

**TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
November 16, 2023
6:30 PM**

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz and Butta, and Councilwoman Holloway. Councilmen Follmer and Grossman were not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Assistant Treasurer Adrian Oei, Police Officer Thomas Lynch, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 9 members of the public physically in attendance, and 6 viewers on Facebook.

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

PUBLIC HEARING COMMENTS: (3 MINUTES PER SPEAKER)

- A. A Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) & Harbor (H) to Harbor (H) only

Planner/Zoning Administrator Katie Nunez stated that an application was received on August 24, 2023 from Cherrystone Investments, LLC seeking to rezone Tax Map #90-A-1A6 totaling 1.799 acres from a split zoning parcel of Harbor (H) & General Business/Light Industrial (GBI H-1) to Harbor (H) only. 1.47 acres of this parcel was currently zoned Harbor and just under .4 acres was zoned General Business/Light Industrial. The Planning Commission held their public hearing on October 3, 2023 with no public comments received.

There were no comments to be heard. Town Clerk Libby Hume read an email submitted by Councilman Grossman. (Please see attached.) There were no other comments received in writing prior to the meeting.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to close the public hearing. The motion was approved by unanimous vote.

The public hearing was closed at 6:35 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

Mayor Charney recognized Kathleen Fraas for her 10-year anniversary with the town on November 25th.

Town Manager John Hozey added that Kathy Fraas was a blessing to the town and would be retiring at the end of December. She was unable to attend this evening but asked him to relay her thanks to the Mayor and Council for the recognition.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Laura Weigand, Cape Charles resident/business owner:

Ms. Weigand addressed Council regarding the Madison Avenue parking issue. (Please see attached.)

L.D. Davis, resident

Ms. Davis stated that she took a walkabout earlier this evening, walking to the public parking lot south of Mason Avenue. It's a wonderful gravel lot with no light fixtures to be found in 70 spaces. She then walked from Strawberry Street north from Mason Avenue to Peach Street. There were 28 parking spaces with 4 light fixtures. To her knowledge, the Cape Charles police department had not reported anyone getting lost on Mason Avenue, unable to find their cars, etc. Phase 3 of the Trail project between Mason Avenue and Peach Street would have 27 parking spaces with 10 lights. It was a mixed-use block with both commercial and residential buildings. She asked Council, as they reviewed the Phase 3 Trail agenda item this evening, to let common sense prevail, and to think about the number of lights proposed by staff. Staff said that 10 light fixtures were needed in this block. It was a quality-of-life issue for those living in the area. Those residents would not be able to see the stars at night. This was not a win. A win would be the ability to get to cars safely. If it could be done in the public parking lot without any lights, this plan needed to be rethought.

Dianne Davis, resident

Ms. Davis addressed the Mayor, Town Council, Clerk and Town Manager asking for some helpful suggestions. She stated that she had come before the Town Council in the past about sidewalks, but it seemed that the Town did not have any authority over sidewalks. She asked for contact information for someone she could go to who might be able to help us get sidewalks. She understood that it was not a priority for this town but would appreciate information on who she could contact. She added that she looked at this evening's agenda and saw an item regarding parking restrictions on Madison Avenue and asked how the Town could put restrictions on parking on Madison Avenue when it was a residential area.

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

There were no other 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. September 21, 2023 Town Council Regular Meeting
 - ii. October 19, 2023 Town Council Public Hearing & Regular Meeting – No Quorum – Notes only
- C. Approval of August 31, 2023 & September 30, 2023 Financial Reports

Motion made by Councilman Buchholz, 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. Item 8A – Parking Restrictions on Portion of Madison Avenue was postponed to a future meeting. This was noted on the published agenda to make everyone aware of this change.
- B. *Zoning Map Amendment – Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) & Harbor (H) to Harbor (H) Only:*

Katie Nunez stated that the Planning Commission held their public hearing on October 3, 2023 with no public comments received. Following the public hearing, the Commission discussed the application and unanimously recommended Town Council approval of ZMA 2023-03 rezoning Tax Map Parcel #90-A-1A6 from General Business/Light Industrial and Harbor to Harbor only with the condition that plans as to how this parcel would be used be delivered to the Planning & Zoning Department within six months. The applicant provided a concept plan to the Planning

Director the morning after the Planning Commission meeting, which was included in this agenda packet.

Ms. Nunez added that since the October 19th Town Council meeting could not be held, she was able to further research the creation of this parcel to help answer Councilman Grossman's questions. She stated that the parcels in this area were part of the former Sustainable Technologies Industrial Park (STIP) and went on to explain the history of the parcel and subsequent subdivisions. In 2020, the parcel in question, #90-A-1A6, was substantially created from parcel #90-13-A, which was zoned Harbor, with a small fraction of the lot coming from parcel #90-8-1A5, which was zoned General Business/Light Industrial. (Please see below for map.)

NOVEMBER 2023 AERIAL MAP of these parcels – WHITE FONT is zoned GBI H-1; BLUE FONT is zoned HARBOR; RED FONT – parcel in question with split zoning of Harbor and GBI H-1.



Town Council held their required public hearing earlier this evening and the only comments received were from Councilman Grossman.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the zoning map amendment application as requested and rezone Tax Map #90-A-1A6 from General Business/Light Industrial and Harbor zoning to Harbor on the full parcel.

There was much debate about this item.

Councilman Buchholz expressed his opinion that residential units were inappropriate for this area, adding that the adjacent parcel to the west was zoned Harbor and owned by the Department of Conservation & Recreation in conservation permanently dedicated as a nature preserve. John Hozey interjected that The adjacent parcel to the east was zoned as GBI H-1 which was not conducive to residential development. Katie Nunez explained that any housing in the Harbor district must be approved by a conditional use permit.

Mayor Charney moved for adoption of Ordinance #20231116 as noticed and forewent reading of the ordinance. The motion failed for lack of a majority of affirmative votes of the entire Council. Roll call vote: Bennett, yes; Buchholz, no; Butta, yes; Holloway, yes.

C. Community Trail, Phase 3 Lighting:

John Hozey stated the following: i) At the July 20, 2023 Regular Meeting, Council authorized award of the construction contract to Conrad Brothers of Virginia for Phase 3 of the Community Trail for the scope of work included in the base bid. The alternate to the base bid for light poles and fixtures was not awarded in favor of contracting separately for these items at a lower cost.

The base contract included the lighting control equipment, underground conduit and wiring, foundations and mounting hardware; ii) Staff obtained a quote of \$30,555 for the light poles and fixtures from Spring City Electrical Manufacturing Company, which was the manufacturer of the light poles installed on Mason Avenue and Strawberry Street Plaza. Staff also obtained an estimate of \$18,650 from a local electrician to install the poles and fixtures. The total estimated cost including shipping was \$50K which was about \$30K lower than Conrad's bid; iii) There was currently \$41K in the contingency budget. He requested to move \$40K from the contingency line and \$10K from the Municipal Building line to cover the cost of the lighting project. Funding would be adjusted during the mid-year budget amendment iv) The issue with the number of lights was not something that staff could control. The plan was designed by architects and engineers along with VDOT. The plan was initially approved in 2019 with 10 light poles and 14 lights. The bid came in high, so the project was redesigned and cut back. The lighting was reduced to the minimum acceptable by VDOT regulations and now included 7 light poles with 10 lights. This was comparable to North Peach Street. This area was in a commercial district and with parking being designated for the center of the roadway, additional lights were needed to meet VDOT specifications. Further reduction in lights would put the project in serious jeopardy and the Town would likely lose the grant funding. He suggested moving forward and if the lighting was proven to be excessive, the Town could try to take action to address the issue at that time.

Motion made by Councilman Butta, seconded by Vice Mayor Bennett, to approve the sole source determination, the budget transfer, and award of the contract to Spring City Electrical Manufacturing Company.

There was much discussion as follows: i) Councilwoman Holloway stated that after several residents expressed their concerns at the July meeting and the discussion afterwards, she had felt confident that no decisions were being made regarding lighting until further input had been received. She added that the plan included in the agenda packet showed no reduction in lighting. She did not want to jeopardize the project but did not feel good about this situation. She understood that VDOT approved the plan but asked why double lights were necessary in the center of the street. She concluded by stating that she left the July meeting thinking that Council and staff had heard the residents and would work to reduce the number of lights; ii) Councilman Butta stated his agreement with Councilwoman Holloway regarding the residents' concerns; iii) Vice Mayor Bennett added that a lot of things had been built in Town in the past that were not up to current code. If this plan was approved by VDOT as the minimum number of lights that met their standard, unfortunately, we needed to accept that if we wanted to move forward with the project; iv) Councilman Butta agreed that we did not want to jeopardize the project. We had no choice but to move forward if the plan was to VDOT requirements; v) Councilwoman Holloway continued to state that the number of lights being a VDOT requirement was never brought up at the July meeting. Unfortunately, we had no choice but to move forward since the Peach Street sidewalk was already torn up, adding that she felt that this entire issue had been handled dishonestly. Someone should have mentioned that no changes could be made to the lighting plan since it was a VDOT requirement; vi) John Hozey stated that the specifications were included in the packet and the discussion was not done in a vacuum and went on to suggest that the level of lighting be evaluated after installation. If it was felt to be too bright, the level of lighting could be modified if needed.

The motion was approved by unanimous vote.

Councilwoman Holloway added that she felt that Council was being pushed to the wall and voted in favor of the motion so as not to jeopardize the project.

D. *Town Council Meeting Time Change Resolution:*

John Hozey stated that this item was discussed previously, and a consensus was reached to change the start time of future Town Council meetings to 6:00 p.m. to better align our meetings

with the Planning Commission. A resolution was required to make any changes to the Town Council meeting schedule.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adopt Resolution 20231116B Changing the Time of Cape Charles Town Council Regular Meetings. Mayor Charney moved for adoption of Resolution 20231116B as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Holloway, yes.

E. USDA Rural Development Grant/Loan for Police Car:

Assistant Treasurer Adrian Oei stated that the Council approved projects requested this year to be funded by the US Department of Agriculture Rural Development Agency when the Fiscal Year 2024 budget was approved. If the application was approved, USDA RD would fund the purchase of a police car with a \$15,050 grant and \$27,950 five-year term loan. The current USDA RD interest rate is 3.75% and was not subject to change until January 1, 2024, however the terms and conditions of the loan must be adopted by resolution prior to closing.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to adopt Resolution 20231116C to complete the application package for the new police car. Mayor Charney moved for adoption of Resolution 20231116C as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) Recent hires: In July, Meadow Noonan was hired at the water plant. In August, Aakeen Adgerson joined the public works department. In October, Ryan Silvey was hired as a finance clerk, and in November, Jordan Yee, joined the police department as a new police officer. The two new officers would both be attending the police academy in January.
- ii) In August, John Lockwood retired as the public works manager. Deborah Pocock retired as treasurer in September, and Bob James, the part-time zoning compliance officer resigned in November.
- iii) He received a call from the Eastern Shore Chamber of Commerce wanting to move their ChamberFest event to Cape Charles. They also contacted Canonie. The Cape Charles Rotary Club also wants to do an event on the same date in May. There's not a lot going on in May so these events would fill in the calendar nicely.

Katie Nunez added that the Rotary Club was considering an art show. Councilman Buchholz noted that the Chamber event includes bands and music so would likely attract different crowds.

- iv) Update to EV charging stations: The hold up was in obtaining all the equipment. The EV charging stations were just installed in Chincoteague and Onancock, and they were supposed to be activated this week. Our station was waiting on the Canonie lease. We were hopeful that the lease would be finalized within a week.
- v) The beach was open and looked really good. He thanked the public for their patience over the past couple of months and for helping pick up the debris that surfaced. It was an unavoidable part of the dredging process.

Councilwoman Holloway asked if the public works team was walking the beach to clean up the debris which was pretty significant. John Hozey responded that he had walked the beach and had not seen much debris. Councilwoman Holloway added that she had seen several photos over the past week showing big piles of debris that the citizens collected. The citizens would continue to do so, but staff also needed to work on cleaning up the area.

- vi) The public works crew would be installing the sand fence at the beach to try to keep the sand in place through the winter.

- vii) An executive session was originally scheduled for this evening following the regular meeting, but it was postponed to December.
- viii) Library Sale: A conceptual plan was brought to Council, but formal documents still needed to be approved. The original deal was for \$600K for the library building and \$325K for each lot for a total of \$1.25M, with the Town buying back the library portion for \$450K, which left a net gain of about \$800K. The developer changed his mind and was no longer interested in purchasing the two Randolph Avenue lots. With this change, the Town would be netting about \$140K in the deal, but the lots would be put out for bids. The minimum bids would be about \$300K, possibly more for the corner lot. At the end of the day, it would be about the same financially, but would require more staff work. He wanted to make sure there was no significant objection to carving off the lots to sell separately. The bids would not be advertised until the rezoning was complete. The Town would work with the developer to roll the library renovation into the bigger project.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett commented as follows: i) He attended both the Mayors' Conference and the annual VML Conference for the last two years and found them to be useful, especially the Mayors' Conference. He urged Mayor Charney try to attend next year. The Mayors' Conference was much smaller than the regular conference and provided an invaluable opportunity to network with Mayors from around the state to discuss issues affecting their municipalities, etc. He also encouraged Councilman Butta to attend the VML Conference next year; ii) The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) held a meeting last Saturday and invited the Mayor and all Council members to attend. A number of the Council members RSVP'd their attendance, but no one showed up. The CCRSRI wanted to publicly thank the Town for our assistance with their initiative. We needed to do a better job of attending these types of functions in the future, especially if we said we would be in attendance.

Councilman Buchholz comments as follows: i) He asked about the signage on Peach Street. John Hozey responded that he met with Bob Panek and Karen Zamorski. Our contract required the contractor to maintain public access to the businesses. They did leave a gravel path to the businesses, but the signage was confusing. Next to the gravel path was a sign that said "Closed" with an arrow pointing across the street, so no one would think to continue down the path. He was working with Cape Charles Main Street (CCMS) on signage, such as sandwich boards, or other type of sign that could be moved as construction progressed. The eastern sidewalk would be completed first, but probably not until after Festive Fridays. Councilwoman Holloway asked if conversations were held with VDOT and the contractors about ending work before 4:00 p.m. on Fridays for Festive Fridays. Peach Street was heavily traveled, and AJ's and Salt & Sand's business had dropped about 50%. The biggest concern for Festive Fridays was lighting, not signage. People can't see how to maneuver the construction area to get to the businesses. Councilman Buchholz suggested that construction lights be requested for the area; ii) He received a call from a competitor about Salt & Sand's well-being due to the trail project sidewalk construction. A chat group was established to brainstorm some ideas to help. This was an example of the businesses in town taking care of other businesses.

Councilman Butta stated that he attended the CCMS Connect Meeting and one of the main concerns was the lack of restroom facilities in the core district, especially since the construction of the visitor center had to be postponed. CCMS had a substantial grant that would be running out. He did some research and found an industrial, high-capacity portable restroom that could be moved to the beach after the visitor center was constructed. He asked that the Town look seriously into getting this type of unit that could be put in place fairly quickly in order to provide restroom facilities in the downtown area. Councilman Buchholz suggested staff reach out to Preserve Communities to see where they purchased their unit.

Councilwoman Holloway commented as follows: i) She congratulated Mayor Charney for bringing in Dock Dogs and Julie Pruitt for helping to get everything organized. It was a great event. All her doubts

were put to rest quickly and it turned out to be a great shoulder-season event; ii) Last week, she had the opportunity to interact with Ralph Bowen. He was a tremendous guy and doing such an exceptional job as the leader of the public works team. There were some tenuous situations and he handled them well.

Mayor Charney thanked Julie Pruitt for her help with Dock Dogs. He was thrilled with the first year. He suggested everyone put it on their calendar if they missed it this year. He thanked Ralph Bowen and the public works staff for helping with the set-up and break-down. He thanked the Cape Charles Volunteer Fire Department as well.

Mayor Charney read the announcements.

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

The Public Hearing & Regular Meeting adjourned at 7:45 p.m.

Mayor Charney

Town Clerk

**November 16, 2023 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Councilman Paul Grossman

Dear Mayor, Fellow Council Members and Town Manager -

I am attending the Governor's Housing Conference. However, I would like to express my comments on this zoning request.

First, I would like to thank our Zoning Administrator for the further research performed surrounding the history of these properties. It is not an easy thing to follow. This revised and corrected information would have been beneficial during our Planning Commission public hearing and regular meetings on this same subject. I have two comments or questions:

1. In the staff report, the lot in question (90-A-1A6) was first presented as 79.85 feet in width but needed to be 100 feet per the zoning administrator. The 100 feet requirement is associated with GBI H-1 zoning requirements while Harbor has an 80 foot requirement. Why was 100 feet pushed and not Harbor's 80 foot width?

2. Our recently adopted comprehensive plan includes a future land use map that clearly depicts this subject area to be Harbor District Industrial which coincides with GBI H-1 designation. The map also clearly delineates the intended Harbor District area. In addition, we expect that tax parcel 90-13-A that was sold to Department of Conservation and Recreation to eventually be rezoned in accordance with the future land use map as conservation/open space.

I am of the opinion that we should stick with our future land use map designations as presented in our comprehensive plan for this area. A more appropriate location for the suggested enterprise is within our Harbor District or immediately adjacent to it through rezoning. Having a sliver of Harbor District sandwiched between eventual conservation/open space and industrial, and away from the actual harbor district seems inappropriate to me.

Thank you for your consideration of my comments.

Paul Grossman
Cape Charles Councilman

Laura Weigand, resident/business owner

My name is Laura Weigand. I am a full-time resident and homeowner of 632 Madison Avenue.

After receiving Mr. Hozey's last email, it seems the Madison Ave. parking issue has unfortunately taken a turn to becoming very one-sided and biased toward Wendell's wants and not the residents. It is disturbing that he considers parking on the street in a residential zone, in front our own house a "harassment of a business." Taking away residential parking spaces in front of our own homes is a contradiction to his proposal that each residential property be able to secure one 20' parking space for lots with a driveway and two 20' parking spaces for those without. Why is the 600 block of Madison any different?

I also want to address his words of "harassing" the business on the upkeep of their property. This refers to their property located at 636 Madison between Wendell's warehouse and our home. There is a town ordinance of mandated repair or demolition by neglect. We would just like them to be held accountable to the town's standard, so please address either fixing up this historical home or selling the property. As the African American tailor business was run here, it deserves new life.

There is a new norm for Cape Charles. More residents are moving here, more lots are being developed. Businesses, especially those in residential areas, must make progressive maneuvers to continue business as normal. I know since we have to unload pallets by hand, and our business is in a commercial zone. But it may only be an inconvenience at times. We have done nothing nor will we to interfere with their "business as usual." Just their "usual" might need to look different as the town grows.

After researching some near-by ordinances, the town of Suffolk has a comprehensible ordinance that allows businesses who operate in or adjacent to residential areas to put up temporary "No Parking/Unloading" cones prior to a truck coming and then removing them no more than 2 hours after the truck unloads. These

early morning deliveries, which are not supposed to happen prior to 7 am in Cape Charles, could even be addressed the night before. We have filed no complaints (or “harassments”) against the Wendells when they unload many times earlier than 7 am, such as this week’s 6:17 am truck. We are not trying to play this tit-for-tat game. Can’t we all just get along?

I request another meeting for ALL involved participants to explore options, without Mr. Hozey acting as the Wendell’s agent and to include one or two impartial Council members for mediation.

Julie Jones, resident

To Cape Charles Town Council, Cape Charles Planning Commission, and Cape Charles Town Manager

My name is Julie Jones, and my husband and I live full time in the Historic District, at 538 Monroe Avenue.

I strongly support the need for the Town of Cape Charles to have regulations to govern and limit the number of short-term rentals in the Historic District of Cape Charles, and greatly appreciate all of the work done by the short-term rental committee that led to these recommendations.

When we purchased our home in 2015, there was great diversity among the people who lived in our block. There were watermen, young families, state troopers, and landscapers, people who rented long-term, and who benefitted from the availability of work force housing.

This all began to change in the fall of 2019, when one of the homes in our block sold, and was converted to a short-term rental. Over time, the four duplexes in our block, representing 8 residences, converted to short term rentals, as well as two other single-family homes.

There are currently 29 residences, counting duplexes as 2 residences, in our block of Monroe Avenue. Of these, at least 11 are short term rentals.

There are 3 houses in our block that recently sold, and “word on the street” is that they are destined to become STRs as well.

That will mean 14 out of 29 residences, or nearly 50% of the houses in our block will be rented out as STRs.

Kind of loses that small town charm, community feel of knowing your neighbors that we all value and love.

I believe that the purpose in establishing the committee to study this issue, which is certainly not unique to Cape Charles, was the recognition that we are a very small town, with limited resources, and it is to the benefit of everyone who loves this town if a cap could be put on the number of STRs in the Historic District.

I understand that one recommendation, as it currently is proposed, would allow additional STRs to be added, up until **January 1, 2025**.

How would that do anything to manage/reduce/control the number of STRs in the Historic District?

It seems to me that by giving people more than a year to convert a home that is currently single family, to an STR, will only lead to a rush to increase the number of STRs in the Historic District. Certainly the three recently sold homes in our block would fall into that category.

Instead, would you consider closing the door on new STR requests on **January 1, 2024**, and give people until **January 1, 2025** to fully act on that request?

Also, if houses that are currently STRs are sold, and are allowed to be “rolled over” as STRs by the new owners, that does not seem fair to anyone who might want to get on a list to have their house become an STR. Once a house is sold, the new owner should have to go to the bottom of the list and wait as opportunities open up, as STRs are either sold, or their owners discontinue using them as STRs.

Doing this might actually mean that houses are once again available for long term rental, as people wait their turn on the STR list.

Finally, there have been many different percentages of STRs in the Historic District disseminated, some as low as 15%.

If that percentage is true, then for our block to be currently at nearly 38%, someone must have none of these STRs in their block.

Is that fair?
(End of 3 minutes)

September 2023 Treasurer's Report

Page 1 – Cash Position

- The \$138,583 decrease in our Atlantic Union Bank checking account can be attributed to collecting over \$95,000 of facility fees during August and then transferring these funds to the VIP investment account in September.
- Facility Fee Reserve cash balance at 9-30-23 is \$3,320,441.

Page 2 – Revenue vs. Expenditures

- These numbers are pending as closing revenue and expense accruals are pending and late invoices past June 30 must be paid before the 2023 fiscal year can be closed on or about September 30, 2023.

Page 3 – Capital Projects

- A progress payment of \$31,546 was made to HBA for architectural services for the new Town offices, visitors center, and library renovations.
- Progress payments 8 and 9 totaling \$15,243 were made to GHD on keck well water design.

Page 4 – Tax Collection Rate

- This report is omitted until October when tax bills are generated and mailed.

Page 5 – Tax Revenue Trends

- Fiscal year-to-date (July through September) meals tax revenue of \$345,186 is 10% higher than a year ago. This tax represents the restaurant owner's August gross receipts.
- Fiscal year-to-date transient occupancy taxes of \$316,338 are nearly 15% higher than this time last year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
September 30, 2023

<u>Cash on Hand</u>	<u>8/31/2023</u>	<u>9/30/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$478,401	\$339,818	-\$138,583
Atlantic Union Bank Money Market Account	\$373,274	\$373,427	\$153
LGIP Account 1 - Unrestricted	\$109,643	\$110,138	\$495
LGIP Account 2 - Unrestricted	\$317,939	\$319,512	\$1,573
Virginia Investment Pool Liquidity Unassigned	\$2,290,515	\$2,300,924	\$10,409
Virginia Investment Pool 1-3 Year Unassigned	\$1,015,710	\$1,015,425	-\$284
Total Cash On Hand	\$4,585,482	\$4,459,244	-\$126,237

<u>Restricted and Reserved Cash Balances</u>	<u>8/31/2023</u>	<u>9/30/2023</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	\$13,051	\$13,355	\$304
US Bank - Reserved per VRA Interest Free Loan Requirements	\$260,632	\$261,723	\$1,091
Wells Fargo 2010 Debt Service pass through account #300	\$3,089	\$3,141	\$52
Wells Fargo 2010 Debt Service pass through account #308	\$1,103	\$1,108	\$5
Atlantic Union Money Market # ARPA CRF #5847	\$595,488	\$595,733	\$245
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,210,192	\$3,320,441	\$110,248
Total Cash Held in Reserve	\$4,125,680	\$4,237,624	\$111,945
Total Cash - All Accounts	\$8,711,161	\$8,696,869	-\$14,293

DEBT SERVICE

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

\$5,105,561

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

September 30, 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	\$332,613	\$945,954	\$1,029,554	\$83,600	\$5,719,837	18.00%
EXPENDITURES	\$264,652	\$1,053,972	\$1,090,081	\$36,109	\$5,719,837	19.06%
NET	\$67,961	(\$108,018)	(\$60,528)	\$47,490	\$0	
GENERAL Capital Fund						
REVENUE	\$12,735	\$31,321	\$34,519	\$3,198	\$2,446,213	1.41%
EXPENDITURES	\$32,007	\$126,729	\$80,006	-\$46,723	\$2,446,213	3.27%
NET	(\$19,272)	(\$95,408)	(\$45,487)	\$49,921	\$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	\$4,500	\$551,185	\$4,500	-\$546,685	\$296,350	1.52%
EXPENDITURES	\$4,500	\$48,487	\$43,491	-\$4,996	\$296,350	14.68%
NET	\$0	\$502,698	(\$38,991)	(\$541,689)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

September 30, 2023

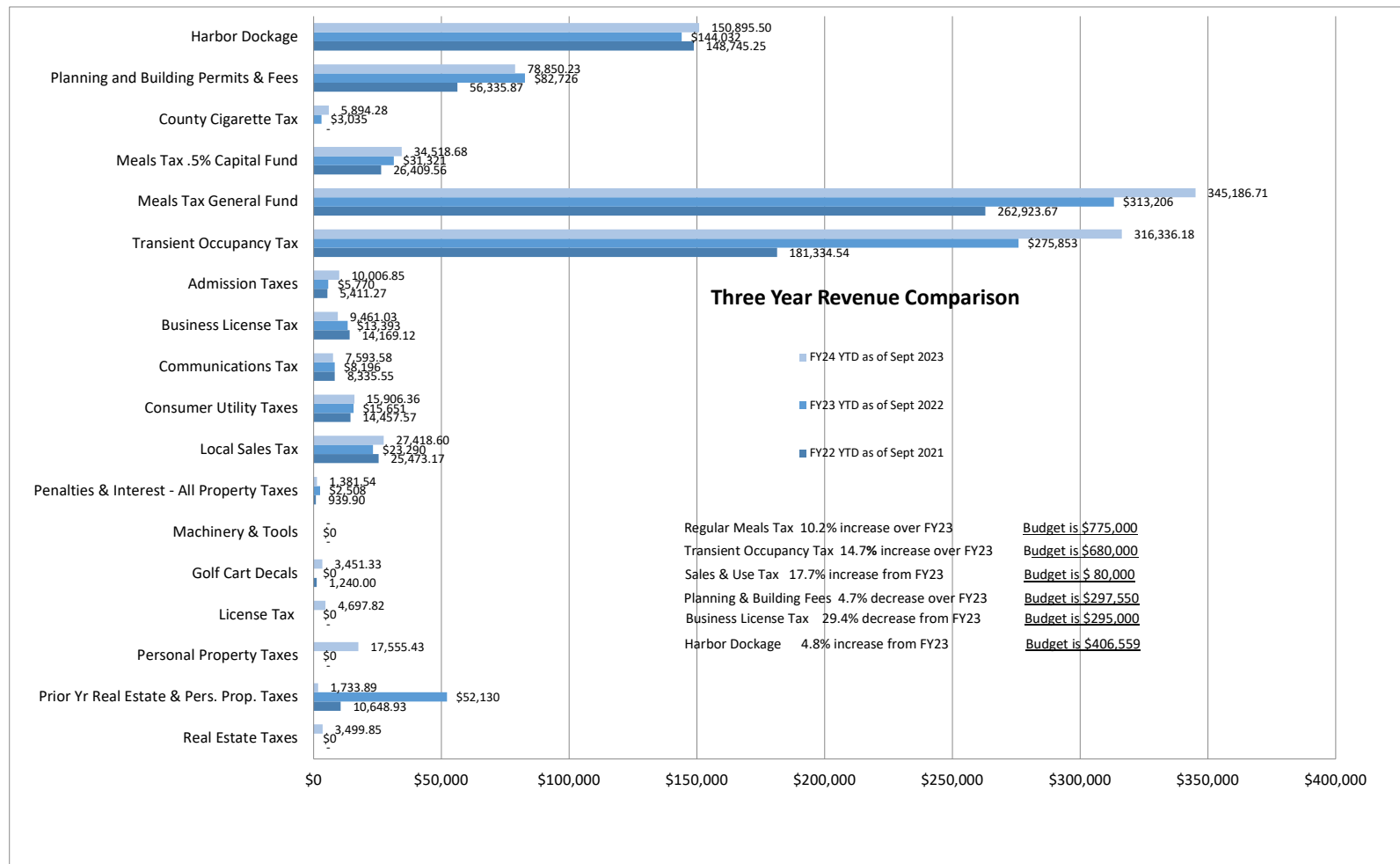
REVENUE VS. EXPENDITURES

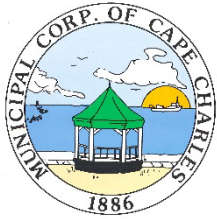
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$192,236	\$531,390	\$584,483	\$53,093	\$2,051,988	28.48%
EXPENDITURES - Operating	\$89,406	\$231,142	\$275,914	\$44,772	\$1,982,118	13.92%
NET	\$102,830	\$300,248	\$308,569	\$8,321	\$69,869	
REVENUE - CAPITAL GRANTS, LOANS, FUND BALANCE	\$0	\$0	\$0	\$0	\$2,036,728	
REVENUE - FACILITY FEES	\$10,600	\$198,114	\$127,200	-\$70,914	\$466,400	27.27%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$14,411	\$239,052	\$181,349	-\$57,703	\$2,572,997	7.05%
TOWN CONTRIB. & PENDING GRANTS	(\$3,811)	(\$40,938)	(\$54,149)	(\$13,211)	(\$69,869)	
HARBOR Fund						
REVENUE - Operating	\$75,415	\$420,062	\$372,240	-\$47,822	\$1,008,625	36.91%
EXPENDITURES - Operating	\$60,410	\$353,305	\$353,080	-\$225	\$1,082,312	32.62%
NET	\$15,005	\$66,757	\$19,160	(\$47,597)	(\$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	\$27,700	\$70,112	\$82,829	\$12,717	\$314,265	26.36%
EXPENDITURES	\$25,007	\$59,964	\$66,369	\$6,405	\$314,265	21.12%
NET	\$2,693	\$10,148	\$16,460	\$6,312	\$0	

FY 24 Capital Improvement Project Tracking Report

As of:
9/30/2023

9/30/2023	FY24	Percent of	FY24	QTR 1	QTR 2	QTR 3	QTR 4	FY24 YTD	(Over)/Under
	Status or Start Date	Completion	Budgeted	Expended	Expended	Expended	Expended	Expended	Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	In Process	0.4%	\$ 929,922	\$ 4,150				\$ 4,150	\$ 925,772
Municipal Space Replacement Planning (ARPA)	In Process	30%	\$ 210,000	\$ 62,659				\$ 62,659	\$ 147,341
Welcome Center Design - HBA	In Process	0.9%	\$ 455,000	\$ 3,889				\$ 3,889	\$ 451,111
3 Police Vehicles; 1 ARPA/2 USDA	Pending	0%	\$ 126,000					\$ -	\$ 126,000
Library Upgrade & Condo-ization - HBA	In Process	1%	\$ 310,000	\$ 4,598				\$ 4,598	\$ 305,402
Storage Facility Roofing	Pending	0%	\$ 20,000					\$ -	\$ 20,000
Capital Project Contingency	Pending	0%	\$ 41,141					\$ -	\$ 41,141
subtotal	\$ -		\$ 2,092,063	\$ 75,297	\$ -	\$ -	\$ -	\$ 75,297	\$ 2,016,766
Utility Fund -Water									
Keck Well Connection	In Process	1%	\$ 1,150,000	\$ 15,243				\$ 15,243	\$ 1,134,757
Utility Fund - Wastewater									
WWTP Membrane Replacement	Pending	0%	\$ 465,000					\$ -	\$ 465,000
Sewer Pod Controller Upgrades	Pending	0%	\$ 14,500					\$ -	\$ 14,500
subtotal	\$ -		\$ 1,629,500	\$ 15,243	\$ -	\$ -	\$ -	\$ 15,243	\$ 1,614,257
Harbor Fund									
Inner Harbor Fixed Dock Repair	Pending	0%	\$ 13,000					\$ -	\$ 13,000
Inner Harbor King Pile & Waler Replacement Design	In Process	6%	\$ 306,000	\$ 18,050				\$ 18,050	\$ 287,950
Inshore Breakwater Repair/Upgrade	Pending	0%	\$ 180,000					\$ -	\$ 180,000
subtotal	\$ -		\$ 499,000	\$ 18,050	\$ -	\$ -	\$ -	\$ 18,050	\$ 480,950
TOTAL	\$ -		\$ 4,220,563	\$ 108,590	\$ -	\$ -	\$ -	\$ 108,590	\$ 4,111,973
*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT									





*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on November 16, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20231116 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Adam Charney, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X			X	
Ken Butta	X		X		
Andrew Follmer		X			
Paul Grossman		X			
Tammy Holloway	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 16^h day of November 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20231116

AMENDING CAPE CHARLES ZONING FOR TAX MAP PARCEL #90-A-1A6 FROM GENERAL BUSINESS/LIGHT INDUSTRIAL (GBI H-1) & HARBOR (H) TO HARBOR (H) ONLY

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc.; and

WHEREAS, on August 24, 2023 a zoning map amendment application (ZMA 2023-03) was received from Cherrystone Investments LLC seeking to rezone Tax Map #90-A-1A6, totaling 1.799 acres, from a split zoned parcel of Harbor (H) and General Business/Light Industrial (GBI H-1) to only Harbor (H); and

WHEREAS, 1.47 acres of this parcel is currently zoned Harbor and just under .4 acres is zoned General Business/Light Industrial, and the applicant is seeking to get the full parcel zoned as Harbor which is more compatible with potential business use of the property; and

WHEREAS, the town's Future Land Use Map dated December 15, 2022 designated the area south of the harbor as Conservation/Open Space, Harbor District, or Harbor District Industrial; and

WHEREAS, the Planning Commission held their public hearing on October 3, 2023 and no public comments, other than the applicant's, were received; and

WHEREAS, following the public hearing, the Planning Commission discussed the application and unanimously recommended Town Council approval of ZMA 2023-03 rezoning Tax Map Parcel #90-A-1A6 from GBI H-1 and Harbor to just Harbor with the condition that plans as to how this parcel will be used be delivered to the Planning & Zoning Department within six months; and

WHEREAS, the applicant provided a concept plan to the Planning Director the morning after the Planning Commission meeting, which was provided for Town Council review;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council; now

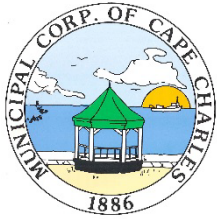
THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 16th day of November 2023, that the Cape Charles Zoning Map be amended to show Tax Map Parcel #90-A-1A7 in the Harbor (H) Zoning District to become effective immediately.

Adopted by the Town Council of Cape Charles on November 16, 2023.

By: _____
Mayor

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on November 16, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20231116B (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Adam Charney, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Ken Butta	X		X		
Andrew Follmer		X			
Paul Grossman		X			
Tammy Holloway	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 16th day of November 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20231116B

**CHANGING THE TIME OF CAPE CHARLES
TOWN COUNCIL REGULAR MEETINGS**

WHEREAS, the Cape Charles Town Council Resolution 20180726A, adopted on the 26th day of July 2018, set the time of the regular meetings of the Cape Charles Town Council at 6:30 p.m. to accommodate the work schedules for Council members working out of town; and

WHEREAS, prior to this change, the Cape Charles Town Council Resolution 20100812B, adopted on the 12th day of August 2010, set the time of the regular meetings of the Cape Charles Town Council at 6:00 p.m. in an effort to increase participation from the Town's citizens; and

WHEREAS, the Cape Charles Town Council and Planning Commission have increased the frequency of joint meetings; and

WHEREAS, the Cape Charles Planning Commission meetings begin at 6:00 p.m.; and

WHEREAS, at the October 24, 2023 Town Council and Planning Commission Joint Work Session, a general consensus was reached to move the start time of all Town Council meetings to 6:00 p.m. for consistency with the Planning Commission meetings and to shorten the work day for the Mayor, Town Council, staff, and the Cape Charles citizens; now

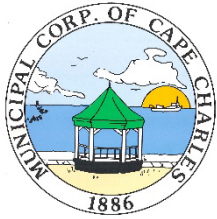
THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, as required by § 15.2-1416 of the Code of Virginia, that effective immediately, the Cape Charles Town Council Regular Meetings will be held on the third Thursdays of each month beginning at 6:00 p.m. at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, VA 23310.

Adopted by the Town Council of Cape Charles on November 16, 2023.

By: _____
Mayor

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on November 16, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20231116C (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Adam Charney, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Ken Butta	X		X		
Andrew Follmer		X			
Paul Grossman		X			
Tammy Holloway	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 16th day of November 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20231116C
OF GOVERNING BODY OF THE TOWN OF CAPE CHARLES

The Town Council of the Town of Cape Charles, Va, consisting of six members, in a duly called meeting held on the 16th day of November 2023, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of a police vehicle and equipment, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager of the Town of Cape Charles be authorized to execute on behalf of the Town Council, the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Town Council.

TOWN OF CAPE CHARLES

By: _____
Mayor

Attest: _____
Town Clerk

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Town Council of the Town of Cape Charles in a duly assembled meeting on the 16th day of November, 2023.

Secretary/Clerk

Revised 08/23/2018