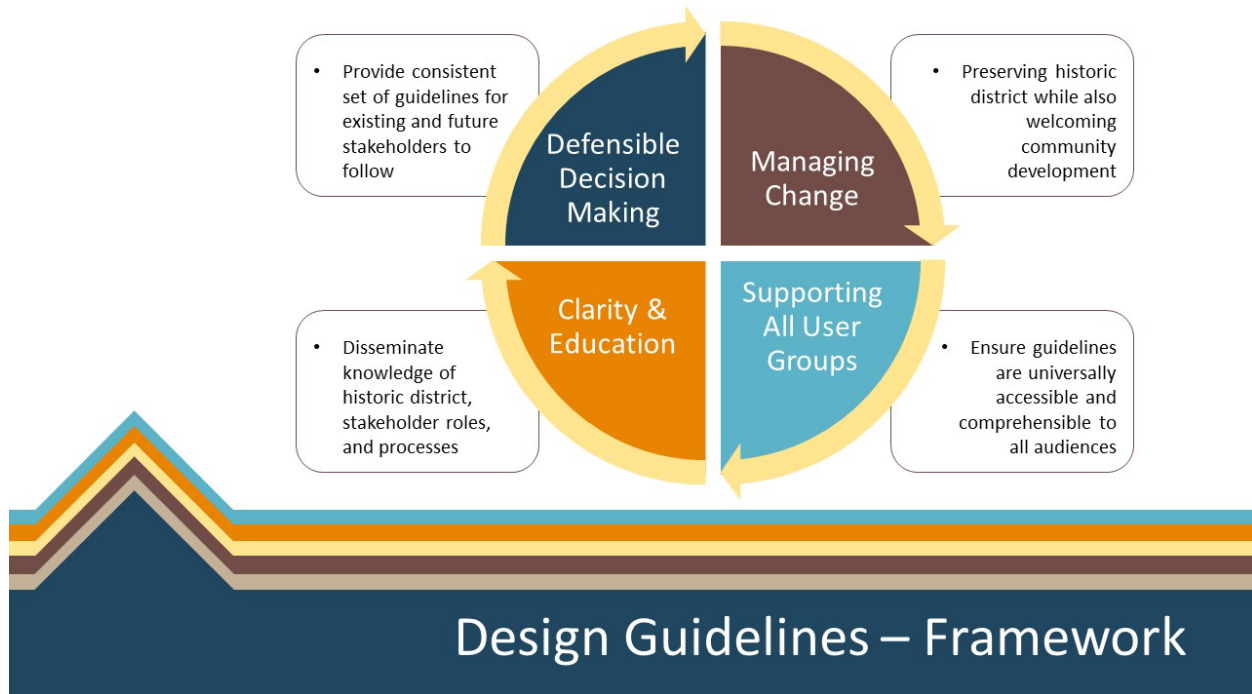
Key Takeaways



The updated Cape Charles Historic District Guidelines will:

- Respond to stakeholder input
- Respond to Cape Charles Historic District Guiding Philosophy
- Retain the historic character of the historic district
- Provide educational content for all users
- Meet the Secretary of the Interior's Standards for Rehabilitation

Design Guidelines – Priorities & Goals



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2 APPLICATION & REVIEW PROCESS What is a Certificate of Appropriateness & When is it Required? Who Should Consult the Design Guidelines & When? How do I Apply for a Certificate of Appropriateness? How do I Appeal a Decision?	7 DESIGN GUIDELINES FOR NEW CONSTRUCTION Interpreting & Using the Guidelines Building Placement & Orientation Building Elements & Materials New Accessory Structures (ADUs)
3 HISTORIC DISTRICT INFORMATION Historic District Overview New District Map Define Contributing vs. Noncontributing Properties	8 SITE & SETTING (HISTORIC, EXISTING, & NEW FEATURES) Handicapping Materials & Location Site Features Signage Mural & Public Encroachments
4 GENERAL DESCRIPTION OF HISTORIC RESOURCES Architecture Character Building Types/Forms Architectural Styles	9 ALTERNATIVE MATERIALS Considerations of Alternative Materials Usage Alternative Materials Flow Chart for Decision Making Property Owner's Responsibilities Noncontributing & New Construction Considerations
5 HISTORIC (CONTRIBUTING) BUILDING TREATMENT Interpreting & Using the Guidelines Secretary of the Interior's Standards for Rehabilitation (Simplified) Maintenance, Repair, & Replacement Guidelines for Contributing Resources Roofs Exterior Walls & Finishes Windows Doors Sills & Decorative Woodwork Porches Storefronts Awnings Shutters Accessory Structures Contributing Noncontributing Additions	10 RELOCATION & DEMOLITION Relocation Demolition
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Cape Charles Historic District Design Guidelines Table of Contents iii

Content Preview



1. Introduction	6. Non-historic (Non-contributing) Building Treatment
2. Historic District Review Board (HDRB) & Certificate of Appropriateness (COA) Review Process	7. New Construction/Infill Guidance
3. Historic District Information	8. Site, Setting, Signage, & Public Art
4. General Description of Historic Buildings	9. Alternative Materials
5. Historic (Contributing) Building Treatment	10. Relocation & Demolition
	11. Flood Mitigation

Content Preview – Table of Contents



1. Introduction
2. Historic District Review Board (HDRB) & Certificate of Appropriateness (COA) Review Process
• Who is the HDRB & What Do They Do? • What is a COA & When Is It Required? • How Do I Apply for a COA? • How Do I Appeal a Decision?
3. Historic District Information
4. General Description of Historic Buildings

Content Preview – Introduction & Process

4 GENERAL DESCRIPTION OF HISTORIC RESOURCES

USING THE FOLLOWING PAGES

ARCHITECTURAL STYLE GUIDE

After getting to know your building's **architectural character** from the previous pages, you can use that information to identify the **architectural style**. The following pages identify some common features of architectural styles found throughout Cape Charles. Examples of each are provided that you can find right in town.

Note: These are only possible features - your building does not have to have all the listed features to be a particular style.

KEY TERM

ARCHITECTURAL STYLE - An architectural style is characterized by the features that make a building or other structure notable and historically identifiable. May include such elements as form, method of construction, building materials, and regional character.

VICTORIAN : FOLK STYLE - c. 1870 - 1915

- Roofs can be **front, side, or cross gable** (shown) as well as **hipped**
- Roof-wall junction** can be open or closed
- Siding, shingles** (like the **fishscale shingles** shown) are common cladding materials
- Simple window surrounds, sometimes with a **pediment**
- Lace-like **corner brackets** and **gingerbread trim** (commonly known as **"gingerbread work"**)
- Ornament detail is confined to porch and **main cornice**/gable
- Porch roof is frequently flat or very **low pitched** (shown)
- Porch columns are generally very thin compared to other styles

4-6 Cape Charles Historic District Design Guidelines Chapter 4

Cape Charles Historic District Design Guidelines Chapter 4 4-7

Content Preview – General Description of Historic Buildings



5. Historic (Contributing) Building Treatment

- Interpreting the Guidelines
- Framework of Design Guidelines – Secretary of the Interior's Standards for Rehabilitation
- Routine Maintenance and In-Kind Repairs
- Maintenance, Repair, Replacement, & Material Guidelines for Historic Buildings
 - Roofs, Masonry, Woodwork, Openings & Associated Features, New Additions to Historic Buildings, Accessory Structures

Content Preview – Historic (Contributing) Buildings



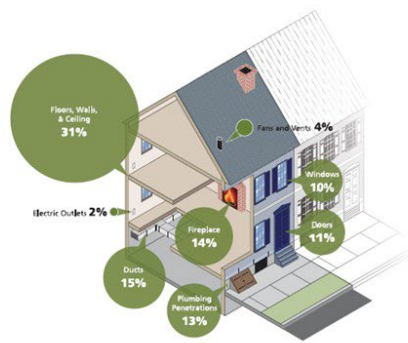
6. Non-Historic (Non-Contributing) Building Treatment
 - General Description of Non-historic Buildings
 - Routine Maintenance
 - Maintenance, Repair, Replacement, & Material Guidelines for Historic Buildings
7. New Construction/Infill Guidance
 - Building Placement, Orientation, Massing, Scale, & Form
 - Building Elements & Materials
 - New Accessory Structures/ADUs (associated with new primary construction)

Content Preview – Non-Historic (Non-Contributing) Buildings & New Construction/Infill Guidance



8. Site, Setting, Signage, & Public Art
9. Alternative Materials
 - Educational Information
 - Evaluating Alternative Materials
 - Flow Chart for Consideration of Material Replacement
 - Documentation Requirements
 - Considerations for Historic Buildings
 - Considerations for Non-historic Buildings
10. Relocation & Demolition
11. Flood Mitigation

Content Preview – Other Considerations



Graphic from the National Park Service's Preservation Brief 3 – Improving Energy Efficiency in Historic Buildings showing where air escapes from a house (by percentage). Image based on data from Energy Savers, U.S. Department of Energy. Illustration: Blank Space LLC.

FACTS ABOUT WINDOW REPLACEMENTS



More heat is generally lost through the roof and uninsulated walls than windows. Adding a little more insulation can save more energy (and money) than replacing windows can.

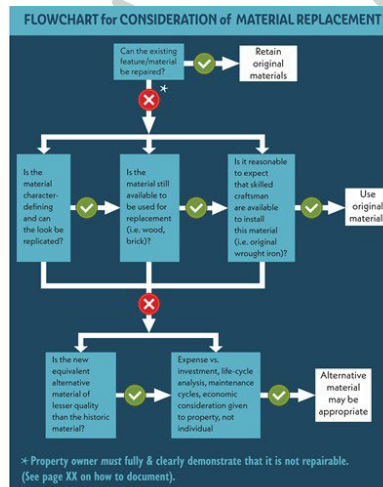


The materials new windows are made out of (like vinyl or PVC) often create toxic by-products during production and are not as "green" as they are marketed to be.



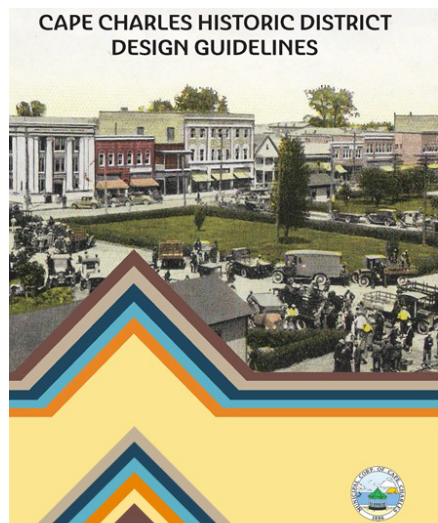
While your historic windows were built to be repaired, lasting 50-100 years or more, replacement windows cannot be repaired and often need to be replaced within 10-25 years. To continually replace replacement windows is not sustainable.

Content Preview – Educational Information



Cape Charles Historic District Design Guidelines Chapter 9 9-3

Content Preview – Flow Chart for Consideration of Material Replacement



Town of Cape Charles Guidelines for Citizen Participation - Speakers

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the presenters and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the presenters and Town should consider.
- Speaker's comments will be made part of the record. If other supportive material is available, it should also be delivered to the Town for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon presenters, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Questions & Discussion

Questions from Participants

1/27/22 CAPE CHARLES HD GUIDELINES
DRAFT #1 PUBLIC MTG.

KG - How will new guidelines be disseminated once adopted?

- tri-fold summary
- to area realtors

KG - Simplifying the Guidelines → How?
what does this mean?

- process streamlining
 - admin. reviews
 - revise application - yet get sufficient detail!
 - ordinance reco's

KN - Do other communities updating their guidelines ever say they want to look like Cape Charles?

→ YES!

(2)

AB - Did public survey ask how long have lived in CC?

→ Yes

AB - Where did CPG get list of alt. materials? Need to be specific and appropriate for CC

→ we get from all over but yes needs to be appropriate for CC and will be

TH - Need page #s

→ will be included

KG - If something can't be repaired need documentation to justify "from a licensed, experienced architect. This is expensive and sometimes hard to obtain

→ we understand

→ make it a suggestion instead?

(3)

KG - Somethings Board asks for can be perceived to be adding costs to a project.

→ there ~~are~~ is a pause in the process by asking this question

community member

- Are there Board members with professional qualifications?

→ KN - it is a requirement to have certain qualifications (some, not all); however, CC may not have Board applicants with these qual's., so we do our best

" - Can an "advisor" be added to consult as needed?

→ Yes and can also seek outside advice

→ where there is sufficient documentation in the application, it helps in decision-making process

community
member

- Comment:

4

Standards vs. guidelines - can be
new to town confusing!

- ordinance regulates,
guidelines are a "play book"
that help implement the ordinance
- ~~no~~ no "shall's" but "should's"
or "may's" in the Guidelines
- why important to apply them
consistently and why important
for them to be clear
- with new guidelines there will be
transition

EW - Violations - will they be addressed?

- typically in the ordinance
not in the Guidelines
- Guidelines will reference what
Zoning Ord. or ~~the~~ Town Code
says re: type of violation
and penalties/fines

EW → need to follow through on whatever enforcement mechanism in Code says

(5)

KN — adoption of new Guidelines won't in and of itself impact violations enforcement

Town is hiring add'l inspections staff

— Key is to educate and get Guidelines distributed

~~Major~~ - Comment:

Jim Bennett

— wants searchable PDF for next draft

TH

— for example, wood windows

— flow chart will be helpful!

— Ch. 9 - ALT MATERIALS seems more restrictive vs. using less-lenient SDIS Standards for Rehab

→ best way (from experience) to provide 1st draft is to focus on content text vs. heavy on graphics to obtain critical feedback
2nd draft will address comments from 1st draft then add graphics

JH - Town Council should review Draft #1 ⑥
and send comments to T Mgr.

→ CPG: will consider all comments
and adjust in Draft #2

AB - on survey, $\frac{2}{3}$ prop. owners in HD
did CPG weigh those responses more
heavily in draft?

→ CPG observed this in survey
responses but all stakeholders
need same information

EW - clarify comment made re: windows:
TH was referencing porches not
windows b/c wood doesn't hold up
on porches

→ why alt. materials flowchart
is helpful

→ maintenance + repair guidelines
and enforcement can prevent need
for replacement

December 2021 Treasurer's Report

Page 1 – Cash Position

- Tax revenue not needed at this time was moved from the operating account to the money market account.

Page 2 – Revenue vs. Expenditures

- No comments.

Page 3 – Capital Projects

- Another invoice for rebidding services for the Multi-use Trail Project was paid.

Page 4 – Tax Collection Rate

- Real property tax collections is at 95% of billed and 97% of budgeted as of the end of December.

Page 5 – Tax Revenue Trends

- Business license due date was extended in FY 2021, which may cause collections for July 2021-March 2022 to be lower the previous year.

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

Cash on Hand	11/30/2021	12/31/2021	Increase/ (Decrease)
Atlantic Union Bank Checking Account	\$1,595,396	\$581,807	-\$1,013,589
Atlantic Union Bank Money Market Account	\$2,521,530	\$4,021,598	\$1,500,068
LGIP Account 1 - Unrestricted	\$104,252	\$104,260	\$8
LGIP Account 2 - Unrestricted	\$295,554	\$295,578	\$24
Total Cash On Hand	\$4,516,732	\$5,003,243	\$486,511

Restricted and Reserved Cash Balances	11/30/2021	12/31/2021	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$6,871	\$6,961	\$90
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,590	\$257,583	-\$7
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
Atlantic Union Money Market # ARPA CRF #5847	\$528,660	\$528,673	\$13
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,736,186	\$1,736,321	\$135
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$1,252,121	\$1,252,218	\$97
Total Cash Held in Reserve	\$3,832,460	\$3,832,788	\$329
Total Cash - All Accounts	\$8,349,192	\$8,836,031	\$486,839

DEBT SERVICE

Net Debt as of Current Reporting Month End \$6,419,908
(Excludes USDA vehicle and equipment loans)

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

December 31, 2021

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$570,954	\$2,169,906	\$2,805,402	\$635,496	\$3,536,507	79.33%
EXPENDITURES	\$237,103	\$1,570,098	\$1,438,527	-\$131,571	\$3,536,507	40.68%
NET	\$333,852	599,808	\$1,366,875	\$767,067	\$0	
GENERAL Capital						
REVENUE	\$3,569	\$114,541	\$42,030	-\$72,511	\$1,197,762	3.51%
EXPENDITURES	\$1,614	\$13,684	\$7,824	-\$5,860	\$1,197,762	0.65%
NET	\$1,955	\$100,857	\$34,206	(\$66,651)	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$70,737	\$104,166	\$33,429	\$258,614	40.28%
EXPENDITURES	\$0	\$70,737	\$104,166	\$33,429	\$258,614	40.28%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$74,403	\$0	\$201,564	\$201,564	\$948,115	21.26%
EXPENDITURES	\$12,955	\$0	\$245,578	\$245,578	\$948,115	25.90%
NET	\$61,447	\$0	(\$44,014)	(\$44,014)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

December 31, 2021

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$150,438	\$907,967	\$798,423	-\$109,544	\$1,825,021	43.75%
EXPENDITURES - Operating	\$63,658	\$340,346	\$340,753	\$407	\$993,224	34.31%
NET	\$86,781	\$567,620	\$457,669	(\$109,951)	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$0	\$163,100	\$163,100	\$104,751	155.70%
REVENUE - FACILITY FEES	\$42,400	\$190,060	\$262,752	\$72,693	\$254,400	103.28%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, FACILITY FEES	\$42,400	\$354,980	\$425,853	\$70,872	\$936,548	45.47%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$164,921)	\$0	\$164,921	(\$831,797)	
HARBOR						
REVENUE - Operating	\$33,026	\$594,461	\$453,121	-\$141,340	\$833,500	54.36%
EXPENDITURES - Operating	\$35,910	\$442,330	\$368,806	-\$73,524	\$772,500	47.74%
NET	(\$2,884)	\$152,131	\$84,316	(\$67,815)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$30,754	\$30,754	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$33,094	\$33,094	\$102,657	32.24%
EXPENDED - Capital Projects, Debt Svc	\$0	\$107,873	\$33,094	-\$74,779	\$163,657	20.22%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$107,873)	\$30,754	\$138,627	(\$61,000)	
SANITATION						
REVENUE	\$20,483	\$101,742	\$123,138	\$21,396	\$390,595	31.53%
EXPENDITURES	\$20,957	\$100,584	\$91,405	-\$9,179	\$390,595	23.40%
NET	(\$475)	\$1,158	\$31,733	\$30,575	\$0	

FY 2022 Capital Improvement Project Tracking Report

As of:
12/31/2021

	FY22 Status or Start Date	Percent of Completion	FY22 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY22 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Pending</u>	1%	\$ 929,922	\$ -	\$ 5,876	\$ -	\$ -	\$ 5,876	\$ 924,046
Mason Avenue Parking, Planning & Construction	<u>Suspended</u>	2%	\$ 34,240	\$ 848	\$ -	\$ -	\$ -	\$ 848	\$ 33,392
Storm Sewer Video-Mapping, Phase 2	<u>Suspended</u>	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Municipal Center Replacement	<u>In process</u>	0%	\$ 130,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 130,000
Central Park Gazebo Upgrades	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Fountain	<u>Pending</u>	0%	\$ 36,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000
Public Trash Cans	<u>Pending</u>	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Final Installation of Zipline	<u>Complete</u>	42%	\$ 2,600	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100	\$ 1,500
subtotal	\$ -		\$ 1,197,762	\$ 1,948	\$ 5,876	\$ -	\$ -	\$ 7,824	\$ 1,189,938
Utility Fund -Water									
Water Tank Mixer/Power Vent (FY2021 carryover)	<u>Suspended</u>	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Remote Read Water Meters - starter setup carryover	<u>Suspended</u>	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
(AMI)/AMR Auto Read Water Meters - Phase 2	<u>Suspended</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Utility Fund - Wastewater									
Washington Avenue Pump Station Rehab Phase	<u>Suspended</u>	0%	\$ 39,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,151
Sewer Pod Controller Upgrades Phase 1 of 5	<u>In process</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 180,636	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180,636
Harbor Fund									
Harbor Capital Evaluation Plan	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Structural Piling Repair	Quotes Obtained	0%	\$ 36,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000
East Inner Harbor Rehabilitation	Pending	0%	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000
subtotal	\$ -		\$ 61,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,000
TOTAL	\$ -		\$ 1,439,398	\$ 1,948	\$ 5,876	\$ -	\$ -	\$ 7,824	\$ 1,431,573

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

December 31, 2021

YTD 2021 Real Estate Tax Collections

Total Taxable Land Value	179,657,188	
Total Improvement Value	306,863,500	
Exemptions	(4,196,393)	
Additional Assessments (SCC Utility)	2,660,911	
Total Real Estate Value (taxable)	484,985,206	
 Total Budgeted	 1,484,511	
Total Tax Billed	1,515,946	
Total Adjustments	6,758	
Total Collected YTD (percent of billed)	<u>1,444,351</u>	95%
Amount Due per Accounts Receivable	78,353	

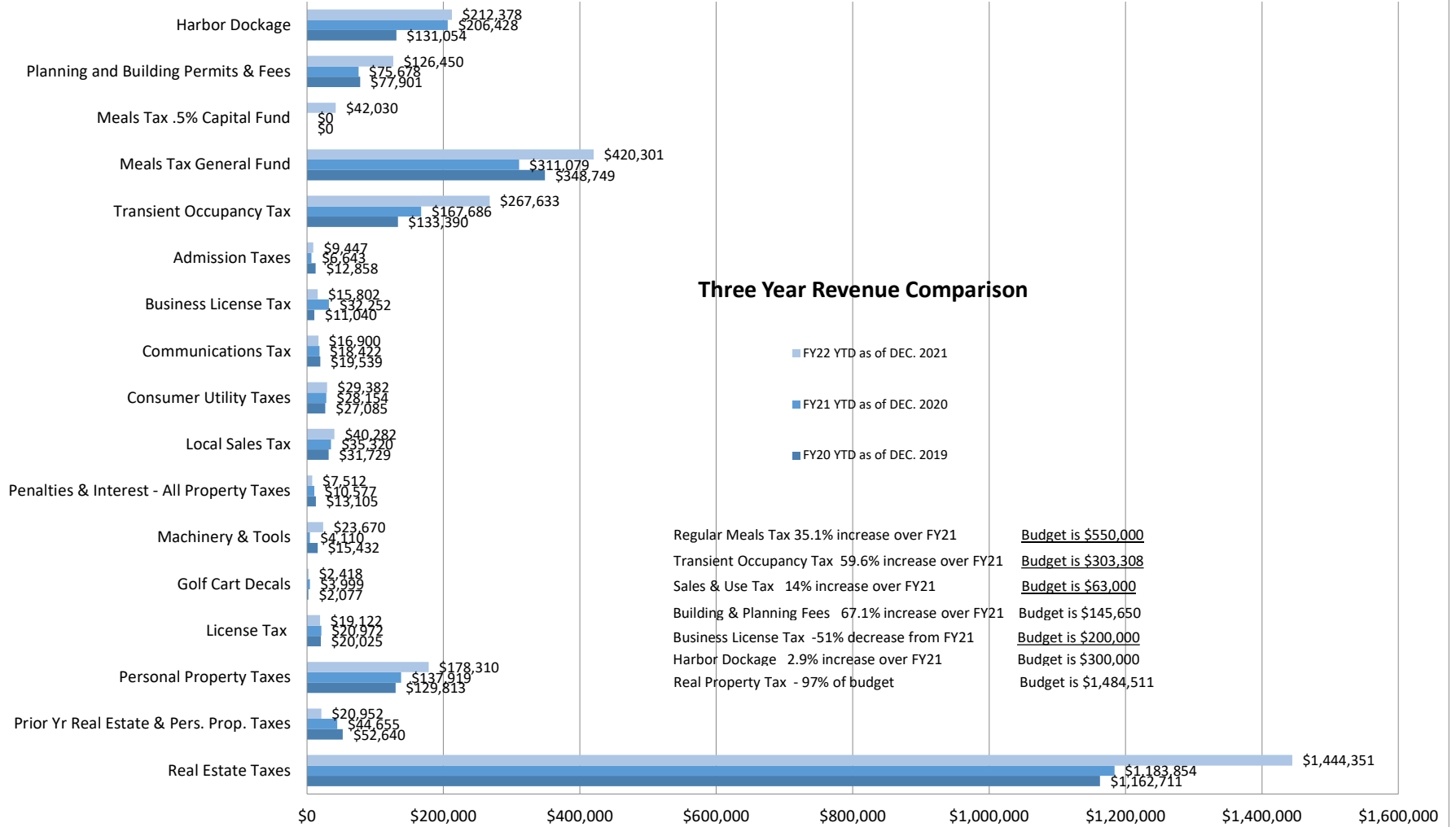
YTD 2021 Personal Property Tax, Machinery and Tools Tax & 2021 License Tax Collections

Total Personal Property Value	23,415,700	
2021 Initial Assesement Exonerations & Proration	(424,083)	
Personal Property Value, billed	22,991,617	
 2021 Supplemental Assessments	 -	
2021 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2021 and 2021 supplemental	22,991,617	
 Total Budgeted	 153,000	
Total Tax Billed less PPTRA	303,178	
2021 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	(19,596)	
Total Collected YTD (percent of billed)	<u>221,102</u>	78%
Amount Due per Accounts Receivable	62,480	

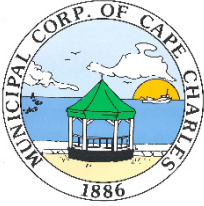
YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

Total Budgeted	86,150	
Total Collected (percent of budget)	<u>28,465</u>	33%
Amount Due Per Budget	57,685	

Three Year Revenue Comparison



Regular Meals Tax 35.1% increase over FY21 Budget is \$550,000
 Transient Occupancy Tax 59.6% increase over FY21 Budget is \$303,308
 Sales & Use Tax 14% increase over FY21 Budget is \$63,000
 Building & Planning Fees 67.1% increase over FY21 Budget is \$145,650
 Business License Tax -51% decrease from FY21 Budget is \$200,000
 Harbor Dockage 2.9% increase over FY21 Budget is \$300,000
 Real Property Tax - 97% of budget Budget is \$1,484,511

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit at 630 Tazewell Avenue for Accessory Dwelling Unit		AGENDA DATE February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Public Hearing on Conditional Use Permit at 630 Tazewell Avenue for Accessory Dwelling Unit (ADU)		ITEM NUMBER: 3A and 8A
	ATTACHMENTS: Planning Commission December Agenda Packet for Conditional Use Permit: Staff Report, Application and amended Letter of Intent dated December 6, 2021 and letter of comment from Jill Monarch		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 Conditional Use Permit application from Steve and Kate Keeler at 630 Tazewell Avenue to convert the second floor of an existing, 638 sq. ft. accessory structure as an accessory dwelling with the first floor to be utilized as a garage. The proposed conversion of the second floor to an accessory dwelling unit requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



ITEM SPECIFICS:

A Conditional Use Permit 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.

The Planning Commission held a public hearing at their December 7, 2021 meeting. The staff report dated November 30, 2021 was presented. The applicants were present and submitted a revised Letter of Intent dated December 6, 2021 and offered testimony to clarify and restate their understanding of the ordinance requirements concerning the Length of Stay and acceptance of said requirements and their intent to adhere to said requirements. No further public comment was offered and the Planning Commission closed the public hearing.

PLANNING COMMISSION RECOMMENDATION:

A motion was made by Commissioner Grossman and seconded by Commissioner McCoy to recommend approval of the Conditional Use Permit to the Town Council with the following motion: The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 630 Tazewell Avenue on an application filed by Steve and Kate Keeler and further amended by their revised Letter of Intent dated 12/6/2021, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) . The motion was approved.

TOWN COUNCIL

Town Council is requested to hold their public hearing and consider the recommendation by the Planning Commission to favorably approve the Conditional Use Permit application by Steve and Kate Keeler at 630 Tazewell Avenue.



PLANNING COMMISSION STAFF REPORT

Meeting Date: December 7, 2021

Item #: #4 – 630 Tazewell Avenue

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

Date: November 30, 2021

APPLICANT: Kate & Steve Keeler
SITE ADDRESS: 630 Tazewell Avenue

TAX MAP: 83A3-1-437 & 436
LOT SIZE: 11,200 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: An accessory dwelling unit located on second floor of accessory structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: October 13, 2021

DATE DEEMED COMPLETE: October 25, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): January 24, 2022

NARRATIVE OF PROPOSAL

The applicant has an existing, 638 sq.ft. accessory structure on the property with the first floor used as a garage and a finished second floor that the owners of the property would like to build out and use as an overflow area for family and guests but not as a rental unit. Since the proposed utilization of the second floor of the accessory structure meets the requirement of the Accessory Dwelling definition, I advised the applicant to apply for a Conditional Use Permit to ensure full compliance with the zoning ordinance.

AERIAL MAP: *Property outlined in blue*



ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.*
- b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

Cape Charles Zoning Ordinance Section 4.3 states that “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

- 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.

2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town.

In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

STAFF ANALYSIS:

The application for the second story use of an existing, 638 sq. ft. accessory structure as an accessory dwelling unit and the first floor for continued garage parking meets the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J) with the exception that the applicant has indicated that the accessory dwelling would be used as overflow for the family and has signed the Accessory Dwelling Unit Checklist which includes the statement regarding the length of stay requirement but the narrative submitted does not seem to comport with the length of stay requirement.

The Cape Charles Comprehensive Plan Section III.A.5.2. identifies a goal to “Promote compatible infill development and renovation within established neighborhoods” and to specifically “Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options”.

I have spoken further with the applicant about the conversation that the Planning Commission had at the November meeting that this application did not seem to meet the definition of the Accessory Dwelling Unit and its requirements as it pertains to length of stay. I did indicate in that conversation that, based upon the information supplied to the office which indicated that the space was fully outfitted with a kitchen and bathroom and the intent to utilize the space for dwelling, that I am the one who encouraged them to submit a Conditional Use Permit to ensure compliance with the ordinance for an accessory dwelling since the length of stay could be achieved and wanted to ensure the structure would be legal.

I learned during the conversation with the Planning Commission at the November meeting the intent and history of the adoption of the Accessory Dwelling Unit section of the Zoning Ordinance and now realize that I may have provided poor guidance to the applicant about submitting an application; however, my understanding of the ordinance allows for a minimum 30 day stay of any person or persons and does not distinguish between any familial relationship or friendship to the property owner vs a stranger; it does not indicate that the 30-day stay must be done by the same people; and it also indicates that the 30-day

length of stay does not have to be for a fee; therefore, I do find the application in conformance with the ordinance but will withhold a full zoning clearance declaration to allow the applicant to speak about their intent for the structure and address the length of stay requirement more fully at the public hearing.

I discussed this with the applicant and also indicated that using the accessory structure for any sort of dwelling by the family does not appear to be allowed by some Planning Commissioner's consideration of the zoning ordinance if the 30-day stay component is not met.

The applicant indicated that they would like to consider all of this and would discuss this further with the Planning Commission at the public hearing and would still like to proceed with the public hearing even though it appears the Planning Commission may not recommend favorable consideration of this application based upon the length of stay requirement in the ordinance for Accessory Dwelling Units.

RECOMMENDATION TO PLANNING COMMISSION

I am recommending that the Planning Commission convene and hold the public hearing and receive any public comment and discuss the components of the application for 630 Tazewell Avenue with the property owners. I am prepared to assist the Planning Commission in the development of a motion based upon any information that is forthcoming at the public hearing.

Attachments:

Attachment 1 – CUP Application



CONDITIONAL USE PERMIT APPLICATION

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

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

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☒ Letter of intent clearly explaining project
- ☒ Existing site plan or survey
- ☐ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☒ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: Keddey Carriage House
Property Address: 630 Tazewell Ave
Brief Description of Project: Build out of second floor of Ex. Two story Garage
Zoning District: R-1 Current Use: Accessory bldg Proposed Use: Accessory dwelling unit

OWNER INFORMATION

Name and Company: Kate and Steve Keddey
Mailing Address: 630 Tazewell Ave, Cape Charles Va 23310
Phone Number: 540-931-4281 Email: Kate.obenshain@gmail.com

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: Claudine Pierce Peacock Cottage LLC
Mailing Address: 10 Tazewell Ave, Cape Charles Va 23310
Phone Number: 703-609-5818 Email: mypeacockcottage@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: Claudine A Pierce Date: 10/13/21

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

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: Address: 630 Tarzwell Ave The following criteria are required for one accessory dwelling to be maintained on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

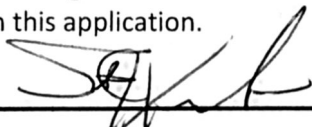
1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 638 sq.ft.
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☐ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

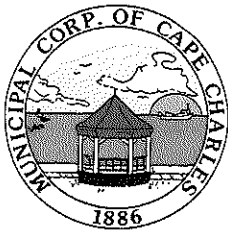
The following conditions must be maintained for an accessory dwelling unit on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3: 1. Occupancy characteristics.

- a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.
 - b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.
2. Other requirements.
- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: 



OWNER PERMISSION AFFIDAVIT

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

PROPERTY INFORMATION

Subject Property Street Address: 630 Tazewell Ave
Subject Property Tax ID Number: _____

OWNER INFORMATION

Name (Person, Firm, Corporation, or Agency): Kate Keeler
Mailing Address: 630 Tazewell Ave, Cape Charles, VA 23310
Phone Number: 540-931-4281 Email: kate.obenshain@gmail.com

APPLICANT INFORMATION (If applicable)

Name: Peacock Cottage LLC - Claudine Pierce
Mailing Address: 10 Tazewell Ave
Phone Number: 703 609 5818 Email: mypeacockcottage@gmail.com

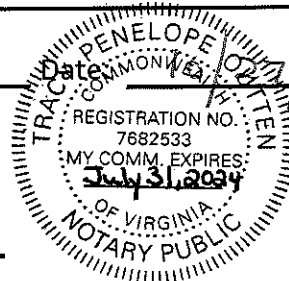
I am applying for, or I hereby give authority to the applicant to file an application for:

Steven and Kate Keeler

Signature of Owner: Kate Keeler

Commonwealth of Virginia

County of Northampton



The foregoing instrument was acknowledged before me this 27 day of October,
2021, by Kate Keeler (name of person acknowledged).

Signature of Notarial Officer: Traci Outten

Notary Registration Number: 7682533

My Commission Expires: July 31, 2024



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

PEACOCK COTTAGE LLC

10 Tazewell Ave.
Cape Charles, VA 23310
mypeacockcottage@gmail.com

October 13th, 2021

To: Zoning Administrator
Town of Cape Charles

Re: Letter of Intent
Conditional Use Permit for an Accessory Dwelling Unit
630 Tazewell Avenue

Dear Katie

The owner's of 630 Tazewell have an existing two story carriage house located on the rear east side of their property that currently houses a two car garage on the first floor and an open finished space on the second floor. The existing accessory building was permitted and built by a previous owner and is not considered a historic contributing structure.

The new owners, Kate and Steve Keeler, would like to maintain the garage space on the first floor and build out the second floor to provide a family overflow area for the main house. The proposed second floor layout would contain a bathroom and a kitchenette area. The Keelers do not intend to use this building now or in the future as a rental unit or for profit of any sort.

The exterior renovations associated with the proposed new build out were approved by the Historic District Review Board on 7/21/21. There is also off street parking for at least five cars provided in the existing driveway.

The proposed accessory dwelling unit meets all "physical characteristics" as per Article IV Section J.1 and "other requirements" per Article IV Section J.3 including off street parking.

We have attached an existing site plan, drawings of the carriage house as approved by the Historic District Review and the Certificate of Appropriateness.

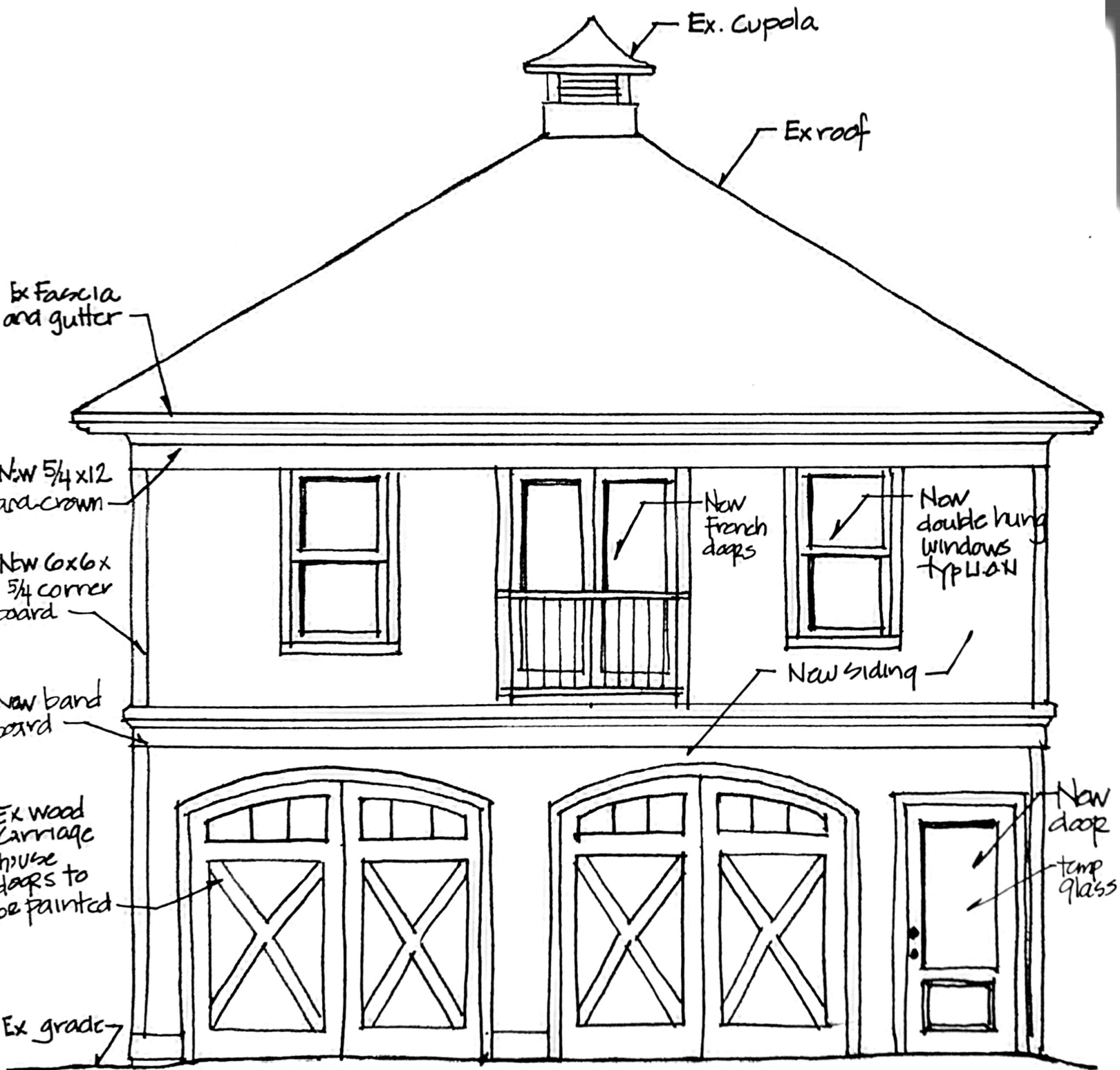
Please let us know if you need any additional information to complete this application.

Best,

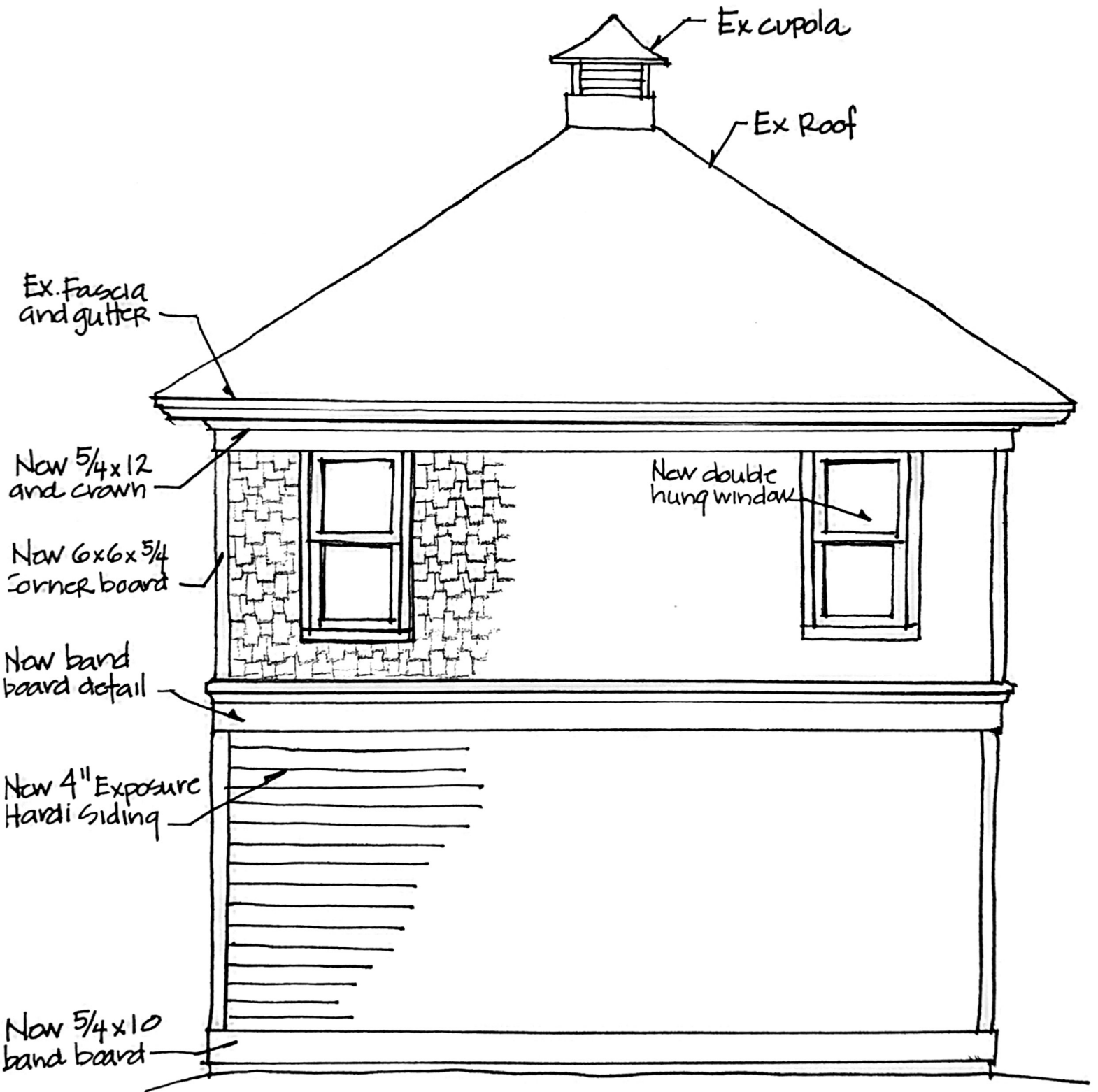


Claudine Pierce
703-609-5818

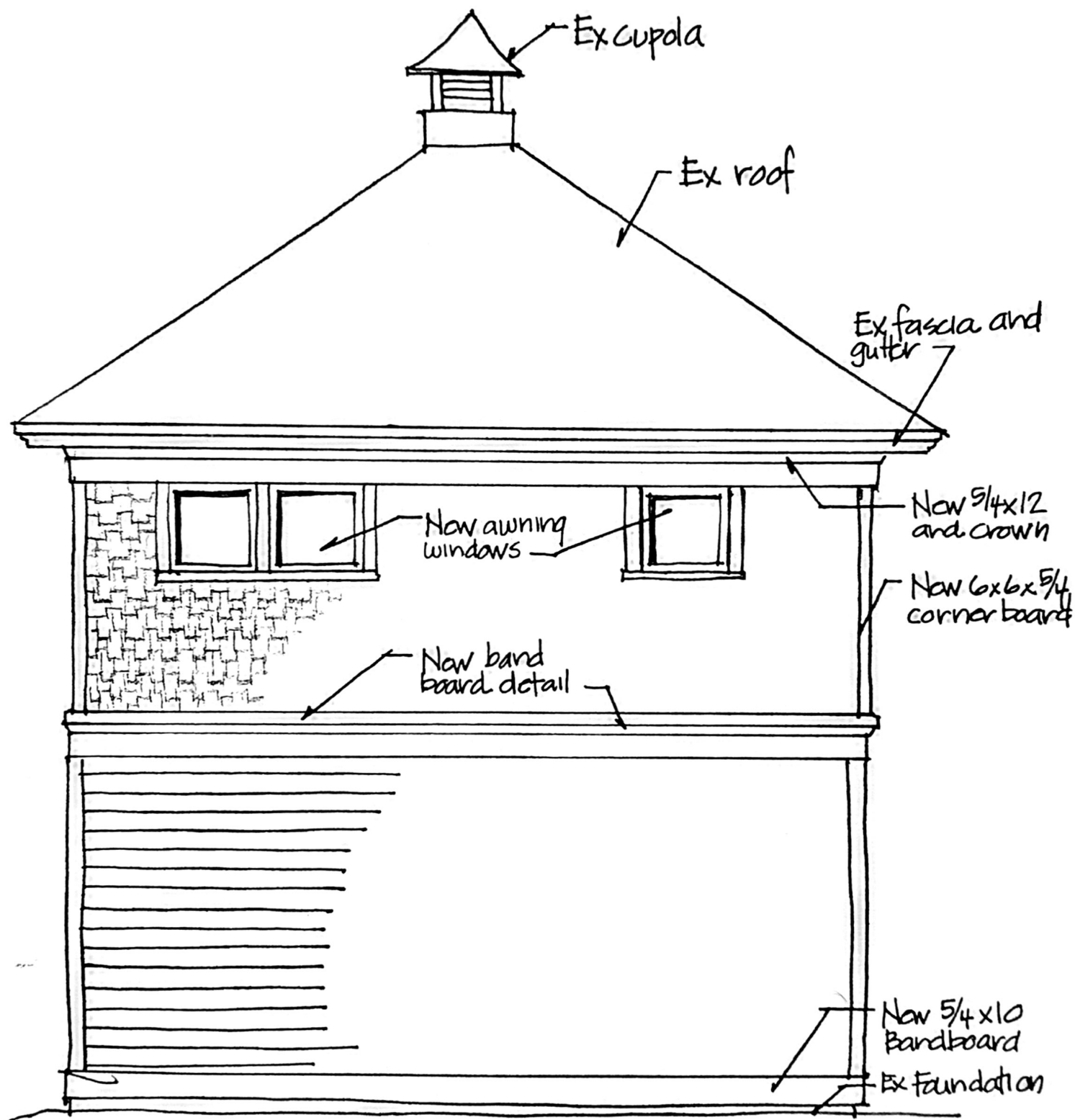
FIELD BOOK: FILE COPY
PROJ. NO: 21125



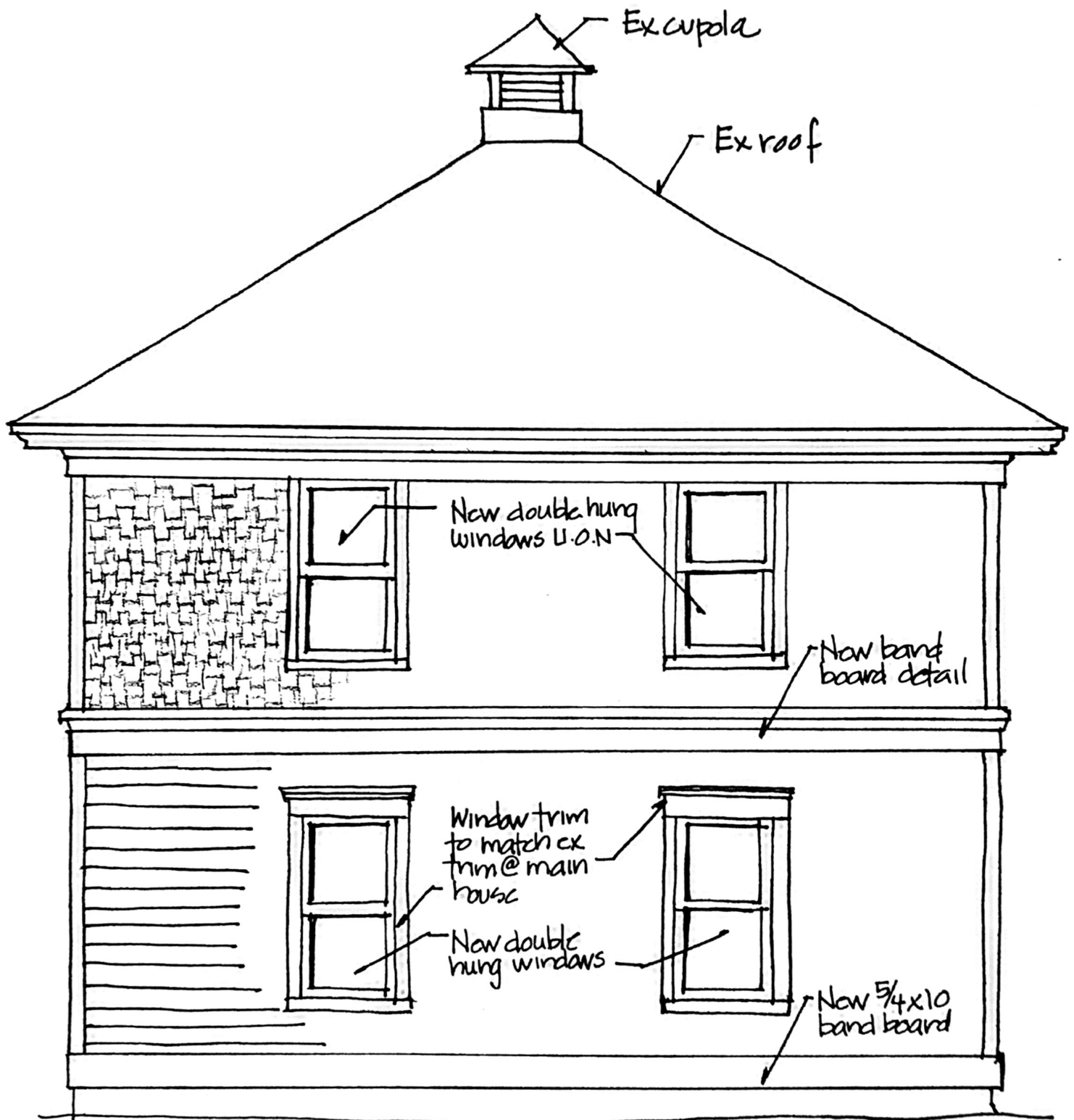
North Elevation - Tazewell Side



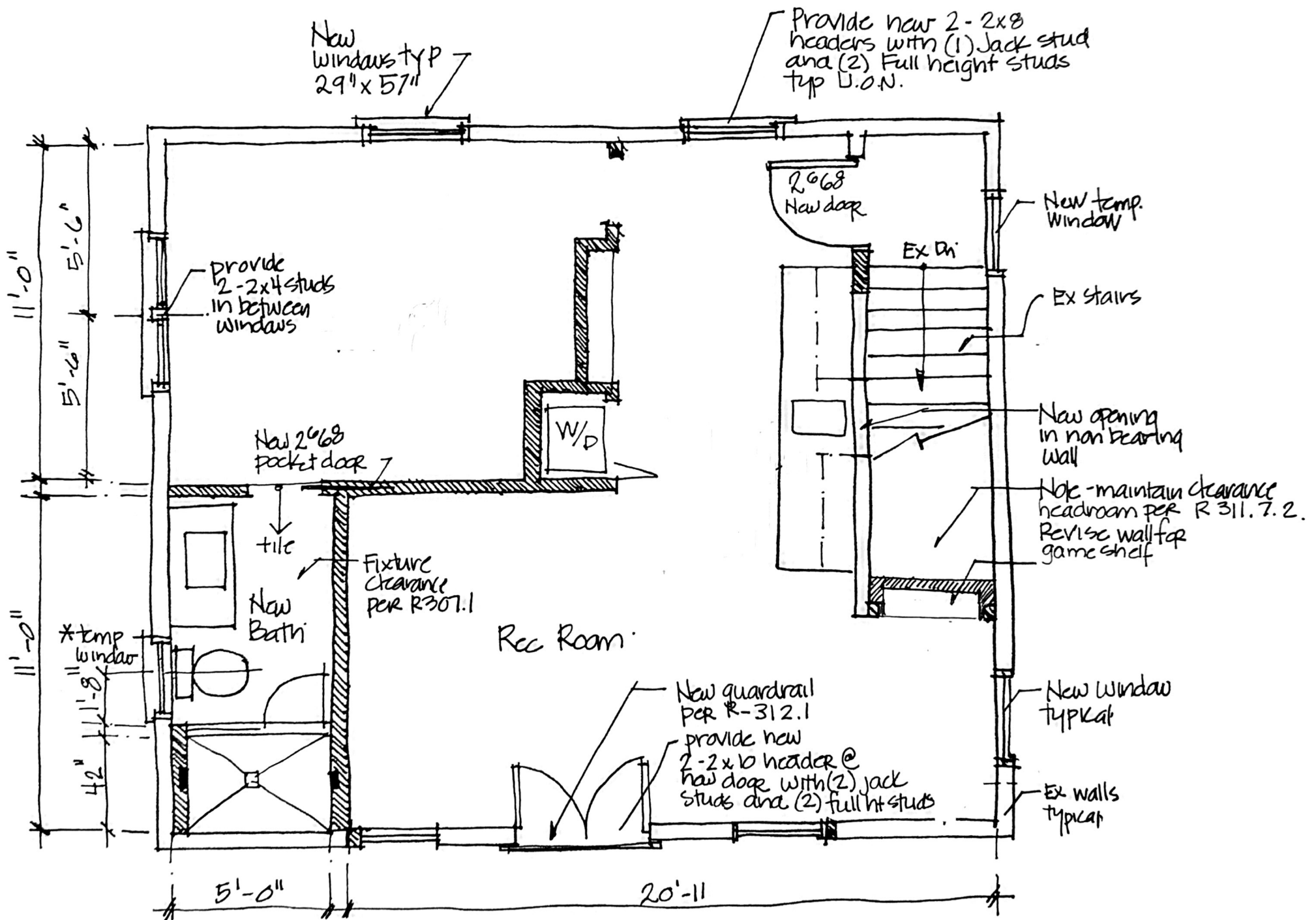
West Side Elevation



East Side Elevation



South Side Elevation



Proposed Floor Plan.



**MUNICIPAL CORPORATION OF
CAPE CHARLES
HISTORIC DISTRICT REVIEW BOARD**

Date Issued: 7/21/2021

Issued to: Claudine Pierce, Peacock Cottage LLC
10 Tazewell Avenue
Cape Charles, VA 23310

For Property: 630 Tazewell Avenue
Cape Charles, VA 23310

This Certificate of Appropriateness has been issued for the above-noted property for the purpose of:

Renovating the existing two-story garage as follows: (1) replace existing first floor service door with new, painted door with a single glass panel over two double raised wood panels. Will retain the garage doors – just refreshing with paint; (2) replace existing second floor left and right side windows on the north side with new double hung windows in similar size to the house windows; (3) replace the middle window on the second floor with a pair of French doors; (4) add double hung windows on the second floor south and east side where there are currently no windows; (5) replace the existing awning windows on the west side with new double hung windows in a similar size as the existing house windows; and (6) replace the existing vinyl shingle scalloped upper siding with new painted Hardie shingle siding and the lower vinyl siding with new 5" exposure Hardie siding on the lower half and add a mid-point trim band. New windows will be trimmed to match the existing home window trim detail using composite materials. The Historic District Review Board approved the application as presented.

Designated conditions to be met are as follows: N/A

This Certificate of Appropriateness shall be valid for only the specific use described above. It is valid for a period of one year after the date of approval; if not acted upon within one year, or if work is suspended or abandoned for a period of twelve months after work has commenced, this Certificate of Appropriateness shall become null and void.

There is a thirty day right of appeal of this decision by the owner of the property or by any party aggrieved, pursuant to Cape Charles Zoning Ordinance Section 8.32.

Edward Wells

Chair, Historic District Review Board

7/21/2021

Date

Planning Technician

7/21/2021

Date

PEACOCK COTTAGE LLC

10 Tazewell Ave.
Cape Charles, VA 23310
mypeacockcottage@gmail.com

October 13th, 2021

To: Zoning Administrator
Town of Cape Charles

Re: 630 Tazewell Ave
Conditional Use Permit
List of adjacent property owners.

Dear Katie,

Per the Conditional Use Permit Checklist here are the names and addresses of the adjacent property owners.

Properties on either side of 630 Tazewell:

620 Tazewell Ave:
Claudette Lajoie
127 Peach Street.
Cape Charles, VA 23310

638 Tazewell:
Robert and Wendi White
375 Outwater Lane
Saddlebrook, NJ 07662

Properties across the street from 630 Tazewell:

615 Tazewell Ave:
David and Fleur Howgill
215 6th St SE
Washington DC 20003

Lot across the Street from the Keelers - we could not find the information for these owner's but they are currently building a new house there.

629 Tazewell:
Sarah and Jim Severs
113 Buckingham Pl.
Waynesboro, VA 22980

Behind 630 Tazewell:

627 Randolph [empty lot]
Traci Hawthorne
13190 Fawborough Rd
Montpelier, VA 23192

Please let me know if you need anything else.

Best,

Claudine Pierce
Claudine Pierce
703-609-5818

December 6, 2021

To: Zoning Administrator
Town of Cape Charles

Re: Amendment to Letter of Intent
Conditional Use Permit for an Accessory Dwelling Unit
630 Tazewell Avenue

Dear Katie:

Thanks to feedback from you, we understand the “family overflow” comment in our letter of intent has caused concern for members of the Planning Commission. We understand that concern, and are hopeful that the Commission will grant our permit with the understanding that we will abide by the Occupancy Characteristics requirement: “No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days.”

We have six adult children between the ages of 19 and 25. We also have an 87 year old mother and 86 year old father. We envision this space as being available for the grown children and/or our parents to come and reside for a period of time--perhaps a few months in between jobs--in the case of our children--or for a more extended time for one of our parents, should that become necessary.

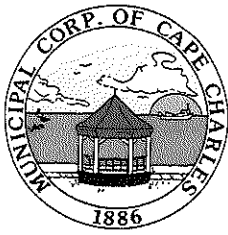
When we submitted this application we did not consider that we would ever rent our space for workforce housing, but after living in Cape Charles for some months now, we realize that need is, indeed, extreme. We would certainly consider renting the space to a teacher or other member of our local workforce; in fact, we would love to make that contribution to the community as we’ve seen the impact of the local housing shortage on local businesses, schools and other organizations.

We respectfully ask that our letter of intent be amended to reflect our understanding of the 30-day occupancy requirement, and our willingness to consider renting our space for longer-term periods toward providing workforce housing. We continue to maintain that we have no intention of using the space for short term rentals.

Thank you for your consideration.

Sincerely,

Steve and Kate Keeler



OWNER PERMISSION AFFIDAVIT

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

PROPERTY INFORMATION

Subject Property Street Address: 630 Tazewell Ave
Subject Property Tax ID Number: _____

OWNER INFORMATION

Name (Person, Firm, Corporation, or Agency): Kate Keeler
Mailing Address: 630 Tazewell Ave, Cape Charles, VA 23310
Phone Number: 540-931-4281 Email: kate.obenshain@gmail.com

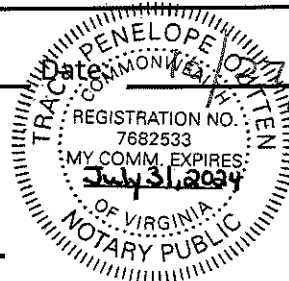
APPLICANT INFORMATION (If applicable)

Name: Peacock Cottage LLC - Claudine Pierce
Mailing Address: 10 Tazewell Ave
Phone Number: 703-609-5818 Email: mypeacockcottage@gmail.com

I am applying for, or I hereby give authority to the applicant to file an application for:

Steven and Kate Keeler

Signature of Owner: Kate Keeler



Commonwealth of Virginia

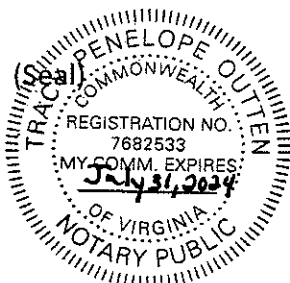
County of Northampton

The foregoing instrument was acknowledged before me this 27 day of October,
2021, by Kate Keeler (name of person acknowledged).

Signature of Notarial Officer: Traci Outten

Notary Registration Number: 7682533

My Commission Expires: July 31, 2024



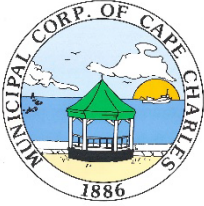
Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

From: [Jill Monarch](#)
To: [Katie Nunez](#); [Tracy Outten](#)
Subject: Steve and Kate Keeler at 630 Tazewell Ave
Date: Tuesday, December 7, 2021 3:52:06 PM

To the Cape Charles Planning Commission,

Our names are Jill and Ken Monarch. We are building the home at 621 Tazewell across the street from the Keelers. We received a letter regarding the work the Keelers would like to do to their home. We would like the commission to know that we support the Keelers in their endeavor to make their home/garage/property suitable for their family needs. We hope the town is able to find a way to accommodate their request. Thank you.

Jill and Ken Monarch

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit for 520 Randolph Avenue for an accessory dwelling unit		AGENDA DATE February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Public Hearing on Conditional Use Permit at 520 Randolph Avenue for Accessory Dwelling Unit (ADU)		ITEM NUMBER: 3B and 8B
	ATTACHMENTS: Planning Commission January Agenda Packet for Conditional Use Permit: Staff Report and Application		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Interim Planning/Zoning Director	REVIEWED BY:	

BACKGROUND:

The Town is in receipt of a Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue to renovate and convert a portion of an existing 38 ft. x 20 ft. (767 sq. ft) accessory structure for an accessory dwelling unit; specifically, the ADU will comprise 520 sq. ft of the structure with the remaining square footage to be used as storage.

The proposed conversion of a portion of the accessory structure to an accessory dwelling unit requires a Conditional Use Permit.

As previously noted, the applicant also owns 530 Randolph Avenue, the adjacent property, which is the recipient of a Conditional Use Permit issued by Town Council on July 18, 2016 to operate a Bed-n-Breakfast and a swimming pool. One of the required conditions contained in the Cape Charles Zoning Ordinance Section 3.2 (C) (3) (a) states that the owner must reside on the premises of the bed-n-breakfast. Ms. Glaser has now provided a written statement via e-mail, that she is relinquishing the Conditional Use Permit for the Bed & Breakfast at 530 Randolph Avenue, dated February 2, 2022.

AERIAL MAP: *Property outlined in blue*



ITEM SPECIFICS:

Zoning review was completed on the application and found to be in compliance with all of the requirements of the zoning ordinance since the accessory is an existing structure. The proposed use of the structure as an accessory dwelling unit requires a Conditional Use Permit which necessitates both the Planning Commission to hold a public hearing and develop 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 conditional use permit application.

The Planning Commission held their public hearing on February 1, 2022 meeting. The applicant was not in attendance and staff presented the staff report dated January 25, 2022, including the full application packet submitted by the applicants. The applicants have signed the ADU Checklist Affidavit acknowledging all of the ordinance requirements for ADUS, including the 30-day consecutive day length of stay.

No public comments were offered and the Planning Commission closed the public hearing to public comment and then fully discussed the application.

There was discussion amongst the Commissioners regarding the staff report and the point regarding the statement from the applicant that she would be utilizing the accessory dwelling unit as her residence until the renovation work is completed on the main house then she would be moving into the main house, but the statement did not include any further statement about the use of the accessory dwelling unit. The Commissioners were satisfied that the accessory dwelling unit affidavit checklist being signed covers the applicants' understanding of the requirements and will comply with all of the requirements.

RECOMMENDATION by PLANNING COMMISSION:

A motion was made by Commissioner Grossman and seconded by Commissioner Butta to recommend approval of the Conditional Use Permit to the Town Council with the following motion:

The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 520 Randolph Avenue on an application filed by Kathy & Todd Glaser, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following conditions:

- 1.) the applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; and
- 2.) the applicant obtains all required permits and approvals from the Building and Planning Department; and further finds that the CUP standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan;
- 3.) upon the occupancy of the Accessory Structure as a dwelling by the applicant at 520 Randolph Avenue, then the Conditional Use Permit issued by the Town on July 18, 2016 for a Bed-n-Breakfast, owned and operated by the applicant at 530 Randolph Avenue, will be relinquished by the applicant since the requirements of the CUP will not be met, particularly the residency requirement for Bed-n-Breakfast establishments. **CONDITION met by Applicant per e-mail dated February 2, 2022.**

TOWN COUNCIL

Town Council is requested to hold their public hearing and consider the recommendation by the Planning Commission to favorably approve the Conditional Use Permit application by Kathy and Todd Glaser at 520 Randolph Avenue.

From: Kathleen Glaser <kathyglaser@hotmail.com>
Sent: Wednesday, February 2, 2022 10:36 AM
To: Katie Nunez
Cc: Tracy Outten
Subject: Conditional Use Permit

Dear Katie,

This email is in response to the questions and discussion of my current CUP application.

I am applying for a CUP for the accessory building at 520 Randolph Ave. I wish to use this building to reside in until the primary dwelling at 520 Randolph is finished. I do not have a specific date for occupancy because that is also under construction. I will reside there until I achieve a COA for the main house. I do not know how long that will be due to delays in construction and materials. After moving from the accessory building, that space will continue to be an accessory unit following all of the rules and requirements for all accessory buildings. I understand the occupancy requirements as evidenced by my signature on the application.

Parking for both residences is available now that can accommodate 5 vehicles for each homes.

On a second matter, I wish to relinquish my CUP for a Bed and Breakfast at 530 Randolph Ave. effective immediately. I wish to keep the CUP for use of the swimming pool.

Thank you,
Kathy Glaser
530 Randolph Ave
Cape Charles, VA

757-274-1589



PLANNING COMMISSION PRELIMINARY STAFF REPORT

Meeting Date: January 4, 2022

Item #: 7A

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

Date: December 28, 2021

APPLICANT: Kathleen & Todd Glaser
SITE ADDRESS: 520 Randolph Avenue

TAX MAP: 83A3-1-580
LOT SIZE: 5,600 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: Renovate to locate an accessory dwelling unit within an existing accessory structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: December 15, 2021

DATE DEEMED COMPLETE:

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory):

NARRATIVE OF PROPOSAL

The applicant is seeking to renovate an existing, 38 ft. x 20 ft. (767 sq. ft.) accessory structure to house an accessory dwelling unit which will only comprise 520 sq. ft. of the structure with the remaining square footage to be used as storage. The proposed use of a portion of an accessory structure as an accessory dwelling unit requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



The applicant has recently applied for and was approved for a Certificate of Appropriateness to renovate the main house at 520 Randolph Avenue. As part of that project, she has indicated that she would like to move forward and renovate the accessory structure to create an accessory dwelling unit that she can reside in while the renovation work occurs on the main structure at 520 Randolph Avenue. When the renovation work is completed on the main structure at 520 Randolph Avenue, this property will then serve as her principal residence.

The applicant also owns 530 Randolph Avenue, the adjacent property, which is the recipient of a Conditional Use Permit issued by Town Council on July 18, 2016 to operate a Bed-n-Breakfast and a swimming pool. One of the required conditions contained in the Cape Charles Zoning Ordinance Section 3.2 (C) (3) (a) states that the owner must reside on the premises of the bed-n-breakfast. I have spoken with the applicant, and she has indicated that she intends on relinquishing the bed-n-breakfast Conditional Use Permit and would retain the Conditional Use Permit for the swimming pool (also approved on July 18, 2016) and that she is looking to close the bed-n-breakfast and utilize this residence as a weekly rental property.

Said relinquishment of the Bed-n-Breakfast Conditional Use Permit would be predicated upon favorable consideration by the Town of this request for a Conditional Use Permit for the Accessory Dwelling Unit at 520 Randolph Avenue.

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings and shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.*
- b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.*

3. *Other requirements.*

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

Staff is requesting the Planning Commission to review the application submitted and provide input and direction to the staff regarding any items of potential concern or clarification and authorize staff to schedule a public hearing on this application for your February 1, 2022 meeting; said public hearing would be held jointly with the Town Council.

Staff will prepare a comprehensive staff report for that public hearing which evaluates the application in compliance with the requirements of the Cape Charles Zoning Ordinance and any other matters identified by the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission schedule a public hearing on February 1, 2022, for a Conditional Use Permit for an Accessory Dwelling Unit at 520 Randolph Avenue on an application filed by Kathleen & Todd Glaser, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

Attachments:

Attachment 1 – CUP Application Packet

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

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

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☒ Letter of intent clearly explaining project
- ☒ Existing site plan or survey
- ☐ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☒ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: Glaser residence
Property Address: 520 Randolph Ave
Brief Description of Project: renovate accessory building into small apartment
Zoning District: r-1 Current Use: r-1 Proposed Use: _____

OWNER INFORMATION

Name and Company: Kathleen and Todd Glaser
Mailing Address: 530 Randolph Ave
Phone Number: 757-274-1589 Email: kathyglaser@hotmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

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: _____ Date: _____

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

Conditional Use Request

I am requesting a conditional use permit for the accessory building in the backyard of my property at 520 Randolph Ave, Cape Charles.

I plan to renovate the building to use as a small apartment for long term use. I am currently renovating the main house which I plan to make my full-time residence, but the work will take longer than anticipated. I would like to finish the accessory building so that I can live there while the work is being done on the main house.

No changes will be made on the exterior except for repairing/recovering the existing roof. I will apply to the HDRB for approval of the roof. The exterior of building will remain as is except for paint to match the color of the finished main house.

The building is 38 ft by 20 ft for a total of 767 sf. I will not be finishing the entire building. I am only finishing an area that is 26 ft by 20 ft (520 sf) and the remainder will be unfinished storage.

Attached is a drawing of the finished plan and site plan.

Neighbors on the east side:

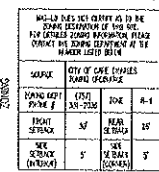
Hannah Baker, 2010 N Upton St, Arlington, VA

West side:

Kathy Glaser 530 Randolph Ave, Cape Charles

South side:

Norman and Margaret Allen



MAS-LLD
 Machine Survey and Land Design
 1527 Cambridge Street, 125-112
 Bay Ridge, New York 11214
 Tel: 718-861-2040
 FAX: 718-861-2040
 WWW.MAS-LLD.COM
 AUTOMATICALLY GENERATED



COMMONWEALTH OF MASSACHUSETTS
 12/26/2018 09:17:00
 12/26/2018 09:17:00
 12/26/2018 09:17:00

RESIDENTIAL SITE PLAN
 of
LOT 580 (D.B. 41, PG. 484)
 T19
KATHY GLASER
 3075 EAST BROADWAY STREET
 NEW YORK, NY 10016

10' DIST. A	10' DIST. B	10' DIST. C	10' DIST. D
FIELD NO.	IN	IN	IN
FIELD DATE	5-27-2018		
TRANSIT	201		
ORIENTATION	45-20-00		

REVISIONS

NO.	DATE	DESCRIPTION

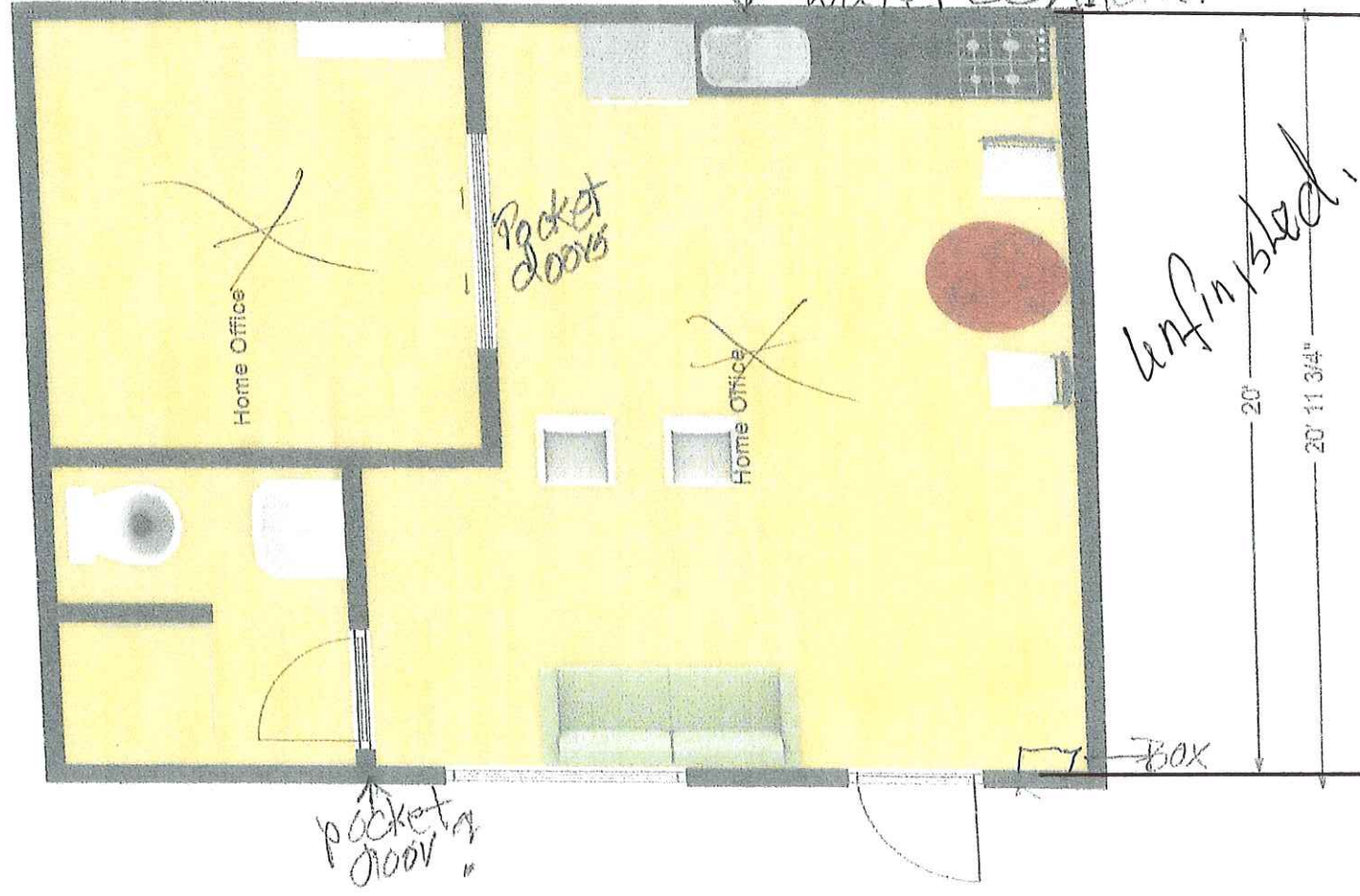
SCALE: 1" = 10'

SHEET

1 of 1

14' 2 5/8" 11' 3 1/2" 26' 11 3/4"

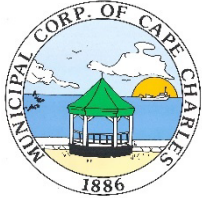
Mini split water connection



unfished.

5' 5 3/8" 12' 5 5/8" 7' 7"



 TOWN OF CAPE CHARLES	AGENDA TITLE: 2022-2023 Renewal of Employee Health Insurance Presentation		AGENDA DATE: February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Council to review and approve the renewal and proposed changes to the health insurance plan for 2022-2023		ITEM NUMBER: 8C
	ATTACHMENTS: Exhibit A – Plan presentation, Exhibit B – Three Plan Comparison from Anthem		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Jodi Outland, HR Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town is currently in Open Enrollment for our employee Health Insurance program which will renew on April 1, 2022. Each year at this time staff presents our renewal options and seeks Council concurrence for program design in the next plan year.

ITEM SPECIFICS:

We had extraordinary rates for our plan last year due to relatively low claims the year before and a pre-covid environment. This next year however, has seen an increase due to higher claims experience and other extenuating factors. While it is an increase from this past year (2021-2022), the rates are consistent with historical costs and no higher than our highest premium rates since 2018.

This proposal recommends renewing our current self/level funded plans with Anthem. While the rates did increase, the increase was less than if we moved to either a traditional ACA Anthem plan or if we switched to a new carrier all together. The other, very important factor, is the current plans offer excellent coverage and options for the employees. Most of the Town's other benefits would remain the same. Specific details are covered in the attached presentation. Also of note: the Town received a Claim Refund Credit from the Allied 2020-2021 plan of \$20,460 which can now be used to help offset employee costs. Plan components include:

Medical Insurance	Vision Coverage
Dental Insurance	Flexible Savings Account
Subsidies for dependent coverage	Subsidies for FSA funding
Subsidies for employees who waive medical insurance	

Staff also recommends reducing some of the ancillary benefits so we can recoup some of the increases on the medical premiums.

RECOMMENDATION:

Staff recommends that Council approves the proposed 2022-2023 (FY23) benefit package which is set to renew on April 1, 2022.

OPEN ENROLLMENT FY23

Renewal of current Anthem plan with three plan options

HISTORY

Plan Year	TOWN Covered Portion	PLANS OFFERED Deductible/monthly cost	DEPENDENTS		Actual Cost
2021-2022	\$549.62/monthly	a. 500/\$549.62 b. 2,500/484.25 c. 4,000/450.28	\$100 subsidy per month for dependents		\$170,276 w/ subsidy
2020-2021	\$677.15/monthly	a. 1,500/\$677.15 b. 3,500/\$589.81	\$100 subsidy per month for dependents		\$218,659 w/subsidy
2019-2020	\$600.00/monthly	a. 1,500/\$519.53 b. 3,500/\$457.28	use difference in actual premium i.e. \$600-\$519.53= 80.47		\$164,778
2018	\$623.43/monthly	a. 2,000/\$639.43 b. 1,000/\$623.43 c. 4,000/\$538.24	N/A		\$201,500

PROPOSED FY 23 ANTHEM RENEWAL

Plan Year	TOWN Covered Portion	PLANS OFFERED Deductible/monthly cost	DEPENDENTS		Actual Cost
2022-2023	\$595.00 monthly	a. 500/\$635.15 b. 2,500/\$556.32 c. 4,000/\$515.24	Allow for only a 5-7% increase for dependent premiums from FY22 to FY23.		\$199,183 w/ subsidy
	*\$595.00 is the middle point between plan 1 and plan 2's single premiums				

MORE HISTORY

- History shows that when we offer affordable plans and subsidies to employees with dependents, employees are more likely to enroll their children. This lowers our age demographic resulting in lower premiums over all.
- Offering an incentive to employees to enroll in higher deductible plans with lower monthly premiums, such as funding their Flexible Spending Account, has lowered the cost to the Town. In 2021 we saved \$2000 by offering a funded FSA to employees choosing the lower cost plan.
- Each year the Town finds a “standard, and affordable plan” in which that premium is allocated to each employee. Employees have to pay the difference if a richer/more costly plan is available.
- The Town’s strong benefit program has been a large retention and recruitment tool.

CURRENT YEAR VERSUS RENEWAL

ANTHEM PLAN	FY22 Monthly Premium Cost	FY22 Monthly Cost to Town	FY23 Monthly Premium Cost	FY 23 Monthly Cost to Town
1. OAPOS \$500/20%/5500	\$549.62	\$549.62	\$635.15 <i>*employees pay \$18.53 per pay period for this high end plan.</i>	\$595.00 <i>(derived by the median of premium amounts of Plan 1 and plan 2)</i>
2. OAPOS \$2500/20%/6500	\$484.25	\$549.62 for employees with dependents \$484.25 plus \$500 FSA for single employees	\$556.32	\$595.00 <i>(a Town funded FSA of \$464, difference in 595.00 and 556.32)</i>
3. OAPOS \$4000/20%/7500	\$450.28	\$549.23 for employees with dependents plus 500 FSA	\$515.15	\$595.00 <i>employer share of entire employee premium</i>

TOTAL COST COMPARISON FY22 TO FY23

YEAR	Annual Anthem Cost	SUBSIDY	Dental, Vision, FSA & Medicare	TOTAL
FY 2022	\$159,476.	\$10,800	\$31,437.68	\$201,713
FY 2023	\$196,206	\$2,976	\$30,873	\$230,055

SUBSIDIES FOR DEPENDENTS

The Claim Refund Credit from the 2020-2021 plan year was \$20,459.00. which legally must be used for health insurance.

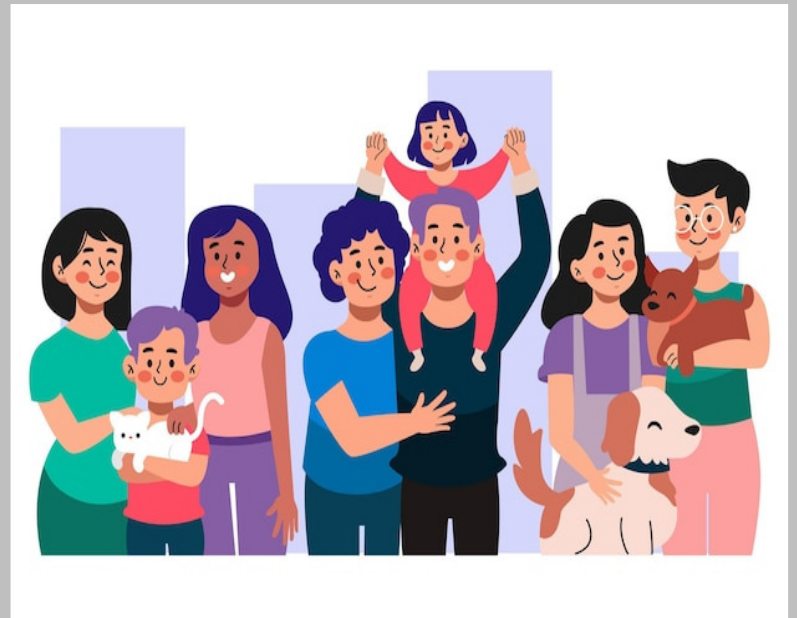
In capping the increase of dependent subsidies to 5% for employee & children and family tiers, and 7% for employee & spouse, the total proposed subsidy cost for FY23 is \$23,435.84. Applying the refund credit:

$\$23,435.84 - \$20,459.52 = \mathbf{\$2,076.32}$ annually.

Last year the dependent subsidy cost was:

\$10,800 FY 22

Thanks to the claim refund, the Town saves \$8723.86 from FY 22.



MONTHLY SUBSIDIES FOR EACH TIER/PLAN AT 5-7%
CAPPED INCREASES FROM FY22 TO FY23

Tier	\$500 Deductible	\$2,500 Deductible	\$4000 Deductible
Employee & Spouse 7% increase	Town: \$203.75 Employee \$598.56	Town: \$184.05 Employee: \$444.84	Town: \$173.87 Employee: \$364.65
Employee & Child(ren) 5% Increase	Town: \$191.58 Employee: \$356.68	Town: \$173.24 Employee: \$233.13	Town: \$163.50 Employee: \$168.94
Family 5% Increase	Town: \$267.08 Employee: \$1106.86	Town: \$235.44 Employee: \$859.08	Town: \$218.68 Employee: \$783.58

# of employees*				Monthly COST		Annual COST		
<u>ANTHEM MEDICAL</u>			Individual Premiums	Town Share		<u>current</u>	<u>proposed</u>	
			<u>FY23</u>	<u>FY23</u>	<u>FY23</u>	<u>FY22</u>	<u>FY23</u>	
Based on actual enrollments plus 4 hypothetical hires.	Single Plan 1	9	\$635.15	\$595.00	\$16,350.56	\$159,476.04	\$196,206.72	
	Single Plan 2	8	\$556.32	\$556.32				
	Either plan with Dependents	11	\$515.24	\$595.00				
<u>Delta Dental</u>		33		\$24.10	\$795.30	\$8,550.00	\$9,543.60	
<u>Dental Dependents*</u>		3		\$25.90	\$77.70	\$1,181.76	\$932.40	
<u>SUBSIDIES For Dependent Costs:</u>								
Total Subsidy FY22		9				\$10,800.00		
Proposed Toal Subsidy for FY 23							\$23,435.84	
2020 Claim Refund Credit							-\$20,459.52	
TOTAL SUBSIDY FROM TOWN						\$10,800.00	\$2,976.32	
<u>VISION - employees covered by Town*</u>		5		\$7.61	\$38.05	\$547.92	\$456.60	
<u>Town Funded FSA for employees choosing one of the less costly plans in FY22</u>								
		7	\$500/year			\$3,500.00		
		8	464.16/year				\$3,713.28	
<u>FSA -EE's waiving Medical Insurance</u>	<u>FY22</u>	9				\$4,500.00		
	<u>FY 23</u>	4					\$2,000.00	
<u>Medicare</u>		3		*varies	\$1,185.65	\$13,158.00	\$14,227.80	
						ANTHEM	\$159,476.04	\$196,206.72
						Other Benefits	\$42,237.68	\$33,850.00
						TOTAL COST	\$201,713.72	\$230,056.72

OTHER CHANGES:

- Staff recommends eliminating the \$500 funded FSA paid to employees who are enrolled in Medicare. Medicare covered employees enjoy a generous increase in salary to help offset their premiums. The Town also covers vision for one subscriber and one dental coverage for a spouse. Staff felt it would be equitable if we drop the \$500 FSA benefit.
- Non-Medicare enrolled employees waiving the plan would continue to receive \$500 towards an FSA

SUMMARY

- Staff has tweaked a few things this plan year, mostly by decreasing some of the ancillary benefits to help offset the increase in the Anthem premiums.
- Staff feels strongly that not only we continue to give options to employees, at least one of which is a 100% covered employee only premium, but to be competitive, find creative ways to offset some of the dependent share of premiums. The Town is fortunate to have had a surplus from FY20 benefit claims resulting in a *claim refund credit*.
- It was no surprise that after a year with exceptionally low premiums, and large claims, we would have this increase. While premiums have increased, they have not exceeded any costs since 2018.

**I STILL DON'T KNOW
WHAT A DEDUCTIBLE IS**

**AND AT THIS POINT,
I'M TOO AFRAID TO ASK**

made on imgur

Medical Plan Comparison

Prepared on February 2nd, 2022

All benefits are subject to the Benefit Period Deductible, except those with in-network copays, unless otherwise noted.

Note: All benefits are listed below as "member pays".	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 500/20%/5500	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 2500/20%/6500	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 4000/20%/7500
Contract Code	6AHC	6AKG	6AKQ
In-network			
Deductible and Out-of-Pocket Accumulation	Embedded	Embedded	Embedded
Deductible Individual	\$500	\$2,500	\$4,000
Deductible Family	\$1,500	\$5,000	\$8,000
Out-of-pocket maximum - individual	\$5,500	\$6,500	\$7,500
Out-of-pocket maximum - family	\$11,000	\$13,000	\$15,000
Coinsurance	20%	20%	20%
Preferred Online (excluding Specialist)	\$5 copay	\$5 copay	\$5 copay
Office Visit: Primary Care Physician (PCP)	\$25 copay	\$40 copay	\$40 copay
Enhanced Personal Health Care	\$15 copay	\$30 copay	\$30 copay
Office Visit: Specialist	\$50 copay	\$75 copay	\$75 copay
Urgent Care	\$50 copay	\$75 copay	\$75 copay
Emergency Room - facility	Deductible, then \$500 copay	Deductible, then \$500 copay	Deductible, then \$500 copay
Ambulatory Surgery Center	\$400 copay	\$400 copay	\$400 copay
Outpatient surgery - facility	Deductible, then 20% coinsurance	Deductible, then 20% coinsurance	Deductible, then 20% coinsurance
Inpatient - facility	Deductible, then 20% coinsurance	Deductible, then 20% coinsurance	Deductible, then 20% coinsurance
Out-of-network			
Deductible (individual/family)	\$2,000 / \$4,000	\$6,250 / \$12,500	\$10,000 / \$20,000
Out-of-pocket maximum (individual/family)	\$13,750 / \$27,500	\$16,250 / \$32,500	\$18,750 / \$37,500
Coinsurance	50%	50%	50%
Pharmacy			
Deductible	Tiers 1, 2: No deductible Tiers 3, 4: Medical deductible applies	Tiers 1, 2: No deductible Tiers 3, 4: Medical deductible applies	Tiers 1, 2: No deductible Tiers 3, 4: Medical deductible applies
Tier 1 - Retail	\$15 copay	\$15 copay	\$15 copay

Note: All benefits are listed below as "member pays".	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 500/20%/5500	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 2500/20%/6500	2022 10-50 ABF Anthem HealthKeepers Balanced OAPOS 4000/20%/7500
	Tier 2 - Retail	\$45 copay	\$45 copay
	Tier 3 - Retail	25% coinsurance (up to \$200 per script)	25% coinsurance (up to \$200 per script)
	Tier 4 - Retail	25% coinsurance (up to \$400 per script)	25% coinsurance (up to \$400 per script)
	Tier 1 - Home Delivery	\$38 copay	\$38 copay
	Tier 2 - Home Delivery	\$135 copay	\$135 copay
	Tier 3 - Home Delivery	25% coinsurance (up to \$600 per script)	25% coinsurance (up to \$600 per script)
	Tier 4 - Home Delivery	25% coinsurance (up to \$400 per script)	25% coinsurance (up to \$400 per script)

N/A (not applicable) will be shown in a benefit when a unique cost share does not exist on a specific plan.

Important notes about pharmacy benefits:

- 2021 Pharmacy plans utilize the Standard pharmacy network. 2020 and earlier pharmacy plans utilize the National pharmacy network.
- Retail pharmacy is a 30-day supply limit, in and out-of-network benefits are combined where out-of-network coverage applies.
- Home Delivery is a 90-day limit. Retail Maintenance is a 90-day limit at participating pharmacies and 30-day limit at others.
- Specialty drug benefits are covered at a 30-day supply limit, combined for in and out-of-network where out-of-network coverage applies.
- For benefit plans that include a separate deductible for pharmacy, the deductible is combined for Retail and Home Delivery services and for both in and out-of-network benefits where out-of-network coverage applies.
- Any RX plan that has a copay in any tier will have a per script maximum in tiers with coinsurance.
- Large Group plans may offer additional pharmacy plans. Contact your Anthem Sales Representative for details.
- For plans with a PreventiveRx benefit, the deductible will be waived for preventive medications on the PreventiveRx Plus pharmacy list.

Important notes about deductible plans and out-of-pocket maximums:

When it comes to deductibles, it's important to understand the difference between an embedded deductible versus a non-embedded deductible. With an embedded deductible, each family member has an individual deductible/out-of-pocket amount. Any deductible amount contributed by an individual will apply to the family deductible amount, but no individual family member is required to contribute more to the family deductible than their individual deductible amount. The out-of-pocket accumulates on an embedded basis as well. With a non-embedded deductible product, all family members have a shared deductible and out-of-pocket family maximum. The entire deductible must be satisfied before coverage can begin for any individual family member. And, the entire out-of-pocket maximum must be satisfied before the family has satisfied the out-of-pocket maximum.

Plans with a deductible component will have the deductible included in the out-of-pocket maximum.

These policies have exclusions and limitations to benefits and terms under the policy in which the policy may be continued in force or discontinued. For costs and complete details of the coverage, contact your insurance agent or contact us.

Anthem HealthKeepers plans are offered by HealthKeepers, Inc. All other plans listed are offered by Anthem Health Plans

of Virginia.

Anthem Health Plans of Virginia, Inc. trades as Anthem Blue Cross and Blue Shield in Virginia, and its service area is all of Virginia except for the City of Fairfax, the Town of Vienna, and the area east of State Route 123. Anthem Blue Cross and Blue Shield and its affiliate HealthKeepers, Inc. are independent licensees of the Blue Cross Blue Shield Association. ANTHEM is a registered trademark of Anthem Insurance Companies, Inc. The Blue Cross and Blue Shield names and symbols are registered marks of the Blue Cross and Blue Shield Association.

Important notes about our ABF Plans:

- Anthem Balanced Plans [ABF] are self-funded plans. ABF plans shown are available to group sizes 10–99
- Groups 10-99 are subject to medical underwriting and rates are based on the health of the group
- Groups cannot elect Fully Insured ACA and ABF plans together
- ABF plans for the 100+ market utilize the Large Group plans listed. Contact your Anthem Sales Representative for more details on ABF.

 TOWN OF CAPE CHARLES	AGENDA TITLE: In-Shore Breakwater Repair Contract Award		AGENDA DATE: February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Authorize contract award to Marine Contracting Corporation.		ITEM NUMBER: 8.D.
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The in-shore sheet pile breakwater was built in the spring of 2020 to protect the floating docks from long period waves generated during sustained wind events. It has functioned as expected, minimizing damage and eliminating the previous unsafe conditions for vessels and personnel. In the spring of 2021, the breakwater was damaged when the northern end was struck by a large vessel. Some of the horizontal timber walers were broken, many of the piling bolts were sheared, one section of sheet piling was deflected downward, etc.

DISCUSSION:

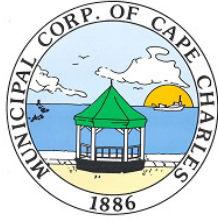
Public Works replaced some of the sheared bolts, but further repairs proved beyond their capability. No local contractors have the capability to reposition the heavy steel sheet piles. Langley & McDonald recently completed their assessment of Town Harbor capital assets and judged the breakwater to be in critical condition and in danger of structurally failing during a severe storm event. Langley has provided a scope of work for the needed repairs.

An Invitation for Bids was issued on January 24, 2022, for repair of the breakwater. One bid was received from Marine Contracting Corporation in the amount of \$121,380. This amount is consistent with Langley's estimate. Marine Contracting Corporation built the in-shore breakwater and is familiar with the design. They are properly licensed for this type of work and are not disbarred or suspended.

The only funding readily available for this project is the American Rescue Plan Act (ARPA) grant (\$528,615), which has been appropriated and included in the FY 2022 budget by Council. No projects have yet been approved for this funding.

RECOMMENDATION:

Staff recommends that Council authorize the Town Manager to award the contract for repair of the in-shore breakwater to Marine Contracting Corporation in the amount of \$121,380, to be funded via the ARPA grant.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Regulation of Conveyances on Sidewalks		AGENDA DATE: February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Consider an ordinance prohibiting bicycles and other conveyances from certain sidewalks.		ITEM NUMBER: 8E
	ATTACHMENTS: 1. Proposed Ordinance 2. Typical Sign		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town Code had long prohibited riding of bicycles and other conveyances on all sidewalks, except those designated as part of the Community Trail. Informal signage had been installed along Mason Avenue in the central business district and continues to exist to this day. During a review of the Town Code, it was discovered that this prohibition did not comport with the Code of Virginia. State law requires that a locality specifically designate by ordinance those sidewalks subject to prohibition, and that official traffic control devices (signs) be installed in those areas. A violation is subject to a civil penalty of not more than \$50. The Town Code was revised a year ago to cure this defect, but no action has been taken to designate any sidewalks subject to prohibition.

DISCUSSION:

Council has expressed interest in prohibiting operation of these conveyances on sidewalks in the central business district. Implementation would require:

1. Adoption of an ordinance designating the sidewalks and conveyances prohibited.
2. Submission of a plan indicating the proposed locations of traffic control devices for VDOT approval.
3. Installation of the required traffic control devices (signs).
4. Enforcement by the Police Department.

The proposed ordinance is at attachment 1, designating the sidewalks between Peach Street and Harbor Avenue on the north side of Mason Avenue, between Peach Street and Pine Street on the south side, and Strawberry Street Plaza. All conveyances enumerated in Section 46.2-904 of the Code of Virginia would be prohibited except for electric personal assistive mobility devices.

Please note that the Town Code is in the process of being updated and recodified. The current section of the Town Code is 42-7(d), but the section number will be 28-7(d) in the recodified version.

A typical sign is at attachment 2. This will need to be customized to list the conveyances prohibited by the ordinance. They will need to be installed on separate breakaway posts to comply with the requirements of the Manual for Uniform Traffic Control Devices. Subject to VDOT review and approval, at least 14 signs will be needed at a cost of about \$2,500, assuming installation by Public Works.

Chief Pruitt recommends a civil penalty of \$50.

Operation of these conveyances will still be allowed in the Mason Avenue roadway, as this will be the only available public right-of-way.

RECOMENDATION:

Consider the proposed prohibition. If acceptable, staff recommends a roll call vote to adopt the ordinance.

ORDINANCE 20220217

PROHIBITING OPERATION OF CERTAIN CONVEYANCES ON DESIGNATED SIDEWALKS

WHEREAS, the Code of Virginia, Section 46.2-904 authorizes the governing body of a town to prohibit by ordinance the use of roller skates, skateboards, personal delivery devices, bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited; and

WHEREAS, the Town Council finds that prohibition of such use, except for electric personal assistive mobility devices, is desirable in the central business district to promote the safety of pedestrians;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 17th day of February 2022, that Cape Charles Town Code Chapter 42 – Motor Vehicles and Traffic (*Chapter 28 in the recodified version*) be revised as follows:

Sec. 42-7. (d) (*Sec. 28-7(d) in the recodified version*) Operation of roller skates, skateboards, personal delivery devices, bicycles, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited in the following areas:

1. Sidewalks between Peach Street and Harbor Avenue on the north side of Mason Avenue.
2. Sidewalks between Peach Street and Pine Street on the south side of Mason Avenue.
3. Strawberry Street Plaza on the south side of Mason Avenue.

Violation of this section shall be subject to a civil penalty of \$50.00.

This section to become effective upon installation of official traffic control devices.

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

By: _____
Mayor

ATTEST:

Town Clerk

NO

**SKATEBOARDING
BICYCLE RIDING
SCOOTER RIDING
ROLLER BLADING
ON SIDEWALK**

 TOWN OF CAPE CHARLES	AGENDA TITLE: Approval of VDOT proposal for angled parking on Mason Avenue		AGENDA DATE: February 17, 2022
	SUBJECT/PROPOSAL/REQUEST: Consider VDOT proposal		ITEM NUMBER: 8.F.
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Council has previously directed a change to the parking on the north side of Mason Avenue in the central business district from back-in to head-in angled spaces, as the current parking configuration has been very unpopular. However, the desired parking pattern does not comply with VDOT guidelines and requires approval of a Design Waiver. A contract was awarded to Clark Nexsen to prepare the Design Waiver Request (\$4.2K) and to prepare the parking plan, specifications, and bidding documents should it be approved (\$14.9K). It is estimated that restriping and installation of required signage will cost about \$15K.

DISCUSSION:

The required Design Waiver Request was submitted to VDOT in August 2021. In November 2021, VDOT responded that they consider head-in angled parking more hazardous and requested that the Town address several matters in the request, principally mitigation of the safety issue. The Town addressed all concerns in January 2022 and proposed two additional safety mitigation measures: reducing the speed limit to 15 mph from Peach Street to Harbor Avenue and prohibiting trucks of all kinds from the angled parking spaces.

VDOT responded that restricting parking on the north side of Mason Avenue to passenger cars only would improve visibility and would alleviate safety concerns. They requested that the Design Waiver Request be modified to incorporate this mitigation proposal but required that SUVs and minivans also be prohibited. They also specified that the request identify where trucks, SUVs, and minivans will be allowed to park in the downtown area, and state that the Town will be responsible for providing the necessary striping, signage, and parking enforcement.

Should this plan be implemented, parking for trucks, SUVs, and minivans will be available in several locations: south side of Mason Avenue, municipal parking lot south of Mason Avenue, side streets north of Mason Avenue (Peach, Strawberry, Pine and Harbor), and Randolph Avenue. New road striping and signage had been assumed to be the Town's responsibility, so will not increase costs. Exclusion of the additional types of vehicles will increase the burden for parking enforcement, but it will improve visibility and overall traffic safety from the current conditions.

Staff understands that any change will be met with initial opposition, but that considering the improved safety, that there is plenty of close by available parking for larger vehicles, the extreme dissatisfaction we've been hearing over the current situation, and the many minor fender benders that back-in parking create; staff recommends moving forward with the "reverse-the-reverse" concept.

RECOMMENDATION:

Staff recommends Council direct the town manager to submit a revised Design Waiver Request to VDOT as outlined above.