



**TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
December 21, 2023
6:00 PM**

At approximately 6:00 p.m. Vice Mayor Steve Bennett, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Mayor Adam Charney was not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Planning & Zoning Assistant Tracy Outten, Police Chief Jim Pruitt and Town Clerk Libby Hume. There were 10 members of the public physically in attendance, and 9 viewers on Facebook.

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

APPEAL OF HISTORIC DISTRICT REVIEW BOARD DECISION – 114 PINE STREET:

- A. Staff Presentation of the Case: Planner/Zoning Administrator Katie Nunez provided an overview of the case as follows: i) On November 21, 2023, the Historic District Review Board (HDRB) received an application for an extension of an expired Certificate of Appropriateness (COA) at 114 Pine Street for construction and installation of a 3' tall vinyl vertical panel fence in the front and side yard and 6' vertical panel privacy fence in the rear yard. The COA expired on July 21, 2022 without the fence installation being started. After extensive discussion, the HDRB voted to deny the application; ii) At the time of approval of the COA, on July 21, 2021, vinyl was an acceptable material choice for fencing; iii) On December 15, 2022, the Town Council adopted the new Historic District Guidelines and amendments to the Cape Charles Zoning Ordinance relative to Article III (General Zoning District Regulations) and Article VIII (Historic District Overlay). One of the changes made was that vinyl was no longer an acceptable fencing material; iv) The Planning & Zoning office received a complaint in September 2023 which was investigated, and two violations were found. One violation, concerning the shed on the property, had been fully resolved and was now in compliance with the zoning ordinance. The second violation was the fence being installed without an active COA. Work relative to the fence had been occurring sporadically in August and September 2023. Additionally, the fence material was vinyl, which was not allowed under the ordinance. A Notice of Violation was issued to the property owner on October 11, 2023 indicating that the Corrective Action Order to be taken to resolve this violation was 1) No work on the construction of the fence could proceed until a valid COA was issued by the HDRB and any permits required by the Code Official were obtained; 2) A completed COA application and all required documentation needed to be submitted to the Planning & Zoning Department; 3) Reference to Section 9.2 (2)(d) of the Cape Charles Historic District Overlay Design Guidelines which stated that vinyl, PVC or synthetic fences were inappropriate in the Historic District; v) On November 2, 2023, Katie Nunez met with the property owners, Barrett Cree and Gerry Forbes, concerning the violation and available options. Mr. Cree was adamant that the fence was a continuous part of the house renovation project and wanted the opportunity to make that argument before the HDRB; vi) Staff recommended that two applications be submitted for the November 21, 2023 HDRB meeting: 1) a Request for Extension of the Expired COA and 2) a new Renovation COA application for the fence along with the request and reason(s) why a vinyl fence should be allowed on this property; vii) The property owners only submitted a Request for Extension of the Expired COA which was reviewed by the HDRB at their November 21, 2023 meeting. Board discussion focused on the fact that during the term of the COA (July 21, 2021 through July 21, 2022) there was no construction activity relative to the fence, whether an extension request could be filed 16 months after expiration of the permit, and if the material choice of a vinyl

fence could be considered since it was no longer considered an acceptable material choice in the Historic District. The property owner confirmed that some work on the fence, installation of some posts, first occurred in the summer of 2023; viii) After much discussion amongst the HDRB and property owners, Vice Chairman Thom motioned to approve a 6-month extension to the previously approved and expired COA at 114 Pine Street. The motion failed by a vote of two in favor and three opposed, therefore, the application was denied; ix) On November 27, 2023, the property owners were notified in writing of the HDRB decision and immediately filed an appeal to the Town Council.

There was some discussion as follows: i) Councilman Grossman stated that there were no procedural issues dealing with the case, adding that he felt the staff and HDRB followed the process as outlined in the guidelines and ordinance. Katie Nunez also expressed her belief that staff and the HDRB followed the outlined process; ii) Vice Mayor Bennett noted the appeal process was not more formal, adding that in the past, Council received HDRB appeals for review at almost every meeting. The Council deliberated and determined whether they agreed with the decision of the HDRB rather than reviewing procedural issues; iii) Katie Nunez explained that this was a semi-judicial process, and Council's decision could be appealed to the circuit court so procedural steps needed to be followed and statements must be truthful. The previous guidance under the ordinance provided more latitude to the Council, and the process guidelines were not adhered to. During the update process, the Town's consultant informed us of the contentious issues related to appeals and this new process was recommended, reviewed by the HDRB, Planning Commission, Town Council and the public at large. The appeals process was now more easily understandable and related to procedural issues. She added that this was not an issue of whether we liked the appearance, etc. of the fence, but whether the request was in compliance with the guidelines and ordinance. The issue was could there be an extension of a COA that had expired over 16 months ago; iv) Vice Mayor Bennett thanked Katie Nunez for the explanation adding that he wanted to ensure that all Council members understood the issue being voted upon this evening.

- B. Appellant Testimony: Ms. Gerry Forbes thanked the Council for hearing their appeal and went on to state that they went through the COA application process and were approved for a fence using a very high grade material which was compatible with the architectural style of the neighboring properties. They did not realize they were not in compliance and would not have jeopardized over \$13K of fencing. Work began within the first year. A third of the fence had already been installed. She humbly asked for good faith and understanding to allow the completion of the fence so as not to cause any further hardship.

C. Public Comments:

Ann Hayward Walker, resident & property owner

Ms. Walker asked Council to consider approving the COA extension, adding that she tried to do her homework by reviewing the COA extension form, staff report and Section 9.2 of the new guidelines. She respected the work of the Town staff and HDRB but also understood the importance of administering the guidelines in a consistent manner. She believed everyone was trying to do the right thing. There were extenuating circumstances making this a fair request. The application was submitted during the pandemic. During that time, there was an influx of new owners with lots of money doing lots of renovations. She also did some renovations and experienced so many delays with contractors as larger jobs rose to the top of the list for contractors while others fell to the bottom. This fence should be grandfathered under the previous guidelines. It was unfair to penalize the appellants under these circumstances.

Barrett Cree, appellant

Mr. Cree stated that he respected the HDRB members and did not mean to do anything wrong. The delays were not of their choosing. He worked every day between medical treatments and procedures. He had no idea that the code had changed and did not realize that he needed to do anything else other than diligently working on the project. He humbly asked that the Council allow them to finish the fence installation.

Jack Forgosh

Mr. Forgosh stated that he had known both Mr. Cree and Ms. Forbes for 10 years. Ms. Forbes helped him purchase his house. He remembered the fence being on the property in 2021 and did not know who stated that the work on the fence did not start until 2023. It was a challenge with delays to completing projects with contractors. The materials were on site and needed to be timed with the other scheduled work. He asked for Council approval of the application.

Town Clerk Libby Hume read letters submitted by John and Gundrun Cordle, Sheila Shields, Bob McClanahan, and Marlene Cree. (Please see attached.)

D. Council Deliberation and Vote:

There was discussion as follows: i) Councilwoman Holloway asked about the discrepancy regarding the timing of when the work on the fence began. Katie Nunez referred to Attachment 1 – November 21, 2023 Historic District Review Board Regular Meeting Draft Minutes Excerpt which described discussion from that meeting. Vice Chairman Thom had asked Mr. Cree if the fence installation had started and Mr. Cree responded that some posts on the back had been installed in the summer of 2023; ii) Councilman Buchholz asked when the COA had expired. Katie Nunez responded that the COA expired on July 21, 2022; iii) Councilman Grossman stated that during the joint work session in September 2022, the design guidelines were reviewed page by page. He reviewed the minutes regarding this particular area where he noted that the update would limit the Town Council to determination of whether or not a procedural or application error had occurred, not to override the HDRB's decision; iv) Councilwoman Holloway asked if the applicant still had the ability to submit a new application to the HDRB to obtain approval of the fence as previously recommended by staff. Katie Nunez responded that she had advised that both the extension application and new COA application be submitted but the appellant had opted to only submit the extension application. A new application could still be submitted, petitioning the HDRB to use new materials citing extenuating circumstances; v) Councilman Follmer asked whether the holes that were dug in May 2022 constituted activity. Katie Nunez stated that even though some holes were dug, heavy equipment was parked in the area for some time causing the holes to collapse according to the building official; vi) Councilman Butta asked if any COAs that had been expired for more than 6 months had been granted an extension in the past. Katie Nunez stated that several were granted that were 2 or 3 months past expiration, but she was not aware of any past 6 months and definitely not over a year; vii) Councilman Grossman noted that the guidelines were even tougher now with the requirement that the COA had to be acted upon within 6 months of approval versus 12 months; viii) Vice Mayor Bennett commented that the appellant had 2 options to getting this fence approved and they chose the extension route. They could still submit a new application for a chance to get this done, especially with all the support they had. The timeframe to act upon the COA would also start over. Katie Nunez agreed, adding that with the extenuating circumstances for the materials, she felt they had a strong case, but the HDRB could still deny the request. The applicant could also ask for another appeal; ix) Vice Mayor Bennett stated that the appeal was only for procedural discrepancies and at this point, he did not see any procedural deficiencies. From the applicant's perspective, it was a very difficult decision to make. He personally leaned toward approving the application but did not see an opportunity to do so with the process as outlined in the guidelines; x) Councilman Follmer stated that this was difficult since he loved what had been done to the house. His inclination was to allow the applicant to complete the fence but had no substance to support it. He would like to grant as much latitude as possible

but could not defend supporting an extension 16 months after expiration of the COA; xi) Councilman Buchholz noted that the guidelines were changed based on the number of appeals that had been received in the past. Councilman Grossman commented that the new guidelines had been improved for clarity, etc.; xii) Councilwoman Holloway stated that the Town Council was not in a position to make this decision adding that she wished the applicant had submitted a new COA application as suggested by Katie Nunez.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to deny the appeal and uphold the decision of the Historic District Review Board. The motion was approved by unanimous vote.

The appeal of the Historic District Review Board decision was closed at 6:38 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

There were no visitors, presentations or recognitions for review.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Libby Hume read an email from Ms. Julie Jones regarding short-term rentals. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. October 26, 2023 Town Council Work Session
 - ii. November 2, 2023 Town Council Special Meeting
 - iii. November 2, 2023 Town Council & Planning Commission Joint Work Session
 - iv. November 16, 2023 Town Council Public Hearing & Regular Meeting
 - v. November 30, 2023 Town Council Work Session
- C. Approval of October 31, 2023 Financial Report

Motion made by Councilman Grossman, seconded by Councilman Butta, 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 Harbor Management Contract Extension:*

John Hozey stated that on September 17, 2020, the Town Council approved a three-year contract with Cape Charles Marine Services for management of the Town Harbor. The current contract would be expiring on December 31, 2023. Town administration was pleased overall with the performance of services under this contract; however, would like the opportunity to re-evaluate all options going forward. To allow the necessary time to conduct such an evaluation, the contractor and Town administration agreed to a one-year extension to the current contract. The only proposed change to the contract was related to credit card fees. 50% of the fees would be paid by the consumers, 25% by the contractor and 25% by the Town. All other provisions of the existing contract would remain in force.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway to approve a one-year extension to the harbor management contract with Cape Charles Marine Services. The motion was approved by unanimous vote.

B. *Beachfront Master Plan Contract Award:*

John Hozey stated that beachfront master planning was identified by our residents as a top priority in the 2022 Strategic Plan Citizen's Survey, and the Town Council approved this planning effort as part of the 2023 update to the Community Strategic Plan. On August 28, 2023, the Town issued a request for proposals for a consultant who could assist with community outreach, planning and engineering associated with this project. Five proposals were received and reviewed by a committee of community stakeholders formed by the town manager. The committee consisted of representatives from Cape Charles Main Street, Citizens for Central Park, Cape Charles Yacht Club and the Historic District Civic League as well as the Public Works manager, Mayor Charney and John Hozey. Three firms were selected for interviews which were held in November. The committee selected Vanasse Hangen Brustlin, Inc. (VHB) as the best fit for our community with their history of working in town and doing other similar work, together with a thorough understanding of what we were trying to accomplish. Since this was a professional services solicitation, by state code, no cost information could be considered until after the determination of the best qualified firm was made. The cost proposal from VHB was less than the committee's second choice firm and consistent with the third choice. There was sufficient appropriation in the town manager's budget to fully fund this contract; however, during the mid-year budget adjustment, reimbursement of approximately \$60K would be sought for these accounts.

VHB was currently working on the Rails to Trails but expected to be able to begin around February 1. All three finalists had similar timelines.

Councilman Grossman stated his preference to budget the \$99K expense across two fiscal years if possible. John Hozey responded that this could be discussed at the mid-year budget review work session.

Councilman Buchholz noted that Mr. Neville Reynolds of VHB had extensive knowledge about Cape Charles which would be beneficial to this project.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to approve the professional services agreement with VHB, Inc. for Phase 1 services associated with the Beachfront Master Planning in the amount of \$99,840. The motion was approved by unanimous vote.

C. *VDOT Resolution – Handicap Parking Space at 627 Jefferson Avenue – Charlene Riley:*

John Hozey stated that in October 2023, the Town received a request from Ms. Charlene Riley, resident of 627 Jefferson Avenue, asking for assistance in obtaining a designated handicap parking space in front of her residence. Ms. Riley had a medical condition which made it difficult for her to walk any distance. The parking issues in the historic district were well known with no reserved parking on the streets. Especially during the busy tourist season, it was often very difficult for residents to find parking in front of or within a close proximity to their homes. Staff contacted VDOT and was advised that the request needed to be submitted by the Town, along with a Town Council resolution and drawing showing the preferred location of the parking space, along with a reason for the request. The request would be reviewed by VDOT's traffic engineering division and approved if deemed appropriate. Upon approval, VDOT would provide the Town with installation details.

John Hozey went on to state that the aerial shot of the proposed property and handicap parking space showed a vehicle in a driveway which initially caused some concern as it did not appear that there was a need for a designated handicap parking space. He spoke to Ms. Riley and visited the property. The aerial photo was old and showed an empty lot next door now had a house built on it which was very close to the driveway. Ms. Riley had difficulty maneuvering into the driveway and was afraid of hitting her neighbor's house. The curb cut was also very steep and a

car with low clearance would scrape bottom. He provided photos showing the driveway, proximity of the house next door and the area of the curb cut. After his visit to the property, he recommended supporting Ms. Riley's request to ask VDOT to establish a handicap parking space in front of the property.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20231221 In Support of the Request from Charlene Riley for the Designation of a Handicap Parking Space at 627 Jefferson Avenue. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

Councilman Buchholz suggested contacting VDOT to repair the curb cut since it was dangerous and a big tripping hazard.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) He just signed the Memorandum of Understanding with ANEC for the electric vehicle charging stations. He hoped that the stations would be installed soon.
- ii) Personnel items: Jordan Yee was hired as a new police officer and would be attending the academy in January. Meadow Noonan submitted her resignation and would be leaving her position at the water plant in January.
- iii) The work session for the mid-year budget review was scheduled for January 4th. Work on the budget documentation was going well. Debbie Pocock had been coming in to assist and Katie Nunez had been assisting as well. He would provide the documentation to Council for review in advance of the work session.
- iv) Madison Avenue Parking Issue: He was waiting to hear back from VDOT regarding a field study and their recommendations. With the holidays coming up, he was not optimistic that this would happen in December. He would bring the options back to Council upon receipt.
- v) 2024 Strategic Plan Update: The community survey was out with a closing date of January 12th. About 230 responses had been received and there were approximately 60 hard copy responses that needed to be input. The responses would be presented to Council on February 1st. As in the past, binders would be provided to Council containing all comments. The data would be used to update the strategic plan, which needed to be completed prior to work beginning on next year's budget.

There was some discussion regarding dates for the strategic planning session. February 24th was set, and staff would check on availability of the Cabana Room at the Oyster Farm.

- vi) He would be out of the office on December 28 and 29, but would be back for the Dropping of the Crab Pot.

MAYOR AND COUNCIL COMMENTS

Councilmen Buchholz and Follmer did not have any additional comments.

Councilwoman Holloway commented as follows: i) She congratulated the Citizens for Central Park (CCP) for a great 10th anniversary concert season, as well as their special project with the planters. CCP also had a group of volunteers working in the park every week cleaning up. She was happy to see Mark Usry still in attendance so he could be thanked personally; ii) She gave special congratulations to the Town staff and Cape Charles Main Street for an amazing Festive Fridays, adding that the final Festive Friday for the year would be tomorrow night; iii) The employee Christmas party was wonderful. It was a nice opportunity for everyone to be together.

Councilman Butta commented as follows: i) He echoed Councilwoman Holloway regarding Festive Fridays; ii) He recognized the Education Foundation for doing so much for the public schools; iii) The

Cookie Trail was very successful. He heard that there were 650 attendees. It was always a wonderful event.

Councilman Grossman commented as follows: i) He stated that the HDRB appeal process was not in the zoning ordinance and requested that it be added for consistency; ii) He and Katie Nunez went to Richmond, at the request of VML and the Virginia Housing Authority, to discuss housing subjects with other localities. It was a good exchange of information with short-term rentals (STRs) as a specific subject. It was mentioned that AirBNB hired a second lobbyist and proposed legislation would be back regarding STRs and collection processes. We needed to keep abreast of this issue. There were not a lot of bills submitted yet and he heard that some were being held until Day 1 of the session. It was really important to notify our delegate and senator of our concerns and stance on the issues.

Vice Mayor Bennett wished everyone a merry Christmas and a happy new year.

Councilman Buchholz congratulated Vice Mayor Bennett on his retirement on December 22nd.

Vice Mayor Bennett read the announcements.

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

The Regular Meeting adjourned at 7:13 p.m.

Vice Mayor Bennett

Town Clerk

**December 21, 2023 Town Council Regular Meeting
Comments and Information Provided in Writing**

John and Gudrun Cordle

John and Gudrun Cordle

300 Mason Ave 2D

Cape Charles, VA 23310

Cape Charles Town Council

12/19/2023

2 Plum Street

Ref:114 Pine St. Appeal

Cape Charles, VA 23310

Greetings Town Council! I reside at 300 Mason Ave Unit 2D and would like to lend my support to Mr. Cree's and Gerry Forbes Appeal. We moved here because of the sense of community and mutual support that we feel in Cape Charles.

In this spirit we hope you'll support their petition. Their property: it sets a positive example for the town, and they should not bear a financial burden for a rule change that occurred after his initial investment. I hope the Town Council will listen to its constituents and citizens and find in his favor.

Thank you for your consideration in this matter, John and Gudrun Cordle

Sheila Shields, resident

December 20, 2023

Sheila Shields

209 Mason Avenue, Unit 1B Cape Charles, VA 23310

Cape Charles Town Council

Ref: COA Extension Request Cape Charles, VA 23310

Dear Town Council Board Members,

I am writing this letter regarding the Historic Review Boards' (HRB) recent decision denying the extension request for the original Certificate of Appropriateness (COA) for the existing fence at 114 Pine Street.

Prior to the HRB's decision denying this couple's extension request, without any regards to the financial harm it would cause, the HRB approved an After-The-Fact COA and then approved a 2nd modification on another COA. I believe the outcome was substantially unfair to these property owners!

Their property is directly across from my property. I have watched as these owners have put in an exorbitant amount of time, money, and effort to improve this property, which had been an eyesore. Their fence undeniably enhances the overall property and matches most other fences in the Historic District. It is unfair this couple should have to incur such financial hardships for a fence partially installed that went through the correct process and approval.

I am asking that the Town Council please reconsider HRB's decision. I believe that allowing the fence to be completed, as was initially approved, is a much fairer decision for any good standing member of our community. I ask that my comments be read into record. Thank you for considering my comments.

Sincerely,

Sheila Shields

Bob McClanahan, resident

December 20, 2023

Bob McClanahan

300 Mason Avenue 301, Cape Charles, VA 23310

Cape Charles Town Council

Ref: COA Extension Request Cape Charles, VA 23310

Dear Town Council Members,

Good evening and thank you for allowing me to weigh in on the Historic Review Boards' denial of the fence extension request at 114 Pine Street.

As a builder, I'm well aware of the constraints and obstacles when working on such a small and difficult size lot. The grading, fence and landscape are always the last items. I believe an extension to allow the final leg of a fence that met the Town Code and received full approval at time of purchase would be more than appropriate under these circumstances.

Thank you for your consideration in this matter.

Sincerely,

Bob McClanahan

Marlene Cree, business owner

December 20, 2023

Marlene Cree

Blue Heron Realty Co

113 Mason Avenue, Cape Charles, VA 23310

To : Cape Charles Town Council

Ref: COA Extension Request Cape Charles, VA 23310

Dear Town Council Members,

Thank you for allowing me to comment on the Historic Review Boards' recent denial of the extension request for the original Certificate of Appropriateness of the fence at 114 Pine Street.

My son and Gerry have poured their sweat and equity into this property. They went through the appropriate approval process and made this expensive, top-of-line fence purchase based on the Town's code. It is a very attractive fence and already 35% has been completed. They have worked hard and in good faith to complete their project, and the resulting effect has improved this property which benefits everyone, including the town's tax base.

A serious financial hardship was imposed on this couple when the Historic Board denied such a reasonable extension request.

Please reconsider the Historic Review Boards decision, by simply allowing them to complete the fence as originally fully approved. I ask that my comments please be read into record in my absence.

Thank you for your consideration in this matter.

Marlene Cree

Julie Jones, resident

Subject: STRs in Cape Charles

Good evening Mr. Mayor, Vice Mayor, members of Town Council, and Town Manager,

My name is Julie Jones. My husband, Sam, and I live full time at 538 Monroe Avenue, which we purchased in 2015...a very good year!

At the work session last month, where Mr. Hozey presented the recommendations of the committee regarding short term rentals, most of you indicated that you needed "more information."

I do not know if any of you live in close proximity to one or more STRs, but Sam and I do, so I want to share with you an experience we had last June, as a form of "more information" about STRs.

The STR two doors over from us was rented for a week in June by a lovely, 3 generation family from Tennessee.

Over the course of the week, we observed them playing games with the children in the median, going as a group to enjoy the park and the beach, and playing music with banjo, guitar and fiddle on the front porch.

As a retired music teacher, I especially enjoyed hearing Ashokan Farewell, live!

Exactly the kind of folks you would hope would be renting houses in our town.

Towards the end of their week, as they were coming back from the beach, a ruckus burst out from one of the STR duplexes across the street.

Two men, on the sidewalk, screaming at each other, and the word, "pedophile," coming across loud and clear.

The Tennessee family stopped in their tracks, in front of our house, in horror.

Eventually, someone must have called 911, because two Cape Charles policemen showed up.

People with families come to Cape Charles because of the perception that it is a safe place, being referred to as "Mayberry" by some.

Because of the perceived safety, many families give their children free rein to ride bikes, or walk to the park, or the beach, or just around town, without an accompanying adult.

Do owners of STRs do background checks on the people who rent their houses?

Sex offenders have to register where they live, and that information is available, but what about when they go on vacation, spending a week in close proximity to families with young children, both those who live in Cape Charles, and those who vacation here.

Don't owners of STRs owe it to the people who live in Cape Charles, to ensure that no one who is a "pedophile" is unidentified in our midst?

I know that up until that point, the family from Tennessee was having an idyllic family vacation, making wonderful memories together.

Wonder if they will come back?

Wonder what they told their friends back in Tennessee, about Cape Charles?

We truly do appreciate your service to our town, and do not envy you the hard decisions you have to make, to ensure that the Cape Charles we fell in love with, in 2015, is still that charming town, with a strong sense of safety and community, when our children and grandchildren eventually inherit our wonderful old home.

Sincerely,
Julie Jones

October 2023 Treasurer's Report

Page 1 – Cash Position

- The increase in our total cash position, \$304,978, is mainly attributed to the sale of the Monroe Avenue lot for \$300,010.
- Facility Fee Reserve cash balance at 10-31-23 is \$3,346,711.

Page 2 – Revenue vs. Expenditures

- A \$451,986 expenditure shown in the Public Utilities fund was a payment to Zenon Environmental for wastewater membrane replacement and technical support services. This was included in the FY24 budget as an appropriation from fund balance.

Page 3 – Capital Projects

- The payment to Zenon Environmental for \$451,986 for wastewater membrane replacement was processed.

Page 4 – Tax Collection Rate

- 2023 real estate tax bills were processed and mailed to taxpayers on October 26. \$23,535 in tax payments were collected in October. Personal property taxes were not billed until November.

Page 5 – Tax Revenue Trends

- Fiscal year-to-date (July through September) meals tax revenue of \$428,263 is nearly 12% higher than a year ago. This tax represents the restaurant owner's September gross receipts.
- Fiscal year-to-date transient occupancy taxes of \$369,764 is running almost 13% higher than this time last year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
October 31, 2023

<u>Cash on Hand</u>	<u>9/30/2023</u>	<u>10/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$339,818	\$450,314	\$110,496
Atlantic Union Bank Money Market Account	\$373,427	\$523,694	\$150,267
LGIP Account 1 - Unrestricted	\$110,138	\$110,653	\$515
LGIP Account 2 - Unrestricted	\$319,512	\$321,149	\$1,637
Virginia Investment Pool Liquidity Unassigned	\$2,300,924	\$2,311,753	\$10,829
Virginia Investment Pool 1-3 Year Unassigned	\$1,015,425	\$1,018,780	\$3,355
Total Cash On Hand	\$4,459,244	\$4,736,343	\$277,098

<u>Restricted and Reserved Cash Balances</u>	<u>9/30/2023</u>	<u>10/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,562	\$30,562	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$13,355	\$13,631	\$277
US Bank - Reserved per VRA Interest Free Loan Requirements	\$261,723	\$262,784	\$1,062
ComputerShare 2010 Debt Service pass through account #300	\$3,141	\$3,155	\$13
ComputerShare 2010 Debt Service pass through account #308	\$1,108	\$1,113	\$5
Atlantic Union Money Market # ARPA CRF #5847	\$595,733	\$595,986	\$253
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,320,441	\$3,346,711	\$26,270
Total Cash Held in Reserve	\$4,237,624	\$4,265,504	\$27,879
Total Cash - All Accounts	\$8,696,869	\$9,001,846	\$304,978

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$4,984,974

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

October 31, 2023

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 FY24</u>
GENERAL Fund						
REVENUE	\$558,796	\$1,160,919	\$1,588,350	\$427,431	\$5,719,837	27.77%
EXPENDITURES	\$278,611	\$1,279,397	\$1,368,692	\$89,295	\$5,719,837	23.93%
NET	\$280,185	(\$118,478)	\$219,658	\$338,136	\$0	
GENERAL Capital Fund						
REVENUE	\$8,308	\$38,358	\$42,827	\$4,469	\$2,446,213	1.75%
EXPENDITURES	\$2,710	\$156,369	\$82,717	-\$73,652	\$2,446,213	3.38%
NET	\$5,597	(\$118,011)	(\$39,890)	\$78,121	\$0	
GENERAL Debt Service Fund						
REVENUE	\$0	\$104,498	\$104,561	\$63	\$255,223	40.97%
EXPENDITURES	\$0	\$104,498	\$104,561	\$63	\$255,223	40.97%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities Fund						
REVENUE	\$0	\$567,270	\$19,500	-\$547,770	\$296,350	6.58%
EXPENDITURES	\$0	\$58,460	\$58,491	\$31	\$296,350	19.74%
NET	\$0	\$508,810	(\$38,991)	(\$547,801)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

October 31, 2023

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 FY24</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$178,129	\$698,555	\$762,612	\$64,057	\$2,051,988	37.16%
EXPENDITURES - Operating	\$133,884	\$513,346	\$472,798	-\$40,548	\$1,982,118	23.85%
NET	\$44,245	\$185,209	\$289,815	\$104,606	\$69,869	
REVENUE - CAPITAL GRANTS, LOANS, FUND BALANCE	\$0	\$0	\$0	\$0	\$2,036,728	
REVENUE - FACILITY FEES	\$21,200	\$229,914	\$148,400	-\$81,514	\$466,400	31.82%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$473,186	\$363,019	\$654,535	\$291,516	\$2,572,997	25.44%
TOWN CONTRIB. & PENDING GRANTS	(\$451,986)	(\$133,105)	(\$506,135)	(\$373,030)	(\$69,869)	
HARBOR Fund						
REVENUE - Operating	\$90,548	\$502,540	\$462,788	-\$39,752	\$1,008,625	45.88%
EXPENDITURES - Operating	\$63,271	\$413,081	\$416,352	\$3,271	\$1,082,312	38.47%
NET	\$27,276	\$89,459	\$46,437	(\$43,022)	(\$73,687)	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$228,687	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE OR HARBOR FUND BALANCE	\$0	\$32,825	\$32,220	-\$605	\$450,115	7.16%
EXPENDED - Capital Projects, Debt Svc	\$0	\$32,825	\$50,270	\$17,445	\$605,115	8.31%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	(\$18,050)	(\$18,050)	\$73,687	
SANITATION Fund						
REVENUE	\$27,777	\$93,639	\$110,606	\$16,967	\$314,265	35.20%
EXPENDITURES	\$25,120	\$81,986	\$91,489	\$9,503	\$314,265	29.11%
NET	\$2,657	\$11,653	\$19,117	\$7,464	\$0	

FY 24 Capital Improvement Project Tracking Report

As of:
10/31/2023

FY24 Status or Start Date	Percent of Completion	FY24 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY24 YTD Expended	(Over)/Under Budget
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General Capital Fund

Multi-Use Trails, Phase 3 Construction	<u>In Process</u>	0.4%	\$	929,922	\$	4,150			\$	4,150	\$	925,772				
Municipal Space Replacement Planning (ARPA)	<u>In Process</u>	31%	\$	210,000	\$	62,659	\$	2,445		\$	65,104	\$	144,896			
Welcome Center Design - HBA	<u>In Process</u>	0.9%	\$	455,000	\$	3,998	\$	114		\$	4,112	\$	450,888			
3 Police Vehicles; 1 ARPA/2 USDA	<u>Pending</u>	0%	\$	126,000					\$	-	\$	126,000				
Library Upgrade & Condo-ization - HBA	<u>In Process</u>	2%	\$	310,000	\$	4,759	\$	151		\$	4,911	\$	305,089			
Storage Facility Roofing	<u>Pending</u>	0%	\$	20,000					\$	-	\$	20,000				
Capital Project Contingency	<u>Pending</u>	0%	\$	41,141					\$	-	\$	41,141				
subtotal	\$	-	\$	2,092,063	\$	75,566	\$	2,710	\$	-	\$	-	\$	78,276	\$	2,013,787

Utility Fund -Water

Keck Well Connection	In Process	1%	\$	1,150,000	\$	15,243		\$	15,243	\$	1,134,757
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Utility Fund - Wastewater

WWTP Membrane Replacement	In Process	97%	\$ 465,000	\$ 451,986	\$ 451,986	\$ 13,014
Sewer Pod Controller Upgrades	Pending	0%	\$ 14,500		\$ -	\$ 14,500
subtotal			\$ 1,629,500	\$ 15,243	\$ 451,986	\$ 1,162,271

Harbor Fund

Inner Harbor Fixed Dock Repair	<u>Pending</u>	0%	\$	13,000				\$	-	\$	13,000	
Inner Harbor King Pile & Waler Replacement Design	<u>In Process</u>	6%	\$	306,000	\$	18,050		\$	18,050	\$	287,950	
Inshore Breakwater Repair/Upgrade	<u>Pending</u>	0%	\$	180,000				\$	-	\$	180,000	
subtotal			\$	-	\$	499,000	\$	18,050	\$	-	\$	480,950

TOTAL	\$	-	\$	4,220,563	\$	108,859	\$	454,696	\$	-	\$	-	\$	563,555	\$	3,657,008
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*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

October 31, 2023

YTD 2023 Real Estate Tax Collections

Total Taxable Land Value	318,538,900	
Total Improvement Value	486,197,800	
Exemptions	(9,908,530)	
Additional Assessments (SCC Utility)	3,384,443	
Total Real Estate Value (taxable)	798,212,613	
Total Budgeted Real Tax Revenue	1,605,700	
Total Tax Billed	1,724,622	
Total Adjustments	(514)	
Total Collected YTD (percent of billed)	<u>23,535</u>	1%
Amount Due per Accounts Receivable	1,700,572	

**YTD 2023 Personal Property Tax, Machinery and Tools Tax
& 2023 License Tax Collections**

Total Personal Property Value	Billed in November	
2023 Reduction Due to Proration		
Personal Property Billable Valuation	-	
2023 PPTRA Valuation Reduction	-	
2022 Supplemental Assessments billed in July 23	-	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
2023 Supplemental Assessments	-	
2023 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Taxable Assessment Value 2023 & 2022	-	
Total Personal Property Tax Budgeted	96,800	
Total 2023 Tax Billed less PPTRA	-	
2022 & 2023 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	-	
Total Collected YTD (percent of billed)	<u>-</u>	#DIV/0!
Amount Due per Accounts Receivable	-	

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

Total Budgeted	93,050	
Total Collected (percent of budget)	<u>32,640</u>	35%
Amount Due Per Budget	60,410	

