



TOWN COUNCIL
Regular Meeting
July 18, 2024
Cape Charles Civic Center
6:00 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. [Coast Guard Station Cape Charles Appreciation Proclamation](#)
 - B. [Demolition by Neglect Presentation – Katie Nunez](#)
4. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of May 31, 2024 Financial Report](#)
6. Unfinished Business:
 - A. None
7. New Business:
 - *A. [Reappointment of Library Board Member](#)
 - *B. [Revision to Town Code – Water and Wastewater](#)
 - *C. [Request for Handicap Parking Designation at 507 Tazewell Avenue](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - July 25, 2024 – Town Council Work Session – Beachfront Master Plan
 - August 1, 2024 – Town Council Work Session – *if needed*
 - August 6, 2024 – Joint Work Session with Planning Commission – Zoning Ordinance
 - August 15, 2024 – Town Council Regular Meeting
11. Adjournment

TOWN OF CAPE CHARLES
PROCLAMATION 20240718
COAST GUARD APPRECIATION DAY – AUGUST 3, 2024

WHEREAS, Coast Guard Station Cape Charles provides service to The Nation and our region by being always ready - “Semper Paratus” - to perform their mission; and

WHEREAS, Coast Guard Station Cape Charles embodies the U.S. Coast Guard core values of Honor, Respect and Devotion to Duty; and

WHEREAS, Coast Guard Station Cape Charles is committed to excellence by supporting and executing operations in a proficient and professional manner; and

WHEREAS, Coast Guard Station Cape Charles leads by example, facing challenges each day to protect and serve the maritime community to ensure the safety and security of the people on our waterways; and

WHEREAS, the U.S. Coast Guard was founded 234 years ago on August 4, 1790; now

THEREFORE, BE IT PROCLAIMED, that the Town Council of the Town of Cape Charles, Virginia, hereby recognizes August 3, 2024 as Coast Guard Appreciation Day and calls this observance to the attention of all our citizens.

Mayor Adam Charney

ATTEST: _____
Clerk of the Council

UPDATE ON DERELICT STRUCTURES IN CAPE CHARLES

July 1, 2024

**Prepared by
*Building Official Jeb Brady &
Planning and Zoning Administrator Katie Nunez***



- Since 2022, the Building Official and Planning & Zoning Administrator have joined efforts in addressing derelict structures in the Historic District and have worked with several property owners in getting them to willingly address renovations to the exterior of the house without having to initiate enforcement action.
- We have also issued Notices of Violation for Demolition by Neglect when the property owner has not been receptive to our initial outreach efforts to remedy properties in severe neglect.
- This presentation is to provide a status report on the outstanding or in-progress violation cases as well as the recent outreach initiated or Early Intervention on properties that are heading toward a classification of “Demolition by Neglect” unless steps are taken now to stop the deterioration.

PROPERTIES IN PROGRESS thru renovation/restoration FROM 2023/early 2024

ALMOST FINISHED

426/428 RANDOLPH AVENUE



On left, original look of the duplex structure.



In middle, some initial exterior work has been completed but still needs more TLC. Working with property owner now and work will be commencing May 2023.



On right, exterior work has been nearly finished. The contractor has been finalizing work on front porch and shutters for the windows.

VIOLATIONS IN PROGRESS of Rehab/Renovation FROM 2023/early 2024

Ongoing

542 Jefferson
Street

10/15/2021- Unauthorized Demolition of the House

House Pre-Demolition 2020



Lot Immediately after
Demolition – 10/13/2021



House in mid-construction as of July 1, 2024
Property has been sold and new owners will be
addressing this violation and completing the
construction of the house.



VIOLATIONS IN PROGRESS of Rehab/Renovation FROM 2023/early 2024

Just Started

1 Fig
Street

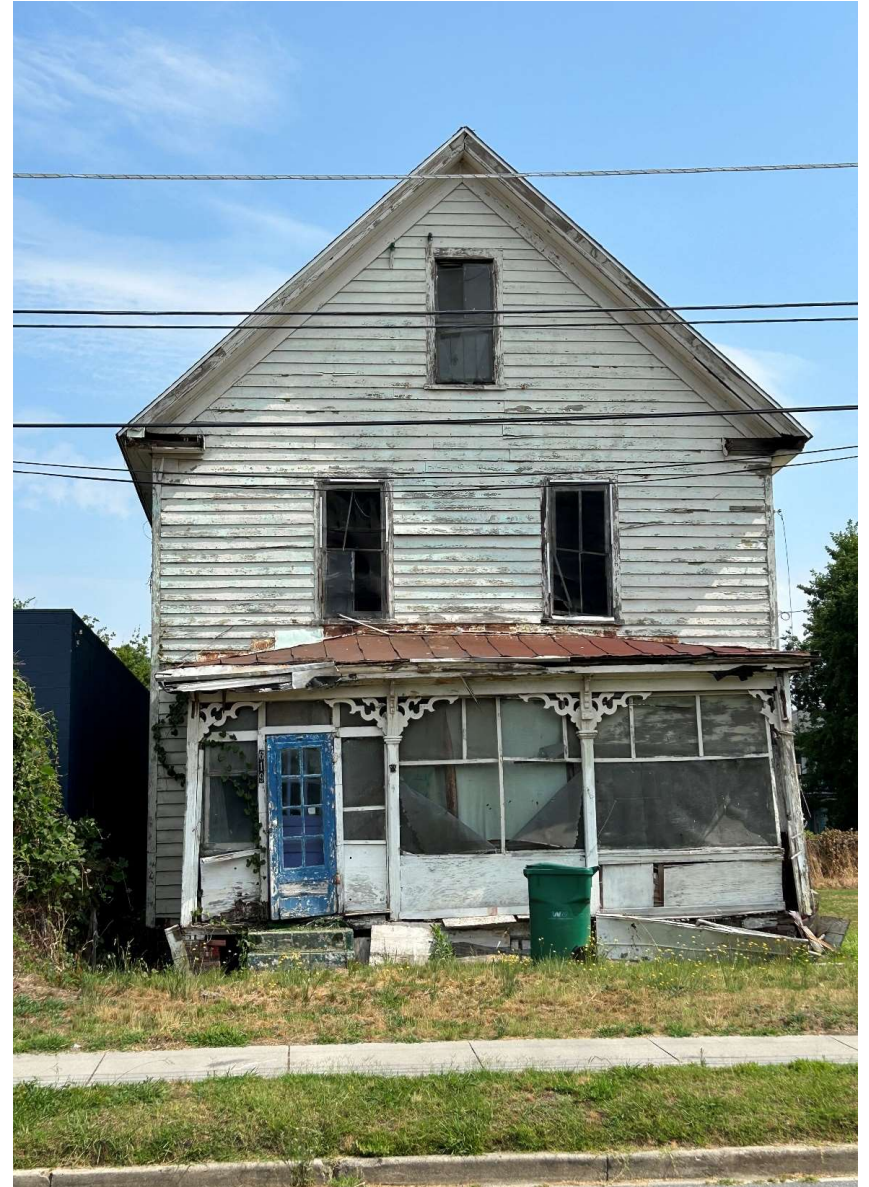
As of 7/9/2024, received executed contract for restoring the building envelope (roof, windows, doors, walls) with Schedule of Values and Projected Time Line (estim. 4 months). Still waiting on Financial Assurance for value of contract.



JUST STARTING: 619 Mason Avenue

Property Information:

- Property was purchased by Ware Neck Properties (Kerry Shackelford) on 9.19.2023, who has historic renovation experience
- Cleaned out the interior of 619 Mason Avenue
- Has been approved for renovation plans for exterior of house as of 1.10.2024
- Has been made aware that Certificate of Appropriateness permit is about to expire.
- No Notice of Violation has been issued on this property; rather, Town has been working cooperatively with the owner to remedy this property.



EARLY INTERVENTION CASES

PROPERTIES RECENTLY SENT LETTERS OF POSSIBLE VIOLATIONS OF DEMOLITIONS BY NEGLECT

- **115 Fig Street**
- **122 Pine Street**
- **400 Jefferson Avenue**
- **636 Madison Avenue**
- **649 Monroe Avenue**



RESPONSE AND ACTION TO DATE



TOWN STAFF IS WORKING WITH ALL OF THE PROPERTY OWNERS ON PLANS OF ACTION TO CORRECT THE DEFICIENCIES. THERE HAS BEEN A POSITIVE RESPONSE AND INTENT OF ACTION EXPRESSED BY THE PROPERTY OWNERS WHICH STAFF WILL CONTINUE TO OVERSEE AND ENSURE THAT THESE PROPERTIES ARE BROUGHT INTO COMPLIANCE WITH THE BUILDING CODE AND THE TOWN ZONING ORDINANCE AND HISTORIC DISTRICT GUIDELINES AND ARE NOT SEEN AS A BLIGHT ON THE NEIGHBORHOOD.



115 Fig Street



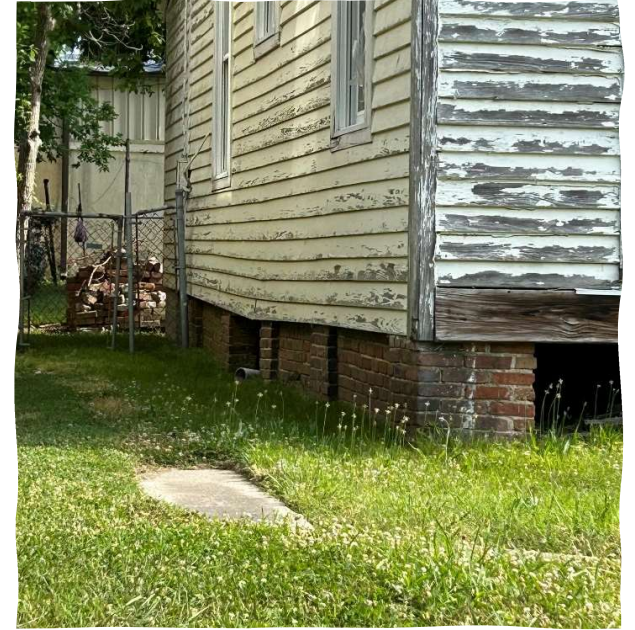
122 Pine Street



400 Jefferson Avenue



636 Madison Avenue



649 Monroe Avenue



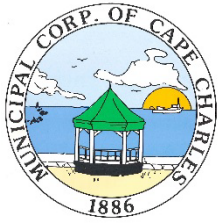
Both the 3 active Violation Cases and the “Early Intervention” cases take a significant amount of staff time and effort to communicating with the property owner, reaching approval of the plan and obtaining all necessary permits, and then monitoring and ensuring the projects stay on track to the anticipated calendar.

Therefore, the departments will not be taking on any additional properties until we can bring to completion the list of properties outlined in this presentation. The only exception would be for an unforeseen emergency or act of God from a weather event.

If someone has a particular property that they are concerned with the condition of the structure, please e- mail or contact the Building and Planning Departments and provide that information to us and we will conduct an inspection of the property and would most likely classify for a future enforcement effort as soon as the list is whittled down from the current case load.

codeofficial@capecharles.org

planner@capecharles.org



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
June 13, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session 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, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, and Town Clerk Libby Hume. There were 13 members of the public physically in attendance.

Mayor Charney welcomed all in attendance and explained that this was a work session so there would be no interaction between Council and members of the public.

WORK SESSION ORDER OF BUSINESS:

A. *Short-Term Rental Regulations:*

Town Manager John Hozey began by reviewing the expectations for this evening. This was the first opportunity for Council to provide their input and direction regarding short-term rentals (STRs). No formal action would be taken this evening although individual concepts might be polled to determine if they currently had majority support. Tonight's goal was to provide the town manager with general guidance on individual concepts and to confirm the process for moving forward. Final solutions would be reviewed as a comprehensive strategy and would require legal review.

John Hozey went on to address conflict of interest issues. The Code of Virginia provided guidance related to conflicts of interest and read portions of § 2.2-3112, subsections A and B.1., and § 2.2-3115. (Please see attached.) John Hozey advised that per § 2.2-3115 that any disclosures would have to be done at each meeting at which the transaction was discussed, and such disclosure would be recorded in the minutes of the meeting, then went on to ask whether the Mayor or Council members had anything to disclose.

Councilwoman Holloway stated that this was the first time for discussion of STRs differently from Bed & Breakfasts (B&Bs). She owned a B&B, felt that she could contribute her knowledge to this issue, and did not think any decision would personally impact her business.

John Hozey asked Council if they felt that a B&B was close enough to the business at hand and whether they felt Councilwoman Holloway had a conflict of interest regarding this issue.

The general consensus of Council was that Councilwoman Holloway did not have a conflict.

Councilman Butta stated that i) He owned an STR and was a member of the group that would be affected by any regulations; ii) He believed that he would be able to participate fairly, objectively and in the public interest.

Mayor Charney stated that i) He used to own an STR but had sold it; ii) He continued to manage a few STRs; iii) He felt that he was able to participate fairly, objectively and in the public interest.

John Hozey stressed that going forward, both Mayor Charney and Councilman Butta needed to make this disclosure at every meeting where STRs were discussed, and their disclosures would be included in the meeting minutes.

John Hozey went on to review the annotated version of the STR Committee recommendations, noting that items in red text denoted that there was no current consensus, items in blue text denoted that there was general consensus with minor revisions, items highlighted in yellow denoted notes or changes. There were only a couple of big unresolved issues, and his recommendation was to tackle them individually.

Discussion regarding limits:

John Hozey asked each Council member to provide their thoughts about the possible implementation of artificial limits to the number of STRs as a whole or by district.

Councilman Buchholz stated that he was not a fan of limiting the number of STRs. He preferred limiting the occupancy of an STR to 10 guests or the maximum occupancy limit of a house, if less than 10. He felt that the number of STRs would level off or be reduced based on market conditions, adding that Cape Charles was not the Outer Banks, and we did not have enough restaurants or activities. There was currently a push to come to Cape Charles but that would not last, since we did not have the infill left in Town compared to 20 years ago. He reiterated that his preference was to minimize the number of larger groups in an STR.

Councilman Follmer stated that he felt we needed to look at the big picture. We seemed to be focused on limits without elaborating our other options. He did not feel prepared to discuss the issues. The feedback from the public was that no one was happy with the way we had handled the STR issues so far. Our first priority should be a road map and regaining the confidence of our citizens and that could not be done behind closed doors. We needed a work plan which should not be done by volunteers. STRs were a critical issue of the town's future. Laurie Klingel, a member of the STR committee, repeatedly stated that she was not an expert. The Town should hire a consultant with expertise in these issues. STR regulations could end up costing the Town a lot of legal fees and potentially could not be implemented legally for several years. Rather than spending a lot of time having uninformed discussions about parking, etc., the Town should hire a consultant who could research our issues and provide precedence across the state. We needed to take a step back. A strategy was necessary before we move on. Councilman Follmer went on to state his opposition to limiting the number of STRs. There were things that could be done to manage the situation, with manage being the key word. He added that we were trying to reinvent the wheel, and it was time to bring in the expertise to provide us with options. Expecting the Council to make decisions based on information provided and language in our Town Code was amateurish.

Councilman Grossman stated that he felt we were at a point where some decisions could be made and limiting the numbers of STRs could be one of them. In Cape Charles, we had the STR economy versus the community. When talking about the STR economy, business owners and property owners had an interest. Home values would be impacted, as well as sales tax, transient occupancy tax, meals tax, etc. The impact to the community was objective. He looked at some of the blocks in the historic district. In his block, 500 Randolph Avenue, there were only three properties with full-time residents – Father Michael, Kathy Glaser, and he and his wife. The 400-block had one full-time resident. A duplex was sold, and the long-term tenants were evicted, one moved to Eastville and the other moved to northern Virginia. Where was the community/neighborhood? The groupings of STRs eroded the neighborhood and essence of community. At the last STR committee meeting, limits were proposed along with an overlay district for STRs. The City of Hampton recently passed legislation designating STR zones and limited the number of STRs to 1% of the total housing units. He had proposed limits based on our districts and felt that limits were needed in order to prevent further erosion of our community.

Vice Mayor Bennett stated that those that had spoken made sense. He agreed with both on some of their thoughts and disagreed with some. It was too late to turn back the clock as there were so many STRs out there already. He was not sure what could be done at this point.

Councilwoman Holloway stated that people were forgetting that some of the houses were vacant and many were not in a condition to live in. Councilman Grossman was right about the duplex that was sold. There were many others that were falling apart and we have all forgotten about those. She had seen a lot of changes in the 13 years that she had been living in Cape Charles. The number of full-time residents was not the only way to measure community. Some people bought their properties as second homes and renovated them. They might rent their houses to help pay for the renovations until such time that they could move here. She had spoken to George Proto about this in 2017 when he was the Mayor. We knew something needed to be in place and tried to work on it in 2018 and 2019, and she felt we did the best we could with the resources that we had. The genie was out of the bottle and we needed to figure out how to manage what we had. She felt that some areas could have higher density than others. She's learned from her time on the Town Council that we could not do situational zoning. She did not support instituting limits but she did not support where we were now. She was concerned with the process and how to move forward. She did not feel ready to give recommendations tonight but wanted to know the specific path in going forward. She added that she thought we needed a professional to help us through the process.

Councilman Butta stated that he thought that the perception of a significant number of residents was that the community had changed since they moved here. He expressed his concern that if we only took the viewpoint of the full-time residents, we would be shortchanging those who owned second homes in town. If someone wanted to open an STR now, they would be much less successful due to the saturation of STRs. He did not think people were rushing here to buy properties for STRs. In general, the market would dictate the number of STRs that could be sustained. If the majority of Council felt that limits in the number of STRs needed to be implemented, he would not be supportive of a hard number, but possibly a percentage in certain districts, with different thoughts in different zoning districts. Some streets in town could currently exceed the percentage, so no new STR permits would be approved.

Mayor Charney stated that he was not in favor of implementing limits to STRs. There had been a lot of discussion in other cities, with Hampton being the most recent. We were not Hampton. He had spoken to people from Folly Beach which was very similar to Cape Charles. Folly Beach implemented limits and the issue was a big problem still today with different segments of the community battling each other and signs were everywhere. Wrightsville Beach had been considering limits but after hearing about the issues at Folly Beach, they voted it down. Both of these localities were similar to Cape Charles in size, and both had beaches. It would be a big negative for the town to implement limits to STRs. We needed to start managing them and get rules in place. We needed a registry, and we definitely needed to determine how many STRs were currently operating in the Town. He had heard numbers from 100 to 500. Across the board, most STRs were down about 15% to 20% and the industry was already self-regulating. Many people buy their home here to be their forever home, but rent it out as an STR to help offset their payments until they were able to move here. We also needed to find out the number of second homes versus the houses strictly used as STRs. Parking issues needed to be resolved, and other items such as transient occupancy tax needed to be reviewed as well. He reiterated that he was 100% against limits.

John Hozey reiterated that the purpose of this evening's meeting was to obtain Council guidance and it was evident that there was no majority support regarding placement of limits on STRs. He expressed his agreement with the concept that the genie was out of the bottle and the market would correct itself, then asked that the discussion move on to 1) occupancy and 2) parking.

Occupancy:

John Hozey explained the current criteria for determining occupancy. The code official evaluated a new building and set the occupancy at two people per bedroom. When evaluating STRs a different standard was used – not the number of bedrooms, but the amount of furniture in those bedrooms. i.e., if there were two sets of bunkbeds in a bedroom, occupancy for that room would be four. With the currently ongoing zoning ordinance review, we were moving toward a

standardized method for determining occupancy for both building and zoning which would be based on square footage. 70 sq ft would be required for the first person, and an additional 50 sq ft per person for each bedroom.

There was much discussion as follows: i) Councilman Buchholz asked what the state code was regarding non-relatives, adding that in Fairfax County, over four non-related people in a dwelling was considered a brothel; ii) Mayor Charney noted that if using square footage, a big master bedroom could accommodate six or more people, adding his preference to use the number of bedrooms for consideration of occupancy; iii) Councilman Buchholz stated that the maximum occupancy, regardless of its size or number of bedrooms, should be no more than ten. Reducing the number of people in the house would drastically help with the parking issues; iv) Councilman Butta added that if an individual was old enough to sleep in a bed, they should be counted towards the occupancy, but if it was a baby or small child in a crib, they should not be counted. He also felt that the maximum should be ten; v) Councilman Follmer countered that if you had a house with four young couples each with a baby, those four babies should be counted as a person towards occupancy; vi) Mayor Charney commented that he preferred keeping the occupancy at two per bedroom, which would eliminate a house with lots of bunkbeds, etc.; vii) Councilwoman Holloway asked the definition of a bedroom; viii) Katie Nunez read the current definition of a bedroom from the zoning ordinance (Please see attached.); ix) Vice Mayor Bennett stated his opposition to the current method being used to calculate occupancy and thought our definition of a bedroom was fine. He added his preference of using two people per bedroom, up to five bedrooms, with a maximum occupancy of ten.

After some discussion regarding the age where a child would be counted towards occupancy, a consensus was reached that children five years old and under would be excluded from the occupancy count. It was also agreed that the method of calculating occupancy would be two per bedroom, with a maximum of ten.

Parking:

John Hozey asked why we would consider different parking requirements for STRs than for B&Bs? Both were in the business to provide accommodations. We required B&Bs to provide parking, but we did not require it from STRs. Homes in the historic district were built for families and each had two parking spots. If someone opened a B&B, they were required to identify areas for additional parking. Why not require STRs to identify where they would have guests with more than two vehicles to park? Why should they be handled differently?

There was much discussion regarding houses with alleys or driveways; issuing parking tags or permits and enforcement; Williamsburg issues different colored stickers for cars based on residency, being students, or visitors; management of parking on streets without many houses; some residents had more than two vehicles and as taxpayers should be able to park by their house; etc.; an alternate location for parking needed to be determined; researching what other localities in Virginia, with their streets owned by VDOT, were doing;

John Hozey stated that he received enough input this evening for the STR committee to discuss. They would review some type of town-wide permit system, research the process through VDOT, etc. and would bring back something for Council to review.

Tracking and Accountability:

John Hozey stated that he felt that the general consensus was to revamp the business license application to obtain more data to create a database to better track STRs, to collect contact information to be placed on a public website, and permits would be issued at the same time as the business license. The STR owner would lose their permit for qualifying violations.

There was much discussion about the public website. All businesses with licenses would be included in the database which would be grouped by business type. Councilwoman Holloway

stated that a database already existed on the Cape Charles Main Street (CCMS) website. John Hozey commented that he wanted it to be on capecharles.org so CCMS would not have to do it.

Miscellaneous Items (#13 of STR Recommendations):

John Hozey stated that item #13 of the STR recommendations was a group of miscellaneous recommendations which did not bring up any significant issues at the last work session.

Councilman Butta was opposed to moving from annual inspections to self-certifications (#9). Councilman Grossman agreed.

Councilwoman Holloway asked for i) a requirement that the maximum occupancy number to be displayed in the house; ii) a requirement that the business license also be displayed in the house.

Council asked John Hozey to put together a workable timeline to publish so the public would be able to better understand the process. Councilman Follmer noted that some people book a year in advance so this needed to be taken into consideration when determining implementation dates, and suggested different implementation dates for different items. John Hozey agreed with the different implementation dates.

Councilman Grossman brought up his role on the STR committee, adding that he would continue to participate on the committee as a citizen due to his knowledge from his research, or he could come off the committee, but he would not be in the role of a Town Council representative. There was discussion as follows: i) John Hozey expressed his preference of Councilman Grossman remaining on the committee adding that his knowledge was invaluable; ii) Councilwoman Holloway stated that a Town Council representative should be on the committee just like the other members representing their groups; iii) Councilman Follmer stated that Councilman Grossman was the best person for this role; iv) John Hozey apologized for the confusion caused by the terminology used. Council representatives on other committees or boards did not report back to the Council regarding the committee as that was staff's responsibility. Council would have the opportunity to review the recommendations; v) Councilman Follmer stated that the recommendations of the committee were initially put out without Council review and Council members were caught off guard. It put Council on the spot and we lost public confidence, and that was unacceptable. He added that issues needed to be brought to Council for review before going out to the public; vi) Councilwoman Holloway agreed that the Council needed periodic updates and might be able to provide some relevant input along the way; vii) Councilman Butta agreed adding that the beachfront master plan should be handled the same way by providing information to the Town Council prior to finalizing the draft plan.

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

The meeting was adjourned at 8:04 p.m.

Mayor Charney

Town Clerk

Attachments from June 13, 2024 Town Council Work Session

§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if (i) the transaction has application **solely** to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision B 1, 2, or 3.

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of subsection F of § [2.2-3114](#) or subsection H of § [2.2-3115](#);

2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of subsection G of § [2.2-3114](#) or subsection I of § [2.2-3115](#); or

3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

§ 2.2-3115. Disclosure by local government officers and employees.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § [2.2-3112](#) shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

STR Committee Recommendations



TM STR Regulation Committee

Recommendations

(Post 11/02/23 Work Session)

Red text denotes no current consensus

Blue text denotes general consensus with minor revisions

Highlights denote notes or changes

- 1) Effective date for all recommendations is January 1, 2025. This allows time to fully vet and develop these concepts, without them impacting operators during mid-season. It also provides additional time for those engaged in the development of an STR to potentially finish what's already been started

- 2) Set an initial cap on STRs at the number being operated per zoning district (or by village in Bay Creek) on the effective date. Establish the final cap for STRs (based on those actually operating) twelve months after the initial cap is set (to weed out those who grabbed a permit before the deadline, but who did not operate an STR). Note caps are by number, not percentage. This preserves all existing uses, while decreasing the overall density as additional construction occurs
- 3) Future changes to STR caps, or to establish caps in districts initially without STRs, would require a zoning text amendment for the affected district; enabling the Planning Commission and Town Council to evaluate the merits of such changes against the greater needs of the Town at that time
- 4) The established cap in the R-1 (historic) district may be increased for specific instances where significant investment is committed to rehabilitate a dilapidated (as determined by the Town) dwelling

No consensus on the issue of limits or caps on STRs.

Additional research requested on economic impacts other communities have encountered as a result of implementing caps or limits.

Are there any other incentives or disincentives we could put in place to control STR growth without having to institute hard limits or caps?

- 5) STR's will require an annual permit that will be applied for with their business license. Permits once issued (valid for one year), will automatically renew each subsequent year upon approval of the associated annual business license. Any break in business license coverage for a period of one year, or if a STR remains vacant or not used as a valid short-term rental for a period of one year 60 days between April 1st and October 31st each year, will constitute termination of the permit; requiring reapplication the following year, and going to the bottom of a waiting list (if any)

Consensus to move forward with minor revisions.

-
- 6) STR permits in good standing are transferable with the sale of the property

No consensus on the issue of transferability as it relates to limits or caps.

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- 7) There will be no STR registry. STRs will be tracked via the business license database. Business license applications will be expanded to collect additional information. This database will include points of contact for all businesses, to include 24/7 contacts for STRs. A listing of all businesses (grouped by type), with their contact information, will be posted on the Town website
 - 8) Occupancy will be determined by the square footage of bedrooms, as already defined in ZO Article II; exception: children under the age of 10 2 are excluded from occupancy count

- 9) Initial inspections will be required for all STRs to confirm occupancy limits and other safety/building code requirements. Annual recertifications of these requirements will be made by the property owner at time of business license **renewal (with town reinspection every 2 or 3 years)**. Reinspection will occur upon a change in property ownership or management entity. The Town reserves the right to inspect any property to investigate potential violations, with adequate notice
- 10) An STR permit will be suspended for the following calendar year (to minimize impacts on reservations in the current calendar year), if any of the violations described below occur. An applicant with a suspended permit will be required to reapply once the suspension period is over. Depending on the availability of permits under the applicable district cap, this may cause the application to go to the bottom of a waiting list. [question on how we could enforce this, how do we stop someone from operating without a permit]**

Qualifying violations include:

- a. Failure to pay business or real/personal property taxes
- b. Failure to pay transient occupancy tax
- c. Cancellation of insurance and/or failure to notify the Town of insurance cancellation
- d. Operating without a business license
- e. Owner or management entity knowingly allow exceedance of occupancy limits
- f. Failure to adhere to safety/building code requirements following reasonable notice
- g. Falsifying annual certifications or resident parking applications
- h. Applicable zoning violations
- i. Failure to provide responsive contacts (as determined through Town investigations)

Note: individual nuisance, noise, or parking citations will not be counted against the STR owner/operator, but issued directly to the offending party

- 11) Violations will be determined by the Treasurer, Zoning Administrator, Code Official, or Police Chief as appropriate. Appeals may be made to the Town Manager, who will conduct, or cause to be conducted, an investigation. The Town Manager's ruling, based on the investigation, will be final

Consensus to move forward with minor revisions.

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- 12) There are no additional parking requirements for STRs. Instead, we will add to ZO Article IV, a new section for On-Street Parking within the R-1 District designating parking areas for permanent residents of the Town. The following requirements will apply:

- a. Applicable only to permanent residents of R-1 (homeowner or long-term renters) who physically reside in the R-1 District for a minimum of 185 days per year
- b. Allow up to two parking spaces along the primary residence property frontage (for developed lots only) not to exceed 40' in length. If there is a driveway, only one on-street parking spot will be available (maximum 20' in length)
- c. Curb will be identified as permanent resident parking (painted green or other color)
- d. Permanent residents of R-1 must apply for the specific number of spaces they require (up to two) and receive stickers for their vehicle(s). Copy of vehicle registration will be required for each spot requested
- e. This does not constitute reserved parking for any resident; a permanent resident displaying a valid sticker may park in ANY area designated for permanent residents
- f. Signage and implementation requirements will need to be further explored with VDOT
- g. An application for a short-term rental permit will prompt a review of off-street parking designations for that property

- h. All other areas not designated for permanent resident parking will be open parking and available on a first come, first served basis, to all part-time residents, visitors, or STR guests

No consensus on the issue of parking.

Requested additional research on the possibility of adding other public parking lots

13) Other miscellaneous STR provisions:

- a. There are no restrictions on the types of homes that can be used for an STR (i.e., single family, duplex, condos, etc.)
- b. Except for existing legal non-conforming uses, STRs are prohibited in accessory dwelling units or accessory structures
- c. There is no requirement for owner occupancy or residency on site
- d. No simultaneous STR rentals under separate contracts within a single residence
- e. No Subleasing [check into BC practice of "sale getaways"]
- f. If within an HOA, proof that HOA has been notified
- g. No commercial events or gatherings
- h. Signage will comply with newly updated zoning requirements
- i. No person or entity may have an ownership interest in more than five STRs
- j. Refuse requirements: one and two bedroom units require one trash receptacle; three or more bedroom units require two receptacles [can this be turned off during the off season?]

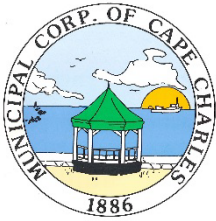
Consensus to move forward with minor revisions.

Section 2.9 of Cape Charles Zoning Ordinance

BEDROOM is a room or space within a structure intended for sleeping.

Requirements include:

- A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft. per occupant.
- Access to a bathroom without crossing another bedroom.
- Every bedroom must have access to natural ventilation and have a permanent heat source.
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- Ceiling height must be no less than 7 feet.



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
June 20, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 6 members of the public physically in attendance, and 10 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

There were no visitors, presentations or recognitions this evening.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Donna Olney Kohler, 711 Tazewell Avenue / Fig Street Inn

Ms. Kohler addressed the Council regarding short-term rental parking. (Please see attached.)

There were no 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. May 16, 2024 Town Council Regular Meeting
 - ii. May 16, 2024 Town Council Work Session
 - iii. June 6, 2024 Town Council Public Hearing
 - iv. June 6, 2024 Town Council Executive Session
- C. Approval of April 2024 Financial Report

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *FY 2025 Proposed Budget & Appropriation:*

John Hozey stated that the Town Council held two budget work sessions to review and finalize the proposed FY 2024 budget. Two notable changes to this year's budget included the consequence of the sale of the Town's water/sewer utilities in April 2024 and the subsequent payoff of the Town's bonded debt from those proceeds. This resulted in significant changes in the Utility Fund, the Debt Service Fund and Capital Projects Fund. Projected revenue sources for all Funds were determined to be more than adequate to meet the Town's current and strategic requirements. Due to an increase in real property assessments by Northampton County, Cape Charles was required to equalize real property tax rates to allow for no more than 1% revenue increase from the previous year. The equalization included in this budget was based on a 0% increase over last year, excluding new construction. The equalized rate went from \$.2159 per \$100 to \$.1724 per \$100. In addition to this equalization, the elimination of future debt service

payments allowed a further reduction in the real property tax rates to \$.1481 per \$100. An updated schedule of building/zoning fees was included in this budget authorization. (Please see attached.) All other proposed rates/fees remain unchanged from FY 2024. Pursuant to Code of Virginia § 15.2-2506, a public hearing for the proposed FY 2025 budget was held on June 6, 2024 and no comments were heard. Staff recommended adoption of Ordinance 20240620A by roll call vote.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to adopt Ordinance 20240620A Approving the Budget for Fiscal Year 2024/2025 and Building, Planning and Zoning Fee Schedule, and Making Appropriations for the Fiscal Year. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. *Regulation of Motorized Conveyances on Sidewalks:*

John Hozey stated that complaints had been received about the use of motorized conveyances, such as skateboards and scooters, on sometimes congested sidewalks along Mason Avenue, Strawberry Street Plaza, Central Park and the Bay Avenue boardwalk. On February 17, 2022, Council adopted an ordinance prohibiting the operation of bicycles, motorized skateboards and similar devices in the central business district on the north and south sides of Mason Avenue and Strawberry Street Plaza and these provisions were codified in § 28-7 of the Town Code. The prohibition became effective only upon posting signage as required by Code of Virginia § 46.2-904. Any signage in the public right-of-way must be compliant with VDOT's Manual for Uniform Traffic Control Devices (MUTCD). They must also be installed per a detailed plan approved under a VDOT Land Use Permit (LUP). The signs and break-away poles were procured, and the LUP was obtained, but the signs were not installed at that time and were currently in storage at the Public Works yard. The LUP expired. Public Works was now prepared to renew the LUP and install the signs on Mason Avenue and Strawberry Street Plaza. Central Park was owned by the Town and not in the VDOT right-of-way.

The shared path in the park was the first segment of the Community Trail and was built with Federal Transportation Alternatives Program grant funds made available for use by non-motorized vehicles. Signs had been posted prohibiting motor vehicles, including golf carts and was reflected in Town Code § 28-7, subsection (a). However, motorized skateboards and similar devices were not classified as motor vehicles under the Code of Virginia. If Council wished to prohibit such motorized devices in Central Park in a legally enforceable fashion, an ordinance must be adopted amending the Town Code. Presumably, Council would not want to prohibit non-motorized conveyances, such as bicycles, so the ordinance would need to be appropriately tailored. Signs could then be installed at the four entrances to the park. No LUP would be required.

The Bay Avenue boardwalk was in the VDOT right-of-way and it was also designated as part of the Community Trail. A similar approach prohibiting motorized devices but continuing to allow bicycles and other non-motorized devices could be taken here, however, a VDOT LUP would be required.

The proposed ordinance prohibits all motorized conveyances enumerated in § 46.2-904 of the Code of Virginia, except for electric personal assistive mobility devices, on the Central Park shared use path and the Bay Avenue boardwalk.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20240620B-Prohibiting Operation of Certain Motorized Conveyances on Designated Sidewalks. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

C. *Town Code Chapter 28 – Adoption of State Law:*

John Hozey stated that each year a new ordinance must be passed accepting any and all amendments to the provisions and requirements set by the Code of Virginia in matters of regulation of motor vehicles and traffic in the Town of Cape Charles and any penalties for traffic violations.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20240620C to Adopt Amendments to the Code of Virginia § 46.2; and Title 16.1, Chapter 11, Article 9 (§ 16.2-278 et seq.); and Title 18.2, Chapter 7, Article 2 (§ 18.2-266 et seq.), if any, for Incorporation into the Cape Charles Town Code Chapter 28 – Traffic and Vehicles. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes Holloway, yes.

D. *Appointment to the Building Code Board of Appeals:*

John Hozey stated that the Building Code Board of Appeals consisted of five members each service five-year terms and heard appeals concerning the Uniform Statewide Building Code. There were three vacant positions on this board which had been advertised in the Cape Charles Gazette and on Facebook. One application was received. The Town Council held an executive session on June 6, 2024 to interview to fill a vacancy on the Planning Commission. Discussion followed regarding other vacancies on the Town's boards. It was noted that Mr. Edward Wells had submitted an application expressing his interest in serving on the Building Code Board of Appeals. Mr. Wells had previously served the Town as a member of the Historic District Review Board, so the Council reached a consensus that an additional interview was unnecessary. Council requested that Mr. Wells be contacted, and if he was still agreeable to serving on this board, an official appointment would be made during the June regular meeting. Mr. Wells expressed his agreement to serve on this board.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to appoint Mr. Edward Wells to the Building Code Board of Appeals to complete a term which expires on September 10, 2028. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) He placed a letter on the dais earlier this evening. During the budget work sessions, Council expressed interest in assisting the Cape Charles Volunteer Fire Company (CCVFC) with the cost for a new truck. Since this discussion was done during a work session, he would like to read the letter being sent to the treasurer of the CCVFC. The letter would be mailed tomorrow unless there was an objection. (Please see attached.)

Councilman Buchholz asked for clarification of the first bullet.

John Hozey stated that this was a letter of intent, not a hard commitment. Upon the CCVFC raising their share, this would be brought back for appropriation from the Fund Balance.

Councilwoman Holloway confirmed that Council agreed to provide this matching grant. She had met with the CCVFC treasurer, Ryan Peake, and they were ready to move forward with their fundraising efforts. On July 4th, after the parade, they were setting up their truck at Peach Street Books for an event and photo ops.

- ii) New staff members in June: Nathan Ruff joined the Public Works staff as a seasonal worker. Olivia Palmer joined the Library as a part-time library assistant. Her position would become a full-time position effective July 1st. Jack Steinmayer joined the Planning & Zoning Department as the Zoning Compliance Officer. Joe Gittinger in Public Works would go full-time effective July 1st.

Councilman Grossman asked about the number of beach attendants. John Hozey responded that we were able to hire five beach attendants this year. The salary increase helped.

- iii) Bob Panek was finishing up the paperwork on the Peach Street project. It looked like it would come in about \$50K under budget.
- iv) He had two trips planned. He would be out for two weeks in July, including the date of the regular meeting, but he would join via teleconference. His second trip was his annual trip to Alaska during the first two weeks of September.

MAYOR AND COUNCIL COMMENTS

Councilman Buchholz welcomed all the candidates for the upcoming Town Council election and noted that three were in attendance this evening. He was glad to see that people were interested in the Town.

Councilwoman Holloway stated that this Saturday was the kickoff for this year's concert series. The members of Citizens for Central Park, the public works crew, police department and other Town staff worked extra hard to get things in place. It was nice seeing everyone working together. There were new safety regulations in place with changes that were so important to ensure the safety of all involved. She personally wanted to thank Chief Pruitt for bringing up and preparing us to avoid some potential issues.

Vice Mayor Bennett did not have any additional comments.

Councilman Butta commented on the weekly report where John Hozey mentioned workforce housing. John Hozey stated that the county was working on some workforce housing items, and he assisted them with facilitating their conversation with Virginia American Water (VAW). Councilwoman Holloway added that the phone call was held earlier today.

Councilman Grossman commented as follows: i) He was following the county's discussion on housing. They were trying to push density issues around the incorporated towns and wanted to get an idea from VAW of a timeframe on extending services outside of the town. John Hozey noted that VAW was still undergoing some growing pains related to the transition, and their main engineer left the company. They were looking for another engineer and he encouraged everyone to be patient; ii) The financial report showed that business license collections were down and asked if there had been any response to the letter sent by the town. John Hozey stated that in addition to the letters being sent, Town staff visited each company and spoke to the business owners face to face. As a result, business license payments were coming in. Councilman Grossman suggested that in the future, these letters needed to be sent closer to the due date versus two months after the deadline.

Councilman Follmer thanked the public works department for their work emptying the trash receptacles along Mason Avenue. He noticed that within an hour of emptying, the trash receptacles by the food establishments were full, and added that the Town might want to encourage the business owners of those establishments to also provide their own trash receptacles. He added that it was nice to have the availability of grab & go meals; ii) He asked about the sidewalk by the former Coast Guard housing, adding that the sidewalks had been torn up for some time. John Hozey responded that the developer of Dreams by the Water started making some progress; iii) He noticed, with increasing frequency, that RVs were camping out overnight in the field across the street from Deadrise which was owned by Canonie as well as in the municipal parking lot. It's been ongoing in the parking lot. As people saw it happening, others must think that it was okay to camp there. Councilman Buchholz noted that it was private property, and no trespassing signs were posted. John Hozey asked Chief Pruitt to check into the issue.

Mayor Charney read the announcements and thanked Julie Pruitt for organizing another fantastic July 4th. He also thanked Julie Pruitt and John Hozey for their work in bringing Dock Dogs back on November 8th and 9th.

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

The Regular Meeting adjourned at 6:31 p.m.

Mayor Charney

Town Clerk

June 20, 2024 Town Council Regular Meeting Comments and Information Provided in Writing

Donna Olney Kohler, 711 Tazewell Avenue / Fig Street Inn

Hello. My name is Donna Olney Koher, and I live at 711 Tazewell Avenue which is the Fig Street Inn.

As one of only two bed and breakfast businesses in Cape Charles, I wanted to comment on the question of short-term or vacation rentals being held to the same parking requirement as beds and breakfasts. I attended last week's Work Session when that was discussed.

Although I provide an off-street parking spot for each guest room at my inn, I do not expect short-term rentals to do the same. However, I do think it would help alleviate the issues we have with multiple cars and golf carts at short-term rentals by encouraging and even incentivizing STR owners and operators to provide off-street parking – whether that is putting in a curb cut with driveway, or putting in designated parking off the alleyway, for those properties that have the capabilities.

One other consideration is to require at least one off-street parking spot for new short-term rentals after a certain future date.

And I wanted to wish everyone a Happy Pride! We have a strong and vibrant LGBTQIA+ community here in Cape Charles and on the Eastern Shore and I hope the Town may consider being home to a pride event in 2025.

Thank you for your time this evening.

FY 2025 Budget:



NOTICE OF PUBLIC HEARING MUNICIPAL CORPORATION OF CAPE CHARLES FISCAL YEAR 2025 PROPOSED BUDGET

Following are the estimated receipts and expenditures of the Municipal Corporation of Cape Charles for the Fiscal Year 2025. The Town Council will hold a Public Hearing on June 6, 2024 at 6:00 p.m. at the Cape Charles Civic Center, 500 Tazewell Avenue, to receive verbal and written comments on all proposed disbursements, as well as all tax and utility rate changes. Written comments can be submitted prior to the hearing via email to clerk@capecharles.org or hand delivered to Town Hall. Verbal comments can be provided during the public hearing. The proposed Fiscal Year 2025 budget and all tax and rate changes will be discussed and brought to a vote at the regular council meeting on June 20, 2024. For additional detail and explanation please visit the Town website at www.capecharles.org, under Agendas and Minutes / Town Council.

Proposed 2025 Budget		
GENERAL FUND		
Revenue	\$	5,124,100.85
Expense	\$	5,124,100.85
GENERAL CAPITAL FUND		
Revenue	\$	10,790,805.67
Expense	\$	10,790,805.67
GENERAL DEBT SERVICE FUND		
Revenue	\$	25,121.00
Expense	\$	25,121.00
GENERAL SPECIAL ACTIVITIES FUND		
Revenue	\$	25,500.00
Expense	\$	25,500.00
PUBLIC UTILITY FUND		
Revenue	\$	9,576,513.71
Total Expenditures	\$	9,576,513.71
HARBOR		
Revenue	\$	1,162,576.00
Expenditures	\$	1,162,576.00
SANITATION		
Revenue	\$	345,884.00
Expenditures	\$	345,884.00
Total Town Budget	\$	27,050,501.23

Following are the proposed tax rates and user fees which are part of the fiscal plan:
Rates that have changed are in bold print.

Vehicle License Tax: \$31.00 per vehicle subject to Virginia State Registration
(Trailers \$18.00) and Golf Cart Decal is \$31.00.

Real Estate Tax: \$.1481 per \$100 of assessed value
Personal Property Tax \$1.00 per \$100 of assessed value
Boat Tax \$0.01 per \$100 of assessed value
Transient Occupancy Tax: 4.0% plus flat fee of: \$1 per night per room (Hotels/B&Bs)
or \$4 per night (Residential Units)

Trash Collection Fee: \$20.80 per month

**There are proposed changes to the Building, Planning and Zoning fee schedule,
which may be viewed at the Town website under Agendas and Minutes / Town
Council.**

Adam Charney, Mayor

TOWN OF CAPE CHARLES - Building, Planning & Zoning Fee Schedule EFFECTIVE FEBRUARY 1, 2024		PROPOSED CHANGES from Katie Nunez for FY2025 BUDGET ADOPTION	
Type of Permit or Review	Charge or Fee	Type of Permit or Review	FEE
BUILDING	1. Residential: (repair, alteration, demolition, construction)		
	a. Single inspections w/ no permit required		
	b. Less than \$2,500		
	c. \$2,500 - \$10,000		
	d. \$10,000 +		
	e. Demolition		
	2. Commercial: (repair, alteration, demolition, construction)		
	a. Single inspections w/ no permit required		
	b. Less than \$2,500		
	c. \$2,500 - \$10,000		
	d. \$10,000 +		
	e. Demolition		
	3. New Construction: Per BOCA/ICC permit fee tables based on building square footage and at 100% departmental operational costs as determined by Council in 2001		
	Notes applicable to Items 1, 2 & 3 above		
	1. Add 2% to all permit fees for state surcharge.		
	2. Permits include initial/first inspection and a follow-up inspection for a failure inspection.		
	3. Add 10% to Base Fee for Fire Department (before tax and not to be taxed).		
	4. Certificates of Occupancy		
	a. Permanent Certificate of Occupancy	Included in cost of permit	
	b. Certificate of Occupancy when no permit is issued	\$100	
	c. Temporary Certificate of Occupancy	\$800 (per issuance) / Max. of 2 issuances	
	d. Rental Certificate of Occupancy	\$150 (includes inspection)	
	5. ADDITIONAL FEES		
	a. Inspection fee for 3rd inspection of the same item	\$40	
	b. Inspections scheduled outside normal business hours	\$75	
	c. Fee for starting work without a permit	\$300	
	d. Underground Fuel Tank Removal	\$100 per tank	

Type of Permit or Review	Charge or Fee	Type of Permit or Review	FEE
ZONING	5. Zoning Clearance		
	a. As part of a building permit or a Certificate of Appropriateness application		
	b. All other approved by administrative review		
	c. Trees/Landscaping		
	1.) Tree Removal Permit		
	2.) PENALTY - Tree removal without a permit		
	d. Variance Application to Board of Zoning Appeals		
	e. Signage		
	1) All affixed and free-standing signage greater than ten (10) sq. ft No permit required for smaller signage or residential signage		
HISTORIC DISTRICT REVIEW BOARD	6. Historic District Review Board Application Fee		
	a. New Construction - Residential		
	b. New Construction: Commercial or Commercial/Residential Mixed Use		
	c. Renovation		
	1) Minor Work authorized by CCZO Section 8.17, residential and/or commercial - Administrative Review and Approval only		
	2) Minor Work: Fences & Accessory Structures (not visible from any street & under 256 sq. ft.) - Administrative Review and Approval Only		
	3) Substantial alterations - Residential		
	4) Substantial alterations - Commercial		
	5) Demolition of structure		
	d. Extension of approved Certificate of Appropriateness (CoA)		
HISTORIC DISTRICT REVIEW BOARD	e. Modification to an approved and active Certificate of Appropriateness (CoA)		
	f. Working without an approved and active Certificate of Appropriateness (CoA) or After the Fact Permit Fee		

	Type of Permit or Review	Charge or Fee	Type of Permit or Review	FEE
APPEALS	7. APPEALS			
	a. Appeals Application to Board of Zoning Appeals	\$500**		
	b. Certificate of Appropriateness Appeals to Town Council	\$500**		
	c. Appeals Application to Building Code Board of Appeals	\$250**		
HARBOR AREA REVIEW BOARD	8. Harbor Area Review Board Certificate of Appropriateness			
	a. Development Certificate	\$750/application base fee + \$100 per acre**		
	b. Extension of approval	\$100		
	c. Modification to an approved and active Certificate of Appropriateness (CoA)	\$250		
ENVIRONMENTAL PERMITS	9. Environmental Permits			
	a. Wetlands Permit	\$500**		
	b. Structures in & across dunes	\$200		
	c. CBPA Encroachment or Exemption	\$200		
	d. CBPA Administrative Waiver for Maintenance Work of Vegetation in the RPA	\$50		
	e. Erosion & Sediment Control Permit	\$500 + \$10/acre not to exceed \$1000		
	f. Erosion & Sediment Agreement in lieu of plan	\$150		
	g. Erosion & Sediment Inspection fees	\$40/hr with 1 hour minimum		
	h. Erosion & Sediment Control Plan Review Fee	\$350		
	i. Working without an approved and active Permit or After the Fact Permit Fee	\$1,000		
SITE PLAN	10. Final Plan Review Fees			
	a. Residential	\$150/site		
	b. Commercial	\$250/site #^		
	c. Misc	\$150/site #^		
PLANNING	11. Planning Applications			
	a. Regular Rezoning			
	1) Non-PUD	\$500 + \$50/acre**		
	2) PUD	\$1,000 + \$50/acre**		
	a. Amendment to Comprehensive Plan; Concept Approvals	\$550/application		
	b. Conditional Rezoning	\$1,000 + \$50/acre**		
	c. Zoning Text Amendment Petition Application - for consideration only by Town Council and/or Planning Commission	\$200/application		
	d. Conditional Use Permit	\$600		

	Type of Permit or Review	Charge or Fee	Type of Permit or Review	FEE
SUBDIVISION	12. Subdivision through recordation			
	1) Concept or sketch plan review	\$100 + \$10/parcel		
	2) Preliminary plat review			
	a) 3 lots or less	\$250 + \$50/lot #^		
	b) 4 lots or more	\$500 + \$100/lot #^		
	3) Final plat review			
	a) 3 lots or less	\$125		
	b) 4 lots or more	\$250		
	4) Subdivision modification	\$75		
	5) Administrative Plat/Lot line adjustment	\$200		
	6) Easement Plat	\$200		
	7) Vacation of Plat	\$250		
	All recordation of plats are the responsibility of the applicant			
OTHER	13. Deferral at the request of Applicant, if public hearing has been set (BZA, Planning Commission, HDRB, HARB, Town Council)	\$200		
NONPROFIT	Building, Planning & Zoning	Waiver of fees up to the amount of \$750 per project application for any nonprofit organization exempt from taxation under Internal Revenue Code Section 501		
LEGEND with GENERAL NOTES				
* Advertising Costs, Actual				
** Advertising Costs, Actual + Adjacent Property Owner Notification Mailing Costs, Actual				
# 3rd Party Review Costs - Water and Sewer Connections and Layout, including any re-reviews				
^ 3rd Party Review Costs - Erosion & Sediment Control, including any re-reviews				



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

June 21, 2024

Ryan Peake, Treasurer
Cape Charles Volunteer Fire Company
PO Box 427
Cape Charles, VA 23310

RE: Town matching grant

Dear Ryan,

During recent budget discussions, the Cape Charles Town Council indicated a desire to assist the Cape Charles Volunteer Fire Company's effort to replace your current Fire Engine 15-3, now more than 25 years old. I've been instructed to notify you of the Council's intent and expectations for the Town's participation in this important purchase. The Town of Cape Charles will grant up to \$250,000 under the following Council directed parameters:

- Funding is subject to future appropriations by the Town Council, and a sufficient undesignated fund balance in the General Fund, in excess of typical reserves
- Funding will be provided based on a dollar-for-dollar match of other funds dedicated toward this purchase
- Town funding can only be applied to one piece of equipment/apparatus
- Funding may be used for new apparatus or used apparatus if no older than 5 years
- Funding will be provided at the time of purchase
- The Town's commitment under this proposal will expire on June 30, 2029

The Town is excited to be a partner in this vital undertaking, and we'd like to thank everyone associated with the CCVFC for all you do to help keep our town safe.

Sincerely,

John Hozey
Town Manager

Municipal Building • 2 Plum Street • Cape Charles, Virginia 23310
(757) 331-3259 Fax (757) 331-4820

May 2024 Treasurer's Report

Page 1 – Cash Position

- On May 21, the Town's indebtedness was reduced by \$1,008,305 with the payoff of the VML/VACO bond. And with that, the Town's total remaining debt, approximately \$114k, is tied to the purchase of police vehicles and miscellaneous equipment.
- In May, we received a reimbursement of \$178,894 from VDOT on the multi-use trails project, i.e., Strawberry Street. Bob Panek has indicated that another \$167,255 was submitted to VDOT on July 1.
- The facility fee reserve cash balance as of 5-31-24 is \$3,784,969.

Page 2 – Revenues vs. Expenditures

- As reported in April, Robinson, Farmer, and Cox, our CPAs and auditors, have not completed their review or recording of the Town's utility sale. The sale of the water plant was not budgeted in FY24 and this transaction affects the accounting of multiple funds.

Page 3 – Capital Projects

- In May, a progress payment of \$150,174 was made to Conrad Brothers for the multi-use trail project phase III. With this payment, 97% of the contract's value has been reached.

Page 4 – Tax Collection Rate

- As of May 31, property tax collections year-to-date are \$1,684,662, representing 98% of tax billings.

Page 5 – Tax Revenue Trends

- The summer season has begun. Year-to-date TOT revenue at \$548,465 stands about 7.5% above this time last year. Meals tax revenue collected in May was \$57,000 and y-t-d collections total \$715,097, a 7% increase over this time last year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
May 31, 2024

<u>Cash on Hand</u>	<u>4/30/2024</u>	<u>5/31/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$55,417	\$118,001	\$62,585
Atlantic Union Bank Money Market Account	\$1,387,515	\$1,338,085	-\$49,430
LGIP Account 1 - Unrestricted	\$113,721	\$114,244	\$523
LGIP Account 2 - Unrestricted	\$330,898	\$332,562	\$1,663
Virginia Investment Pool Liquidity Unassigned	\$12,948,342	\$11,997,984	-\$950,358
Virginia Investment Pool 1-3 Year Unassigned	\$1,039,728	\$1,046,666	\$6,938
Total Cash On Hand	\$15,875,620	\$14,947,541	-\$928,079
<u>Restricted and Reserved Cash Balances</u>	<u>4/30/2024</u>	<u>5/31/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,562	\$30,562	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$14,487	\$14,578	\$91
US Bank - Reserved per VRA Interest Free Loan Requirements	\$262,930	\$257,581	-\$5,349
ComputerShare 2010 Debt Service pass through account #300	\$3,277	\$0	-\$3,277
ComputerShare 2010 Debt Service pass through account #308	\$1,411	\$0	-\$1,411
Atlantic Union Money Market # ARPA CRF #5847	\$0	\$0	\$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,707,039	\$3,784,969	\$77,930
Total Cash Held in Reserve	\$4,031,268	\$4,099,252	\$67,984
Total Cash - All Accounts	\$19,906,889	\$19,046,793	-\$860,095

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
May 31, 2024

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
GENERAL Fund				
REVENUE	\$308,338	\$5,035,252	\$6,029,809	83.51%
EXPENDITURES	\$1,060,144	\$4,204,600	\$6,029,809	69.73%
NET	(\$751,806)	\$830,652	\$0	
GENERAL Capital Fund				
REVENUE	\$184,594	\$485,571	\$2,222,536	21.85%
EXPENDITURES	\$156,534	\$915,579	\$2,222,536	41.20%
NET	\$28,060	(\$430,008)	\$0	
GENERAL Debt Service Fund				
REVENUE	\$604,170	\$827,671	\$255,223	324.29%
EXPENDITURES	\$604,170	\$1,169,273	\$255,223	458.14%
NET	(\$0)	(\$341,601)	\$0	
GENERAL Special Activities Fund				
REVENUE	\$411	\$71,970	\$296,350	24.29%
EXPENDITURES	\$1,289	\$105,309	\$296,350	35.54%
NET	(\$878)	(\$33,339)	\$0	
PUBLIC UTILITIES Fund				
REVENUE - Operating	\$18,215	\$17,374,190	\$4,559,315	381.07%
EXPENDITURES - Operating	\$62,208	\$1,900,507	\$4,559,315	41.68%
NET	(\$43,993)	\$15,473,683	\$0	
HARBOR Fund				
REVENUE - Operating	\$495,975	\$1,422,628	\$1,626,984	87.44%
EXPENDITURES - Operating	\$29,158	\$1,296,166	\$1,626,984	79.67%
NET	\$466,816	\$126,462	\$0	
SANITATION Fund				
REVENUE	\$27,834	\$306,295	\$314,265	97.46%
EXPENDITURES	\$0	\$271,903	\$314,265	86.52%
NET	\$27,834	\$34,392	\$0	

FY 24 Capital Improvement Project Tracking Report

As of:
5/31/2024

	<u>FY24 Status or Start Date</u>	<u>% of Current Year Budget</u>	<u>FY24 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY24 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>In Process</u>	76.2%	\$ 1,055,454	\$ 8,860	\$ 148,788	\$ 323,203	\$ 323,704	\$ 804,555	\$ 250,899
Municipal Space Replacement Planning (ARPA)	<u>In Process</u>	35%	\$ 210,000	\$ 62,755	\$ 11,623			\$ 74,378	\$ 135,622
Welcome Center Design & Construction - HBA	<u>In Process</u>	1.0%	\$ 455,000	\$ 4,070	\$ 541			\$ 4,611	\$ 450,389
4 Police Vehicles; 1 ARPA/2 USDA	<u>In Process</u>	106%	\$ 158,300	\$ 77,982	\$ 7,568	\$ -	\$ 82,226	\$ 167,776	\$ (9,476)
Library Upgrade & Condo-ization - HBA	<u>In Process</u>	10%	\$ 310,000	\$ 4,323	\$ 27,203			\$ 31,525	\$ 278,475
Storage Facility Roofing	<u>Pending</u>	0%	\$ 20,000					\$ -	\$ 20,000
Capital Project Contingency	<u>Pending</u>	0%	\$ 41,141					\$ -	\$ 41,141
Subtotal			\$ 2,249,895.00	\$ 157,989	\$ 195,723	\$ 323,203	\$ 405,930	\$ 1,082,846	\$ 1,167,049
Utility Fund -Water									
Keck Well Connection	<u>Suspended</u>	3%	\$ 1,150,000	\$ 15,243	\$ 5,335		\$ 11,508	\$ 32,086	\$ 1,117,914
Utility Fund - Wastewater									
WWTP Membrane Replacement	<u>Completed</u>	99%	\$ 465,000		\$ 445,259	\$ 14,820		\$ 460,079	\$ 4,921
Sewer Pod Controller Upgrades	<u>Completed</u>	101%	\$ 14,500		\$ 14,635			\$ 14,635	\$ (135)
Subtotal			\$ 1,629,500.00	\$ 15,243	\$ 465,229	\$ 14,820	\$ 11,508	\$ 506,800	\$ 1,122,700
Harbor Fund									
Fixed Dock Repair (work t/b done by CC Marine Services)	<u>Pending</u>	0%	\$ 13,000					\$ -	\$ 13,000
Inshore Breakwater Repair/Upgrade	<u>Completed</u>	95%	\$ 656,998	\$ 4,688	\$ 167,592	\$ 450,871		\$ 623,150	\$ 33,848
Subtotal			\$ 669,998	\$ 4,688	\$ 167,592	\$ 450,871	\$ -	\$ 623,150	\$ 46,848
TOTAL			\$ 4,549,393	\$ 177,919	\$ 828,544	\$ 788,894	\$ 417,438	\$ 2,212,796	\$ 2,336,597

MUNICIPAL CORPORATION OF CAPE CHARLES
May 31, 2024

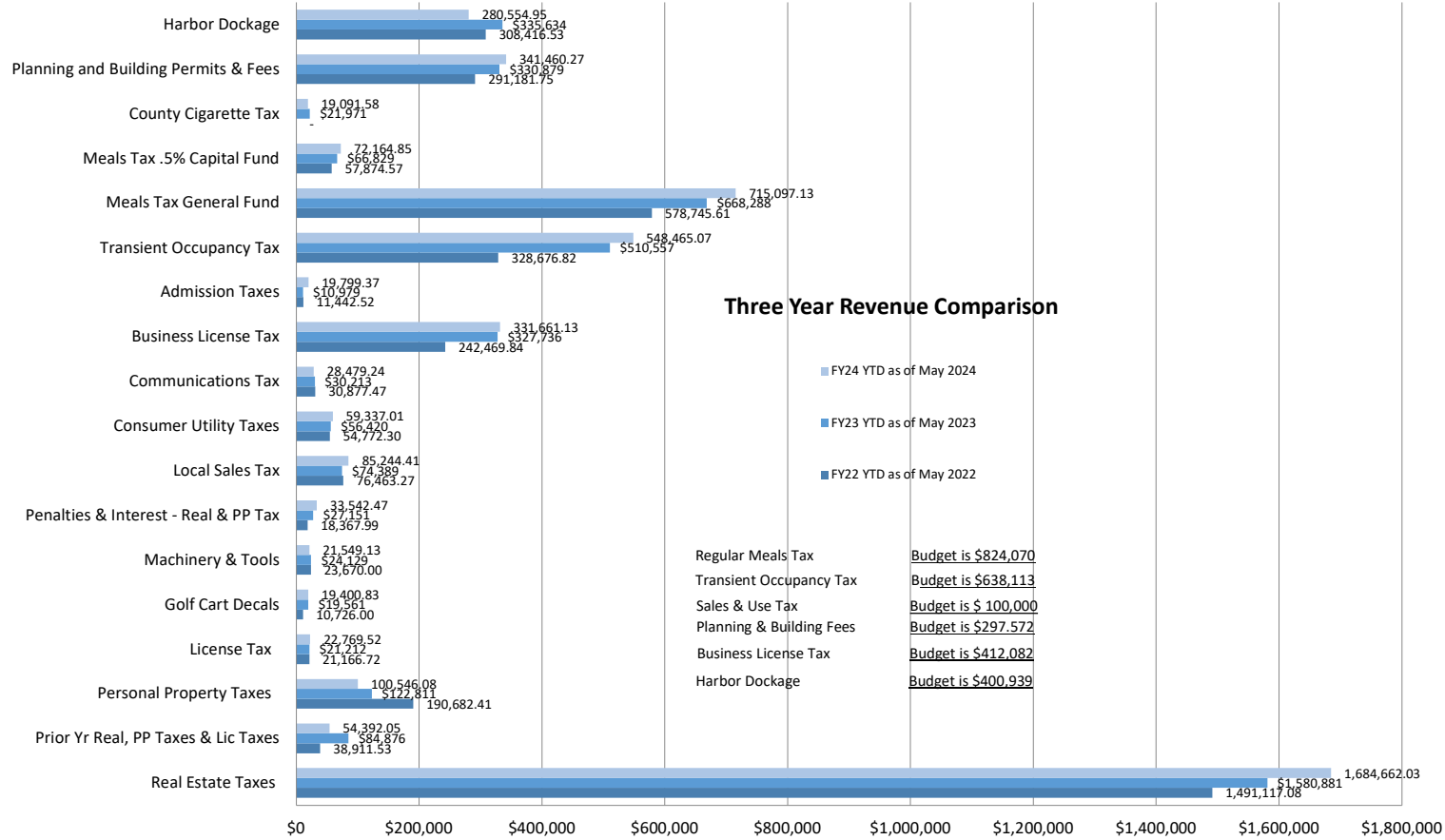
YTD 2023 Real Estate Tax Collections

Total Taxable Land Value	318,538,900	
Total Improvement Value	486,197,800	
Exemptions	(9,908,530)	
Additional Assessments (SCC Utility)	3,384,443	
Total Real Estate Value (taxable)	798,212,613	
Total Budgeted Real Tax Revenue	1,605,700	
Total Tax Billed	1,724,622	
Total Adjustments	(9,669)	
Total Collected YTD (percent of billed)	<u>1,684,662</u>	98%
Amount Due per Accounts Receivable	30,290	

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

Total Personal Property & License Tax Budgeted	113,787	
Total 2023 Tax Billed less PPTRA	178,532	
2023 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	7,484	
Total Collected YTD (percent of billed)	<u>144,865</u>	78%
Amount Due per Accounts Receivable	26,183	

Three Year Revenue Comparison



 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Library Board Member		AGENDA DATE: July 18, 2024
	SUBJECT/PROPOSAL/REQUEST: Reappointment of Library Board member for another term		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

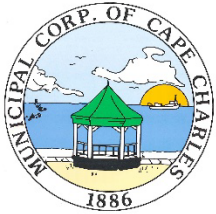
The Library Board meets monthly and consists of six members each serving four-year terms and a Town Council representative.

DISCUSSION:

On November 19, 2020, Richard Burger was appointed to the Library Board to complete a term which will expire on August 8, 2024. Mr. Burger has expressed his interest in continuing his service on the Library Board for another term.

RECOMMENDATION:

Staff recommends, if deemed appropriate, that Council reappoint Mr. Richard Burger to the Library Board for another four-year term.



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Revision of Town Code – Water and Wastewater

AGENDA DATE:
July 18, 2024

SUBJECT/PROPOSAL/REQUEST: Consider an ordinance revising Chapters 30 and 12 of the Town Code.

ITEM NUMBER:
7B

ATTACHMENTS: Proposed ordinance.

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Bob Panek, Project Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Chapter 30 of the Town Code governs operation of the former municipally owned water and wastewater systems. This chapter requires revision to reflect sale of these systems to Virginia American Water (VAW).

DISCUSSION:

Chapter 30 contains extensive provisions related to operation of these systems: connection requirements and charges, usage regulations and fee policies, water conservation, etc. Much of this reflects regulatory requirements of the Virginia Department of Health for water and the Virginia Department of Environmental Quality for wastewater. Compliance with most regulatory requirements is now the responsibility of VAW as the owner of the systems. However, the Town continues to have responsibility for certain aspects, such as connection requirements, protection of potable water, water conservation, and use of private wells and sewage disposal systems.

The proposed ordinance, attached, retains those existing provisions for which the Town continues to have responsibility. It adds a new provision prohibiting connection of irrigation systems to the waterworks to minimize withdrawals from the drinking water aquifer. Such uses are better served with shallow wells instead of our potable water source, as we are located in a state designated ground water management area.

There is also one provision concerning disposal of waste, including garbage, that should more appropriately be relocated to Chapter 12, Environment and Natural Resources.

VAW concurs with the proposed ordinance.

RECOMMENDATION:

Staff recommends a roll call vote to adopt the ordinance.

ORDINANCE 20240718

REVISION OF TOWN CODE- WATER AND WASTEWATER

WHEREAS, Chapter 30 of the Town Code now contains provisions governing the operation of municipally owned water and wastewater systems; and

WHEREAS, these systems have been sold to and are now owned by Virginia American Water (VAW); and

WHEREAS, VAW is responsible for operation of the systems under regulations prescribed by the Virginia Department of Health and the Virginia Department of Environmental Quality; and

WHEREAS, certain sections of Chapter 30 need to be retained to govern connection to the systems, protection of potable water, water conservation and use of private wells and sewage disposal systems; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of July, 2024, that Chapters 30 and 12 of the Town Code be revised per the attached.

Adopted by the Town Council of Cape Charles on July 18, 2024.

By: _____
Mayor

ATTEST:

Town Clerk

Chapter 30 WATER AND WASTEWATER

ARTICLE I. IN GENERAL

Sec. 30-1. Purpose.

The purpose of this chapter is to prescribe conditions for the use of potable water and discharge of wastewater within the town. The waterworks and wastewater treatment works servicing the town are owned and operated by Virginia American Water, a regulated utility.

Sec. 30-2. Administration.

The town manager or the manager's designee shall administer, implement, and enforce the provisions of this chapter.

Sec. 30-3. Fees and charges.

All fees and charges for connection to and use of the waterworks and treatment works serving the town are payable to Virginia American Water.

Sec. 30-4. Inspections and repairs.

Virginia American Water employees, the town manager, or the manager's designee, bearing proper identification, shall be permitted to access all private property through which an easement is held for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the waterworks or treatment works lying within the easement. Entry, and any subsequent work on the easement, shall be done in accordance with the terms of the easement pertaining to the private property involved. While performing any necessary work on private properties referred to above, all safety and occupational rules established by the owner or occupant of the property and applicable to the premises shall be observed.

Sec. 30-5. Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the waterworks or treatment works serving the town. No person shall deliberately obstruct or permit obstruction to the access to cutoff valves, water meters or other fixtures connected with the supply of water by placing of stone, brick, lumber, dirt, or any other material to obstruct its proper use, or permit grass to grow over the meter box in such a manner as to cover the box and thereby obstruct its observance. Any person who violates this section shall be guilty of a Class 1 misdemeanor.

Sec. 30-6. Violations of article and liability for damages.

- (a) Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.
- (b) Any person violating any provision of this chapter shall become liable for any expense, loss or damage occasioned by reason of such violation.

ARTICLE II. WATERWORKS

Sec. 30-7. 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:

Backflow means the flow of water or other liquids, mixtures, or substances into the distribution piping of a waterworks from any source other than its intended source.

Backflow prevention device means any approved device, method, or type of construction intended to prevent backflow into a waterworks.

Consumer means any person who drinks or otherwise uses water from a waterworks.

Consumer's water system means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

Cross connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Distribution main means a water main whose primary purpose is to provide treated water to service connections.

Domestic use means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

Groundwater means all water obtained from sources not classified as surface water (or surface water sources).

Industrial or commercial user means premises consuming water for all nonresidential uses.

Nonpotable water means water not classified as pure water.

Owner or water purveyor means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity, or the federal government which supplies or proposes to supply water to any person within the state from or by means of any waterworks.

Pure water or potable water means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

Residential user means a premises consuming water for domestic use only.

Service connection means the point of delivery of water to a customer's building service line.

Surface water means all water open to the atmosphere and subject to surface runoff.

Water meter means the device installed between the water main and the service connection to measure the volume of water supplied to a house or other premises.

Water supply means water that has been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface waters (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

Water supply main or main means any water supply pipeline that is part of a waterworks distribution system.

Waterworks means a system that serves piped water for drinking or domestic use to:

- (1) The public; or
- (2) At least 15 connections.

The term "waterworks" shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Sec. 30-8. Purpose.

The purpose of this article is to provide for the beneficial public use of the waterworks serving the town through regulation of connections to the system and the use of potable water.

Sec. 30-9. Turning water on or off without authority.

- (a) Except in emergency situations, it shall be unlawful for any person other than the Volunteer Fire Company, not acting under the authority of Virginia American Water or the town, to turn the water on or off for any premises whatsoever.
- (b) It shall be unlawful for any person to take any water from the waterworks except in accordance with the provisions of this article.
- (c) This section shall not be construed to prohibit plumbers from turning water into pipes to test the same or for purposes of testing plumbing connected thereto.

Sec. 30-10. Disconnection to use private water system prohibited.

It shall be unlawful for any person or entity owning or occupying any property within the town, which the property is connected to the water system serving the town, to disconnect such property from the system to use a private water system.

Sec. 30-11. Application for service.

Every person requiring a supply of water shall make application to Virginia American Water.

Sec. 30-12. Connection to waterworks required.

- (a) The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a water main connected to the water treatment works, is required to connect directly to the water main in accordance with the provisions of this article, within 90 days after notice that the water main is available within 100 feet of the property line. Once connected, private wells must be abandoned in accordance with the requirements of the state department of environmental quality.
- (b) It shall be unlawful for any person or entity owning or occupying any property within the town for which waterworks water is available to use any other water supply for potable use, including private deep or shallow wells, except as otherwise provided herein.

Sec. 30-13. Protection of potable water.

- (a) Potable water from the waterworks shall be protected from possible contamination from nonpotable sources. Cross connections are prohibited, and backflow prevention devices shall be installed when required by the building code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the waterworks must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.
- (b) Representatives of Virginia American Water or the town shall have the right to enter, with reasonable notice, properties served by a connection to the waterworks for the purpose of inspecting the piping system for cross connections. Upon request, the owner or occupant of property so served shall furnish the inspector pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- (c) Water service may be denied or discontinued if a required backflow prevention device is not installed, or if a cross connection exists on the premises,

Sec. 30-14. Waste of water prohibited.

In accordance with 9 VAC 25-610-100, the waste of water supplied by the waterworks is prohibited to minimize the demand for groundwater withdrawal.

Sec. 30-15. Low-flow devices and fixtures.

- (a) Low-flow devices and fixtures, as specified in the Virginia Uniform Statewide Building Code, are required in all new construction and in all remodeling and/or replacement of plumbing fixtures in existing structures.

- (b) Lavatories in a public facility restroom shall be equipped with standard valve or spring self-closing faucets having outlet devices that limit the flow rate to a maximum of 0.5 gallons per minute or self-closing metering valves which limit flow of 0.25 gallons per cycle.
- (c) All new car wash installations shall be equipped with a water recycling system approved by the town.
- (d) All new construction, repair or replacement of continuous flow devices and any other water connector device or appliance requiring a continuous flow of five gallons per minute or more shall be equipped with a recycling system approved by the town.

Sec. 30-16. Repair of leaks.

Leaking water lines running from the water meter to the designated property shall be repaired or replaced at the expense of the property owner. Should the property owner fail to repair or replace such lines expeditiously after notice has been given in writing by Virginia American Water or the town, the town may direct Virginia American Water to turn the water off until the lines are repaired or replaced.

Sec. 30-17. Water conservation evaluation.

For all new commercial or industrial construction, an evaluation of potential options to minimize groundwater withdrawal (e.g., water reuse, rainwater collection, low irrigation landscaping, etc.) shall be conducted and the results submitted with the applicable land use and building permit applications.

Sec. 30-18. Waste of water generally.

No person shall permit water to run from any hydrant, meter, valve, or fixture without proper care to prevent waste.

Sec. 30-19. Landscaping irrigation.

No landscaping irrigation system shall be supplied by the waterworks. Such systems must be supplied by a shallow well withdrawing groundwater from the surficial aquifer; see Sec. 12-1.

Sec. 30-20. Water shortage emergencies.

During emergency water supply conditions, the protection of the health, safety and welfare of the residents of the town may require that certain uses of water, nonessential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of potable water becomes increasingly more critical, conservation measures to further reduce consumption or curtail essential water use may be required. Virginia American Water will determine specific conservation measures in coordination with the town. Consumers will be notified in writing and by other expeditious means that a water shortage emergency has been declared by the state department of environmental quality and that water use reductions or restrictions are mandatory.

ARTICLE IV. SEWERS AND WASTEWATER DISPOSAL

Sec. 30-21. 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:

Building sewer means the extension from a building wastewater plumbing facility to the treatment works.

Discharger means a person, firm, company, industry or other similar source of wastewater who introduces such into the treatment works.

Easement means an acquired legal right for the specific use of land owned by others.

Indirect discharge means the introduction of pollutants into the treatment works from any nondomestic source.

Industrial user or significant discharger means a source of indirect discharge, or a nondomestic discharge to the treatment works.

Industrial wastes means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or any other body of surface water or groundwater.

Owner means the commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

Person means any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

Pollutant means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the treatment works.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standard means any regulation containing pollutant discharge limits which applies to industrial users.

Residential user means all premises used only for human residency and which is connected to the treatment works.

Sewage disposal system means a sewerage system or treatment works designed not to result in a discharge to surface waters.

Storm sewer means a sewer for conveying stormwater, surface water, and other waters, which is not intended to be transported to a treatment works.

Surface water means:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate wetlands;
- (3) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as surface waters under this definition;
- (5) Tributaries of waters identified in subsections (1) through (4) of this definition;
- (6) The territorial sea; and

- (7) Wetlands adjacent to waters other than waters that are themselves wetlands, identified in subsections (1) through (6) of this definition.

Treatment works means any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

User means a source of wastewater discharge into the treatment works.

VPDES means Virginia Pollutant Discharge Elimination System permit program, as administered by the commonwealth.

Wastewater means a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

Sec. 30-22. Purpose.

The purpose of this article is to provide for the beneficial public use of the treatment works serving the town through regulation of sewer construction, sewer use, and wastewater discharges.

Sec. 30-23. Wastewater discharges.

It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the town or in any area under its jurisdiction. Wastewater discharges to the treatment works serving the town are not authorized unless permitted in accordance with provisions of this article.

Sec. 30-24. Wastewater disposal.

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Sec. 30-25. Connection to treatment works required.

The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or right-of-way in which there is or may be located a sewer connected to the treatment works of the town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this article, within 90 days after notice that sewer is available within 100 feet of the property line. Once connected, private sewage disposal systems must be abandoned in accordance with the requirements of the state department of health. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment works which discharges directly to surface waters under a VPDES permit.

Sec. 30-26. Application for service.

Every person requiring connection to the treatment works shall make application to Virginia American Water.

Sec. 30-27. Surface runoff and groundwater drains.

No person shall connect roof, foundation, basement sump pumps, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to the treatment works. Such drains shall discharge to natural outlets or storm sewers.

Sec. 30-28. Conformance to applicable codes and requirements.

The design and connection of building sewers to the treatment works shall conform to the requirements of the state uniform building code and Virginia American Water.

Sec. 30-29. Uses of treatment works.

All persons utilizing the treatment works shall adhere to the requirements and standards established by Virginia American Water concerning restricted discharges, industrial discharges and any pretreatment requirements.

Sec. 30-30. General prohibition of private sewage disposal systems.

Except as specifically provided herein, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Sec. 30-31. Required when public sewer not available.

Where a public sewer is not available under the provisions of this article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 30-32. Permit.

Before commencement of construction of a private sewage disposal system, the owner shall obtain a permit signed by the town manager or the manager's designee. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the town. A permit and inspection fee, in such amount as prescribed by the town council, shall be paid to the town at the time the application is filed.

Sec. 30-33. Design.

The type, capacity, location and layout of a private sewage disposal system shall comply with all regulations of the state department of health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 30-34. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the town. The town manager or the manager's designee shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the town when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

Sec. 30-35. Operation and maintenance.

The owner shall operate and maintain a private sewage disposal system in a sanitary manner at all times.

Sec. 30-36. Abandonment when public sewer becomes available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a connection shall be made and the private sewage disposal system shall be abandoned in accordance with the requirements of the state department of health.

Sec. 30-36. Abandonment when public sewer becomes available.

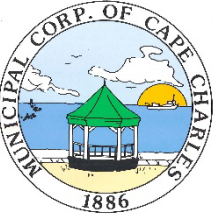
At such time as a public sewer becomes available to a property served by a private sewage disposal system, a connection shall be made and the private sewage disposal system shall be abandoned in accordance with the requirements of the state department of health.

Sec. 30-37. Additional requirements of health officer.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state department of health.

Sec. 12-2. Waste disposal.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the town, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

 TOWN OF CAPE CHARLES	AGENDA TITLE: VDOT Resolution – Request for Handicap Parking Designation at 507 Tazewell Avenue		AGENDA DATE: July 18, 2024
	SUBJECT/PROPOSAL/REQUEST: Adoption of a resolution to VDOT requesting handicap parking designation at 507 Tazewell Avenue		ITEM NUMBER: 7C
	ATTACHMENTS: Resolution 20240718, Map showing estimated location of handicap parking space		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

A request dated June 6, 2024 was received from Mr. & Mrs. Lawrence Veber, owners and full-time residents of 507 Tazewell Avenue, asking for assistance in obtaining a designated handicap parking space in front of the residence. Mr. Veber has mobility challenges and can only take a few steps at a time with the assistance of a walker.

The parking issues in the historic district are well known with no reserved parking on the streets within the residential district. Especially during the busy tourist season, it often is very difficult for residents to find parking in front of or within a close proximity to their homes.

DISCUSSION:

Mrs. Veber contacted the local VDOT office and was advised that the request needed to be submitted by the Town, along with a Town Council resolution of support, a drawing showing the preferred parking space location, and a reason for the request. The request would be reviewed by VDOT's Traffic Engineering Division and approved if deemed appropriate. Upon approval, VDOT will provide the Town with installation details.

RECOMMENDATION:

Staff recommends Council discussion and, if deemed appropriate, adoption of Resolution 20240718 supporting Mr. and Mrs. Veber's request for a designated handicap parking space in front of their residence at 507 Tazewell Avenue.

RESOLUTION 20240718

**IN SUPPORT OF THE REQUEST FROM LAWRENCE AND KATHERINE VEBER
FOR THE DESIGNATION OF A HANDICAP PARKING SPACE AT 507 TAZEWELL AVENUE**

WHEREAS, the Town received a request from Mrs. Katherine Veber for the designation of a handicap parking space in front of their residence at 507 Tazewell Avenue; and

WHEREAS, Mrs. Veber stated that her husband, Lawrence, has mobility challenges and could only take a few steps with the assistance of a walker, and they have a handicapped placard in their vehicle; and

WHEREAS, Mr. and Mrs. Veber have been full-time residents of Cape Charles for 30 years; and

WHEREAS, upon adoption of this resolution, the Town will submit the necessary paperwork, along with a copy of this resolution, to the Virginia Department of Transportation for their review and action.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby expresses its support of the request for the designation of a handicap parking space in front of the residence at 507 Tazewell Avenue.

Adopted by the Town Council of Cape Charles on this 18th day of July 2024.

By: _____
Mayor Adam Charney

ATTEST:

Town Clerk

507 Tazewell Avenue

