

**TOWN COUNCIL  
Regular Meeting  
Cape Charles Civic Center  
September 21, 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 Councilmen Buchholz, Butta, Follmer, and Grossman, and Councilwoman Holloway. Vice Mayor Bennett was not in attendance. Also, in attendance were Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez, Interim Treasurer Manager Jerry Murphy, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, Officer Thomas Lynch, and Town Clerk Libby Hume. Town Manager John Hozey participated via conference call from Alaska. There were 6 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.

**RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:**

**A. *Certificate of Commendation for Officer Thomas Lynch:***

Mayor Charney presented a Certificate of Commendation and an award to Officer Thomas Lynch for his heroic actions above and beyond the call of duty, using his police vehicle to stop a fleeing vehicle driving through Central Park. Officer Lynch put his own safety aside to ensure the safety of the Town's citizens and visitors on August 29, 2023.

**PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)**

*Sam Jones, Cape Charles property owner/resident*

Mr. Jones thanked the Mayor and Council for their continued support to keep the Cape Charles Memorial Library on Mason Avenue. (Please see attached.)

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

**CONSENT AGENDA**

- A. Approval of Agenda Format
- B. Approval of Minutes:
  - i. August 17, 2023 Town Council Regular Meeting
  - ii. August 21, 2023 Town Council & Planning Commission Joint Work Session
  - iii. August 31, 2023 Town Council Executive Session
- C. Approval of July 31, 2023 Financial Report

**Motion made by Councilman Buchholz, 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. *Resolution of Intent-Consideration of Zoning Map Amendment Application:***

Planner/Zoning Administrator Katie Nunez stated that in late August, an application for zoning map amendment was received from the owner of Tax Map #90-A-1A6 requesting the rezoning of a portion of this parcel from General Business/Light Industrial (GBI H-1) to Harbor. In October 2021, Southport Investors LLC subdivided approximately .329 acres from Tax Map #90-8-1A5

which was zoned GBI H1 and 1.45 acres from Tax Map #90-8-1A1 which was zoned Harbor. This subdivision created a new parcel, Tax Map #90-A-1A6 totaling 1.799 acres. In December 2021, Southport Investors conveyed this parcel to Cherrystone Investments, LLC, which is desirous of eliminating the dual zoning on this parcel and having the entire parcel zoned as Harbor. The Town's Zoning Ordinance and Virginia Code § 15.2-2286 (A) (7) required a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map. Consideration and approval of the resolution of intent did not constitute approval of any change to the Town's Zoning Map. It merely identified that a Zoning Map Amendment Application was received, and the application identified that sufficient public necessity, convenience, general welfare or good zoning practice existed within the proposed application to conduct a public process to more fully explore the proposed change. The resolution would formally establish that the proposed changes met the requirements to be referred to the Planning Commission for public hearing and their recommendation. The Planning Commission's recommendation would be presented to the Town Council and a public hearing would be scheduled, followed by their consideration and vote on the application.

**Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Resolution of Intent #20230921 Zoning Map Amendment 2023-03 Application from Cherrystone Investments, LLC for Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) and Harbor to only Harbor Zoning. Mayor Charney moved for adoption of Resolution of Intent #20230921 as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.**

**B. *Trash Collection Contract Extension:***

John Hozey stated that the Town awarded a contract for all waste collection and disposal services to P.W. Davis Disposal. The contract was for one year with the option to renew to two additional years, totaling three years. This was the second of the two extensions covering the timeframe from November 1, 2023 through October 31, 2024. Per Mr. Michael Davis, the cost for year three of the contract would remain at \$18.93 per month per receptacle. Sufficient funds were appropriated in the FY 2024 budget to cover this expense.

**Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the second and final extension of the waste collection and disposal services contract with P.W. Davis Disposal from November 1, 2023 through October 31, 2024. The motion was approved by unanimous vote.**

**C. *Library Building Redevelopment Recommendation:***

John Hozey stated that on February 1, 2023, the Town issued a fairly broad request for proposals (RFP) seeking developer concepts for the redevelopment of the library building. The RFP sought to sell the building but having the library portion remain with the Town through condominium ownership. To increase the potential concepts offered for redevelopment, the Town-owned lots between the library and Randolph Avenue were added to the RFP. Four proposals were received. Most of the developers seized on the Randolph Avenue lot potential and proposed multi-unit residential structures, including the possibility of incorporating workforce housing, on the lot in addition to renovation of the third floor of the library building. Some of the concepts proposed were not anticipated, therefore, a work session with the Town Council was held on June 15, 2023 to obtain further guidance. The two key takeaways from that work session were that there was not much enthusiasm for the look and feel of multi-unit structures facing Randolph Avenue, and that while workforce housing had been identified as a need in town, it was not the most important driver of this project and would provide lower yields to the Town. Using this guidance, the project review committee narrowed the selection to two developers. Both developers were interviewed, and follow-up negotiations were conducted. After careful consideration, the committee decided to recommend City & Guilds for the project. The City & Guilds final proposal

included purchase of the library building and vacant parcels. The Randolph facing lots would be rezoned to Residential-1 and developed with single-family homes. The third floor of the library building would be developed into a single residential unit. The building itself would become a condominium with the Town buying back the library portion. The global price for this purchase was \$1.25M, with a library buy back of \$450K, which the Town would net \$800K on the deal. Due to the unusual nature of this project, the committee requested Council approval of its recommendation for this developer and this approach before formal documents were developed. The final agreements would be developed and brought back to Council for approval.

**Motion made by Councilman Grossman, seconded by Councilman Butta, to proceed with the City & Guilds proposal for redevelopment of the library building as recommended by staff and the project review committee. The motion was approved by unanimous vote.**

#### **TOWN MANAGER COMMENTS**

John Hozey commented as follows:

- i) Bids were received for the Visitor Center/Restroom project. He was very disappointed as the bids came in significantly over. He would like to schedule a work session on October 5<sup>th</sup> to review and discuss strategies on moving forward with capital projects. The predominant issue was the lack of subcontractors on the shore. Several members of Council would not be available on October 5<sup>th</sup>.
- ii) He would also like to schedule a discussion regarding communication protocol and would prefer to discuss both the capital projects and communications during the same work session. He asked everyone to provide their availability to Libby Hume so staff could provide date options for this session.
- iii) The beach nourishment project started moving faster than originally thought which was good for the project but not good for providing public notice. The next area of the beach had to be closed one week sooner than we originally told the public. The test dredging would begin on Saturday, September 23<sup>rd</sup>, with full dredging starting on September 26<sup>th</sup>. Mayor Charney noted that he had spoken to the contractor today and due to the predicted storm, the test dredging was moved to Monday, September 24<sup>th</sup>. John Hozey stated that another public notice would be issued regarding closure of the next section of the beach.

#### **MAYOR AND COUNCIL COMMENTS**

Councilwoman Holloway asked whether the Public Works crew was working on the storm drains, etc. in preparation of the upcoming storm. She did not know the proper protocol but wanted to ensure that all preparations were being done in case of a storm surge. John Hozey stated that the Public Works crew was checking the storm drains to ensure they were clear and securing all loose equipment. Mayor Charney asked that a notice be issued asking citizens not to put out lawn debris for the next two days. Councilwoman Holloway added that in the past, the Town had provided sand and bags for the businesses and residents. Councilman Buchholz noted that this was usually done in preparation of hurricanes.

Councilman Butta asked all citizens to subscribe to the alerts from the Town as many people were asking questions that had been sent out previously by the Town as alerts, notices and Facebook postings. Councilman Buchholz suggested “pinning” the notices to the top of Facebook, and Councilwoman Holloway suggested including the notices/information in the utility bills.

Mayor Charney, and Councilmen Buchholz, Follmer and Grossman did not have any additional comments.

Mayor Charney 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 6:58 p.m.

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Mayor Charney

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Town Clerk

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

*Sam Jones, Cape Charles property owner/resident*

Mr. Mayor, members of the Town Council, and Town Manager

My name is Sam Jones and my wife, Julie, and I live at 538 Monroe Avenue.

I am here tonight to thank you for your continued support for keeping the Cape Charles Public Library on Mason Avenue. Visitation data from the Town Manager's weekly report confirm the benefits of a library that is central to the community and within easy walking distance for its citizens.

As you look at redevelopment of the library and surrounding properties, I support the rezoning of the lots behind the library and fronting Randolph Avenue to Residential-1. Allowing the vacant lots to be developed as single-family homes manages the density in this area and is consistent with your various planning and zoning documents that call for Randolph to be a residential, rather than commercial, street.

Finally, having the Town maintain ownership of the library, even as part of a condominium arrangement, is important to its long-term viability. Ownership rather than any form of leaseback is preferred.

Thank you for your time and service to the Town and community.

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## **July 2023 Treasurer's Report**

### **Page 1 – Cash Position**

- Staff is recording unrealized gains and losses for the VIP 1-3 year investment fund due to current market conditions. However, it is expected that this fund will recover by the end of the term.
- Facility Fee Reserve cash balance at 7-31-23 is \$3,174,176.

### **Page 2 – Revenue vs. Expenditures**

- These numbers are still preliminary. Closing revenue and expense accruals are pending, and late invoices must be paid before the 2023 fiscal year can be closed on September 30, 2023.
- Debt service payments (Refunding bonds Pinnacle Series 2016A & 2016B) were made in July, \$103,263 and \$18,600 respectively.

### **Page 3 – Capital Projects**

- A payment of \$8,860 to Land Studio was made in July on the multi-use trail phase 3 project.

### **Page 4 – Tax Collection Rate**

- This report is omitted until later this fall when tax bills are created and mailed.

### **Page 5 – Tax Revenue Trends**

- Transient occupancy tax revenue is nearly 32% higher than this time last year.
- Meals tax revenue increased 13.37% over the prior year.

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

| <b><u>Cash on Hand</u></b>                    | <b><u>6/30/2023</u></b> | <b><u>7/31/2023</u></b> | <b><u>Increase/<br/>(Decrease)</u></b> |
|-----------------------------------------------|-------------------------|-------------------------|----------------------------------------|
| Atlantic Union Bank Checking Account          | \$507,775               | \$247,332               | -\$260,443                             |
| Atlantic Union Bank Money Market Account      | \$747,841               | \$498,113               | -\$249,728                             |
| LGIP Account 1 - Unrestricted                 | \$108,649               | \$109,139               | \$491                                  |
| LGIP Account 2 - Unrestricted                 | \$314,778               | \$316,337               | \$1,560                                |
| Virginia Investment Pool Liquidity Unassigned | \$2,269,620             | \$2,279,907             | \$10,287                               |
| Virginia Investment Pool 1-3 Year Unassigned  | \$1,008,445             | \$1,011,939             | \$3,494                                |
| <b>Total Cash On Hand</b>                     | <b>\$4,957,107</b>      | <b>\$4,462,768</b>      | <b>-\$494,339</b>                      |

| <b><u>Restricted and Reserved Cash Balances</u></b>                       | <b><u>6/30/2023</u></b> | <b><u>7/31/2023</u></b> | <b><u>Increase/<br/>(Decrease)</u></b> |
|---------------------------------------------------------------------------|-------------------------|-------------------------|----------------------------------------|
| 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 Acct Library CD converted to cash                 | \$11,131                | \$11,131                | \$0                                    |
| Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd               | \$12,064                | \$12,598                | \$535                                  |
| US Bank - Reserved per VRA Interest Free Loan Requirements                | \$258,593               | \$259,587               | \$994                                  |
| Wells Fargo 2010 Debt Service pass through account #300                   | \$3,061                 | \$21,034                | \$17,973                               |
| Wells Fargo 2010 Debt Service pass through account #308                   | \$1,094                 | \$1,099                 | \$4                                    |
| Atlantic Union Money Market # ARPA CRF #5847                              | \$594,983               | \$595,235               | \$253                                  |
| Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities) | \$3,068,783             | \$3,174,176             | \$105,393                              |
| <b>Total Cash Held in Reserve</b>                                         | <b>\$3,980,701</b>      | <b>\$4,105,853</b>      | <b>\$125,152</b>                       |
| <b>Total Cash - All Accounts</b>                                          | <b>\$8,937,809</b>      | <b>\$8,568,622</b>      | <b>-\$369,187</b>                      |

**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

July 31, 2023

## REVENUE VS. EXPENDITURES

| <u>FUND</u>                            | <u>CURRENT<br/>MONTH</u> | <u>PRIOR<br/>YEAR-TO-DATE</u> | <u>CURRENT<br/>YEAR-TO-DATE</u> | <u>INCREASE/<br/>(DECREASE) YTD</u> | <u>ANNUAL<br/>BUDGET</u> | <u>% REALIZED/<br/>EXPENDED FY24</u> |
|----------------------------------------|--------------------------|-------------------------------|---------------------------------|-------------------------------------|--------------------------|--------------------------------------|
| <b>GENERAL Fund</b>                    |                          |                               |                                 |                                     |                          |                                      |
| REVENUE                                | \$302,467                | \$261,710                     | \$302,467                       | \$40,757                            | \$5,719,837              | 5.29%                                |
| EXPENDITURES                           | \$499,701                | \$502,106                     | \$499,701                       | -\$2,405                            | \$5,719,837              | 8.74%                                |
| <b>NET</b>                             | <b>(\$197,234)</b>       | <b>(\$240,396)</b>            | <b>(\$197,234)</b>              | <b>\$43,162</b>                     | <b>\$0</b>               |                                      |
| <b>GENERAL Capital Fund</b>            |                          |                               |                                 |                                     |                          |                                      |
| REVENUE                                | \$10,246                 | \$9,038                       | \$10,246                        | \$1,208                             | \$2,446,213              | 0.42%                                |
| EXPENDITURES                           | \$8,860                  | \$24,228                      | \$8,860                         | -\$15,368                           | \$2,446,213              | 0.36%                                |
| <b>NET</b>                             | <b>\$1,387</b>           | <b>(\$15,190)</b>             | <b>\$1,387</b>                  | <b>\$16,577</b>                     | <b>\$0</b>               |                                      |
| <b>GENERAL Debt Service Fund</b>       |                          |                               |                                 |                                     |                          |                                      |
| REVENUE                                | \$91,658                 | \$104,498                     | \$91,658                        | -\$12,841                           | \$255,223                | 35.91%                               |
| EXPENDITURES                           | \$91,658                 | \$104,498                     | \$91,658                        | -\$12,841                           | \$255,223                | 35.91%                               |
| <b>NET</b>                             | <b>\$0</b>               | <b>\$0</b>                    | <b>\$0</b>                      | <b>\$0</b>                          | <b>\$0</b>               |                                      |
| <b>GENERAL Special Activities Fund</b> |                          |                               |                                 |                                     |                          |                                      |
| REVENUE                                | \$0                      | \$528,615                     | \$0                             | -\$528,615                          | \$296,350                | 0.00%                                |
| EXPENDITURES                           | \$38,991                 | \$0                           | \$38,991                        | \$38,991                            | \$296,350                | 13.16%                               |
| <b>NET</b>                             | <b>(\$38,991)</b>        | <b>\$528,615</b>              | <b>(\$38,991)</b>               | <b>(\$567,606)</b>                  | <b>\$0</b>               |                                      |



## MUNICIPAL CORPORATION OF CAPE CHARLES

## TREASURER'S REPORT

July 31, 2023

## REVENUE VS. EXPENDITURES

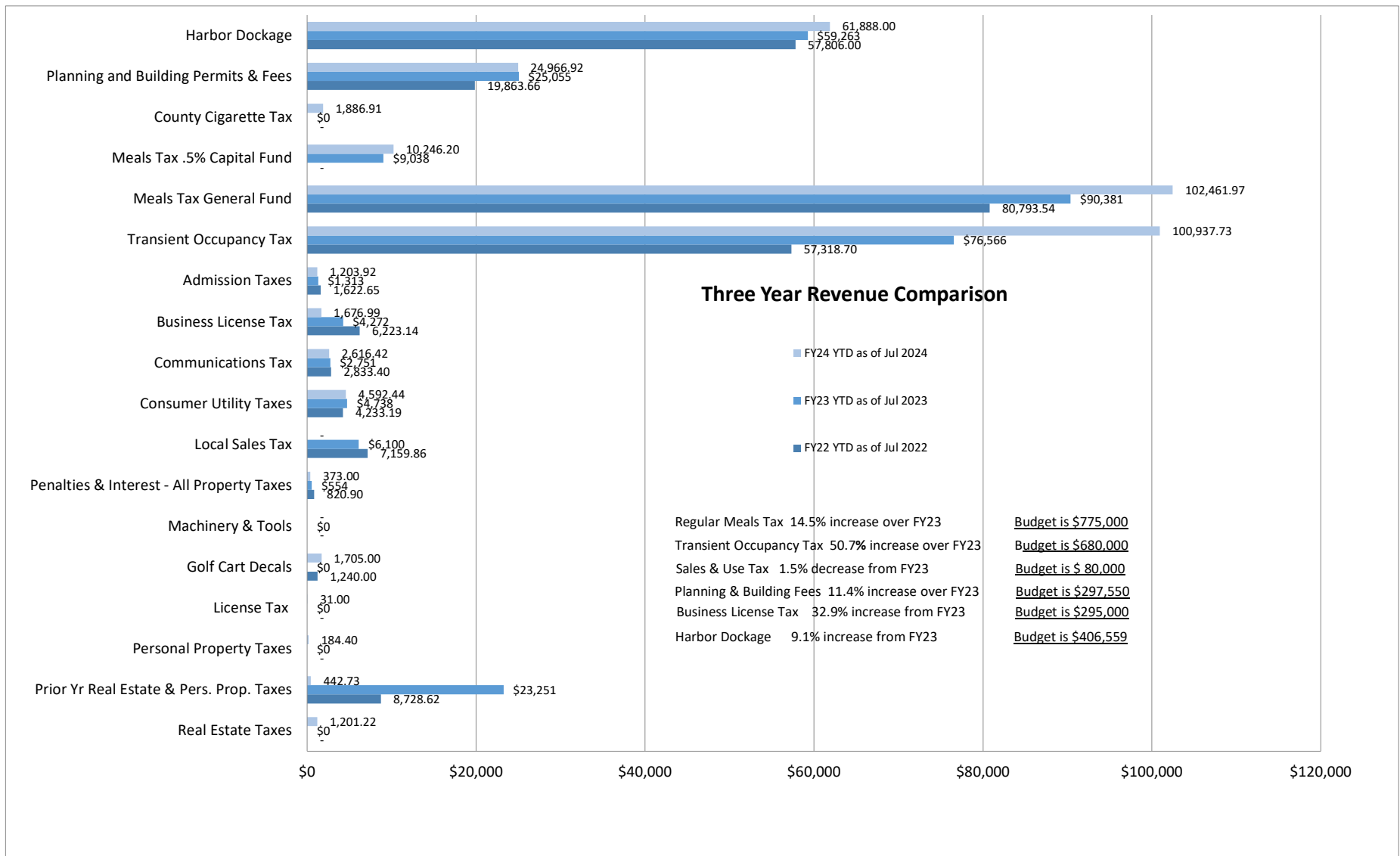
| <u>FUND</u>                                                        | <u>CURRENT<br/>MONTH</u> | <u>PRIOR<br/>YEAR-TO-DATE</u> | <u>CURRENT<br/>YEAR-TO-DATE</u> | <u>INCREASE/<br/>(DECREASE) YTD</u> | <u>ANNUAL<br/>BUDGET</u> | <u>% REALIZED/<br/>EXPENDED FY24</u> |
|--------------------------------------------------------------------|--------------------------|-------------------------------|---------------------------------|-------------------------------------|--------------------------|--------------------------------------|
| <b>PUBLIC UTILITIES Fund</b>                                       |                          |                               |                                 |                                     |                          |                                      |
| REVENUE - Operating                                                | \$188,631                | \$177,232                     | \$188,631                       | \$11,399                            | \$2,051,988              | 9.19%                                |
| EXPENDITURES - Operating                                           | \$132,173                | \$54,877                      | \$132,173                       | \$77,296                            | \$1,982,118              | 6.67%                                |
| <b>NET</b>                                                         | <b>\$56,458</b>          | <b>\$122,355</b>              | <b>\$56,458</b>                 | <b>(\$65,897)</b>                   | <b>\$69,869</b>          |                                      |
| REVENUE - CAPITAL GRANTS, LOANS, FUND<br>BALANCE                   | \$0                      | \$0                           | \$0                             | \$0                                 | \$2,036,728              |                                      |
| REVENUE - FACILITY FEES                                            | \$21,200                 | \$63,600                      | \$21,200                        | -\$42,400                           | \$466,400                | 4.55%                                |
| EXPENDED - FACIL FEES, CAPITAL<br>PROJECTS,DEBT SVC                | \$51,406                 | \$104,538                     | \$51,406                        | -\$53,133                           | \$2,572,997              | 2.00%                                |
| <b>TOWN CONTRIB. &amp; PENDING GRANTS</b>                          | <b>(\$30,206)</b>        | <b>(\$40,938)</b>             | <b>(\$30,206)</b>               | <b>\$10,733</b>                     | <b>(\$69,869)</b>        |                                      |
| <b>HARBOR Fund</b>                                                 |                          |                               |                                 |                                     |                          |                                      |
| REVENUE - Operating                                                | \$160,088                | \$173,315                     | \$160,088                       | -\$13,227                           | \$1,008,625              | 15.87%                               |
| EXPENDITURES - Operating                                           | \$123,948                | \$131,131                     | \$123,948                       | -\$7,183                            | \$1,082,312              | 11.45%                               |
| <b>NET</b>                                                         | <b>\$36,140</b>          | <b>\$42,184</b>               | <b>\$36,140</b>                 | <b>(\$6,044)</b>                    | <b>(\$73,687)</b>        |                                      |
| REVENUE - GRANTS & LOANS                                           | \$0                      | \$0                           | \$0                             | \$0                                 | \$228,687                | 0.00%                                |
| TRANSFERRED FM GEN FUND FOR DEBT<br>SERVICE OR HARBOR FUND BALANCE | \$23,317                 | \$32,825                      | \$23,317                        | -\$9,508                            | \$450,115                | 5.18%                                |
| EXPENDED - Capital Projects, Debt Svc                              | \$23,317                 | \$32,825                      | \$23,317                        | -\$9,508                            | \$605,115                | 3.85%                                |
| <b>TOWN CONTRIB. &amp; PENDING GRANTS</b>                          | <b>\$0</b>               | <b>\$0</b>                    | <b>\$0</b>                      | <b>\$0</b>                          | <b>\$73,687</b>          |                                      |
| <b>SANITATION Fund</b>                                             |                          |                               |                                 |                                     |                          |                                      |
| REVENUE                                                            | \$27,281                 | \$23,078                      | \$27,281                        | \$4,203                             | \$314,265                | 8.68%                                |
| EXPENDITURES                                                       | \$24,637                 | \$0                           | \$24,637                        | \$24,637                            | \$314,265                | 7.84%                                |
| <b>NET</b>                                                         | <b>\$2,644</b>           | <b>\$23,078</b>               | <b>\$2,644</b>                  | <b>(\$20,434)</b>                   | <b>\$0</b>               |                                      |

## FY 24 Capital Improvement Project Tracking Report

**As of:**  
**7/31/2023**

| 7/31/2023                                         | 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            | Pending              | 1%         | \$ 929,922   | \$ 8,860 |          |          |          | \$ 8,860 | \$ 921,062   |
| Municipal Space Replacement Planning (ARPA)       | Pending              | 0%         | \$ 210,000   |          |          |          |          | \$ -     | \$ 210,000   |
| Welcome Center Design - HBA                       | Pending              | 0%         | \$ 455,000   |          |          |          |          | \$ -     | \$ 455,000   |
| 3 Police Vehicles; 1 ARPA/2 USDA                  | Pending              | 0%         | \$ 126,000   |          |          |          |          | \$ -     | \$ 126,000   |
| Library Upgrade & Condo-ization - HBA             | Pending              | 0%         | \$ 310,000   |          |          |          |          | \$ -     | \$ 310,000   |
| Storage Facility Roofing                          | Pending              | 0%         | \$ 20,000    |          |          |          |          | \$ -     | \$ 20,000    |
| Capital Project Contingency                       | Pending              | 0%         | \$ 41,141    |          |          |          |          | \$ -     | \$ 41,141    |
| subtotal                                          | \$ -                 |            | \$ 2,092,063 | \$ 8,860 | \$ -     | \$ -     | \$ -     | \$ 8,860 | \$ 2,083,203 |
| Utility Fund -Water                               |                      |            |              |          |          |          |          |          |              |
| Keck Well Connection                              | Pending              | 0%         | \$ 1,150,000 |          |          |          |          | \$ -     | \$ 1,150,000 |
| 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 | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ 1,629,500 |
| Harbor Fund                                       |                      |            |              |          |          |          |          |          |              |
| Inner Harbor Fixed Dock Repair                    | Pending              | 0%         | \$ 13,000    |          |          |          |          | \$ -     | \$ 13,000    |
| Inner Harbor King Pile & Waler Replacement Design | Pending              | 0%         | \$ 306,000   |          |          |          |          | \$ -     | \$ 306,000   |
| Inshore Breakwater Repair/Upgrade                 | Pending              | 0%         | \$ 180,000   |          |          |          |          | \$ -     | \$ 180,000   |
| subtotal                                          | \$ -                 |            | \$ 499,000   | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ 499,000   |
| TOTAL                                             | \$ -                 |            | \$ 4,220,563 | \$ 8,860 | \$ -     | \$ -     | \$ -     | \$ 8,860 | \$ 4,211,703 |

\*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT



# RESOLUTION OF INTENT 20230921

## **ZONING MAP AMENDMENT 2023-03 APPLICATION From Cherrystone Investments, LLC for Tax Map # 90-A-1A6 from General Business/Light Industrial (GBI H-1) and Harbor to only Harbor Zoning.**

**WHEREAS**, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

**WHEREAS**, Cherrystone Investments, LLC owners of Tax Map #90-A-1A6, a parcel with split zoning of General Business/Light Industrial (GBI H-1) and Harbor is desirous of rezoning this parcel to only have one zoning designation of Harbor zoning.

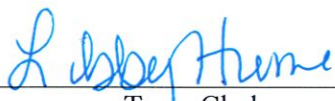
**NOW, THEREFORE, BE IT RESOLVED** that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Map by modifying the land use for this one parcel from split zoning of GBI H-1 & Harbor to a singular zoning designation of Harbor and to refer said application to the Planning Commission to initiate and undertake review and required public notification of said application.

\*\*\*\*\*

Adopted by the Town Council of the Town of Cape Charles on September 21, 2023.

By:   
Mayor Charney

Attest:

  
Town Clerk



*Municipal Corp. of*  
***Cape Charles***

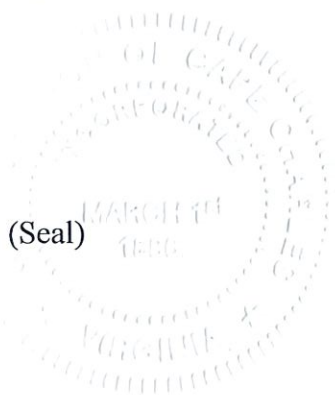
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

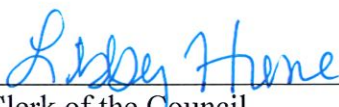
1. A meeting of the Council of the Town (the "Council") was duly called and held on September 21, 2023 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of Resolution of Intent 20230921 (the "Resolution") of the Town entitled as recorded in full in the minutes of the Meeting, duly 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             |               |           |                   |
| Andy Buchholz       | X              |               | X             |           |                   |
| Ken Butta           | X              |               | X             |           |                   |
| Andrew Follmer      | X              |               | X             |           |                   |
| Paul Grossman       | X              |               | 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 21<sup>st</sup> day of September 2023.



  
Clerk of the Council  
Town of Cape Charles, Virginia