



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**September 6, 2016**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Keith Kostek, Sandra Salopek and Bill Stramm. Also in attendance were Town Planner Larry DiRe, Town Clerk Libby Hume and Town Manager Brent Manuel. There was one member of the public in attendance.

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

**REGULAR MEETING PUBLIC COMMENTS:**

There were no public comments to be heard nor any written comments submitted prior to the meeting.

**CONSENT AGENDA**

**Motion made by Bill Stramm, seconded by Dan Burke, to approve the agenda format as presented. The motion was approved by unanimous vote.**

The Commissioners reviewed the minutes for the August 15, 2016 Joint Planning Commission and Town Council Public Hearing and the Planning Commission Regular Meeting. Bill Stramm noted a typographical error on page 2. Michael Strub requested that the minutes for Old Business item C – Proposed Draft Text Amendment to Article III, Section 3.15.B-Limited Access Commercial Activity in Open Space District reflect discussion regarding litter along with clarification of other language in the same paragraph.

**Motion made by Sandra Salopek, seconded by Bill Stramm, to approve the minutes from the August 15, 2016 Joint Planning Commission and Town Council Public Hearing and Planning Commission Regular Meeting as amended. The motion was approved by unanimous vote.**

**REPORTS**

Larry DiRe stated that he did not have anything to add to his written report.

Andy Buchholz asked about the status of accessory dwellings. Larry DiRe stated that accessory dwellings were included as part of the comprehensive plan. There was conflict between the comprehensive plan, which promoted accessory dwellings, and the town ordinance, which prohibited them. The topic was on the list for a Town Council work session.

**OLD BUSINESS**

A. *Set Date for Comprehensive Plan Joint Public Hearing with Town Council:*

**Motion made by Michael Strub, seconded by Dan Burke, to schedule a joint public hearing with the Town Council on November 1, 2016 to hear comments regarding the Comprehensive Plan. The motion was approved by unanimous vote.**

B. *Proposed Draft Text Amendment to Article III, Section 3.15.B Limited Access Commercial Activity in Open Space District:*

Larry DiRe began by clarifying that the attachment included in the agenda packet was the farmer's market policies, not the vendor agreement as noted on the staff report. Larry DiRe continued to state that he had spoken with the executive director of the museum regarding the following: i) An on-site manager was present for every market day; ii) The number of vendors of particular categories of goods was limited to ensure diversity at the market; iii) The on-site manager ensured that each vendor was providing only the type of goods for which the vendor received approval; iv) All vendors held appropriate insurance; v) All vendors were required to participate in a specific number of market days. Failure to meet that participation rate resulted in loss of vendor privilege and space; vi) All vendors were required to set up and break down during specific time periods before and after the market activities; vii) There was limited on-site consumption, resulting in limited accumulation and discarding of garbage; viii) Vendors of consumable goods were more successful than vendors of crafts and collectibles; ix) There were a number of prohibited activities including smoking, hawking and promoting political activities; and x) All vendors signed formal agreements.

The Commissioners went on to review the proposed language and there was much discussion regarding the following: i) The calculation of the 6 square foot wording area for the flags and banners; ii) The required hours of operation should begin earlier than noon, possibly 9:00 a.m. or 10:00 a.m.; iii) Whether the town had enough resources for an on-site manager. The part-time person in the recreation department or even someone connected with the Main Street program could possibly assist; iv) The possibility of one individual purchasing all the available vendor spots; v) Limiting the number of vendors offering the same items similar to the farmer's market policy; vi) Requiring vendors to make a commitment similar to the farmer's market policy; vii) The charges for BPOL tax and/or peddler's license; viii) The amount of litter associated with food vendors – paper, plastic, etc. which could affect the appearance of the town and get blown into the water; ix) Enforcement of the policies including the vendor attendance rate and the timeframe for enforcement. Exemptions could be made for weather and other emergencies; x) The seasonal timeframe and required hours could be reviewed after the first year and modified if needed; xi) Subleasing of vendor spaces would not be permitted; xii) This project would be more like a food court at the mall vs. the farmer's market since there were picnic tables located at the beach; xiii) Vendors would be required to provide proof of insurance, especially the vendors with rentals, in case of injuries; xiv) A possible provision for prorated refunds in cases where this type of business did not work for a particular vendor; xv) Existing businesses would be permitted to operate a mobile cart selling similar items under their current business license; and xvi) Vendor reporting of sales to the town to pay the appropriate taxes.

**Motion made by Andy Buchholz, seconded by Dan Burke, to amend the hours in proposed Section 3.15.B to "9:00 a.m. to sunset." The motion was approved by unanimous vote.**

**NEW BUSINESS**

A. *Comments for September 21, 2016 Meeting with the Northampton County Planning Commission:*

Larry DiRe stated that the letter from Northampton County Planning Commission Chairperson Jackie Chatmon addressed to Mayor Proto and Vice Mayor Bannon spoke for itself. The mayor would have five minutes to address the six questions included in the letter. The Cape Charles Planning Commission spent many hours working on the Historic Town Entrance Corridor Overlay (HTE) which was submitted to the County on several occasions. The final submittal was done by a resolution adopted by the Town Council. The County Planning Commission was now soliciting input regarding language for the Town Edge.

Discussion continued as follows: i) Dan Burke expressed his concern regarding agricultural areas and the possibility of chicken farms which were an issue in Accomack County; ii) The first five questions were answered in the HTE language. Town Clerk Libby Hume would email copies of the HTE language to the Commission; iii) The Commissioners were not in favor of a joint planning commission for Northampton and Accomack Counties as recommended in question six, although a partnership with the County regarding commercial development was desirable; and iv) It was noted that the majority of information requested was included in the HTE and the Cape Charles Comprehensive Plan and it was suggested that the County Planning Commission be advised to read the town's comprehensive plan.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Dan Burke, seconded by Sandra Salopek, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk