



TOWN COUNCIL
Work Session
Cape Charles Civic Center
January 3, 2019
6:30 p.m.

At 6:30 p.m., Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwomen Burge and Holloway. Also, present were Town Manager Larry DiRe, Town Planner Zach Ponds and Town Clerk Libby Hume. There were two members of the public in attendance.

Mayor Dize stated that the executive session was canceled and Item 4A – Update from Eastern Shore of Virginia Broadband Authority was being removed as Executive Director Robert Bridgham had injured his knee and was unable to attend. His presentation would be rescheduled.

Motion made by Councilwoman Burge, seconded by Councilman Grossman, to amend the agenda as stated by Mayor Dize. The motion was approved by unanimous vote.

ORDER OF BUSINESS:

A. *Historic District Preservation Plan:*

Town Manager Larry DiRe stated the following: i) This item was brought to Council to follow-up on a number of items – Historic District Review Board (HDRB) actions, Zoning Ordinance Article 8 and the preservation practices going forward; ii) There was much misunderstanding, lack of context and supposition about the preservation record and practices in the town; iii) The 1996 Preservation Plan was one of the documents used for reference in the 2016 Comprehensive Plan. Previously, Vice Mayor Bennett asked why the reference documents for the Comprehensive Plan were so old. This was still an issue. In 1996, when the preservation plan was drafted, Cape Charles was a different town; and iv) The staff report included a number of recommendations for Council consideration such as the HDRB’s function and integration of the preservation plan into the Town’s broader approach to property maintenance, zoning, planning, economic development, etc.

Mayor Dize and Council discussed the ten recommendations and there was much discussion regarding the following: i) The Code of Virginia required a Comprehensive Plan review at least every five years. The Town needed to require supporting documents to the Comprehensive Plan to be reviewed periodically; ii) Should the Town’s historic guidelines follow the Secretary of the Interior’s Standards for the treatment of historic properties or should the Town be more stringent? The Federal standards must be followed if a property owner was pursuing tax credits when restoring their property. The majority of applications submitted for HDRB review were not pursuing tax credits; iii) Councilwoman Burge provided a background regarding the development and adoption of the historic guidelines which was modeled after guidelines from other localities such as Urbanna and Smithfield. It was meant to be a local version of the Secretary of Interior’s Standards to provide ideas and guidance to individuals wanting to renovate/restore their properties. It was adopted and referenced in Article VIII of the zoning ordinance. This was done before the Town had an official historic district or HDRB. It was a long and difficult process; iv) Council needed to express a firm commitment to a set of standards that the HDRB would be expected to honor in their decision making, understanding that every case would be unique; v) There was much discussion regarding chimneys, vinyl siding and paint colors; vi) There were rumors that the Town could lose our historic designation if too many buildings were demolished or severely altered. Larry DiRe stated that staff filed a report with the Department of Historic Preservation every February and the Town was not in danger of losing its designation; vii) The Town’s current guidelines prohibited property owners of installing a “green” roof or cisterns to collect rain water, but the Federal standards included processes for these issues; viii) No matter how crippled or outdated, the preservation plan saved the town; ix) A separate section could

possibly be added to the Comprehensive Plan addressing preservation, new construction in the designated historic district, and to cast the vision regarding what the Town thought preservations was today; x) The 1996 Preservation Plan needed to be updated. Larry DiRe had spoken to professors from Christopher Newport University regarding the update. It was suggested that the update be completed in two phases. The first phase was estimated to cost about \$5K and included a literature review, interviews with Council, HDRB, Planning Commission, etc. The cost for phase two would be determined based on the scope of work and would include community surveys. It was desirable to obtain an estimated cost for phase two for budgeting purposes. It was agreed that the preservation plan needed to be updated first, followed by Article VIII and the guidelines. It could be decided later whether the preservation plan would be a standalone document or included as part of the comprehensive plan; xi) There was some discussion regarding the restructuring of the HDRB, possibly increasing the number of members and adding a Town Council representative. The majority of the Town's boards and Planning Commission include a Council representative; xii) Council agreed that it would be worthwhile to hold periodic joint work sessions with some of the boards and Planning Commission; xiii) There was some discussion regarding demolition, chimney removal, etc. Another issue was with property owners or contractors performing work (chimney removal) without permits, which was a Class 4 misdemeanor but required an attorney to prosecute the case. The Town could possibly issue a stop work-order and require restoration of the removed chimney. Councilwoman Burge informed Council that enforcement of violations of the zoning ordinance could be handled by the zoning administrator going to the magistrate to obtain a warrant and court date vs. having to refer the issue to an attorney. Larry DiRe stated that another alternative was to have the applicant post a surety bond, but it would increase the cost to the applicant; xiv) It was suggested that a seminar/training session be held for all contractors doing business in the Town; xv) A two-phase HDRB application process was suggested, similar to the process for the Harbor Area Review Board (HARB). With HARB, there was an initial meeting followed by a Town Council meeting where staff provided a summary report being provided to Council. HARB would have their second meeting to review any additional information and provide their recommendation to Council for a decision at the next Council meeting. With HDRB, preliminary plans and all specifics could be discussed and any requested information could be provided at the second meeting, when a decision would be made; and xvi) The National Registry for Cape Charles was updated in 2016. All the new data was available on the Virginia Department of Historic Resources website.

Councilwoman Burge wanted to go on the record to give a word of encouragement to the HDRB. Anyone volunteering to serve on the board had to jump right in with whatever experience they could bring to the table. Until we got everyone, elected officials and members of the boards and commission, on the same page with the same ideas or moving forward to the same place, there would be bumps in the road, differences in viewpoints or lack of understanding. Council appreciated that people were willing to serve and work hard in the capacity.

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

The meeting adjourned at 8:40 p.m.

Mayor Dize

Town Clerk