



**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



**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