



TOWN COUNCIL
Regular Meeting
August 17, 2023
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. Recognition of Visitors / Presentations / Recognitions
 - A. Cape Charles Main Street Semi-Annual Report
 - B. Recognition of Employee Significant Anniversary
5. Public Comments (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of June 30, 2023 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Harbor Projects Contract Award](#)
 - *B. [Appointment of Interim Treasurer](#)
 - *C. [New Bank Signatories Resolution](#)
 - *D. [Cape Charles Rosenwald School Letter of Support to Dept. of Historic Resources](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - August 21, 2023 – Joint Work Session w/Planning Commission, 6:00 p.m.
 - August 31, 2023 – Town Council Executive Session, 5:30 p.m.
 - September 4, 2023 – Town offices closed for Labor Day
 - September 7, 2023 – Joint Work Session w/Planning Commission, 6:30 p.m.
 - September 21, 2023 – Town Council Regular Meeting
12. Adjournment



Town Council Presentation FY2023 – Recap & Look Forward

August 17, 2023



Meet the Team – Staff



Karen Zamorski
Executive
Director



Emily Martinez
Marketing
Administrator



Our Board of Directors



Bill Stramm
Vice President



Patsy Harris
Vice President



John Hozey
Board Member
at Large



Jay Abella
Co-Chair
Economic Vitality



Ken Butta
Co-Chair
Economic Vitality



Mollie Pickron
Co-Chair Design



Open
Co-Chair Design



Tara Ashworth
Co-Chair
Promotions



Julie Crouse
Co-Chair
Promotions



Gerry Taylor
Co-Chair
Organization



Pat James
Co-Chair
Organization



Business Liaison

DHCD Support for Cape Charles

- **Designated Community Revitalization Specialist at DHCD**
- **Access to Grants exclusive to Virginia Main Street Communities**
- **Free Access to Frasier & Associates**
- **Creating Community Vitality Training Series**
- **Access to National Main Street Partners:**
 - Center for Nonprofit Excellence**
 - Main Street America**
 - Esri: GIS Mapping Software, Location Intelligence**
 - Preservation Virginia**
 - Virginia Community Capital**
 - Virginia Community Development Corporation**

**Our Accomplishments by
the numbers**

Drumroll please...

What Cape Charles Main Street has delivered In our past Fiscal Year (July 1, 2022 to June 30, 2023)

BUSINESS/TOWN Mkt. SUPPORT – \$55,233 Plus \$269,354 in grants = \$324,587

- Applied for and received grants totaling: **\$269,354 FY2024** (see break-down on next page)
- Updated and printed an additional 62,000 maps distributed to welcome centers and key travel locations across Virginia and neighboring states. **\$22,436**
- Held Monthly Main Street Connect meetings for businesses **\$1447**
- Continued to update and build on the CCVC website with CCMS Microsite and social media pages **\$9611**
- Job Fair – **\$801**
- Buy Local Campaign on WESR Radio **\$300**
- Produced a new Business Brochure **\$300**
- Marketed Cape Charles through various print/Digital campaigns **\$8,723**
- First annual report produced – **\$5,000**
- Cape Charles Video – **\$6,615**
- Cape Charles Gift Card Program*

* More info to follow

BEAUTIFICATION/SPONSORED PROJECTS – \$45,567

- Beautification projects (benches, planters, beds flowers – **\$14,170**
- Moved remediated Train car to its permanent location. Will include a visitor center/brick & mortar bathroom. Completed initial restoration of the steel sides and ends. **\$31,397**

EVENTS – \$84,809 Includes Marketing Costs for Events

- Cape Charles Main Street Annual Meeting – Heart & Soul in a Bowl **\$1,090**
- Organized Spring Sidewalk Sale – **\$150**
- Sponsored the Easter Bunny event with family photo opportunity
- Celebrated 25 “Best of Virginia Winners”– **\$1,500**
- Third Annual Love Run – **\$19,313**
- LOVEFEST in the Park – **\$8,150**
- Festive Fridays – **\$54,293**
- Love the Locals – **\$313**

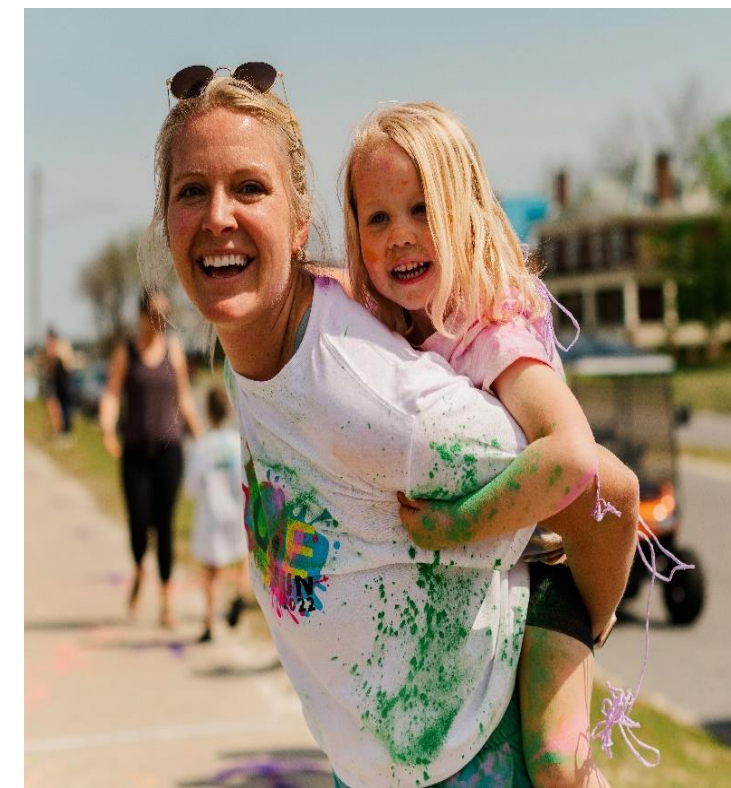
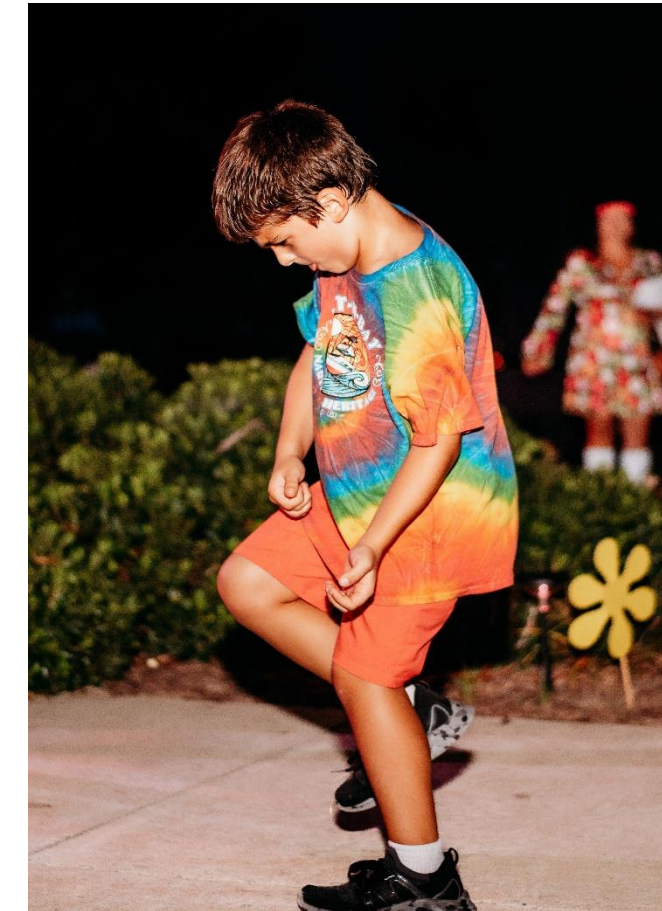
Grants for FY2024 and Carryover of FY2023

	AMOUNT	NOTES
NC infrastructure – Commercial District Bathroom with Visitor Center	\$ 67,666	Carryover from 2023 (\$100k)
NC infrastructure – Cape Charles Bathrooms (Beach or Comm. District)	\$ 25,000	Carry over from FY2023
NC Infrastructure - Golf Cart Path	\$ 2,995	
NC Visitors Map	\$ 6,000	
NC Walking Tour	\$ 5,000	
NC Love Run	\$ 4,000	
NC Love Fest	\$ 4,000	
NC Infrastructure Visitor Center/Bathroom and Train seating Area	\$ 10,720	
NC Infrastructure Rockers Surrounding Visitors Center	\$ 4,908	
NC Infrastructure Train/Rail Car Storyboards	\$ 7,565	
NC Infrastructure Train Car Restoration	\$ 42,000	
NC Festive Fridays	\$ 12,000	
VTC – Festive Fridays	\$ 7,500	
VTC/DMO Grant	\$ 20,000	
NC/VTC ARPA Tourism (Bathroom/visitor ctr, Blogs)	\$ 40,000	
VTC Drive Outdoor	\$ 10,000	
Total Grants Received	\$ 269,354	
NC Infrastructure Lighting for Mason Ave and SSP	\$ 39,252	Application Pending
DHCD DIG Grant	\$ 70,148	Application Pending
Total Grants Pending	\$ 109,400	

Events Completed FY2023

- **Annual Love Run 2023 – 5K & first 10k with approximately 250 runners registered**
- **Love the Locals, February 5–11, 2023 Help bring people out to shop and dine in off season**
- **Easter Bunny At the Park and Strawberry Street Plaza – Dovetail with Town Easter Egg hunt to bring people into town**
- **Best of Virginia Celebration – 17 winners in 2023**
- **Festive Fridays – Thanksgiving through Dec. 2023 (Summary Report was included in January 2023 report)**

Thank You Volunteers!



Our Volunteers ROCK!

Volunteer Hours FY23 :
4,266 hrs. = \$120,970

Total Volunteer Hours to Date for CCMS:
11,769 hrs. = \$333,731



Marketing Cape Charles – What's New?



Cape Charles Gift Card Program

A Gift Card that works at these 27 local businesses in Downtown Cape Charles, VA 🗺️



AJ's Bar & Grill

AJ's features delicious, casual American cuisine inspired by local flavors and seafood. ...



Ambrogia Caffè & Enoteca

Experience the flavors of Italy in Cape Charles at Ambrogia Caffè & Enoteca: authentic ...



Asbury Collective

A beloved local yoga studio and shop with a variety of classes for all. Slow flow, ...



Bailey's Bait & Tackle

Bailey's Bait and Tackle is your source for Eastern Shore of Virginia fishing tackle, bait, a...



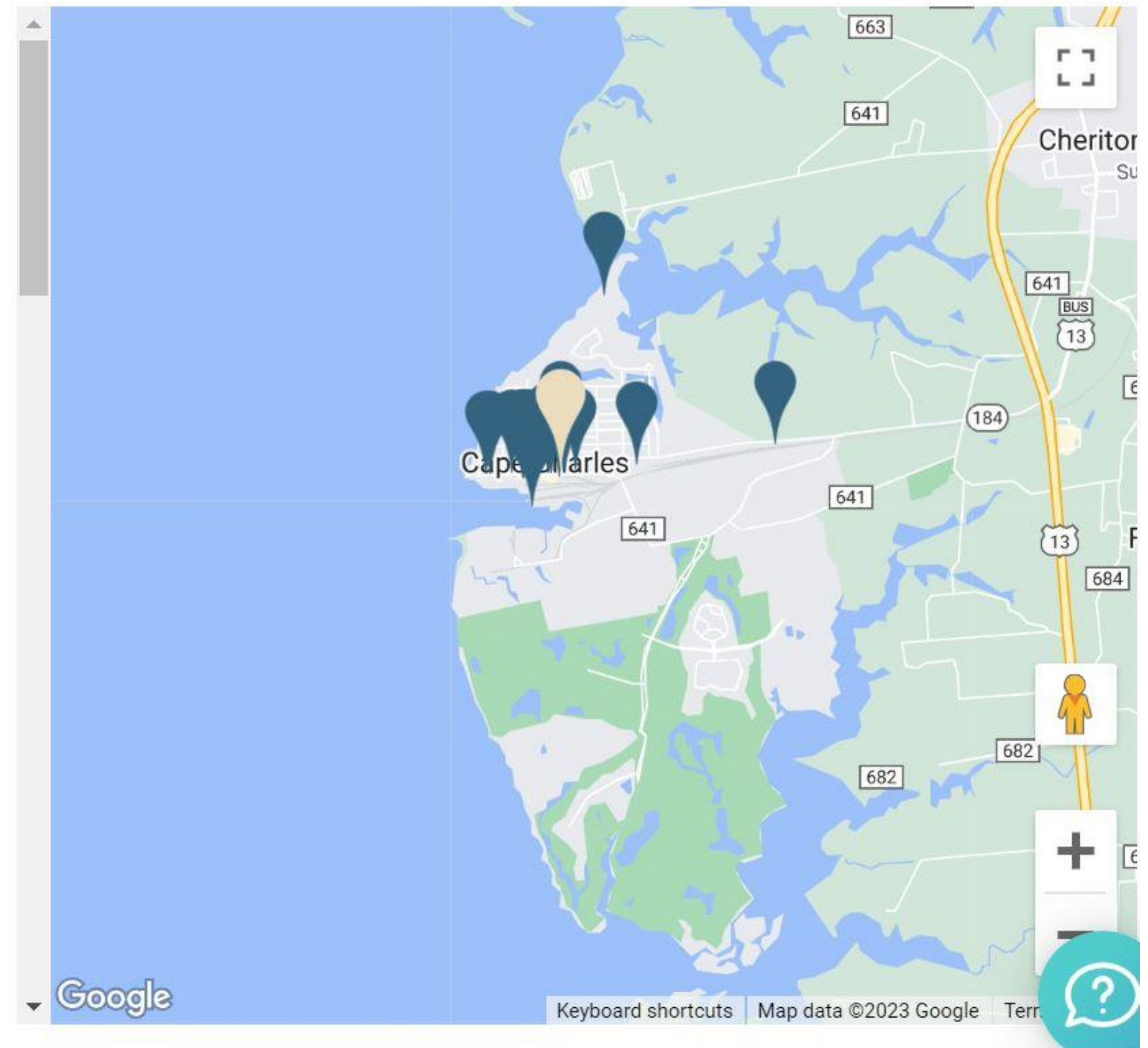
Bay Haven Inn of Cape Charles

This historic Bed and Breakfast run by Tammy and Jim features four bedrooms, gorgeous ...



Brown Dog Ice Cream

Handcrafted quality ice cream using locally sourced ingredients!

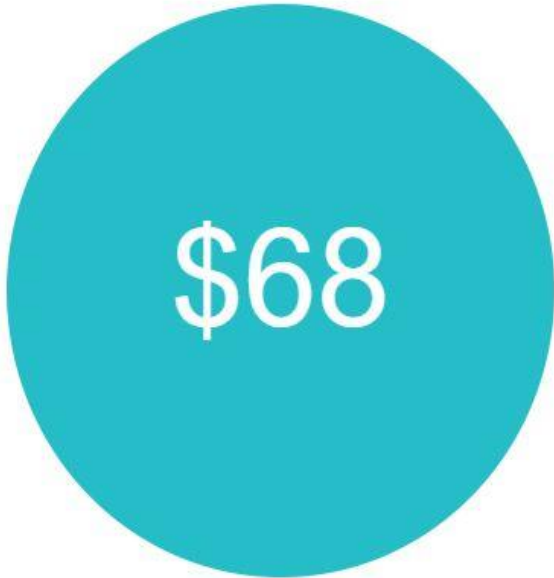


[Did we miss a favorite local business? Let us know!](#)

Cape Charles Gift Card Program

Keep Dollars Local 🖋️

Buying a Downtown Cape Charles Local Gift Card guarantees money stays local. For every \$100 spent in Downtown Cape Charles anywhere from \$43 to \$68 or more stays local. The Downtown Cape Charles Local Gift Card helps multiply this impact.



Local Business



Big Box Store

AMOUNT	TRANSACTIONS
\$4,245.00	Loaded
\$1,339.55	Spent
\$2,905.45	Outstanding



FY2021–FY2023

Meals & TOT Tax Comparison

	FY2021	FY2022	FY2023
TOT	\$240,217	\$343,450 +43%	\$557,471 62%
Meals (Does not include .5% Capital tax)	\$514,720	\$650,619 26%	\$745,181 15%



New Website Users: 72,581 +18.4%
Website Views: 223,702 +14.4%
Engagement Rate:
Year 1 vs. Year 2 63% +23.1%



CCVC – Reach 51,642 +173.7%
Likes 6,996 + 8.8%
CCMS – Reach 33,364 +28.2%
Likes 2,996 +7.96%



CC By the Bay followers – 1741
CCVC followers (New site) – 652
CCMS followers – 1978 +12.6%



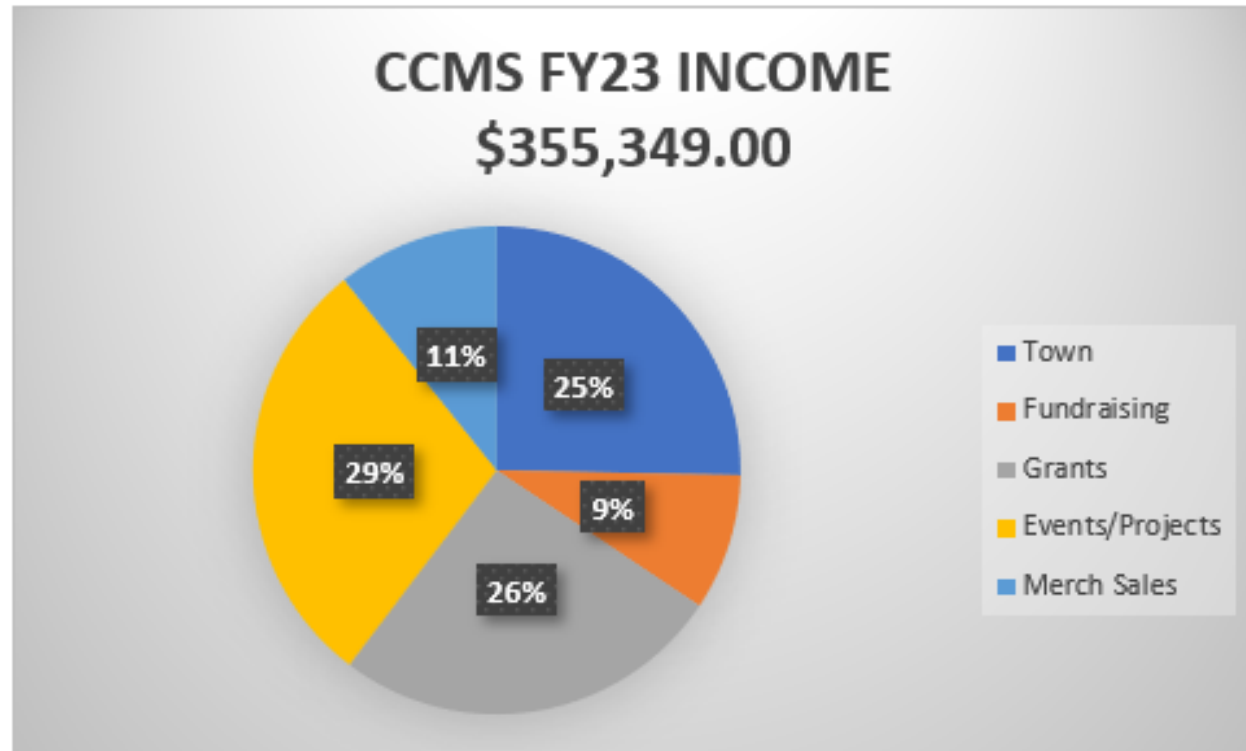
CCMS Financials FY23 – 6 Month Report



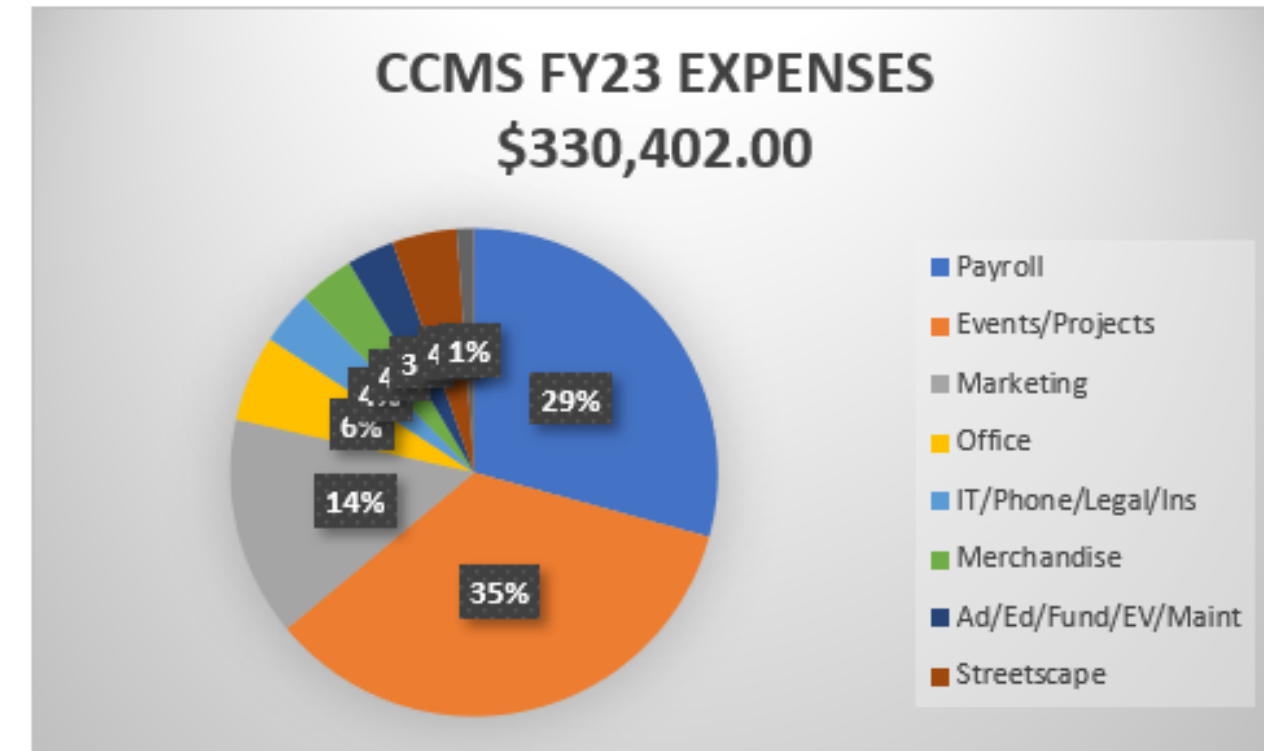
- Town - 23% - \$45,000
- Fundraising – 15% - \$28,084
- Grants – 17% - \$32,200
- Events/Projects – 35% - \$67,578
- Merch Sales – 10% - \$19,272

- Payroll - 30% - \$47,464
- Events/Projects – 38% - \$59,151
- Marketing – 11% - \$16,944
- Office – 7% - \$10,196
- IT/Phone/Legal/Ins– 2% - \$3,092
- Merchandise – 2% - \$3,278
- Ad/Ed/Fund/EV/Maint – 2% - \$2,684
- Streetscape – 8% - \$12,539
- Conf/Tvl - <1% - \$539

CCMS Financials FY23 – Year End



- Town - 25% - \$90,000
- Fundraising – 9% - \$32,163
- Grants – 26% - \$92,200
- Events/Projects – 29% - \$102,739
- Merch Sales – 11% - \$38,247



- Payroll - 29% - \$96,660
- Events/Projects – 35% - \$114,610
- Marketing – 14% - \$48,078
- Office – 6% - \$18,853
- IT/Phone/Legal/Ins– 4% - \$11,735
- Merchandise – 4% - \$12,172
- Ad/Ed/Fund/EV/Maint – 3% - \$10,349
- Streetscape – 4% - \$14,170
- Conf/Tvl - 1% - \$3,775



WHAT'S NEXT?

Four key Infrastructure/Beautification projects FY2024*

- New Visitor Center, Bathrooms, Offices
- Shade for Strawberry Street Plaza
- Entrance to Cape Charles
- Lights for SSP and Mason Ave

* More details following

- LoveFest – 9/2/23, 6 pm to 9 pm
- Heart & Soul Soup Night 11/13/23
- Festive Fridays 2023 (Nov. 24, Dec. 1, 8, 15& 23)
- Love the Locals week 2/4/24 to 2/11/24
- Love Run5k/10k , April 20, 2024
- Launch of Historic Walking 10/2023

DRAFT

TO BE DETERMINED:
COLORS & FINISHES OF PAINT & MATERIALS

NEW VISITORS CENTER
& PUBLIC LAVATORIES

REHABILITATED TRAIN CAR

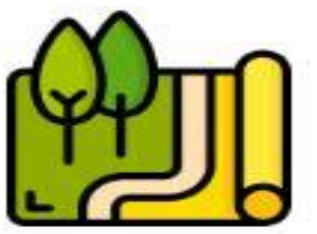
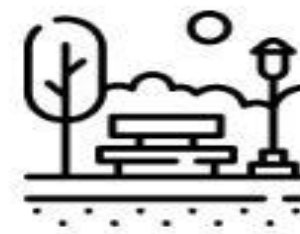
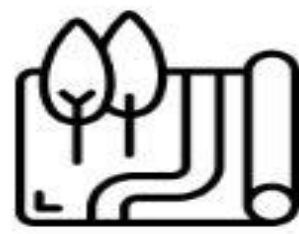
NEW PAVED & STRIPED
PARKING AREA

VIEW OF NORTHWEST CORNER

©FRAZIER ASSOCIATES

Exterior sheet metal work, train car end rails and roof has been completed (8/13/23). Window coverings, painting and storyboards are in process. Bathrooms and Visitor center (to include Main Street offices) in process.

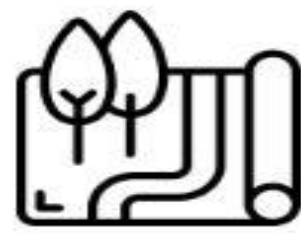
Cape Charles Main Street has secured \$65,193 in grant funding in FY2024 in addition to carryover of \$92,666 from FY2023 to continue work on the Bathroom/Train outside restoration project.



Entrance to Cape Charles

Concept: CCMS to head up project for the beautification of the entrance to Cape Charles from Route 13 to Fig Street

- Set up meeting with core group: County, Canowie, Town (discuss and understand what the process should be for project undertaking)
 - Research ownership/responsibility for both North and South sides of Route 184
 - Gather input from stakeholders on desired concepts and outcome
 - Develop SOW for project to include: landscape design, installation, costs, maintenance, etc.



Shade in Strawberry Street Plaza

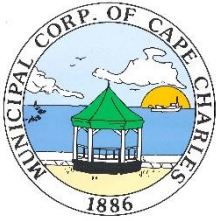
Lighting on Mason Ave and Strawberry St. Plaza

Provide shade over seating areas in Strawberry Street Plaza – CCMS is researching appropriate solutions . We have applied for a grant to help offset the cost of this project. Grant is Pending.

Lighting on Mason Ave & SSP – Have applied for a grant to light 42 trees on Mason Ave and 4 in SSP that would remain in place permanently with maintenance done 2x per year. Grant is Pending.



Thank You All!



DRAFT
TOWN COUNCIL
Public Hearings & Regular Meeting
Cape Charles Civic Center
July 20, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Public Hearings & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer, and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Assistant Treasurer Adrian Oei, Police Chief Jim Pruitt, Planner/Zoning Administrator Katie Nunez, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 7 members of the public physically in attendance, and 11 viewers on Facebook.

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

PUBLIC HEARING COMMENTS: (3 MINUTES PER SPEAKER)

- A.i. A Zoning Map Amendment (ZMA) application from Nancy T. Rooney to rezone 107 Mason Avenue (Tax Map #83A3-2-1-74 & 83A3-2-1-75A) from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to Cape Charles Zoning Ordinance (CCZO) Section 3.5.

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

- A.ii. A Zoning Map Amendment (ZMA) application from RL & B Seaside Investments, LLC to rezone Tax Map Parcels #83A3-2-1-75B & 83A3-2-1-77 from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to Cape Charles Zoning Ordinance (CCZO) Section 3.5.

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

- B. Real Property Disposal – Monroe Avenue Parcel (Tax Map #83A3-1-418A)

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

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to close the public hearings. The motion was approved by unanimous vote.

The public hearings were closed at 6:33 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

- A. *Proclamation for U.S. Coast Guard Station Cape Charles Appreciation Day:*

Mayor Charney read Town of Cape Charles Proclamation 20230720 – Coast Guard Station Cape Charles Appreciation Day – August 3, 2023.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20230720 recognizing August 3, 2023 as Coast Guard Station Cape Charles Appreciation Day. The motion was approved by unanimous vote.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

L.D. Davis, Cape Charles resident

Ms. Davis addressed the Council regarding the Cape Charles Community Trail Phase 3. (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. June 12, 2023 Town Council Executive Session
 - ii. June 15, 2023 Town Council Regular Meeting
 - ii. June 15, 2023 Town Council Work Session
- C. Approval of May 31, 2023 Financial Report

Councilman Grossman asked that the May 31, 2023 financial report be pulled out of the Consent Agenda for discussion.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Agenda Format and minutes as presented. The motion was approved by unanimous vote.

Councilman Grossman stated that he had requested that the engineering and design costs for the new municipal center, library renovations and visitor center be separated by project, but the financial report showed the three projects grouped together. He asked that the amounts be broken out by project in future reports. Town Manager John Hozey stated that he would have the amounts separated in the future.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the May 31, 2023 Financial Report as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *Zoning Map Amendments – from Commercial-1 (C-1) to Commercial-Residential (CR):*

- i. *107 Mason Avenue (Tax Map #83A3-2-1-74 & 83A3-2-1-75A)*
- ii. *Mason Avenue Parcels (Tax Map #83A3-2-1-75B & 83A3-2-1-77)*

Planner/Zoning Administrator Katie Nunez stated that after numerous conversations over the past five years, a joint zoning map amendment application was received from Nancy T. Rooney and RL & B Seaside Investments, LLC to rezone their properties on Mason Avenue (Tax Map #83A3-2-1-74, 83A3-2-1-75A, 83A3-2-1-75B & 83A3-2-1-77) from Commercial-1 (C-1) to Commercial-Residential (CR).

During the Comprehensive Plan update in 2022, these four lots were discussed regarding the possibility of rezoning them to CR. Two of the lots (#83A3-2-1-74, 83A3-2-1-75A) were under common ownership by Nancy T. Rooney with one lot being vacant and the other lot with a 3,300 square foot, one-story building. The other two lots (83A3-2-1-75B & 83A3-2-1-77) were under common ownership by RL & B Seaside Investments, LLC and were vacant. During discussion related to the Future Land Use Map it was indicated that the Mason Avenue blocks closer to the beachfront might be moved to a mixed zoning designation of Commercial-Residential, especially this half block from Harbor Avenue heading east along Mason Avenue, thus serving as a transition zone between the residential lots closer to the beach and the full commercial that started in the building next to Ms. Rooney's building. The Planning Commission held their public hearing on July 11, 2023, and no comments were heard. After

the public hearing, the Commission reviewed the application and unanimously recommended Council approval to rezone these parcels from C-1 to CR. The Town Council public hearing was held earlier this evening, with no comments heard.

Councilman Follmer stated the following: i) He thought that at one time, a proposal was discussed to have an apartment in the back portion of the building at 107 Mason Avenue and commercial in the front. Katie Nunez confirmed that this was still the intent for this building; ii) Some time ago, another commercial space was being used for residential. Would this action tonight set a precedent to make it easier for other commercial properties to be used for residential? Katie Nunez stated that rezoning was the appropriate and legal way to do this, but there had been other examples over the last five to seven years where the Town addressed similar issues and granted approval without going through the proper zoning changes. Some were done under ADA, but no deed restrictions were put in place to accompany that action. Others were done through conditional use permits, but the Town did not have any procedures in place to allow first floor residential in a commercial district. Rezoning was the legal way to do this and there would be no question about what was being done. This was not an easy process and it had taken more than five years to get to this point.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20230720A Amending Cape Charles Zoning for Tax Map Parcels #83A3-2-1-74, 83A3-2-1-75A, 83A3-2-1-75B and 83A3-2-1-77 for Commercial-1 to Commercial-Residential which was supported by the Comprehensive Plan and Future Land Use Map. Mayor Charney moved for adoption of Ordinance 20230720A as noticed and forewent reading of the Ordinance. The motion was approved by majority vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, no; Follmer, yes; Grossman, yes; Holloway, yes.

B. *Real Property Disposal – Monroe Avenue Parcel (Tax Map #83A3-1-418A):*

John Hozey stated that the Town owned two contiguous lots zoned Residential-1 near the intersection of Monroe Avenue and Pine Street. The lot directly on the corner (#83A3-1-419) contained the Pine Street Pump Station which was part of the wastewater collection system. The lot to the east (83A3-1-418) was vacant. In preparation of the sale of the water and wastewater systems to Virginia American Water, the corner lot was subdivided so that only the area occupied by the pump station would convey with the utility sale. The vacant portion of that lot was combined with the contiguous lot to create a parcel (#83A3-1-418A) about one and a half times the size of a standard lot in the historic district. The subdivision plat was recorded in the land records of Northampton County. As there was no current or future need for this residential lot, it was advertised for competitive sale with a minimum bid of \$250K to generate both sales revenue and ongoing real property tax revenue. Two bids were received with the winning bid of \$300,010. Staff felt that this was a reasonable price for the larger than normal lot. If approved, the FY 2024 budget would be amended mid-year for the actual sale price. The Code of Virginia § 15.2-1800 allowed a locality to dispose of real property by either public or private sale and adoption of an ordinance after a public hearing was held. The public hearing was held earlier this evening, with no comments received.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20230720B – Sale of Monroe Avenue Parcel. Mayor Charney moved for adoption of Ordinance 20230720B as noticed and forewent reading of the Ordinance. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

C. *Tourism Zone Credit Payment:*

John Hozey stated that a tourism zone application was received from Cape Charles Mini Golf which met the qualification requirements of the program. The credit currently due to Cape Charles Mini Golf amounts to \$4,061.80 for facility & connections fees and building permits.

Additionally, Cape Charles Mini Golf would be due annual payments of approximately \$747 over the next five-year period based on revenue projections and estimated value of improvements provided by the business owner in the application.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to approve the tourism zone payment for facility & connection fees and building permits to Cape Charles Mini Golf in the amount of \$4,061.80. The motion was approved by unanimous vote.

D. Memorandum of Agreement with Cape Charles Main Street:

John Hozey stated that the Town and Cape Charles Main Street (CCMS) entered into an initial Memorandum of Agreement (MOA) on July 1, 2018, which established the roles and responsibilities of each organization as the Town strived to become a Virginia Main Street Community. The initial MOA was for five years, which expired on June 30, 2023. Over the past five years, Cape Charles had gone from being a Virginia Main Street Affiliate to a Virginia Advancing Main Street Community, and the Town had experienced strong economic growth within the business community, due in no small measure to the nurturing efforts of CCMS. CCMS had also taken on many successful events/programs which grew in popularity each year. The Town contributed financially to CCMS since inception. Although the support had decreased slightly over the years, it was unlikely that it would ever be discontinued. Economic development was a common and vital municipal function, that were it not for CCMS, the Town would have to fund internally at levels much higher than our current participation in CCMS. The renewal MOA was substantially similar to the original but updated to the current situation.

Councilman Grossman stated that CCMS gave a great annual report, but he would also like to receive copies of the quarterly reports. John Hozey stated that Councilman Grossman would be provided copies of the quarterly reports as they were received.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to approve the new Memorandum of Agreement with Cape Charles Main Street. The motion was approved by unanimous vote.

E. Adoption of New Cape Charles Town Code:

John Hozey stated that over the years, the Town Code became obsolete as the State Code changed and local practices evolved. It was prudent to update the entire Town Code periodically to ensure it remained relevant. The latest update began in 2021 when Municode was contracted to conduct a comprehensive review to include incorporating changes made by the General Assembly through 2021. The year 2021 saw two additional General Assembly special sessions, so Municode's contract was amended to include those special sessions. The analysis received was also reviewed by the Town's attorney and staff, and additional revisions were proposed reflecting changes in local practice and/or procedures since the Code was last updated. Considerable time was spent working with the attorney to update the town's noise ordinance, using the adopted Virginia Beach ordinance as a model. Going forward, a legal review was planned every four to five years. All Town Code changes adopted by Council through August 2022 were included in the new Code. No other changes had been made until this evening's decision related to the Tourism Zone.

The new Town Code, both clean and blacklined versions, were provided to Council two weeks ago for review, as well as being posted on the website. The memoranda from the CivicPlus attorney describing the legal review changes, as well as a color-coded document describing the changes from staff and our attorney were included in the agenda packet.

There was discussion as follows: i) The proposed noise ordinance addressed sounds heard within permanent dwellings, hotel or other type of residence, regardless of where the sounds were coming from. It would be reviewed again, and potentially revised, during discussion regarding short-term rental regulations; ii) Councilman Butta noted the change to the Building Code Board

of Appeals term from one year to five years and asked if the town had other boards with five-year terms. Town Clerk Libby Hume responded that the Historic District Review Board and some other boards currently had five-year terms; iii) Councilman Grossman asked whether any changes were made related to public alleys as a result of the recent Board of Zoning Appeals case. John Hozey responded that no substantive changes had been made, but this issue would be reviewed separately; iv) Councilman Butta noted that Article 2, Section 2-4 showed that the assistant town manager would take over the town manager's duties in the absence of the town manager, but we did not have an assistant town manager, and he asked whether language needed to be added regarding the mayor performing the duties. It was explained that this language stated that "if" the Town had an assistant town manager, the assistant town manager would perform the duties of that office. The Town Charter addressed the mayor's performance of the duties.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20230720C – An Ordinance Adopting and Enacting a New Code for the Town of Cape Charles, Virginia; Providing for the Repeal of Certain Ordinances not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective. Mayor Charney moved for adoption of Ordinance 20230720C as noticed and forewent reading of the Ordinance. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

F. Cape Charles Community Trail Phase 3:

John Hozey stated that the Community Trail Phase 3 construction was previously bid in 2019 but no contract was awarded due to the estimated costs of the bids received. The project was redesigned to reduce costs, and after a lengthy period of review by VDOT, was readvertised in May 2023. Only one bid was received on June 16th from Conrad Brothers of Virginia, Inc. The bid of \$945,630, including the two bid alternates, substantially exceeded the engineer's estimate of \$653,494. It also greatly exceeded Conrad Brothers' bid from 2019 but was typical of the post-pandemic construction environment. John Hozey explained that when this year's capital budget was prepared, knowing the uncertainty of cost estimates, a reasonable estimate was included in the budget, but additional unappropriated funding was available in the Capital Project Fund. The breakdown of the bid was reviewed. John Hozey went on to state that the bid alternate for the lighting seemed excessive. The base bid included the conduit, wiring and concrete foundations for the lighting, but it was recommended that staff procure and install the lighting, as done in other areas of the town. With recent changes in the area surrounding the south entrance to Central Park, staff recommended not moving forward with the other bid alternate which covered improvements to this area. Staff's recommendation was to work with the Citizens for Central Park and surrounding residents regarding future needs and plans for this area. John Hozey added that staff's recommendation was to award the base bid to Conrad Brothers. Although the bid was over budget, it was still worth doing due to the amount of grant funding.

There was discussion as follows: i) If the light poles and fixtures were installed by staff, it could be done in phases and the number reduced as suggested by Ms. Davis earlier this evening; ii) Councilwoman Holloway expressed her agreement with Ms. Davis related to the number of plantings included in the plan as overkill and asked that the number of plantings be reduced. John Hozey responded that it would be difficult to change the design with VDOT having to approve all changes, but the Town could possibly handle this issue as a change order. He would talk to Bob Panek to try to address this item once the contract was awarded; iii) It was difficult to predict the exact schedule, but construction would not begin until after Labor Day; iv) Councilwoman Holloway stressed the need for ongoing communication, either through Cape Charles Main Street or directly with the businesses in the area, regarding the timeline and impact to the commercial area of south Peach Street.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to authorize the town manager to award the base bid construction contract to Conrad Brothers of Virginia, Inc., in the amount of \$759,567.19, and any future contract change orders within the 5% contingency reserve. The motion was approved by unanimous vote.

G. *Town Tourism Zone Recension:*

John Hozey stated that in 2016, the Town Council adopted Ordinance 20161117 establishing the entire area of the town as a Tourism Zone for the purpose of attracting new tourism-related business and investment to town. The ordinance provided tax credits over a five-year period, in the form of tax and permit rebates, to certain tourism-related businesses that made new investments in town. Since inception of the program, due to administrative burdens, there had been a historical backlog of credits owed to businesses under the ordinance. With the exception of payments made earlier this summer, payments were last issued in 2018. While the initial intent of the program was well meaning, staff questioned its relevancy today. The potential repeal of the program was discussed at the June 15, 2023 Town Council meeting and staff was directed to bring back an ordinance for consideration to repeal the ordinance establishing the program. Any businesses currently in the program, including Cape Charles Mini Golf that was approved earlier this evening, would be grandfathered until the expiration of their five-year period.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Ordinance 20230720D – Repealing Ordinance 20161117 Tourism Zone Ordinance (Article XII, Section 18-414 Through 18-420 of Cape Charles Town Code Adopted July 20, 2023) repealing the tourism zone program. Mayor Charney moved for adoption of Ordinance 20230720D as noticed and forewent reading of the Ordinance. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) As reported in his weekly report, the application to the State Corporation Commission (SCC) was accepted and the discovery process had begun. The process was taking more time than he had thought. Most of the first set of discovery questions had been answered and a second set of questions was received today. The discovery questions were to provide additional details to the SCC, but nothing that would cause withdrawal of the application.
- ii) He was working with Canonie regarding the lease of the land for the visitors' center and restrooms. It was a complicated process. A draft lease was received from Canonie and forwarded to our attorney. There were some concerns, especially since Canonie did not have clear title to the property and whether they could lease the property without having a clear title. The Town was getting ready to make significant improvements/investments on the property and could potentially build the major public facility then get evicted. It was up to the attorneys to make us aware of the risks and up to the Town to make the decisions.
- iii) Bids were received for the Harbor project, and they all came in about 24% to 28% over budget. Again, the Town had sufficient funds in the unappropriated fund balance. When Bob Panek returned, they would meet to review the options and their recommendations would be presented to the Council at the August meeting.
- iv) There were some staffing changes to report: Harper Matthews moved from the public works department to the police department. This move created a full-time position in the public works department and Markeen Hines was moved from part-time seasonal to full-time. Maureen Tamares-Meditz, who was the part-time library assistant, was also hired as the part-time planning department administrative assistant.

- v) The Town was just notified that a group of residents hired an attorney to file an appeal on the recent Board of Zoning Appeals decision related to a public alley behind their properties. Some residents wanted the decision to go one way and others were opposed, so he was not surprised on the filing of the appeal. He asked that if anyone got served to please contact him or Katie Nunez immediately.
- vi) The Shriner's Parade was confirmed for August 5th – the same weekend as the Crab Slam. It would be another busy weekend.

MAYOR AND COUNCIL COMMENTS

Mayor Charney thanked the town manager, and everyone involved in the July 4th planning for the best 4th of July since he had been in Town. He had received so many great comments about the setup, breakdown, and clean up. It was unbelievable. John Hozey stated that he would pass along the comments to the Public Works crew, Julie Pruitt, the Police Department, and Jeb Brady.

Vice Mayor Bennett stated that the sign on Route 13 advertised a free fishing pier and free public beach, and he did not think it was needed anymore. With the Town's current tourism load, he did not think the beach and pier needed to be advertised anymore and asked that the signs be changed to anything else or even left blank. John Hozey responded that he was meeting with CCMS next week regarding the signs. Councilwoman Holloway added that the two signs could be removed immediately, but it would be a slower process to determine what the replacements should be.

Councilwoman Holloway went on to thank Councilman Buchholz and Steve Smith of CC Ryder for putting out signage advising golf carts that they could not go beyond the trestle by the brewery. There had been many sightings of golf carts at Food Lion and the ABC store. Signs were also needed on the old railroad path since that was the way many golf carts were going. We had a new set of people in Town each week. She had also seen property being advertised in Kings Creek Landing and Tower Hill as being a "short golf cart ride to downtown Cape Charles." She did not know what the Town's responsibility was regarding these advertisements, but we needed to make an effort to communicate these issues.

Councilman Buchholz added that signs were also posted on the golf cart path by Bay Creek, and that the golf cart rental company in Virginia Beach was telling their renters that they could drive golf carts anywhere with a 35 MPH speed limit which was not the case. He had spoken with Northampton County Supervisor and member of the Canolie Board John Coker about this issue and Canolie was willing to help. His signs were temporary and more permanent ones needed to be installed.

Councilman Follmer commented as follows: i) As an interim measure, he supported painting over the two signs at Route 13 as brought up by Vice Mayor Bennett; ii) He had received very positive feedback this summer about the trash cans being emptied regularly and the cleanliness of the Town, especially early morning following July 4th. Twice in recent weeks, members of the Public Works staff had stopped and offered assistance to him when he was moving items around. These actions contributed to the kind of community we wanted to encourage; iii) He asked about the status of installing additional signage for the municipal parking lot along Mason Avenue. There was a problem with vehicles going in both directions and trying to pass, and he had been hearing a lot of complaints. John Hozey responded that nothing had been done yet, but he would take this comment as a prod to move forward to get this completed.

Councilman Butta stated his appreciation for the work done on the Town Code but asked that the Zoning Ordinance update be reviewed piecemeal during work sessions. The ability to discuss items in work session would make it easier to resolve issues and provide the public an opportunity to follow the process. It might be beneficial to allow questions for the public as well. Katie Nunez responded that it was the plan to hold multiple work sessions to review the proposed updates to the Zoning Ordinance.

Councilman Grossman had no further comments.

Mayor Charney read the announcements. John Hozey noted that the August 3, 2023 meeting was added tentatively in case a work session was needed for the Town Code. Since the Council adopted the new Town Code this evening, the meeting was not needed.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adjourn the Town Council Public Hearings & Regular Meeting. The motion was approved by unanimous vote.

The Regular Meeting adjourned at 7:50 p.m.

Mayor Charney

Town Clerk

**July 20, 2023 Town Council Public Hearings & Regular Meeting
Comments and Information Provided in Writing**

L.D. Davis, Cape Charles resident

Thank you, Mayor and Town Council, for this opportunity to be heard.

In August of 2017, April of 2018 and again in August of 2020, I have come before you with concerns about the Community Trail Phase 3 project and I am here again.

Today I walked the 300 block of Mason Avenue and found 4 light fixtures on the entire block. Yet the final design work that is to be sent to VDOT for approval of the Phase 3 project contains 10 light fixtures between the north side of Mason Avenue and the south side of Randolph Avenue. Let me remind you that Peach Street is shorter in length than the 300 block of Mason and is a mixture of commercial and residential properties. This is lighting overkill and an unnecessary expense. Public safety comes first but common sense must prevail.

Also, as I reviewed the proposed design, I was surprised to find that the landscaping for Phase 3 is to include:

12 Crepe Myrtles
28 Yaupon Hollies
874 Liriope plugs
18 Stella de Oro Daylilies

Once again, overkill. Who will maintain these plantings, or will they suffer the same fate, disease and death, as those on the Community Trail Phase 3 North Peach project? While Public Works does the best job they possibly can, they are understaffed for the time, energy & maintenance this overplanted landscaping design requires.

Einstein's definition of insanity is doing the same thing over and over again and expecting a different result.

Let us begin this project by making sane, smart and dollar wise decisions.

Thank you for your time & commitment to Cape Charles

June 2023 Treasurer's Report

Page 1 – Cash Position

- Staff is recording unrealized 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 is \$3,068,783.

Page 2 – Revenue vs. Expenditures

- These numbers are 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.

Page 3 – Capital Projects

- The public works utility vehicle and grounds maintenance equipment purchases are complete.
- A small progress payment was made on the Multi-Use Trail project.
- Details of the HBA invoices were analyzed and inquiries were made, and it was possible to allocate most of the invoices to individual projects on a pro-rata basis. The library and municipal center allocations may be intermingled somewhat. The changes are reflected on this report.

Page 4 – Tax Collection Rate

- No comments.

Page 5 – Tax Revenue Trends

- Sales and use tax decreased 1.5% from June 2022.
- Transient occupancy tax revenue is 50.7% greater than last year.
- Meals tax has increased by 14.5%.
- Business license fees are 32.9% higher than last year at this time.
- Planning and Building fees show a 11.4% increase over year-to-date June 2022.

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

<u>Cash on Hand</u>	<u>5/31/2023</u>	<u>6/30/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$668,821	\$507,775	-\$161,046
Atlantic Union Bank Money Market Account	\$647,550	\$747,841	\$100,291
LGIP Account 1 - Unrestricted	\$108,183	\$108,649	\$466
LGIP Account 2 - Unrestricted	\$313,825	\$315,307	\$1,481
Virginia Investment Pool Liquidity Unassigned	\$2,259,848	\$2,269,620	\$9,772
Virginia Investment Pool 1-3 Year Unassigned	\$1,013,405	\$1,008,445	-\$4,960
Total Cash On Hand	\$5,011,632	\$4,957,636	-\$53,996

<u>Restricted and Reserved Cash Balances</u>	<u>5/31/2023</u>	<u>6/30/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$11,211	\$12,064	\$853
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,581	\$258,593	\$1,012
Wells Fargo 2010 Debt Service pass through account #300	\$3,048	\$3,061	\$13
Wells Fargo 2010 Debt Service pass through account #308	\$1,090	\$1,094	\$5
Atlantic Union Money Market # ARPA CRF #5847	\$594,738	\$594,983	\$244
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,013,194	\$3,068,783	\$55,589
Total Cash Held in Reserve	\$3,922,457	\$3,980,172	\$57,715
Total Cash - All Accounts	\$8,934,089	\$8,937,809	\$3,720

DEBT SERVICE

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

\$5,204,561

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

June 30, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
GENERAL Fund						
REVENUE	\$231,500	\$3,983,118	\$4,524,071	\$540,953	\$4,545,819	99.52%
EXPENDITURES	\$352,411	\$2,902,477	\$3,755,978	\$853,501	\$4,545,819	82.62%
NET	(\$120,911)	\$1,080,641	\$768,093	(\$312,548)	\$0	
GENERAL Capital Fund						
REVENUE	\$7,689	\$65,062	\$1,154,573	\$1,089,511	\$2,213,543	52.16%
EXPENDITURES	\$156,837	\$121,615	\$601,098	\$479,483	\$2,213,543	27.16%
NET	(\$149,148)	(\$56,553)	\$553,475	\$610,029	\$0	
GENERAL Debt Service Fund						
REVENUE	\$19,433	\$267,131	\$241,873	-\$25,259	\$249,571	96.92%
EXPENDITURES	\$19,433	\$267,131	\$241,873	-\$25,259	\$249,571	96.92%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities Fund						
REVENUE	\$1,299	\$481,043	\$578,561	\$97,517	\$950,727	60.85%
EXPENDITURES	\$0	\$614,968	\$766,642	\$151,674	\$950,727	80.64%
NET	\$1,299	(\$133,925)	(\$188,082)	(\$54,157)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

June 30, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$195,970	\$1,463,043	\$2,081,379	\$618,336	\$2,709,736	76.81%
EXPENDITURES - Operating	\$72,047	\$451,555	\$1,245,667	\$794,112	\$1,692,817	73.59%
NET	\$123,923	\$1,011,488	\$835,712	(\$175,776)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$469,067	\$0	-\$469,067	\$0	
REVENUE - FACILITY FEES	\$91,203	\$717,304	\$564,917	-\$152,388	\$466,400	121.12%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$96,207	\$1,253,256	\$1,111,439	-\$141,816	\$1,016,919	109.29%
TOWN CONTRIB. & PENDING GRANTS	(\$5,004)	(\$66,884)	(\$546,522)	(\$479,638)	(\$1,016,919)	
HARBOR Fund						
REVENUE - Operating	\$161,192	\$923,966	\$978,841	\$54,874	\$1,042,545	93.89%
EXPENDITURES - Operating	\$52,242	\$681,126	\$778,439	\$97,312	\$992,438	78.44%
NET	\$108,950	\$242,840	\$200,402	(\$42,438)	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$102,954	\$103,499	\$546	\$104,950	98.62%
EXPENDED - Capital Projects, Debt Svc	\$0	\$143,054	\$212,091	\$69,037	\$196,950	107.69%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$9,346)	(\$108,591)	(\$99,245)	(\$50,107)	
SANITATION Fund						
REVENUE	\$24,043	\$246,229	\$282,688	\$36,459	\$457,258	61.82%
EXPENDITURES	\$48,650	\$263,098	\$459,874	\$196,777	\$457,258	100.57%
NET	(\$24,607)	(\$16,869)	(\$177,187)	(\$160,318)	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
6/30/2023

	<u>FY23 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY23 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY23 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund							446819	482429	
Multi-Use Trails, Phase 3 Construction	<u>Bid process</u>	2%	\$ 929,922	\$ 12,070	\$ -	\$ 813	\$ 5,669	\$ 18,551	\$ 911,371
Municipal Space Replacement Planning (ARPA) - HBA	<u>In process</u>	73%	\$ 550,000	\$ 55,250	\$ 36,042	\$ 164,171	\$ 147,567	\$ 403,031	\$ 146,969
Welcome Center Design - HBA	<u>In process</u>	3%	\$ 550,001	\$ 2,573	\$ 1,678	\$ 7,644	\$ 6,871	\$ 18,766	\$ 531,235
Library Upgrade & Condo-ization - HBA	<u>In process</u>	5%	\$ 550,002	\$ 3,430	\$ 2,238	\$ 10,192	\$ 9,162	\$ 25,022	\$ 524,980
Mason Avenue Parking Lot Improvement	<u>Postponed</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
South Beach Restroom Renovation	<u>Postponed</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Gator for Public Works Staff	<u>Completed</u>	100%	\$ 26,500	\$ -	\$ -	\$ -	\$ 26,000	\$ 26,000	\$ 500
Grounds Maintenance Equipment for PW	<u>Completed</u>	100%	\$ 33,270	\$ 24,228	\$ -	\$ -	\$ 7,775	\$ 32,003	\$ 1,267
Central Park Game Area for Adults (CCP)	<u>Completed</u>	100%	\$ 29,000	\$ -	\$ 11,614	\$ -	\$ 2,500	\$ 14,114	\$ 14,886
Storage Facility (3 x conexes + roofing)	<u>Completed for FY23</u>	100%	\$ 20,000	\$ -	\$ -	\$ 38,610	\$ -	\$ 38,610	\$ (18,610)
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,040
Public Trash Can Replacements, late FY22 project	<u>Completed</u>	100%	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000	\$ -
subtotal	\$ -		\$ 2,848,735	\$ 122,552	\$ 51,572	\$ 221,431	\$ 205,544	\$ 601,098	\$ 2,247,637
Utility Fund -Water									
Keck Well Connection (Engineering)	<u>In Process</u>	76%	\$ 60,000	\$ 2,286	\$ 32,010	\$ 7,622	\$ 3,811	\$ 45,729	\$ 14,271
Utility Fund - Wastewater									
Deposit on Membrane Replacement (contingency)	<u>Completed (deposit)</u>	100%	\$ 26,192	\$ 26,192	\$ -	\$ -	\$ -	\$ 26,192.00	\$ -
Sewer Pod Controller Upgrades Phase 2 of 5	<u>Pending</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 100,692	\$ 28,478	\$ 32,010	\$ 7,622	\$ 3,811	\$ 71,921	\$ 28,771
Harbor Fund									
Fuel System-Relocate Emergency Stop Switches	<u>Not needed</u>	0%	\$ 10,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,500
Fuel Management System Replacement	<u>Completed</u>	109%	\$ 42,000	\$ -	\$ -	\$ 45,864	\$ -	\$ 45,864	\$ (3,864)
Inner Harbor King Pile & Waler Replacement Design	<u>In process</u>	91%	\$ 40,000	\$ -	\$ -	\$ 36,478	\$ -	\$ 36,478	\$ 3,523
Inshore Breakwater repair planning (from contingency)	<u>In process</u>	100%	\$ 10,500	\$ -	\$ -	\$ 10,500	\$ -	\$ 10,500	\$ -
subtotal	\$ -		\$ 103,000	\$ -	\$ -	\$ 92,841	\$ -	\$ 92,841	\$ 10,159
TOTAL	\$ -		\$ 3,052,427	\$ 151,030	\$ 83,582	\$ 321,894	\$ 209,355	\$ 765,860	\$ 2,286,567

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

June 30, 2023

YTD 2022 Real Estate Tax Collections

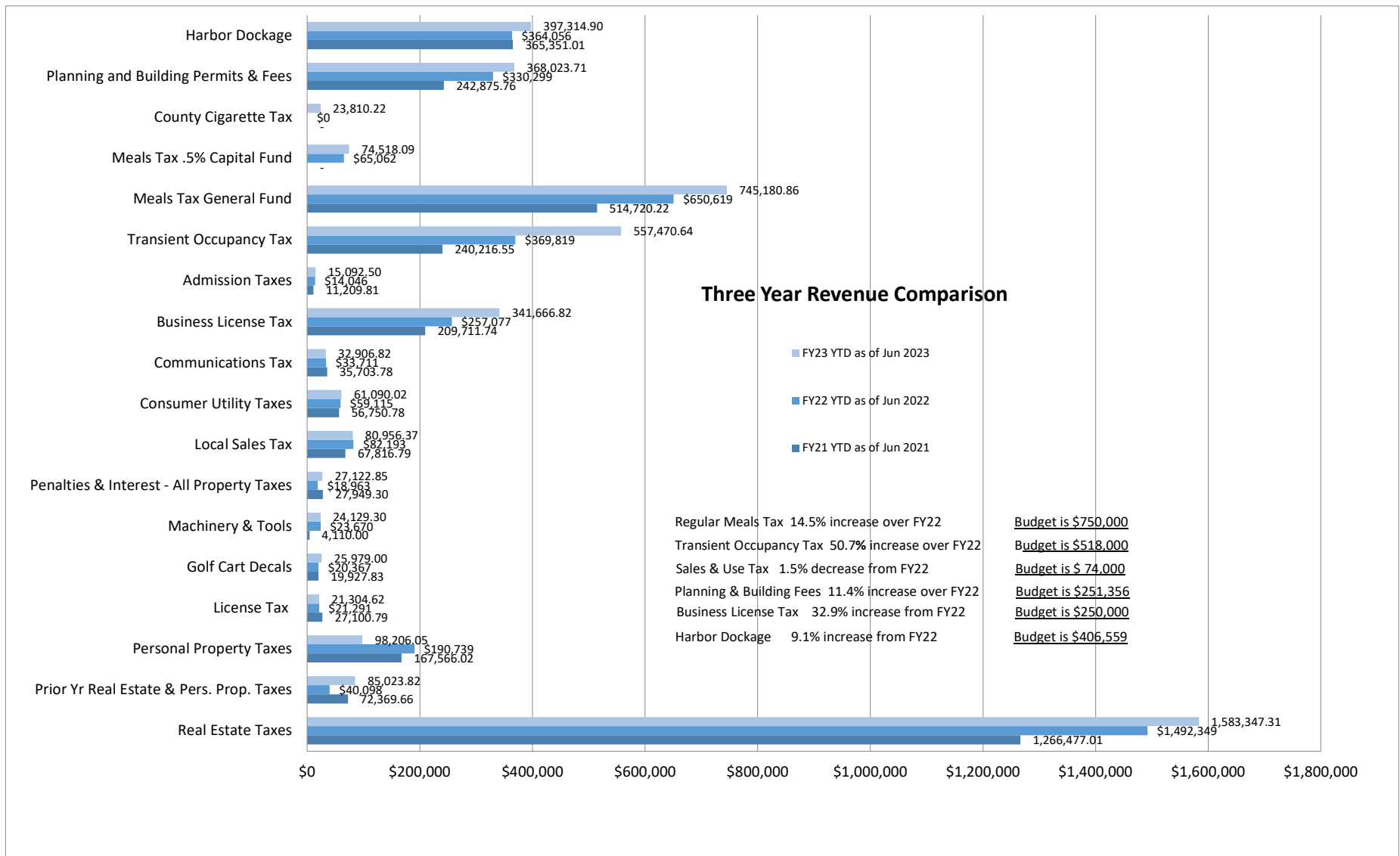
Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,559,242	
Total Tax Billed	1,606,830	
Total Adjustments	(158)	
Total Collected YTD (percent of billed)	<u>1,583,347</u>	99%
Amount Due per Accounts Receivable	23,325	

YTD 2022 Personal Property Tax, Machinery and Tools Tax & 2022 License Tax Collections

Total Personal Property Value	23,243,305	
2022 Reduction Due to Proration	(879,146)	
Personal Property Billable Valuation	22,364,159	
2022 PPTRA Valuation Reduction	(9,568,117)	
 2022 Supplemental Assessments	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2022 & 2022 Supplemental	22,364,159	
 Total Budgeted	 140,000	
Total Tax Billed less PPTRA	204,003	
2022 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	35,623	
Total Collected YTD (percent of billed)	<u>143,640</u>	60%
Amount Due per Accounts Receivable	24,740	

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

Total Budgeted	76,462	
Total Collected (percent of budget)	<u>112,147</u>	147%
Amount Due Per Budget	(35,685)	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Projects Contract Award		AGENDA DATE: August 17, 2023
	SUBJECT/PROPOSAL/REQUEST: Authorize contract award for Inshore Breakwater Repair & Reinforcement and Inner Harbor Bulkhead Rehabilitation.		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The FY 2024 budget contains two large capital projects for the Town Harbor.

The first, budgeted at \$180,000, is for repair and reinforcement of the inshore breakwater west of A-Dock that was damaged by a large vessel strike. This includes installing new piles at the northern section, constructing a new dogleg section off the north end, and installing four 5-pile protective dolphins.

The second, budgeted at \$306,000, is for replacement of approximately 54% of the king piles and lower horizontal wales supporting the vinyl bulkhead around the inner harbor. This was structured in three phases to provide funding and contracting flexibility. The bulkhead has been in service for about 20 years. The king piles and wales have been severely worn and damaged by side-to docking of large vessels. The harbor capital asset evaluation identified the replacement of these components as a high priority to prevent localized failure of the bulkhead. This will extend the service life to about 50 years. We have obtained an Aid to Local Ports grant from the Virginia Port Authority, in the amount of \$228,687 (75%), to help pay for this rehabilitation.

The Harbor capital budget also includes \$13,000 for repair of the fixed dock in the inner harbor. This entails replacement of about 15% of the decking, bolts and some diagonal supports. This is deferred maintenance that should have been performed incrementally over the last several years.

The Harbor budget also includes \$123,291 for maintenance and repair, and a contingency amount of \$95,687.

DISCUSSION:

An Invitation for Bids was structured to include the breakwater work and Phase 1 of the bulkhead work in the base bid. Two bid alternates were included for Phases 2 & 3 of the bulkhead work.

Three bids were received on July 19, 2023. The low bid from Marine Contracting Corporation was \$420,000 for the base bid, \$181,200 for Phase 2, and \$171,870 for Phase 3 of the bulkhead work. The other two bids were about twice that. Marine Contracting built the inshore breakwater and has a good reputation in the industry. They are recommended without reservation by Langley & McDonald (L&M). However, their bid exceeds the amount budgeted for the projects so we need to determine the scope of work desired and appropriate funding sources.

The base bid for the breakwater work is divided into two parts:

Repair and reinforcement	\$181,530
Four dolphins	<u>\$ 74,420</u>
Total	\$255,950

It is preferable to execute the full scope of work to minimize future damage to the breakwater and, in turn, protect the large investment the Town has made in the floating docks. Adding \$8,250 for construction administration by L&M brings the project total to \$264,200. As \$180,000 is budgeted, the funding shortfall for the breakwater is \$84,200.

The base bid for the bulkhead work is \$164,050. This would accomplish Phase 1, 205 linear feet from the product offload area to the lifeboat training station. The bid alternate for Phase 2 is \$181,200. This would accomplish an additional 271 linear feet to the fixed pier. These two sections are the most badly damaged and should be addressed if possible. The price of these combined is \$345,250. Adding \$10,500 for construction administration by L&M brings the project total to \$355,750. As \$306,000 is budgeted, the funding shortfall for the bulkhead is \$49,750.

The total funding shortfall for the breakwater upgrade and first two phases of the inner harbor project is \$133,950. However, there remains over \$700,000 unappropriated in the fund balance of capital projects fund. The Town Manager will recommend appropriating this shortfall from that fund balance during the mid-year budget adjustment. In the meantime, there are sufficient appropriated funds available within the current harbor budget in the contingency and maintenance/repair line items to allow for an immediate award of this contract.

RECOMMENDATION:

Authorize contract award to Marine Contracting Corporation in the amount of \$601,200; and apply for another Aid to Local Ports grant next spring to help fund Phase 3 of the inner harbor bulkhead rehabilitation.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appointment of an Interim Town Treasurer		AGENDA DATE August 17, 2023
	SUBJECT/PROPOSAL/REQUEST: Appointment of an Interim Town Treasurer		ITEM NUMBER: 8B
	ATTACHMENTS: N/A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town Charter, Chapter 4, Section 4.1 designates certain officers of the Town who may be appointed by the Town Council: "...The town council may appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to a town manager, a town clerk, a town attorney, a town treasurer, a chief of police and special police officers..."

The Town Council has historically been the appointing authority for the Town Treasurer. Debbie Pocock has served in that capacity since April 7, 2014. Earlier this year, Debbie provided notice that she intended to retire on August 31, 2023.

ITEM SPECIFICS:

I have had the privilege to serve with a great many extraordinary people during my long career. But I would have to say that Debbie Pocock ranks among the most talented and dedicated public servants I have yet to encounter. She has earned the trust and respect of everyone who knows her, and the citizens of Cape Charles have been the lucky benefactors of this service for most of a decade. Debbie will be sorely missed. We can't thank her enough for everything she has done for this community, and we wish her the very best for an extremely well-deserved retirement. She cannot be replaced, only succeeded.

One of Debbie's many talents was spotting other talent when she saw it. This enabled her to put together a wonderful team for the Finance Department. This team includes Jerry Murphy, our Accounting Manager; and Adrian Oei, our Assistant Treasurer.

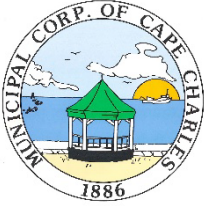
The assistant treasurer is a newly developed position that was designed to be a "treasurer-in-training", who might be able to move up to the top spot one day. We were incredibly fortunate to hire Adrian for this position last March, and he has shown a lot of skill, initiative, and willingness to learn. However, while I have complete confidence in Adrian's abilities, I feel it prudent that he get more experience with the annual flow of the financial activities in the Town before being considered for the Treasurer's role.

Jerry Murphy is an amazingly talented accountant, who has a lot of experience with the Town. Jerry worked in the Finance Department from 2011 to 2015, then came back and has been working for us again since 2021. Jerry is well respected and understands the annual cycle of our financial activities.

I have spoken with Debbie, Adrian, Jerry, and HR about how to move forward, and we all agreed that the best option would be to appoint Jerry Murphy as an Interim Town Treasurer, with the understanding that in perhaps 9 to 12 months, we will reevaluate the situation. If everyone is comfortable at that time, we would then consider moving Adrian into the permanent role.

RECOMMENDATION:

Staff recommends the Town Council appoint Jerry Murphy as Interim Town Treasurer.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Bank Signatories Resolution		AGENDA DATE August 17, 2023
	SUBJECT/PROPOSAL/REQUEST: Adoption of updated bank signatories resolution		ITEM NUMBER: 8C
	ATTACHMENTS: Resolution 20230817		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

In February 2012, the Cape Charles Town Council adopted Resolution 20120209A to move the Municipal Corporation of Cape Charles' depository accounts to Shore Bank and also authorized the positions of Mayor, Town Manager, Treasurer and Town Clerk as authorized signatories.

ITEM SPECIFICS:

Since that time, Shore Bank has changed its name a number of times and is currently known as Atlantic Union Bank. Resolution 20230817 is being proposed to update the Town's records.

In addition to updating the current name of the banking institution, staff would like to address the possibility of extended absences or vacancies of one or more of the authorized signing positions, which could significantly hinder the effective operation of town business. The proposed resolution would add the Assistant Treasurer as another authorized signatory, and also allow the Mayor or Town Manager to appoint interim signers, accompanied with written notice to the Town Council, in cases of extended absences or vacancies in any of the authorized positions.

Please note that any changes in authorized signatories would require the completion of a new set of signature cards from the bank.

RECOMMENDATION:

Staff recommends adoption of Resolution 20230817 as presented, by roll call vote.

RESOLUTION 20230817

**TO AMEND THE STAFF POSITIONS AUTHORIZED TO
SIGN BANKING DOCUMENTS FOR THE MUNICIPAL CORPORATION
OF CAPE CHARLES' DEPOSITORY ACCOUNTS**

WHEREAS, municipalities are mandated to deposit public funds in qualified public depositories as defined in § 2.2-4401 of the Code of Virginia; and

WHEREAS, the depository accounts for the Municipal Corporation of Cape Charles currently reside in Atlantic Union Bank, 22468 Lankford Highway, Cape Charles, Virginia; and

WHEREAS, the extended absence of one or more of the authorized signers presents a significant hindrance to the effective operation of town business; now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, that the positions of Mayor, Town Manager, Treasurer, Assistant Treasurer and Town Clerk are authorized to sign banking documents; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Cape Charles, Virginia, that during periods of absence or vacancy in any of these positions, the Mayor or Town Manager may appoint interim signers accompanied with written notice to the Town Council.

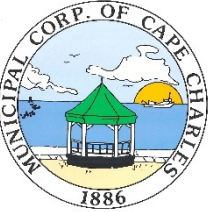
Adopted by the Town Council of Cape Charles on August 17, 2023.

TOWN OF CAPE CHARLES

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Rosenwald School National Register Nomination		AGENDA DATE: August 17, 2023
	SUBJECT/PROPOSAL/REQUEST: Approve letter of support for the Cape Charles Rosenwald School National Register nomination		ITEM NUMBER: 8D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) is a non-profit organization founded a number of years ago to purchase and rehabilitate the former Rosenwald School building located on Old Cape Charles Road to be used as a community and education center.

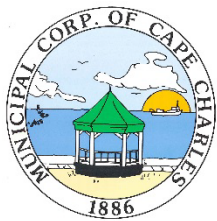
DISCUSSION:

The Cape Charles Rosenwald School is being nominated to be listed on the National Register of Historic Places and in the Virginia Landmarks Register. The Virginia Department of Historic Resources (VDHR) has scheduled the nomination for presentation to their boards on September 21, 2023 and has requested comments from the Town.

Although the Rosenwald School is not located within the Town's historic district, Planning Director / Zoning Administrator Katie Nunez contacted the Historic District Review Board (HDRB) and a letter of support was submitted to the VDHR on behalf of the HDRB. A similar letter of support from the Town Council would also be beneficial.

RECOMMENDATION:

Staff requests Council approval to submit a letter to the Virginia Department of Historic Resources supporting the nomination of the Cape Charles Rosenwald School for inclusion in the National Register of Historic Places and the Virginia Landmarks Register.



*Municipal Corp. of
Cape Charles*

August 17, 2023

Amanda S. Terrell, Director
Community Services Division
Commonwealth of Virginia
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: Letter of Support – Cape Charles Rosenwald School, Town of Cape Charles

Dear Ms. Terrell, Virginia's State Review Board, and Historic Resources Board

I am writing on behalf of the Cape Charles Town Council to express our support for the Cape Charles Rosenwald School's nomination for inclusion in the National Register of Historic Places and the Virginia Landmarks Register.

The Rosenwald School building, located at 1500 Old Cape Charles Road, has significant history to African American education in Virginia and especially in Northampton County as it was the only Rosenwald School built in the county. The school was open to African American students from 1929 until 1966.

The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) is a non-profit organization founded a number of years ago. CCRSRI purchased the Rosenwald School building and plans to preserve the building and history of the school, and to rehabilitate it to be used as a community and education center.

Thank you for this opportunity to provide the Town's comments and support for consideration by the Virginia State Review Board and Historic Resources Board.

Sincerely,

Adam Charney
Mayor