

TOWN COUNCIL
Public Hearing & Regular Meeting
August 18, 2022
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. [Conditional Use Permit Application for 11 Randolph Avenue for an Accessory Dwelling Unit](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. None
5. Public Comments for items not subject to the advertised public hearing (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of May 31, 2022 Financial Report](#)
 - D. [Approval of June 30, 2022 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Conditional Use Permit Application – 11 Randolph Avenue](#)
 - *B. [Appointment of Zoning Administrator/Subdivision Agent](#)
 - *C. [Design and Engineering to Connect Keck Wells](#)
 - *D. [Elderly and Disabled Tax Exemption Update](#)
 - *E. [Budget Reappropriation Request – Schedule Public Hearing](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - September 1, 2022 – Town Council Work Session, 6:30 PM *tentative*
 - September 5, 2022 – Town Offices closed for Labor Day
 - September 15, 2022 – Town Council Regular Meeting, 6:30 PM
12. Adjournment

TOWN OF CAPE CHARLES
Town Council – Public Hearing

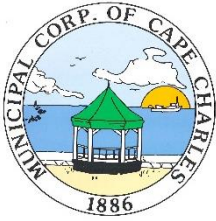
The previously postponed Cape Charles Town Council public hearing to receive comment on the following request:

- A. A Conditional Use Permit (CUP) 2022-004 application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

Will be held on Thursday, August 18, 2022, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue. (The original July 21, 2022 Public Hearing was postponed due to the Planning Commission not holding their public hearing.)

The application is available for public review on our website at www.capecharles.org, under Agendas and Minutes, Town Council. Please contact the Planning Department at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: *Eastern Shore Post & Eastern Shore News - Friday, August 5, 2022*
AD TO RUN: *Wednesday, August 10, 2022 in Eastern Shore News &*
 Friday, August 12, 2022 in Eastern Shore Post



DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
July 21, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey via telephone, Interim Planner/Zoning Administrator Katie Nunez, Project Manager Bob Panek, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were five members of the public physically in attendance, and 24 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize announced that the second item advertised for public hearing was being removed from hearing due to the cancellation of the July 5 Planning Commission Hearing. The Planning Commission’s public hearing was rescheduled for August 2, 2022. A Town Council public hearing will be held on August 18, 2022.

A. Conditional Use Permit Application for 211 Madison Avenue for an Accessory Dwelling Unit and Swimming Pool

Interim Planner/Zoning Administrator Katie Nunez stated that her staff report was included in the agenda packet along with the corrected survey. If the conditional use permit application was approved this evening, the applicant would still need to go through the Historic District Review Board process and obtain permits from the building department. Some slight improvements would be made to the existing structures as well as the construction of an accessory dwelling unit for the applicant’s mother-in-law and the installation of an inground swimming pool.

B. Conditional Use Permit Application for 11 Randolph Avenue for an Accessory Dwelling Unit Canceled.

The floor was opened for public comments.

Michelle Davidson, applicant

Ms. Davidson stated that she had owned the property at 211 Madison Avenue since 2017 but her family was unable to move into the residence full-time without certain improvements. Her teenage son had cerebral palsy and she and her husband were his sole guardians. They were looking to make modifications to construct a first floor, ADA accessible bedroom for their son. At their house in Chesapeake, they had a swimming pool which provided good therapy for their son. The pool required specific temperatures for therapy so public pools could not be used. Her mother-in-law would be living in the accessory dwelling unit to provide assistance with their son’s care.

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

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

RECOGNITION OF VISITORS / PRESENTATIONS:

A. *Recognition of Employees Celebrating Significant Anniversaries:*

Mayor Dize stated that Patrick Christman, the Town's wastewater plant manager, would be celebrating his 20th anniversary with the Town on July 24, 2022. Mayor Dize presented a Certificate of Appreciation to Mr. Christman and thanked him for his years of service.

PUBLIC COMMENTS FOR ITEMS NOT SUBJECT TO THE ADVERTISED PUBLIC HEARING: (3 MINUTES PER SPEAKER)

Jawn Dolph, General Manager of the Hotel Cape Charles

Mr. Dolph began by thanking Council for the opportunity to speak regarding the zoning issue. Approval of the rezoning application would enable the Hotel Cape Charles to continue to operate. He went on to state that the hotel currently had six golf carts as an amenity for their guests to go to the beach and other areas of town. Parking was an issue in town and their request for six golf cart spaces behind the hotel would help with problem. He concluded by expressing his appreciation for Council's consideration of their application so the hotel could be in compliance with the ordinance.

Town Clerk Libby Hume read comments submitted in writing from Ms. Amy Townsend and Rev. Clark Cundiff, Ms. Alana Smith, Ms. Patsy Harris, Ms. Margaret Van Clief, and Ms. Dora Sullivan. (Please see attached.)

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

CONSENT AGENDA

A. Approval of Agenda Format

B. Approval of Minutes:

- i. June 16, 2022 Town Council Regular Meeting
- ii. June 16, 2022 Town Council Executive Session
- iii. July 12, 2022 Town Council & Planning Commission Joint Work Session
- iv. July 12, 2022 Town Council Special Meeting
- v. July 12, 2022 Town Council Executive Session

C. Approval of May 31, 2022 Financial Report – Due to technical issues with the accounting software, the May 31, 2022 Financial Report was unavailable.

Mayor Dize announced that due to technical issues, the May Financial Report was not available. It will be reviewed during the August meeting.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to approve the agenda format and minutes as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Virginia DHCD Industrial Revitalization Fund Grant for Rosenwald School Rehabilitation:*

Town Manager John Hozey stated that the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) was a non-profit organization founded to purchase and rehabilitate the former Rosenwald School building located on Old Cape Charles Road to be used as a community and education center. Staff met with members of the CCRSRI Board of Directors regarding a potential grant opportunity through the Virginia Department of Housing and Community Development (DHCD) for an Industrial Revitalization Funds (IRF) grant for up to \$1M with no match required. The grant was available to localities for qualifying projects. Staff reviewed the grant administrative requirements and was comfortable that staff could handle the administration. A Town Council resolution was required to accompany the grant application.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20220721 Authorizing Application Submittal for Industrial Revitalization Funding for the Rehabilitation of the Rosenwald School. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

B. Conditional Use Permit Application – 211 Madison Avenue:

Katie Nunez stated that the applicant was seeking to obtain a conditional use permit for a 648 square foot accessory dwelling unit and an inground pool. The Planning Commission held their public hearing on June 7, 2022 and no comments were offered. The Commission reviewed the application during their regular meeting and recommended Council approval of Conditional Use Permit 2022-003 for an accessory dwelling unit and an inground pool at 211 Madison Avenue.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Conditional Use Permit for 211 Madison Avenue for an accessory dwelling unit and an inground pool as recommended by the Planning Commission. The motion was approved by unanimous vote.

C. Rezoning Application – 238 Randolph Avenue:

Katie Nunez stated that a joint public hearing with the Planning Commission and Town Council was held on May 3, 2022. An update of the meeting was provided to the Council at their June 16, 2022 meeting. The Planning Commission voted to recommend Council approval of the rezoning of Tax Map #83A3-1-625A, 238 Randolph Avenue, from Residential-1 to Commercial-1 with the following revisions/conditions, with the understanding that the Town could not require the applicant to amend the Proffer Statement:

- 1) Section II (Land Use) (B-Permitted Uses) (1) Deliveries: Provide clarification regarding “other service-related deliveries” to eliminate ambiguity and clearly specify type and purpose of “other service-related deliveries.” If unable to craft said language, then this phrase “other service-related deliveries” should be stricken.
- 2) Section II (Land Use) (B-Permitted Uses) (2) Waste Management: All trash should be collected and stored in a dumpster (not the trash receptacle supplied by the Town) on the site and said dumpster shall be serviced by a third-party vendor at expense of the property owner/applicant and said dumpster shall be serviced at least twice a week during the summer season of March to November. Revise the site plan to show the location of the dumpster and provide appropriate screening of dumpster through a fence. If the hotel expands its number of rooms from the acquisition of 7 Strawberry Street, then this site plan will be amended to either accommodate two dumpsters or the property owner/applicant will increase the frequency of weekly servicing of the trash dumpster.
- 3) Section II (Land Use) (B-Permitted Uses) (3) Golf Carts: Remove any mention or allocation of land on this lot for the storage, charging or holding of golf carts for the hotel and any associated screening and/or landscaping for golf carts.
- 4) Section III (Landscaping & Screening) (C): Fully explain/define the term “convenience containers” to be reviewed and determined if acceptable by the Town; otherwise, this term should be removed.

This recommendation was forwarded to the applicant for his consideration to see if he would willingly amend the Proffer Statement to incorporate any element of the Planning Commission conditions contained in their recommendation for approval. Mr. Gammino provided a revised Proffer Statement on July 7th. Some of the proposed revisions were made, but Mr. Gammino was not agreeable to eliminating the golf cart charging station and parking. Mr. Gammino agreed to the use of a dumpster but did not commit to the increased frequency for disposal. This would be an improvement to the prior situation with the use of a dumpster versus numerous trash receptacles.

The applicant, David Gammino, was provided an opportunity to speak.

Mr. Gammino stated that he submitted an updated proffer and if Council were to approve the rezoning application this evening, there would be no additional impact to the neighbors as this would be a solution to a number of issues. The only difference was that the property would now be in compliance with the use which had been in place for ten years with only one complaint received. The proffer made more effort to mitigate the area with screening, etc. There would still be the monthly propane delivery for the hotel and the Cape Charles Coffee House, and weekly garbage collection. There would still be golf carts on the lot, which were an important amenity to the hotel's guests, but there was much more disruption with golf carts on the Town's streets. He asked for Council's consideration of his request and updated proffer. Mr. Gammino noted the comments relating to the setting of precedence, adding that he was an attorney, and this decision would not set precedence. 238 Randolph Avenue was a unique lot and had been used in this non-conforming way for many years. There was no other business in the Town needing this type of service. The hotel had been through a lot of lean years, but he continued to invest in it over the years and it was now a luxury destination. People coming to the hotel spent millions of dollars in the Town and generated thousands of dollars in taxes which supported the Town government, staff and residents. He did what he could to help the Town and all organizations and had not asked the Town for anything in ten years. Mr. Gammino concluded by stating that he hoped the Council would support his request as it made sense for the Town and residents.

There was some discussion as follows: i) Vice Mayor Bennett noted that a comment was heard this evening regarding a four-story addition to the hotel, and he wanted it made clear that this application was about rezoning only, not any physical addition to the hotel. Both Katie Nunez and Mr. Gammino confirmed Vice Mayor's Bennett's comment. Katie Nunez noted that if Mr. Gammino was considering the purchase of the Betis building to expand the hotel, there was a process in place for a possible conditional use permit for height issues and public hearings were required; ii) Vice Mayor Bennett stated his agreement that this lot was a unique situation and was not precedent setting; iii) The updated proffer was to obtain a dumpster versus numerous trash receptacles with an increased frequency of pick up and added screening, minimizing the noise of the golf cart area with screening, and lighting and landscaping plans to minimize the affect to the residential areas; iv) Councilman Grossman expressed his acceptance of the updated proffer with the exception of the golf carts, adding that he felt the adjacent neighbors would be negatively impacted by the golf carts; v) Councilman Follmer stated his disagreement with Council Grossman related to golf carts, adding that it was an existing situation and this plan would be improving the situation as parking was an issue on Mason Avenue. If the hotel was not permitted to have golf carts, the guests would be renting the golf carts and parking them on the street. Vice Mayor Bennett added his agreement with Councilman Follmer regarding golf carts which posed a bigger impact if parked on the street versus in the lot behind the hotel; vi) Councilwoman O'Brien agreed that parking was an issue throughout the entire Town and thought that Mr. Gammino did a good job summarizing the solution.

Katie Nunez asked Mr. Gammino to submit the original Proffer Statement adding that the Proffer needed to be recorded at the Northampton County Clerk's office and would become part of the Town's zoning ordinance.

Motion made by Councilman Follmer, seconded by Vice Mayor Bennett, to approve the Zoning Map Amendment conditionally rezoning 238 Randolph Avenue from Residential-1 to Commercial-1 with the amended Proffer Statement and Site Plan.

Katie Nunez recommended including a reference to the comprehensive plan in the motion and noted that expansion and support of commercial activity along Mason Avenue was one of the main goals in the comprehensive plan. Although expansion to Randolph Avenue could be a conflict with the land use component, language could be included reflecting the desire based on this application as part of the comprehensive plan update.

Councilman Follmer moved to amend the motion, seconded by Councilwoman Holloway, to add that expansion and support of commercial activity along Mason Avenue was one of the main goals of the comprehensive plan. The amended motion was approved by unanimous vote.

Mayor Dize asked for a vote on the original amended motion which was to approve the Zoning Map Amendment conditionally rezoning 238 Randolph Avenue from Residential-1 to Commercial-1 with the amended Proffer Statement and Site Plan as the expansion and support of commercial activity along Mason Avenue was one of the main goals of the comprehensive plan. The motion was approved by majority vote with Councilman Grossman opposed.

D. *Request to VDOT for Installation of Crosswalks:*

John Hozey stated that this item was a request from a resident concerned with the safe passage for pedestrians and disabled residents from Myrtle Landing to Rayfield's Pharmacy. Three separate crosswalks would be necessary based on VDOT regulations. He offered his thanks to Town Clerk Libby Hume for the research and drafting of the report and resolution. This plan would accomplish the goal and he supported the recommendation. John Hozey added that even if Council were to approve adoption of the resolution, there could be hurdles getting the request approved by VDOT.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20220721B Request to VDOT for the Installation of Marked Crosswalks on Cape Charles' Streets. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

E. *Reappointment of Library Board Member:*

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to reappoint Cathy Fox to the Library Board for another four-year term. The motion was approved by unanimous vote.

F. *Town Code Revision Ordinance Amendment for Section 42-17:*

John Hozey began by stating that last year, some updates were made to the Town Code relating to enforcement action. There was an oversight in the previous Ordinance (#20210415) that was discovered when working on the Town Code update with the town clerk and attorney. Tonight's ordinance included language correcting the oversight.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20220721 Amending Ordinance 20210415 Adding Adoption of Revisions to Cape Charles Town Code Chapter 42, Article II, Section 42-17. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

G. *Wastewater Extension:*

John Hozey stated staff was working closely with the developer for workforce housing who was very motivated to move forward with the project. Unfortunately, construction was hindered by the lack of water and sewer to the property and the Town did not have funding allocated in the budget to install the necessary infrastructure. The developer asked the Town to release the design so he could put the project out to bid and build out the necessary infrastructure. The developer would pay for the construction. Staff made it clear that the Town could not commit resources and that an agreement was needed regarding how the Town would accept the infrastructure and repay him, potentially in tax credits.

Councilman Grossman added that Northampton County was also participating in the discussion. John Hozey explained that the current design allowed capacity beyond the Town's limits, which was why the County was involved.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the assignment of the Southern Node, Phase 1 plans, specifications and associated documents to Lot 4 Holdings, LLC or any other company designated by the developer. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilwoman O'Brien stated that Council needed to pay attention to the public comments heard tonight from Dora Sullivan. We've had some outrageous behavior from citizens when enforcing the Town's rules. We should ask the public to contact the police or staff at Town Hall if they saw anything that needed attention. It should never be incumbent on a citizen to enforce the rules of the Town and this issue needed to be addressed so Cape Charles did not become a Town of angry people.

Vice Mayor Bennett, Councilmen Buchholz, Follmer, and Grossman, and Councilwoman Holloway did not have any additional comments.

Mayor Dize commented as follows: i) He thanked Councilwoman O'Brien for her comments adding that she was correct. As hectic as the Town could be during the summer, if anyone saw any issues, they should contact law enforcement to handle the situation. If an individual tried to handle it themselves, they could end up being arrested as well; ii) He was glad to see the workforce housing project moving forward. He thanked Councilman Grossman who had been working on workforce housing even prior to being elected to office. Mayor Dize also thanked John Hozey and everyone else working on this issue, as well as the developer for taking on this project.

Mayor Dize read the announcements, adding that he would be out of Town on August 4th if a work session was necessary on that date.

Motion made by Councilman Grossman, 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 7:23 p.m.

Mayor Dize

Town Clerk

**July 21, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Amy Townsend, property owner

Subject: Opposition to Mr. Gamino's Rezoning Request

Good afternoon,

My husband and I own a condominium in the Wilson Building (Unit 203) on Mason Avenue. We purchased the property many years ago. As so many others, we fell in love with the charm and friendliness of the town and spend as much time as possible there.

It has recently been brought to our attention that a property owner (Mr. Gamino) is requesting a zoning change (from residential to commercial) for the property he owns on Randolph Ave. We strongly oppose the encroachment of commercial property within the residential area. If this is approved, it will set precedents for other buildings in the area and we believe this to be in conflict with the comprehensive plan for Cape Charles.

Thank you for your careful consideration of this important matter.

With kind regards,

Amy Townsend

Rev. Clark Cundiff

Alana Smith, Eastern Shore Popcorn

Subject: Empty lot Randolph Ave

I support the hotels proposal to rezone the empty lot behind the hotel on Randolph Ave. We rely on access from that lot for utilities.

Sincerely,

Eastern Shore Popcorn

Alana Smith

Patsy Harris, resident

Subject: Attn: TC and Planning commission members

To Whom it May Concern,

I am in favor of the request by Hotel Cape Charles to have the empty lot behind the hotel rezoned to use for golf cart parking and trash can storage going forward.

Hotel Cape Charles has been a boon to this town and I think we should do whatever we can to help them operate the business in the best way possible.

Thank you for your consideration

Patsy Harris

Margaret Van Clief, resident

Subject: Town Council Joint Public Hearing

As a full-time resident of Cape Charles and the daughter of a full-time resident of the Wilson's Building, I'm concerned about news that I've heard regarding the possibility of building a four story expansion of the Hotel Cape Charles on top of the Betis Building. First there is the "close to home" worry about blocking windows of residents with north facing condos in the Wilson's and the added parking issue on Strawberry Street which is already often too full for residents to find a spot. But perhaps more importantly in the long term is the concern of residential space being possibly rezoned as commercial and the precedent that sets in town as we struggle to find places for the people who work in the town and county to live even now. I would urge the town to think very carefully about the encroachment of new commercial property within the residential area of Cape Charles. Given the information I've gathered so far, I am not in favor of this proposed rezoning. It does not sound to me to be in the best interest of our town culture.

Thank you for your time.

Dora Sullivan, resident

Good evening Honorable Mayor and Council persons.

I have lived here for the past 25 years.

I have witnessed it all. From the pain and loss of dear friends and loved ones to a community that rallied together when someone could not afford to cover the expense of a funeral for someone they loved.

Many things have changed in our small community which of course is understandable. What I have never witnessed was bullying. Someone so angry that they believe they can be the police.

What would make someone chase after someone yelling and screaming about what the rules are. You are not the police. If there is a problem, then report it.

I would hate to think that after all the many years of Cape Charles being a lovely welcoming place to visit and live that we would be thought of a town where if you do something wrong you become publicly humiliated and bullied.

What purpose does that serve? What taste does that leave? We are better than that!

Thank you,
Dora Sullivan

May 2022 Treasurer's Report

Page 1 – Cash Position

- A small escrow refund from the VIP Account #2 was made.

Page 2 – Revenue vs. Expenditures

- No comment.

Page 3 – Capital Projects

- The water fountain splash pad was completed.
- The inner harbor breakwater repair was paid for out of the special activities fund 130 using ARPA funding.

Page 4 – Tax Collection Rate

- Real property tax collection is at 98% of billed and 100.5% of budgeted amount.

Page 5 – Tax Revenue Trends

- Harbor dockage is down 4.5% over FY21. The current economy, especially fuel prices, may be the cause.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
May 31, 2022

<u>Cash on Hand</u>	<u>4/30/2022</u>	<u>5/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$402,542	\$494,257	\$91,715
Atlantic Union Bank Money Market Account	\$3,946,995	\$3,947,095	\$101
LGIP Account 1 - Unrestricted	\$104,334	\$104,397	\$63
LGIP Account 2 - Unrestricted	\$295,815	\$296,016	\$201
Total Cash On Hand	\$4,749,685	\$4,841,766	\$92,081

<u>Restricted and Reserved Cash Balances</u>	<u>4/30/2022</u>	<u>5/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$7,468	\$7,468	\$0
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,588	\$257,582	-\$6
Wells Fargo 2010 Debt Service pass through account #300	\$2,899	\$2,899	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$762	\$762	\$0
Atlantic Union Money Market # ARPA CRF #5847	\$528,725	\$528,739	\$13
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,737,610	\$1,738,680	\$1,070
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$388,323	\$338,548	-\$49,775
Total Cash Held in Reserve	\$2,970,747	\$2,922,051	-\$48,697
Total Cash - All Accounts	\$7,720,433	\$7,763,817	\$43,384

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$5,798,735
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MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

May 31, 2022

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 FY22</u>
GENERAL Operations						
REVENUE	\$168,719	\$3,183,709	\$3,726,912	\$543,203	\$3,536,507	105.38%
EXPENDITURES	\$227,347	\$2,814,242	\$2,744,720	-\$69,522	\$3,536,507	77.61%
NET	(\$58,628)	369,467	\$982,191	\$612,725	\$0	
GENERAL Capital						
REVENUE	\$5,466	\$397,899	\$57,875	-\$340,024	\$1,197,762	4.83%
EXPENDITURES	\$53,085	\$397,899	\$117,639	-\$280,260	\$1,197,762	9.82%
NET	(\$47,619)	\$0	(\$59,765)	(\$59,765)	\$0	
GENERAL Debt Service						
REVENUE	\$20,687	\$121,110	\$242,756	\$121,646	\$258,614	93.87%
EXPENDITURES	\$20,687	\$121,110	\$242,756	\$121,646	\$258,614	93.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$0	\$0	\$455,145	\$455,145	\$948,115	48.01%
EXPENDITURES	\$121,844	\$0	\$580,103	\$580,103	\$948,115	61.18%
NET	(\$121,844)	\$0	(\$124,958)	(\$124,958)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

May 31, 2022

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 FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$263,756	1,650,394	\$1,254,363	-\$396,032	\$1,825,021	68.73%
EXPENDITURES - Operating	\$90,858	423,113	\$455,328	\$32,215	\$993,224	45.84%
NET	\$172,898	1,227,281	\$799,035	(\$428,247)	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$0	\$502,910	\$502,910	\$104,751	480.10%
REVENUE - FACILITY FEES	\$95,400	\$506,187	\$606,893	\$100,707	\$254,400	238.56%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$95,400	\$973,866	\$1,090,461	\$116,595	\$936,548	116.43%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$467,680)	\$19,342	\$487,022	(\$831,797)	
HARBOR						
REVENUE - Operating	\$132,699	\$849,360	\$763,814	-\$85,546	\$833,500	91.64%
EXPENDITURES - Operating	\$122,661	\$699,789	\$663,481	-\$36,308	\$772,500	85.89%
NET	\$10,037	\$149,571	\$100,333	(\$49,238)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$10,586	\$30,754	\$20,167	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$102,954	\$102,954	\$102,657	100.29%
EXPENDED - Capital Projects, Debt Svc	\$0	\$240,067	\$143,054	-\$97,013	\$163,657	87.41%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$229,481)	(\$9,346)	\$220,135	(\$61,000)	
SANITATION						
REVENUE	\$20,645	\$186,988	\$225,345	\$38,357	\$390,595	57.69%
EXPENDITURES	\$0	\$171,812	\$219,891	\$48,079	\$390,595	56.30%
NET	\$20,645	\$15,176	\$5,453	(\$9,722)	\$0	

FY 2022 Capital Improvement Project Tracking Report

As of:
5/31/2022

	FY22 Status or Start Date	Percent of Completion	FY22 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY22 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Pending Fall 2022</u>	1%	\$ 929,922	\$ 848	\$ 5,876	\$ -	\$ -	\$ 6,724	\$ 923,198
Mason Avenue Parking, Planning & Construction	<u>Suspended</u>	0%	\$ 17,990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,990
Storm Sewer Video-Mapping, Phase 2	<u>Suspended</u>	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Municipal Center Replacement	<u>In process</u>	45%	\$ 130,000	\$ -	\$ -	\$ 36,401	\$ 21,671	\$ 58,072	\$ 71,928
Central Park Gazebo Upgrades	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Fountain	<u>Completed</u>	147%	\$ 36,000	\$ -	\$ -	\$ -	\$ 52,843	\$ 52,843	\$ (16,843)
Public Trash Cans	<u>Early July delivery</u>	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Final Installation of Zipline	<u>Completed</u>	42%	\$ 2,600	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100	\$ 1,500
subtotal	\$ -		\$ 1,181,512	\$ 1,948	\$ 5,876	\$ 36,401	\$ 74,514	\$ 118,739	\$ 1,062,773
Utility Fund -Water									
Water Tank Mixer/Power Vent (FY2021 carryover)	<u>Suspended</u>	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Remote Read Water Meters - starter setup carryover	<u>Suspended</u>	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
(AMI)/AMR Auto Read Water Meters - Phase 2	<u>Suspended</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Utility Fund - Wastewater									
Washington Avenue Pump Station Rehab Phase	<u>Suspended</u>	0%	\$ 39,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,151
Sewer Pod Controller Upgrades Phase 1 of 5	<u>Completed</u>	100%	\$ 14,500	\$ 14,500	\$ -	\$ -	\$ -	\$ 14,500.00	\$ -
subtotal	\$ -		\$ 180,636	\$ 14,500	\$ -	\$ -	\$ -	\$ 14,500	\$ 166,136
Harbor Fund									
Harbor Capital Evaluation Plan	<u>Completed</u>	0%	\$ 40,100	\$ -	\$ -	\$ 40,100	\$ -	\$ -	\$ 40,100
Structural Piling Repair	<u>Deferred</u>	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
In-Shore Breakwater Repair	<u>Completed</u>	100%	\$ 121,380	\$ -	\$ -	\$ -	\$ 121,380	\$ 121,380	\$ -
subtotal	\$ -		\$ 161,480	\$ -	\$ -	\$ 40,100	\$ 121,380	\$ 121,380	\$ 40,100
TOTAL	\$ -		\$ 1,523,628	\$ 16,448	\$ 5,876	\$ 76,501	\$ 195,894	\$ 254,619	\$ 1,269,008

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
May 31, 2022

YTD 2021 Real Estate Tax Collections

Total Taxable Land Value	179,657,188	
Total Improvement Value	306,863,500	
Exemptions	(4,196,393)	
Additional Assessments (SCC Utility)	3,702,099	
Total Real Estate Value (taxable)	486,026,394	
 Total Budgeted	 1,484,511	
Total Tax Billed	1,527,451	
Total Adjustments	(8,856)	
Total Collected YTD (percent of billed)	<u>1,491,117</u>	98%
Amount Due per Accounts Receivable	27,478	

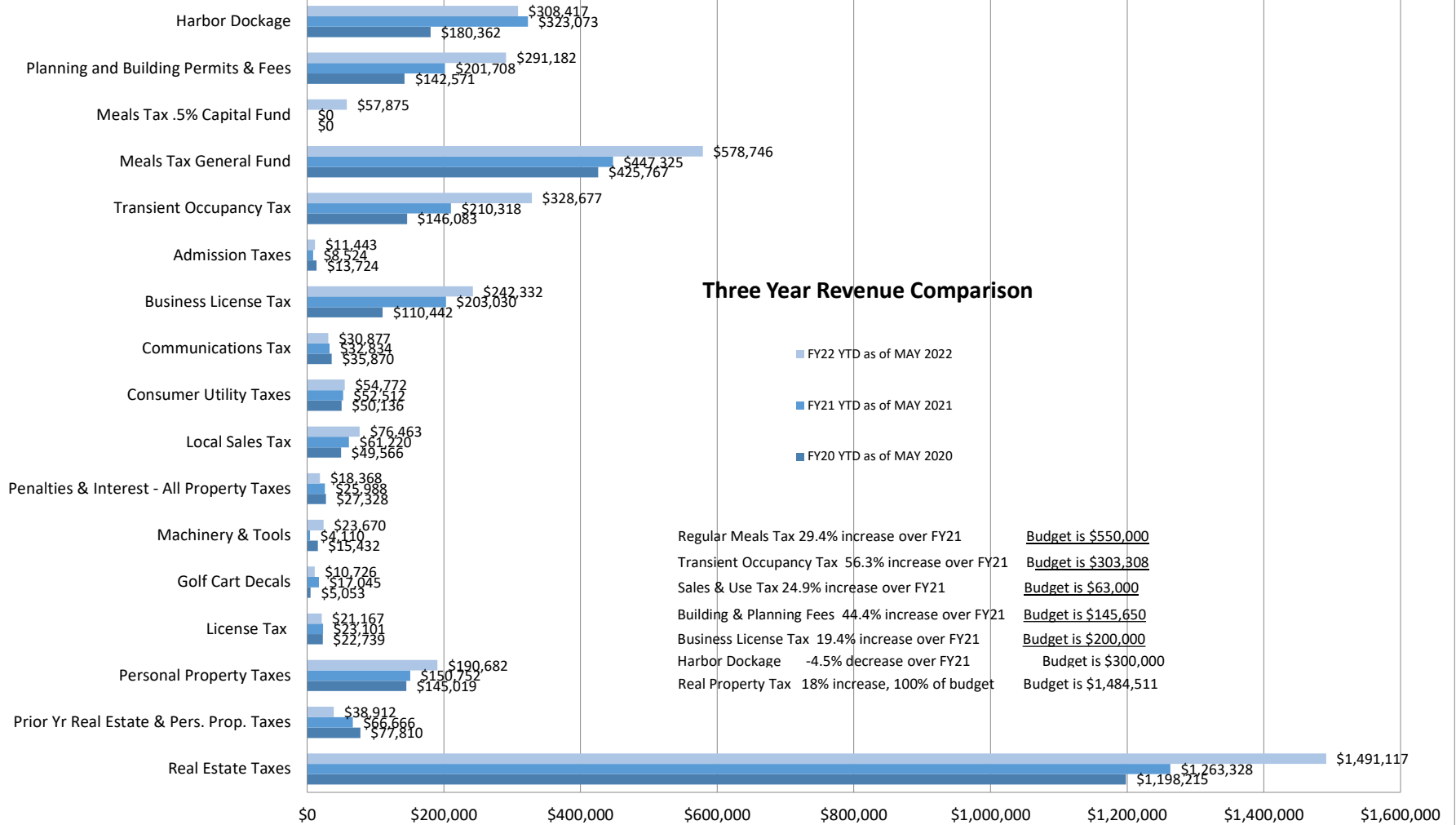
**YTD 2021 Personal Property Tax, Machinery and Tools Tax
& 2021 License Tax Collections**

Total Personal Property Value	23,415,700	
2021 Initial Assesement Exonerations & Proration	(424,083)	
Personal Property Value, billed	22,991,617	
 2021 Supplemental Assessments	 -	
2021 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2021 and 2021 supplemental	22,991,617	
 Total Budgeted	 153,000	
Total Tax Billed less PPTRA	303,178	
2021 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	(46,929)	
Total Collected YTD (percent of billed)	<u>235,519</u>	92%
Amount Due per Accounts Receivable	20,730	

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

Total Budgeted	86,150	
Total Collected (percent of budget)	<u>57,280</u>	66%
Amount Due Per Budget	28,870	

Three Year Revenue Comparison



June 2022 Treasurer's Report

Page 1 – Cash Position

- No comments.

Page 2 – Revenue vs. Expenditures

- These numbers are not the final FY22 numbers. Staff must wait through September 30th so that late FY22 invoices and grant revenue may be included in the proper year. They are as complete as possible through mid-August, however.
- Harbor Revenue will be converted to accrual method of accounting, which the town uses (vs. the cash method that Cape Marine Services uses) as part of the year end accounting work. This will increase the dockage revenue. I will report the new numbers in the weekly report when those calculations have been completed.

Page 3 – Capital Projects

- A few late invoices were paid from the water fountain splash pad.
- A deposit was made on the wastewater plant for the replacement of the membranes. This was not budgeted particularly in this year, however budget funding from repairs and maintenance and utilities contingency was used to cover the cost.

Page 4 – Tax Collection Rate

- Real property tax collection is at 98% of billed and 100.5% of budgeted amount.

Page 5 – Tax Revenue Trends

- Tourism related revenue exceeded all budgeted amounts for the year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
June 30, 2022

<u>Cash on Hand</u>	<u>5/31/2022</u>	<u>6/30/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$494,257	\$386,725	-\$107,532
Atlantic Union Bank Money Market Account	\$3,947,095	\$3,947,245	\$149
LGIP Account 1 - Unrestricted	\$104,397	\$104,496	\$99
LGIP Account 2 - Unrestricted	\$296,016	\$296,330	\$313
Total Cash On Hand	\$4,841,766	\$4,734,795	-\$106,971

<u>Restricted and Reserved Cash Balances</u>	<u>5/31/2022</u>	<u>6/30/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$7,468	\$8,171	\$703
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,582	\$257,646	\$63
Wells Fargo 2010 Debt Service pass through account #300	\$2,899	\$2,900	\$1
Wells Fargo 2010 Debt Service pass through account #308	\$762	\$763	\$0
Atlantic Union Money Market # ARPA CRF #5847	\$528,739	\$528,759	\$20
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,738,680	\$1,740,293	\$1,613
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$338,548	\$338,862	\$314
Total Cash Held in Reserve	\$2,922,051	\$2,924,766	\$2,715
Total Cash - All Accounts	\$7,763,817	\$7,659,561	-\$104,256

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$5,798,735
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MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

June 30, 2022

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 FY22</u>
GENERAL Operations						
REVENUE	\$256,206	\$4,010,988	\$3,983,118	-\$27,870	\$3,536,507	112.63%
EXPENDITURES	\$241,553	\$3,009,912	\$2,902,477	-\$107,435	\$3,536,507	82.07%
NET	\$14,653	\$1,001,076	\$1,080,641	\$79,565	\$0	
GENERAL Capital						
REVENUE	\$7,187	\$644,390	\$65,062	-\$579,328	\$1,197,762	5.43%
EXPENDITURES	\$3,976	\$400,646	\$121,615	-\$279,031	\$1,197,762	10.15%
NET	\$3,211	\$243,744	(\$56,553)	(\$300,297)	\$0	
GENERAL Debt Service						
REVENUE	\$24,375	\$121,110	\$267,131	\$146,021	\$258,614	103.29%
EXPENDITURES	\$24,375	\$121,110	\$267,131	\$146,021	\$258,614	103.29%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$25,898	\$0	\$481,043	\$481,043	\$948,115	50.74%
EXPENDITURES	\$34,865	\$0	\$614,968	\$614,968	\$948,115	64.86%
NET	(\$8,967)	\$0	(\$133,925)	(\$133,925)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

June 30, 2022

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 FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$284,965	\$1,342,883	\$1,463,043	\$120,160	\$1,825,021	80.17%
EXPENDITURES - Operating	\$167,279	\$851,148	\$451,555	-\$399,593	\$993,224	45.46%
NET	\$117,686	\$491,735	\$1,011,488	\$519,753	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$467,680	\$469,067	\$1,387	\$104,751	447.79%
REVENUE - FACILITY FEES	\$110,411	\$561,210	\$717,304	\$156,095	\$254,400	281.96%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$162,795	\$561,210	\$1,253,256	\$692,046	\$936,548	133.82%
TOWN CONTRIB. & PENDING GRANTS	(\$52,384)	\$467,680	(\$66,884)	(\$534,564)	(\$831,797)	
HARBOR						
REVENUE - Operating	\$160,153	\$963,884	\$923,966	-\$39,918	\$833,500	110.85%
EXPENDITURES - Operating	\$140,307	\$772,123	\$681,126	-\$90,996	\$772,500	88.17%
NET	\$19,846	\$191,761	\$242,840	\$51,079	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$10,586	\$30,754	\$20,167	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$102,954	\$102,954	\$102,657	100.29%
EXPENDED - Capital Projects, Debt Svc	\$0	\$240,067	\$143,054	-\$97,013	\$163,657	87.41%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$229,481)	(\$9,346)	\$220,135	(\$61,000)	
SANITATION						
REVENUE	\$20,884	\$204,552	\$246,229	\$41,677	\$390,595	63.04%
EXPENDITURES	\$43,206	\$207,935	\$263,098	\$55,163	\$390,595	67.36%
NET	(\$22,322)	(\$3,383)	(\$16,869)	(\$13,486)	\$0	

FY 2022 Capital Improvement Project Tracking Report

As of:
6/30/2022

	<u>FY22 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY22 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY22 YTD Expended</u>	<u>(Over)/Under Budget</u>
<u>General Capital Fund</u>									
Multi-Use Trails, Phase 3 Construction	<u>Pending Fall 2022</u>	1%	\$ 929,922	\$ 848	\$ 5,876	\$ -	\$ -	\$ 6,724	\$ 923,198
Mason Avenue Parking, Planning & Construction	<u>Suspended</u>	0%	\$ 17,990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,990
Storm Sewer Video-Mapping, Phase 2	<u>Suspended</u>	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Municipal Center Replacement	<u>In process</u>	45%	\$ 130,000	\$ -	\$ -	\$ 36,401	\$ 21,671	\$ 58,072	\$ 71,928
Central Park Gazebo Upgrades	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Fountain	<u>Completed</u>	109%	\$ 52,250	\$ -	\$ -	\$ -	\$ 56,819	\$ 56,819	\$ (4,569)
Public Trash Cans	<u>Early July delivery</u>	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Final Installation of Zipline	<u>Completed</u>	42%	\$ 2,600	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100	\$ 1,500
subtotal	\$ -		\$ 1,197,762	\$ 1,948	\$ 5,876	\$ 36,401	\$ 78,490	\$ 122,715	\$ 1,075,047
<u>Utility Fund -Water</u>									
Water Tank Mixer/Power Vent (FY2021 carryover)	<u>Suspended</u>	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Remote Read Water Meters - starter setup carryover	<u>Suspended</u>	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
(AMI)/AMR Auto Read Water Meters - Phase 2	<u>Suspended</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
<u>Utility Fund - Wastewater</u>									
Washington Avenue Pump Station Rehab Phase	<u>Suspended</u>	0%	\$ 39,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,151
Sewer Pod Controller Upgrades Phase 1 of 5	<u>Completed</u>	100%	\$ 14,500	\$ 14,500	\$ -	\$ -	\$ -	\$ 14,500.00	\$ -
Membrane Replacement *new project*	<u>Deposit paid</u>		\$ 52,384	\$ -	\$ -	\$ -	\$ 52,384	\$ 52,384.00	\$ -
subtotal	\$ -		\$ 233,020	\$ 14,500	\$ -	\$ -	\$ 52,384	\$ 66,884	\$ 166,136
<u>Harbor Fund</u>									
Harbor Capital Evaluation Plan	<u>Completed</u>	0%	\$ 40,100	\$ -	\$ -	\$ 40,100	\$ -	\$ -	\$ 40,100
Structural Piling Repair	<u>Deferred</u>	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
In-Shore Breakwater Repair	<u>Completed</u>	100%	\$ 121,380	\$ -	\$ -	\$ -	\$ 121,380	\$ 121,380	\$ -
subtotal	\$ -		\$ 161,480	\$ -	\$ -	\$ 40,100	\$ 121,380	\$ 121,380	\$ 40,100
TOTAL	\$ -		\$ 1,592,262	\$ 16,448	\$ 5,876	\$ 76,501	\$ 252,254	\$ 310,979	\$ 1,281,282

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES**June 30, 2022****YTD 2021 Real Estate Tax Collections**

Total Taxable Land Value	179,657,188	
Total Improvement Value	306,863,500	
Exemptions	(4,196,393)	
Additional Assessments (SCC Utility)	3,702,099	
Total Real Estate Value (taxable)	486,026,394	
Total Budgeted	1,484,511	
Total Tax Billed	1,527,451	
Total Adjustments	(8,856)	
Total Collected YTD (percent of billed)	<u>1,492,349</u>	98%
Amount Due per Accounts Receivable	26,246	

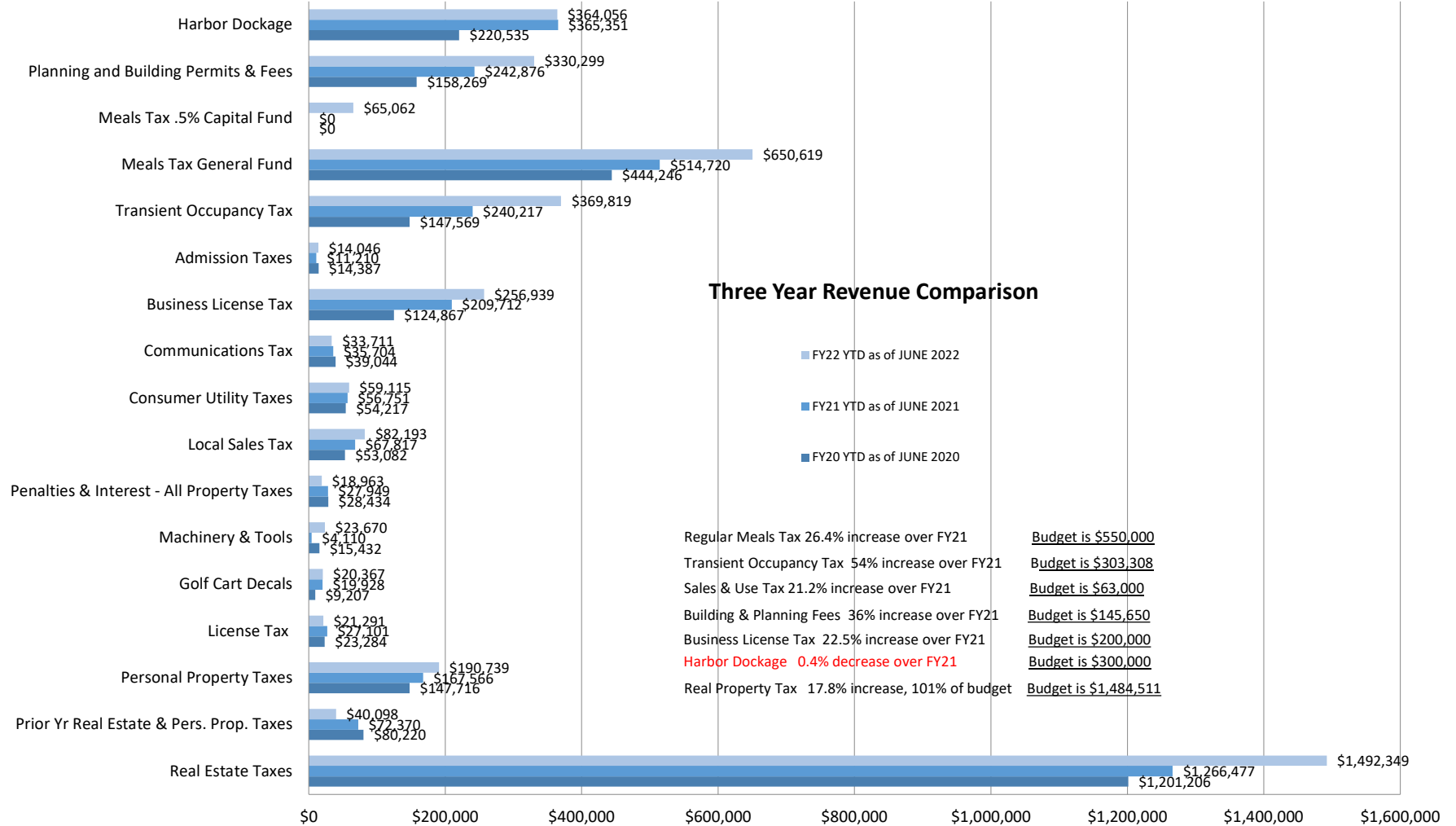
**YTD 2021 Personal Property Tax, Machinery and Tools Tax
& 2021 License Tax Collections**

Total Personal Property Value	23,415,700	
2021 Initial Assesement Exonerations & Proration	(424,083)	
Personal Property Value, billed	22,991,617	
2021 Supplemental Assessments	-	
2021 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2021 and 2021 supplemental	22,991,617	
Total Budgeted	153,000	
Total Tax Billed less PPTRA	303,178	
2021 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	(46,929)	
Total Collected YTD (percent of billed)	<u>235,699</u>	92%
Amount Due per Accounts Receivable	20,550	

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

Total Budgeted	86,150	
Total Collected (percent of budget)	<u>59,061</u>	69%
Amount Due Per Budget	27,089	

Three Year Revenue Comparison



 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit Application – 11 Randolph Avenue		AGENDA DATE: August 18, 2022
	SUBJECT/PROPOSAL/REQUEST: CUP 2022-004: Barbara & Bill O'Hare at 11 Randolph Avenue for an Accessory Dwelling Unit pursuant to CCZO Section 4.2 (J)		ITEM NUMBER: 8A
	ATTACHMENTS: Staff Report to Planning Commission on CUP ADU at 11 Randolph Avenue and Application – electronic link (see below)		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Interim Planning & Zoning Administrator		REVIEWED BY: John Hozey, Town Manager

BACKGROUND:

This matter was duly advertised with the anticipation of public hearings being held in the month of July for both the Planning Commission and the Town Council. However, due to lack of a quorum of the Planning Commission for their July meeting, the matter was postponed and announced that it would be taken up during the August regular meetings of the Planning Commission and Town Council.

ITEM SPECIFICS:

On August 2, 2022, the Planning Commission held a public hearing on this application, the staff report was presented which stated the following:

The property is in zoning compliance, and she is not seeking to add square footage but to convert 50% of an existing 720 square foot Garage (Accessory Structure) for an Accessory Dwelling Unit and currently provides one on-lot parking space which would comply with our ordinance requirements, since no on-lot parking spaces are required for the principal residence in the R-1 District. The applicant has provided a signed Accessory Dwelling Unit Affidavit and is aware of the requirements regarding Length of Stay.

No public comments were offered, and the public hearing was closed.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Grossman motioned to recommend approval to the Town Council of CUP2022-004 for an Accessory Dwelling Unit at 1 Randolph Avenue on the application filed by Barbara & Bill O'Hare and was seconded by Commissioner McCoy. The motion was approved unanimously.

Attachments:

<https://www.capecharles.org/files/documents/3B-11RandolphAve-PCInfoagenda120201468071622-085035AMg.pdf> (Application and staff reports provided to Town Council as part of July agenda packet)

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appointment of Zoning Administrator & Subdivision Agent		AGENDA DATE August 18, 2022
	SUBJECT/PROPOSAL/REQUEST: Appoint Zoning Administrator & Subdivision Agent		ITEM NUMBER: 8B
	ATTACHMENTS: Zoning Ordinance Section 2.4.1		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Section 2.4.1 of the Cape Charles Zoning Ordinance states that the Town Council shall appoint a Zoning Administrator to serve under the direction of the Town Manager. Section 2.4.1 of the Zoning Ordinance outlines the Zoning Administrator's authority to enforce the Town's Ordinance and is attached for reference purposes.

ITEM SPECIFICS:

The Town Planner/Zoning Administrator's duties include guiding long-range land use planning and natural resource management for the Town and to implement related programs and regulations, including zoning, subdivision, erosion and sediment control, and flood plain management. This position serves as the staff liaison for the Planning Commission, Historic District Review Board, the Harbor Area Review Board, Wetlands & Coastal Dune Board and the Board of Zoning Appeals. This position also monitors changes in the state and federal law and is responsible for initiating modifications to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. The duties further include conferring with the Town Manager on zoning and subdivision topics and enforcing compliance with the Town's zoning, subdivision and wetland ordinances.

At the February 18, 2021 Town Council Regular Meeting, Council appointed Katherine Nunez as the interim zoning administrator/subdivision agent. Ms. Nunez has worked diligently over the past eighteen months on the backlog of applications and compliance issues. Under her guidance, the Planning & Zoning Department is caught up and operating smoothly.

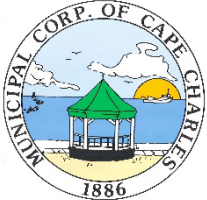
Ms. Nunez recently accepted the Town's offer for the full-time position of planning and zoning administrator. Her experience in this area is extensive, as is her familiarity with the Eastern Shore and Northampton County. The Town is fortunate to have her as an official member of our team.

RECOMMENDATION:

Staff recommends Council appoint Katherine Nunez as the Town Zoning Administrator and Subdivision Agent.

Section 2.4.1 Enforcement of Ordinance, Guarantees

- A. In accordance with Section 15.2-2286 of the Code of Virginia, there is hereby created the office of Zoning Administrator. The Zoning Administrator, who may also hold another office in Town, shall be appointed by the Town Council and shall serve under the direction of the Town Manager, who will coordinate department actions and such assistance as may be required to carry out the responsibilities of this ordinance. In the event that the Town Manager is appointed to serve as Zoning Administrator, same shall serve under the direction of the Mayor.
- B. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce the provisions of this ordinance, including:
1. the ordering in writing of the remedying of any condition found in violation of this ordinance;
 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the provisions of this ordinance, such action to include injunction, abatement, or other appropriate action or proceedings;
 3. in specific cases, making findings of fact and, with the concurrence of the Town Attorney, conclusions of law regarding determinations of rights accruing under Section 2.5 of this ordinance and Section 15.2-2307 of the Code of Virginia.
- C. Pursuant to Section 15.2-2299 of the Code of Virginia, the Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:
1. the ordering in writing of the remedy of any noncompliance with the conditions;
 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and
 3. requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.
- D. The Zoning Administrator shall respond within 20 days of a request for a decision or determination on zoning matters within the scope of his or her authority unless the requester has agreed to a longer period.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Design and Engineering to Connect Keck Wells		AGENDA DATE: August 18, 2022
	SUBJECT/PROPOSAL/REQUEST: Authorize GHD Task Order to complete design and engineering to connect the Keck wells to the Water Treatment Plant (WTP).		ITEM NUMBER: 8C
	ATTACHMENTS: Proposed Task Order No. 9		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

GHD, the Town's water and wastewater engineering firm, had previously brought connection of the two Keck wells to the WTP to the 90% design stage in 2015. The project was suspended at that time as the existing two wells provided adequate production volume. Water demand has significantly increased since then, bringing the plant close to maximum production capacity. Council approved Task Order No. 7 to evaluate the capacities of the WTP and Wastewater Treatment Plant in relation to current and projected demand from continued development. The two existing wells are estimated to provide about 416,000 gpd based on original yield tests. However, daily withdrawal is limited to 360,000 gpd by the DEQ permit. That is also about the practical daily limit at continuous plant operation with currently available raw water volume.

DISCUSSION:

GHD's Technical Memo for plant expansion design criteria documents the increased demand. Based on data through 2021, the capacity evaluation found that we are nearing permitted limits:

- Daily – 92.8%
- Monthly – 91.9%
- Annual – 91.3%

This year's peak on July 5, 2022, was even higher at 347,000 gpd, or 96.4%.

Additional raw water volume is needed in the near term to meet projected demand. Task Order No. 8, in the amount of \$5,500, has been executed to assist in preparing the application to increase our Ground Water Withdrawal Permit. The proposed Task Order No. 9 would complete the design and engineering to connect the two additional wells to the WTP, including plans, specifications, etc., to bid construction. This would increase raw water volume to about 500,000 gpd. The proposed task order also adds a finished water main in the same trench to supply the planned workforce housing development in that area.

The cost of the design phase is \$67,260. This includes about \$15,000 for the finished water main. Bid phase services would be \$8,955, for a total of \$76,215. The FY 2023 budget contains \$60,000 for design and engineering for this project, as well as a \$100,000 utilities contingency of which \$73,000 remains unexpended.

The Town Manager has approval authority for contracts up to \$30,000 for professional services. Contracts over that amount require authorization by Town Council.

RECOMMENDATION:

Staff recommends that the Town Manager be authorized to execute GHD contract Task Order No. 9 for design phase services in the amount of \$67,260, with \$7,260 to be funded from the budgeted contingency amount. Bid phase services will be executed after Council approves construction.

TASK ORDER
No. 9

This is Task Order No. 9,
consisting of 4 pages.

Task Order

In accordance with paragraph 1.01 of the Standard Form of Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated December 1, 2011 ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

- A. Title: Cape Charles Keck Wells Water Mains Final Design.
- B. Description: Preparation of bidding documents for connection of the Town's raw water Keck Wells 1 and 2 via approximately 3,700 linear feet of force main piping to the existing Water Treatment Plant (WTP) along Route 184, as well as a parallel finished water force main from the WTP to the Keck Well site to serve future development in the area.

2. Services of Engineer

Applicable sections of Exhibit A (Standard Form of Agreement) to this task order include A1.02 "Preliminary Design Phase" (for the finished water force main) and A1.03 "Final Design Phase". The proposed services by the Engineer under this task order are as follows:

A. Task A – Design Phase Services

- 1. Conduct a virtual chartering meeting with Owner's staff to discuss the project background, scope, goals, and design criteria.
- 2. Update the design drawings previously developed by GHD for the raw water force main and Keck Wells to incorporate relevant survey data from the construction plans for State Route 642 (project 0642-065-577, RW-201, C-501) dated August 2015, as provided by Owner. The construction plans for State Route 642 are only available in PDF format, and so the relevant survey data will be converted into CAD format by GHD. Relevant data will be limited to information regarding new site features that are expected to impact construction of the proposed Keck Wells project, such as Route 642, associated easements and right-of-ways, underground utilities, and significant grading modifications.
- 3. Prepare a basis of design memorandum to summarize the proposed design criteria based on information provided by Owner's staff for the finished water force main to be included under the Keck Wells project, including population and type of development to be served, projected water usage, recommended pipe sizing, pipe material selection, and pipe alignment (where different than the raw water force main).

TASK ORDER

No. 9

4. Develop 90% design documents including drawings, specifications, and an opinion of probable construction costs (OPCC) which reflect the updated survey data, adjustments to the previous GHD design for the Keck Wells raw water transmission force main to accommodate site changes related to construction of State Route 642, and the addition of a proposed finished water force main in the same trench as the previously designed raw water force main. The new finished water force main will be designated as a separate additive alternate bid item so that Owner has the option to independently accept or decline it based on bid pricing. It is assumed that the required drawings and specifications will be the same as what was previously prepared for the 90% design documents submitted by GHD in 2015 for the Keck Wells project. It is also assumed that the addition of the finished water force main will not require modifications to the design of the jack-and-bore railroad crossing previously developed by GHD for the Keck Wells project.
5. Conduct a virtual 90% design review meeting with Owner's staff to receive feedback and comments on the submitted 90% design documents. Address any major comments received from Owner prior to submitting the documents for external review by regulatory/funding agencies and other key stakeholders (e.g., railroad owner).
6. Coordinate with DEQ, VDH, and VDOT to submit 90% design documents for external review. At this time, the following permits are expected to be required for the proposed project:
 - a. DEQ General VPDES Permit for Discharges of Stormwater from Construction Activities
 - b. Town of Cape Charles Land-Disturbing Permit (erosion and sediment control)
 - c. VDH Construction Permit
 - d. VDOT Land Use Permit
7. Address comments on the 90% design documents received from Owner, regulatory/funding agencies, and other key stakeholders and prepare final bidding documents for the project, including drawings, specifications, and an updated OPCC. Submit the bidding documents to regulatory/funding agencies and other key stakeholders as needed to obtain required authorizations and permits. Submit a PDF copy of the final bidding documents to Owner for distribution to potential bidders.

B. Task B – Bid Phase Services

1. Administer a virtual pre-bid meeting, including preparation of agenda and meeting minutes.
2. Respond to questions submitted in writing by bidders and prepare addenda for distribution to bidders as necessary to clarify the requirements of the bidding documents.
3. Review submitted bids and provide a recommendation of award letter to Owner.

TASK ORDER

No. 9

Specific Services Not Included

Part 6 “Additional Services Requiring Amendment to Task Order” of Exhibit A (Standard Form of Agreement) lists services that are excluded from the scope of this Task Order. Additional services excluded from the scope of this Task Order include survey services, easement assistance, development of design criteria or design of mitigation measures associated with the existing Virginia Port Authority dredged material spoils site, hydrogeological services, geotechnical services, environmental delineation services, bid document administration, sampling and laboratory testing, and other work beyond the services of Engineer listed herein.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B of the Agreement, and shall be responsible for coordination with the existing railroad owner, and for submitting permit application documents and paying all associated fees.

4. Times for Rendering Services

The schedule for completing the proposed tasks is as follows:

- | | |
|---|---------------------------------------|
| A. Conduct chartering meeting | 3 weeks after receipt of NTP |
| B. Submit 90% design documents for Owner review | 12 weeks after chartering meeting |
| C. Submit bidding documents to Owner | 4 weeks after receipt of all comments |
| D. Completion of bid phase services | Within 12 months of NTP |

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered on a lump sum basis for a total fee of \$76,215.00. A project cost summary is attached for reference.

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

6. Consultants: None

7. Other Modifications to Agreement: None

8. Attachments: Attachment A - Project Cost Summary

9. Documents Incorporated By Reference: None

TASK ORDER

No. 9

Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is August 2, 2022.

OWNER: TOWN OF CAPE CHARLES

ENGINEER: GHD INC.

By: _____

By:  _____

Name: _____

Name: Vincent M. Maillard

Title: _____

Title: Vice President

Engineer License or Firm's
Certificate No. 0402047392
State of: Virginia

DESIGNATED REPRESENTATIVE FOR TASK
ORDER:

DESIGNATED REPRESENTATIVE FOR TASK
ORDER:

Name: _____

Name: Jason VerNooy

Title: _____

Title: Project Manager

Address: _____

Address: 16701 Melford Boulevard
Suite 330
Bowie, MD 20715

E-Mail
Address: _____

E-Mail
Address: Jason.vernooy@ghd.com

Phone: _____

Phone: 240-206-6843

Fax: _____

Fax: N/A

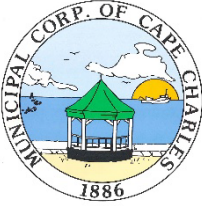
GHD
Prime Consultant

Date **8/2/2022**

Town of Cape Charles
Keck Wells Water Mains Final Design
Engineering Services Proposal

PROJECT COST SUMMARY

	RESPONSIBILITY	BASE RATE	Task A - Design Phase Services		Task B - Bid Phase Services		Total	
			HOURS	COST SUBTOTAL	HOURS	COST SUBTOTAL	TOTAL HOURS	COST TOTAL
	Principal in Charge	\$200.00	12	\$ 2,400.00	3	\$ 600.00	15	\$ 3,000.00
	Project Manager	\$150.00	82	\$ 12,300.00	16	\$ 2,400.00	98	\$ 14,700.00
	Senior Process Engineer	\$180.00	24	\$ 4,320.00	4	\$ 720.00	28	\$ 5,040.00
	Project Engineer	\$130.00	236	\$ 30,680.00	36	\$ 4,680.00	272	\$ 35,360.00
	Senior Structural Engineer	\$180.00	0	\$ -	0	\$ -	0	\$ -
	Senior Electrical Engineer	\$180.00	52	\$ 9,360.00	2	\$ 360.00	54	\$ 9,720.00
	Designer/CADD Technician	\$80.00	96	\$ 7,680.00	0	\$ -	96	\$ 7,680.00
	Clerical/Admin	\$65.00	8	\$ 520.00	3	\$ 195.00	11	\$ 715.00
	TOTAL LABOR COST		510	\$ 67,260.00	64	\$ 8,955.00	574	\$ 76,215.00
	OTHER DIRECT COST							
	A. TRAVEL (Mileage)	\$0.58		\$ -		\$ -		\$ -
	B. PRINTING (Photocopy)	\$0.15		\$ -		\$ -		\$ -
	C. PRINTING (Plan Sheets)	\$1.00		\$ -		\$ -		\$ -
	D. SUBCONSULTANTS			\$ -		\$ -		\$ -
	E. CONSUMABLES			\$ -		\$ -		\$ -
	OTHER DIRECT COST TOTAL			\$ -		\$ -		\$ -
	TOTAL COST FOR PROPOSAL			\$ 67,260.00		\$ 8,955.00		\$ 76,215.00

 TOWN OF CAPE CHARLES	AGENDA TITLE: Elderly or Disabled Tax Exemption		AGENDA DATE August 18, 2022
	SUBJECT/PROPOSAL/REQUEST: Elderly or Disabled Tax Exemption Update Request		ITEM NUMBER: 8D
	ATTACHMENTS: Town Code Chapter 66 with revisions; Impact study; Ordinance 20220818		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock, Treasurer	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The income and net worth parameters for qualification for the town's Elderly or Disabled Tax Exemption have not been updated since 2020, and that update only increased the combined income maximum from \$22,000 to \$25,000, which mirrored the update passed by the County's Board of Supervisors. The remaining parameters have not been updated since 2006.

ITEM SPECIFICS:

Northampton County recently amended the county's ordinance for this tax credit to bring allowable income level and maximum credits up to date with the current economy and to help absorb the impact of increased tax assessments on those who can least afford it.

For the ease of both town staff and the applicants, who must apply for both town and county credits separately, it would be beneficial if the town mirrored the county's income and exemption percentage structure. The only exception to this general rule is the amount of the maximum credit allowed, and this is because the county's tax rate is significantly higher than the town's tax rate. The county's maximum credit is now \$1,000, up from \$400, and town staff proposes an increase to \$600 vs. the current maximum of \$300. Staff also proposes to increase the amount of a family member, other than a spouse, that can be excluded from the total income calculation from \$3,000 to \$6,000.

Attached you will find the current ordinance, with recommended updates to sections 66-118, 66-119 and 66-120 in blue.

The impact on town revenue can only be certain for those 3 citizens who apply each year and take the max credit of \$300 each. Other citizens in higher income brackets can only be estimated based on the number of citizens who come in each year to attempt to apply and are turned away because of the maximum income restrictions. Please see attached estimates.

The application process would have to be re-opened through the last week in September if this amendment is approved to allow those who are now eligible to apply. Tax bills generally are not prepared to mail until the last week or two in October.

RECOMMENDATION:

Staff recommends Council adoption of Ordinance 20220818 to approve the amendments to Town Code Chapter 66, Article VII, Sections 66-118, 66-119, and 66-120, increasing the maximum allowable household income for eligibility, increasing the maximum tax credit to \$600, and re-opening the application period through September 30, 2022.

ARTICLE VII. REAL ESTATE TAX EXEMPTION FROM TAXATION FOR CERTAIN ELDERLY OR HANDICAPPED PERSONS¹

Sec. 66-116. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Commissioner of the revenue shall mean the Commissioner of the Revenue of the County of Northampton, Virginia or any of his/her duly authorized deputies or agents.

Dwelling shall mean the full-time residence of the person or person seeking the exemption.

Exemption shall mean exemption from the county real estate tax according to the provision of this article.

Net combined financial worth shall mean all assets of the owners of the dwelling who reside therein, and of the spouse of any such owners, including equitable interests, excluding the value of the dwelling and the land in an amount not to exceed one acre upon which it is situated. For determination of value of real estate properties, the fair market value shall be used.

Permanently and totally disabled shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Taxable year shall mean the calendar year, from January 1 through December 31, inclusive, for which exemption is sought.

Property shall mean real property.

Total combined income shall mean the total income from all sources, of the owners of the dwelling residing therein and of any relatives of the owners who reside in the dwelling. However, if a person has already qualified for exemption under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the relative's income shall be counted towards the income limit.

Treasurer shall mean the Treasurer of the Town of Cape Charles.

(Ord. No. 030805, 3-8-05)

Sec. 66-117. Administration.

The exemption shall be administered by the treasurer of his/her authorized delegate, in coordination with the commissioner of the revenue, according to the general provisions contained in this article. The treasurer is

¹Editor's note(s)—Prior to the reenactment of art. VII by Ord. No. 030805, adopted March 8, 2005, an ordinance adopted December 11, 2001, repealed the former art. VII, which pertained to the tobacco tax and derived from Ord. No. 31, §§ 1—11, 6-28-84 and Ord. No. 32, §§ 12, 13, 6-28-84.

hereby authorized and empowered to prescribe, adopt, and enforce rules and regulations, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption. The treasurer may require reproduction of certified tax returns and appraisal reports to establish income and financial worth

(Ord. No. 030805, 3-8-05)

Sec. 66-118. Eligibility for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately preceding the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder, shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear.
- (2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption.
- (3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the treasurer to be an amount not to exceed ~~\$25,000.00~~ 50,000. Total combined income shall include from all sources of the owners, spouses, and of the owners' relatives living in the dwelling for which exemption is claimed; provided, however, that the first ~~\$3,000.00~~ 6,000.00 of annual income of the owners' relatives living in the dwelling other than the spouses' shall be excluded in computing total combined income.
- (4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the treasurer to be an amount not to exceed ~~\$80,000.00~~ 100,000. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed.
- (5) The person or persons seeking the exemption must file annually with the treasurer an affidavit as hereinafter provided.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06; Ord. No. 20200116 , Att., 1-16-20)

Sec. 66-119. Application for exemption.

Annually after January 1, and before April 15 of the taxable year, the person or persons claiming exemption shall file with the treasurer, on forms supplied by such treasurer, an affidavit setting forth the location and assessed value of the property, the names of all the related person occupying such real estate; the total combined income of the person as specified in section 66-118(3) above; and the net combined financial worth of the persons as specified in section 66-118(4) above. If such person is under 65 years of age, such form shall have attached thereto a confirmation by the social security administration, the veterans administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled, as herein defined. The affidavit of at least one of such doctors shall be based upon a physical examination of such persons by said doctor. [For Tax Year 2022, there shall be a second application](#)

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(Supp. No. 25, Update 1)

window between August 19, 2022 and September 30, 2022 to be considered using the higher exemption levels adopted by the Town Council on August 18, 2022. Applications received during the first Tax Year 2022 window (January 1, 2022 – March 31, 2022), shall be considered using the most recently-adopted exemption levels.

The affidavit of one of the doctors may be based upon medical information contained in the records of the civil services commission which is relevant to the standards for determining permanent and total disability as herein defined. The treasurer shall also make such further inquiry of persons seeking exemption requiring answers under oath, as may be reasonably necessary to determine qualification therefore, including qualifications as permanently and totally disabled. The treasurer is hereby authorized to require the reproduction of certified tax returns to establish the income or financial worth of any applicant for exemption from tax hereunder.

If, after audit and investigation, the treasurer determines that the person or persons are qualified for exemption he or she shall so certify the same and shall determine the percentage of exemption allowable and issue non-negotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability.

Such exemption certificate shall apply only to the tax year for which issued. The person or persons to whom an exemption certificate has been issued shall, on or before the past due date established for payment of such real estate tax, present such exemption certificate to the treasurer or his or her duly authorized deputies or agents, together with payment of the difference between such exemption and the full amount of the tax payment then due on the property for which the exemption was issued. Any exemption certificate not presented in settlement of such taxes on or before the date specified for payment shall be null and void and unusable thereafter and the treasurer may not reissue a certificate for such tax year.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06)

Sec. 66-120. Exemption schedule.

Where the person or persons seeking exemption conforms to the standards and does not exceed the limitation contained herein, the real estate tax exemption shall be as shown on the following schedule:

Total Combined Income from all Sources	Tax Exemption Net Worth <u>(not to exceed \$100,000)</u>
	0—80,000
0— 16,000 <u>20,000</u>	90%
16,001—17,500 <u>20,001-30,000</u>	80%
17,501—19,000 <u>30,001-40,000</u>	70% <u>60%</u>
19,001—20,500 <u>40,001-50,000</u>	60% <u>40%</u>
20,501—22,000	50%

Provided, however, that the maximum annual exemption on any one property shall not exceed \$~~300.00~~ 600.00.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06)

Sec. 66-121. Additional provisions.

- (a) The fact that persons who are otherwise qualified for tax exemption are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole

dwelling of such person or persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

- (b) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided in this article shall nullify any exemption for the ten current tax year immediately following.
- (c) For purposes of this article, a mobile home shall be real estate if the owner's intention that it be permanently affixed is shown by the facts that (i) it is located on land belonging in whole or in part to the owner of the mobile home, his spouse, parent or child, and is connected to permanent water and sewer lines or facilities; or (ii) whether or not it is located on land belonging to persons described in subsection (i), it rests on a permanent foundation, and consists of two or more mobile units which are connected in such a manner that they cannot be towed together on a highway, or consists of a mobile unit and other connected rooms or additions which must be removed before the mobile unit can be towed on a highway.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06)

Sec. 66-122. Penalties for violation.

Any person or person falsely claiming exemption or knowingly and intentionally furnishing false information hereunder or otherwise violating this article shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding \$1,000.00 or by confinement in jail not exceeding 12 months, or both.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06)

Sec. 66-123. Effective date.

This article shall apply to the tax year and each year thereafter or until amended or repealed.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06)

Sec. 66-124—66-130. Reserved.

Estimated tax revenue impact on the proposed ordinance amendment

	2020	2021	2022 (upcoming, estimated)
Number of applicants	3	3	24
Amount of tax credits	\$ 900	\$ 900	\$ 11,450

Estimated # of applicants	Credit percentage	Total estimated credits
3	90%	\$ 1,000
7	80%	\$ 2,450
8	60%	\$ 3,200
8	40%	\$ 4,800
26		\$ 11,450
Potential increase of		\$ 10,550

ORDINANCE 20220818

UPDATING CAPE CHARLES TOWN CODE CHAPTER 66, ARTICLE VII. REAL ESTATE TAX EXEMPTION FROM TAXATION FOR CERTAIN ELDERLY OR HANDICAPPED PERSONS, §§ 66-118, 66-119, AND 66-120

WHEREAS, the Town of Cape Charles currently provides assistance in the form of real property tax credits to qualified persons who are elderly or physically disabled; and

WHEREAS, the applicants must meet certain income and health status substantiations. Currently the combined income, if married, cannot exceed \$25,000; and

WHEREAS, Northampton County offers a similar program and on July 26, 2022, updated their ordinance increasing the maximum combined income for eligibility, the maximum tax credit, and re-opening the application period; and

WHEREAS, the Town generally follows suit with Northampton County with such tax matters; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of August 2022, that Chapter 66, Article VII, Sections 66-118, 66-119 and 66-120 of the Cape Charles Town Code be revised as attached, to become effective upon adoption.

Adopted by the Town Council of Cape Charles on August 18, 2022.

By: _____
Mayor

ATTEST:

Town Clerk

Sec. 66-118. Eligibility for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately preceding the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder, shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear.
- (2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption.
- (3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the treasurer to be an amount not to exceed \$50,000. Total combined income shall include from all sources of the owners, spouses, and of the owners' relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$6,000.00 of annual income of the owners' relatives living in the dwelling other than the spouses' shall be excluded in computing total combined income.
- (4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the treasurer to be an amount not to exceed \$100,000. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed.
- (5) The person or persons seeking the exemption must file annually with the treasurer an affidavit as hereinafter provided.

Sec. 66-119. Application for exemption.

Annually after January 1, and before April 1⁵ of the taxable year, the person or persons claiming exemption shall file with the treasurer, on forms supplied by such treasurer, an affidavit setting forth the location and assessed value of the property, the names of all the related person occupying such real estate; the total combined income of the person as specified in section 66-118(3) above; and the net combined financial worth of the persons as specified in section 66-118(4) above. If such person is under 65 years of age, such form shall have attached thereto a confirmation by the social security administration, the veterans administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled, as herein defined. The affidavit of at least one of such doctors shall be based upon a physical examination of such persons by said doctor. For Tax Year 2022, there shall be a second application window between August 19, 2022 and September 30, 2022 to be considered using the higher exemption levels adopted by the Town Council on August 18, 2022. Applications received during the first Tax Year 2022 window (January 1, 2022 – March 31, 2022), shall be considered using the most recently-adopted exemption levels.

The affidavit of one of the doctors may be based upon medical information contained in the records of the civil services commission which is relevant to the standards for determining permanent and total disability as herein defined. The treasurer shall also make such further inquiry of persons seeking

exemption requiring answers under oath, as may be reasonably necessary to determine qualification therefore, including qualifications as permanently and totally disabled. The treasurer is hereby authorized to require the reproduction of certified tax returns to establish the income or financial worth of any applicant for exemption from tax hereunder.

If, after audit and investigation, the treasurer determines that the person or persons are qualified for exemption he or she shall so certify the same and shall determine the percentage of exemption allowable and issue non-negotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability.

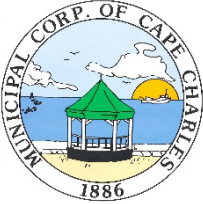
Such exemption certificate shall apply only to the tax year for which issued. The person or persons to whom an exemption certificate has been issued shall, on or before the past due date established for payment of such real estate tax, present such exemption certificate to the treasurer or his or her duly authorized deputies or agents, together with payment of the difference between such exemption and the full amount of the tax payment then due on the property for which the exemption was issued. Any exemption certificate not presented in settlement of such taxes on or before the date specified for payment shall be null and void and unusable thereafter and the treasurer may not reissue a certificate for such tax year.

Sec. 66-120. Exemption schedule.

Where the person or persons seeking exemption conforms to the standards and does not exceed the limitation contained herein, the real estate tax exemption shall be as shown on the following schedule:

Total Combined Income from all Sources	Tax Exemption Net Worth (not to exceed \$100,000)
0-20,000	90%
20,001-30,000	80%
30,001-40,000	60%
40,001-50,000	40%

Provided, however, that the maximum annual exemption on any one property shall not exceed \$600.00.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Budget Reappropriation Request – Schedule Public Hearing		AGENDA DATE August 18, 2022
	SUBJECT/PROPOSAL/REQUEST: Schedule a public hearing regarding the request to reappropriate funding budgeted for projects in FY22		ITEM NUMBER: 8E
	ATTACHMENTS: Expenditure list		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Deborah Pocock, Treasurer	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Due to supply chain issues during fiscal year 2022, parts, supplies and equipment were difficult to find in stock. There were also several manpower, contractor, and consultant complications or delays. As a result, several items were delivered or project work items delayed until after June 30, 2022, with some still pending.

ITEM SPECIFICS:

The attached project list itemizes each expenditure account that would be affected by the requested appropriation. Staff will be available to answer questions about any specific item.

Note that if the budget amendment total is greater than 1% of the aggregate budget, a public hearing must be held. This request is over the 1% threshold.

RECOMMENDATION:

Staff requests that council set a public hearing for September 15, 2022 regarding the requested amendments to the fiscal year 2023 budget.

Listing of FY2022 budgeted expenditures to bring forward to FY2023 budget.

General Fund

Project/Purchase	Expenditures	Revenue	Budget Account
Radio & antenna for new police vehicle	\$ 482.00		100-4310-7070
Outfitting the ARPA funded police vehicle purchased in June	\$ 7,135.00		130-4121-4150
SoftwareMunicode update, final payment	\$ 3,050.00		100-4112-5240
Codification of zoning ordinance update	\$ 1,680.00		100-4112-5240
Treetop Products - public area trash can replacement	\$ 25,000.00		100-4430-7020
NOVO Solutions - PW task ticketing system, from repairs & maint	\$ 4,500.00		100-4430-6150
Unexpended legal costs, use for PPEA consulting;Tmgr Consulting	\$ 50,000.00		100-4121-3410
Reappropriate FY22 revenue for carryforward projects		\$ 91,847.00	100-3800-6001
*Cigna Claim refund credit - to be used for health insurance premiums		\$ 20,400.00	100-3600-4000
Update health ins expense - allocate cigna refund credit	\$ 20,400.00		to each dept prorata
*The Cigna Credit was not included in the original budget, in error.			for dependent premium
Amount is less than the statutory amount that would require a public			subsidies and town credit
hearing to appropriate.			toward spring increases
	\$ 112,247.00	\$ 112,247.00	

Special Activities Fund

Project/Purchase	Expenditures	Revenue	Budget Account
NewGen PPEA Consulting reappropriate revenue	\$ 16,425.00	\$ -	130-3650-6000
NewGen PPEA Consulting reappropriate expense		\$ 16,425.00	130-4121-4125
CCP grant for Rock climbing wall	\$ 7,817.48		130-3800-9000
Rock climbing wall		\$ 7,817.48	130-4430-4110
The reappropriated funds are incompletd projects	\$ 24,242.48	\$ 24,242.48	

Utilities Fund

Project/Purchase	Expenditures	Revenue	Budget Account
Seasonal help, 4 mos at \$16.69 w/taxes per hour, 24 hours per week	\$ 7,000.00		100-4501-1300
Engineering Svcs Water	\$ 26,736.00		501-4501-3420
Engineering Svcs Sewer	\$ 34,564.00		501-4501-6225
Move unexpended repairs & maint water & sewer to contingency	\$ 40,011.00		501-4500-6900
Reappropriate F&22 revenue for carryforward project water & sewer		\$ 108,311.00	
The reappropriated funds are unexpended part time water wages, repairs \$ maintenance, and engineering	\$ 108,311.00	\$ 108,311.00	

Total appropriations requested \$ 244,800.48

2023 Budget total \$ 11,349,990.00

1% of budget \$ 113,499.90

Public Hearing required? Yes