



TOWN COUNCIL
Work Session
Cape Charles Civic Center
November 3, 2016
6:00 p.m.

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett and Brown, and Councilwoman Natali. Councilman Buchholz and Councilwoman Sullivan were not in attendance. Also present were Planner Larry DiRe and Town Clerk Libby Hume. Town Manager Brent Manuel arrived at 6:04 p.m. There was one member of the public in attendance.

ORDER OF BUSINESS

A. Open Space District Limited Commercial Activity Text Amendment

Larry DiRe stated that this issue was generated after a couple of businesses expressed their interest in selling items at the beachfront. Currently, any type of commercial activity was prohibited in the open space district. The issue was taken to the Planning Commissioners who drafted language allowing commercial activity, for food and beverage sales and possible beach equipment rentals, in the area landward of the dune to the boardwalk, from the southern entrance to the beach to the pavilion. Approximately 13 10' x 10' vendor spaces could be accommodated in the designated area. Guidelines from the Cape Charles Farmers Market were reviewed as a model but the Farmers Market operated one day per week for limited hours. The Commissioners recommended restrictions on the types of operations with no electricity or generators, no electronic signage or sound amplification. Vendors would be permitted to mount an umbrella or canopy for shade. Before moving forward to continue their research and further discussion, the Planning Commissioners requested feedback from Council regarding whether this item was something the town wanted to pursue.

There was much discussion as follows: i) Mayor Proto expressed his concern regarding cooking smells from grills or smokers; ii) The area would have to be monitored by a staff person; iii) The dunes would shift affecting the designated area and there was concern regarding having people on the dunes; iv) There were issues with the possible "junkiness" of the area since anything could be set up there and food vendors would generate paper, food and grease waste; v) Over the last few years about eight to ten people inquired about peddlers licenses but no one followed through. This year, there were about four inquiries regarding food trucks but only one applied for a license. Council did not believe there would be a huge number of interested vendors; vi) Input was needed from business owners in town and the property owners across the street on Bay Avenue; vii) It would be a nice amenity for beachgoers to be able to purchase food and drinks and possibly rent chairs and umbrellas, but would it be worthwhile to the town with added burden to staff with having to monitor the area/vendors and additional trash to be picked up. The current peddler's license fee was \$50 which was not enough to cover the cost of the manpower involved. Mayor Proto suggested increasing the fee to \$25 per week, but a hot dog or popsicle vendor most likely would not pay that amount; viii) People got frustrated when they couldn't get served in a restaurant and a provision for fast food at the beachfront was reasonable; ix) Several Council members preferred to have vendors on the street vs. in the dune area; x) This could possibly be done on a trial basis to determine whether it was beneficial to the town, business owners, residents, etc. Several Council members did not see the sense in exercising the Planning Commission and staff to develop the ordinance, rules and regulations, monitoring, etc. for a trial if only two people expressed an interest this past season; and xi) Ordinances were currently in place

for peddlers and food trucks. General consensus of Council at this time was that no further action was necessary regarding this issue. Mayor Proto thanked the Planning Commissioners for their efforts. If the town received an abundance of requests from vendors, this issue could be revisited.

B. *Animal Pens and Tethering in the Residential Districts*

Larry DiRe stated that this issue was brought to the Planning Commission's attention by public comments received at a meeting, along with photographs depicting unsanitary and unhealthy conditions of a neighborhood dog pen. The town's zoning ordinance addressed accessory buildings which were typically sheds and garages, but a dog pen could also be considered an accessory building. The Planning Commission proposed the addition of language regarding dog pens to the accessory building section of the zoning ordinance which would enable regulation of dog pens as an accessory building. The tethering of animals was addressed in the Town Code which stated that an animal could not be tethered for more than twelve hours but there was no mention regarding attended or unattended tethering.

Council was agreeable to the proposed text amendment to the zoning ordinance regarding dog pens but suggested additional language regarding the size of the dog pen proportioned to the size of the dog.

There was some discussion regarding the tethering law as follows: i) Council agreed that twelve hours was too long of a timeframe. A number of alternate time limits were discussed but Council agreed that any time limit would be difficult to enforce unless an officer sat at a property to observe and record the time that a dog was tethered. If a citizen were to make a complaint to the county animal control, it would be the citizen's responsibility to follow through to obtain a warrant, etc.; ii) Larry DiRe informed Council that he received three complaints in the spring. The most recent complaint was received in August and the individual was going to address Council at a meeting, but never came; iii) Northampton County used the state regulations for animal control enforcement and the county animal control officer was the only officer with the authority to remove a dog from a residence; iv) Councilman Natali read language from Fairfax County regarding tethering which was drafted based on language from the city of Richmond; v) There were a lot of legitimate reasons to tether a dog for a short period of time that were not inhumane; vi) Mayor Proto stated that Council was in agreement with the issue but more work was needed before the issue could be finalized. It was suggested that the Planning Commission obtain input from the Northampton County Animal Control office as well as reviewing the language from Fairfax County and the city of Richmond.

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

The meeting adjourned at 6:55 p.m.

Mayor Proto

Town Clerk