

**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)		
	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

April 2024 Treasurer's Report

Page 1 – Cash Position

- Total cash changed significantly in April, an increase of over \$10M over March. This was due to the VAW utility sale on April 24. The sale netted \$14,300,000 in proceeds, after a holdback of \$750,000. On the day of the sale, the VRA loan of \$2,049,974 was paid off. And on April 30, the Pinnacle bonds totaling \$1,688,181 were extinguished.
- The VML/VACO bonds were extinguished in May, a net payoff amount of \$1,008,305.00.
- The facility fee reserve cash balance as of 4-30-24 is \$3,707,039.

Page 2 – Revenues vs. Expenditures

- This report will be presented in July after we meet with the auditor from Robinson, Farmer & Cox who is recording the VAW sale transaction.

Page 3 – Capital Projects

- Two progress payments totalling \$142,517 were made to Conrad Brothers for the Multi-use Trail project phase III, representing nearly 80% of the contracted work.

Page 4 – Tax Collection Rate

- As of April 30, 2024, property tax collections year-to-date are \$1,676.808 representing 97% of tax billings.

Page 5 – Tax Revenue Trends

- Total business license (BPOL) tax collections fiscal ytd thru April 30 was \$288,428, representing a 13% decrease over the same time last year. In June, we began an aggressive collection effort to notify those businesses who have not filed a 2024 return that was due April 15.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
April 30, 2024

<u>Cash on Hand</u>	<u>3/31/2024</u>	<u>4/30/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$364,878	\$55,417	-\$309,462
Atlantic Union Bank Money Market Account	\$1,385,912	\$1,387,515	\$1,602
LGIP Account 1 - Unrestricted	\$113,215	\$113,721	\$506
LGIP Account 2 - Unrestricted	\$329,291	\$330,898	\$1,608
Virginia Investment Pool Liquidity Unassigned	\$2,365,465	\$12,948,342	\$10,582,877
Virginia Investment Pool 1-3 Year Unassigned	\$1,043,938	\$1,039,728	-\$4,210
Total Cash On Hand	\$5,602,699	\$15,875,620	\$10,272,921

<u>Restricted and Reserved Cash Balances</u>	<u>3/31/2024</u>	<u>4/30/2024</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	\$14,393	\$14,487	\$94
US Bank - Reserved per VRA Interest Free Loan Requirements	\$261,837	\$262,930	\$1,093
ComputerShare 2010 Debt Service pass through account #300	\$3,225	\$3,277	\$52
ComputerShare 2010 Debt Service pass through account #308	\$1,405	\$1,411	\$6
Atlantic Union Money Market # ARPA CRF #5847	\$8	\$0	-\$8
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,638,127	\$3,707,039	\$68,912
Total Cash Held in Reserve	\$3,961,118	\$4,031,268	\$70,150
Total Cash - All Accounts	\$9,563,817	\$19,906,889	\$10,343,072

DEBT SERVICE

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

\$995,000

FY 24 Capital Improvement Project Tracking Report

As of:
4/30/2024

4/30/2024	FY24	Percent of	FY24	QTR 1	QTR 2	QTR 3	QTR 4	FY24 YTD	(Over)/Under
	Status or Start Date	Completion	Budgeted	Expended	Expended	Expended	Expended	Expended	Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	In Process	61.4%	\$ 1,055,454	\$ 8,860	\$ 148,788	\$ 323,203	\$ 167,170	\$ 648,021	\$ 407,433
Municipal Space Replacement Planning (ARPA)	In Process	35%	\$ 210,000	\$ 62,755	\$ 11,623			\$ 74,378	\$ 135,622
Welcome Center Design & Construction - HBA	In Process	1.0%	\$ 455,000	\$ 4,070	\$ 541			\$ 4,611	\$ 450,389
4 Police Vehicles; 1 ARPA/2 USDA	Pending	60%	\$ 164,291	\$ 98,742				\$ 98,742	\$ 65,549
Library Upgrade & Condo-ization - HBA	In Process	10%	\$ 310,000	\$ 4,323	\$ 27,203			\$ 31,525	\$ 278,475
Storage Facility Roofing	Pending	0%	\$ 20,000					\$ -	\$ 20,000
Capital Project Contingency	Pending	0%	\$ 41,141					\$ -	\$ 41,141
Subtotal	\$ -		\$ 2,255,886.00	\$ 178,749	\$ 188,155	\$ 323,203	\$ 167,170	\$ 857,277	\$ 1,398,609
Utility Fund -Water									
Keck Well Connection	In Process	2%	\$ 1,150,000	\$ 15,243	\$ 5,335		\$ 1,600	\$ 22,178	\$ 1,127,822
Utility Fund - Wastewater									
WWTP Membrane Replacement	In Process	100%	\$ 465,000		\$ 451,986	\$ 14,820		\$ 466,806	\$ (1,806)
Sewer Pod Controller Upgrades	-	101%	\$ 14,500		\$ 14,635			\$ 14,635	\$ (135)
Subtotal	\$ -		\$ 1,629,500.00	\$ 15,243	\$ 471,956	\$ 14,820	\$ 1,600	\$ 503,619	\$ 1,125,881
Harbor Fund									
Inner Harbor Fixed Dock Repair	Pending	0%	\$ 13,000					\$ -	\$ 13,000
Inner Harbor King Pile & Waler Replacement Design	In Process	4%	\$ 306,000	\$ 13,363	\$ -			\$ 13,363	\$ 292,638
Inshore Breakwater Repair/Upgrade	In Process	95%	\$ 656,998	\$ 4,688	\$ 167,592	\$ 450,871		\$ 623,150	\$ 33,848
Subtotal	\$ -		\$ 975,998	\$ 18,050	\$ 167,592	\$ 450,871	\$ -	\$ 636,513	\$ 339,486
TOTAL	\$ -		\$ 4,861,384	\$ 212,042	\$ 827,703	\$ 788,894	\$ 168,770	\$ 1,997,409	\$ 2,863,975
*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT									

MUNICIPAL CORPORATION OF CAPE CHARLES

April 30, 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	(9,632)	
Total Collected YTD (percent of billed)	<u>1,676,808</u>	97%
Amount Due per Accounts Receivable	38,182	

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

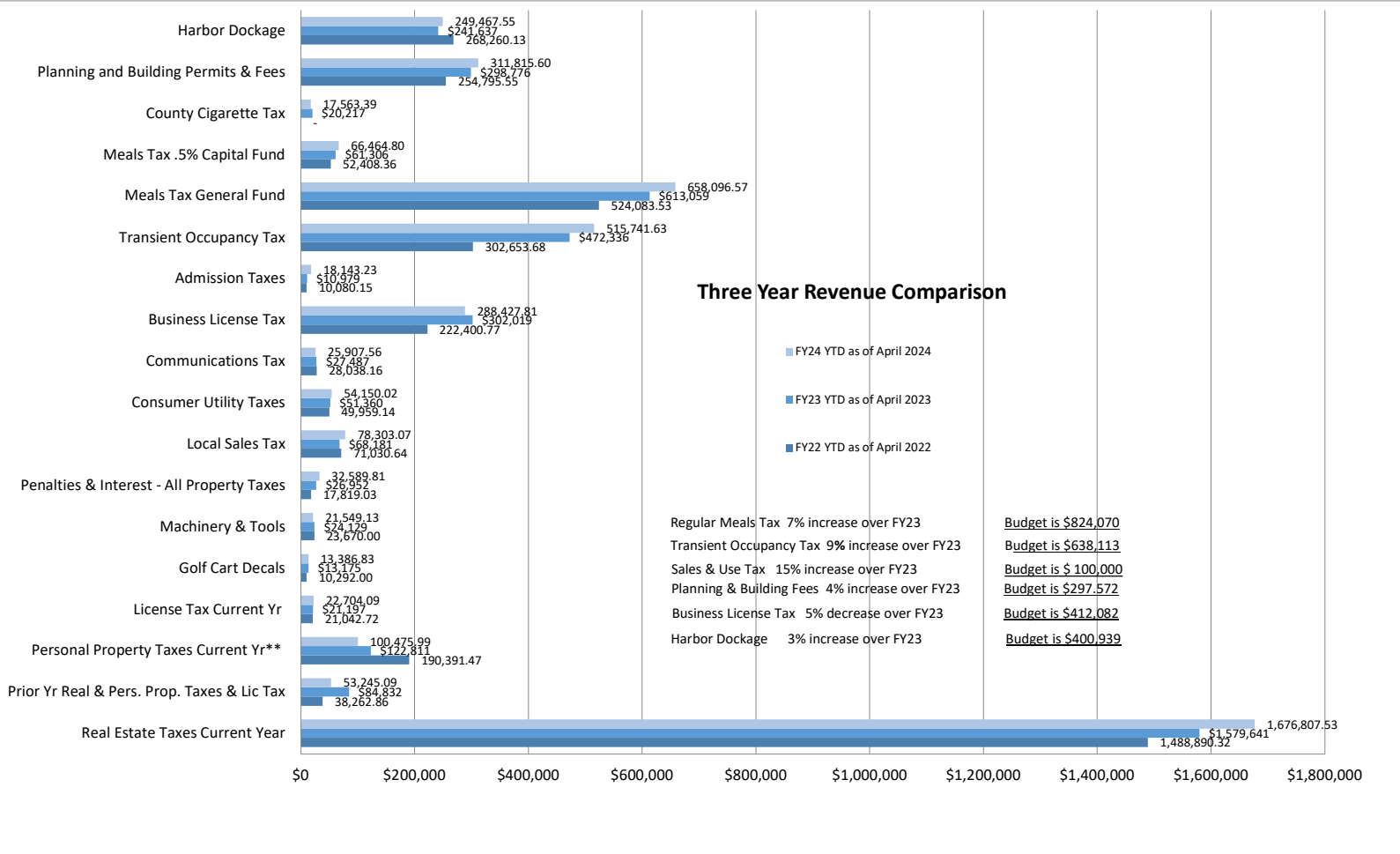
Total Personal Property Value	21,720,600	
2023 Reduction Due to Proration	(362,825)	
Personal Property Billable Valuation	21,357,775	
2023 PPTRA Valuation Amount	(9,687,117)	
 2022 Supplemental Assessments billed in July 23	 4,930,700	
2022 Supplemental PPTRA & Exonerations	(2,078,492)	
Personal Property Value Billed	2,852,208	
 2023 Supplemental Assessments	 -	Will bill in Spring '24
2023 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	

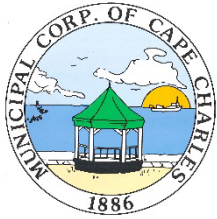
Total Taxable Assessment Value 2023 & 2022	24,209,983
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Total Personal Property & License Tax Budgeted	113,787	
Total 2023 Tax Billed less PPTRA	178,532	
2023 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	7,429	
Total Collected YTD (percent of billed)	<u>144,729</u>	78%
Amount Due per Accounts Receivable	26,374	

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

Total Budgeted	93,050	
Total Collected (percent of budget)	<u>85,835</u>	92%
Amount Due Per Budget	7,215	





*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on June 20, 2024 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20240620A (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of June 2024.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20240620A

APPROVING THE BUDGET FOR FISCAL YEAR (FY) 2024/2025 AND BUILDING, PLANNING AND ZONING FEE SCHEDULE, AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR

WHEREAS, the Council of the Town of Cape Charles has prepared a budget for FY 2024/2025 pursuant to Section 15.2-2503 of the Code of Virginia; and

WHEREAS, the budget has been advertised and a public hearing was held on June 6, 2024 pursuant to Section 15.2-2506 of the Code of Virginia; and

THEREFORE, BE IT ORDAINED, by the Town Council of Cape Charles, this 20th day of June 2024 that the budget for FY 2024/2025 be approved as follows:

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

The following tax rates and user fees are established:

- Vehicle 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; Boat Tax \$0.01 per \$100
- Transient Occupancy Tax: 4.0% plus flat fee of: \$1 per night per room (Hotels/B&Bs) or \$4 per night (Residential Units)
- Meals Tax: 5.5% Monthly
- Admissions Tax: 3% Quarterly
- Short Term Rental Tax: 1% Quarterly
- Trash Collection Fee: \$20.80 per month per receptacle; and

BE IT FURTHER ORDAINED, that pursuant to Section 15.2-2506 of the Code of Virginia, funds are appropriated from all sources of revenue for expenditures during the period July 1, 2024 through June 30, 2025 as follows:

General Fund:	\$5,124,100.85
General Capital Fund:	\$10,790,805.67
General Debt Service Fund:	\$25,121.00
General Special Activities Fund:	\$25,500.00
Public Utilities Fund:	\$9,576,513.71
Harbor Fund:	\$1,162,576.00
Sanitation Fund:	\$345,884.00

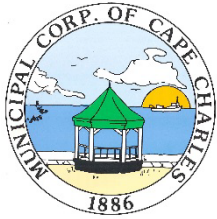
and that the Town Manager is authorized to transfer funding pursuant to the Cape Charles Budget Management Policy established by the Cape Charles Town Council by adoption of Ordinance 20240620A.

Adopted by the Town Council of Cape Charles on June 20, 2024.

By: _____
Mayor Adam Charney

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on June 20, 2024 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20240620B (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of June 2024.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20240620B

PROHIBITING OPERATION OF CERTAIN MOTORIZED CONVEYANCES ON DESIGNATED SIDEWALKS

WHEREAS, the Code of Virginia, Section 46.2-904 authorizes the governing body of a town to prohibit by ordinance the use of roller skates, skateboards, personal delivery devices, bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited; and

WHEREAS, the Town Council finds that prohibition of such motorized conveyances, except for electric personal assistive mobility devices, is desirable in Central Park, along the Bay Avenue boardwalk, and Washington Avenue to promote the safety of pedestrians;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 20th day of June 2024, that Cape Charles Town Code, Section 28-7 be revised as follows:

Sec. 28-7. (e) Operation of motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited in the following areas:

1. Shared use path in Central Park.
2. Sidewalk on the west side of Bay Avenue (boardwalk).
3. Sidewalk on the north side of Washington Avenue.

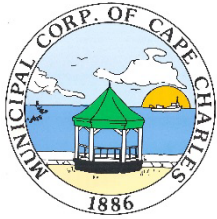
This section to become effective upon installation of official traffic control devices.

Adopted by the Town Council of Cape Charles on June 20, 2024.

By: _____
Mayor

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on June 20, 2024 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20240620C (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of June 2024.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE NO: 20240620C

**TO ADOPT AMENDMENTS TO THE CODE OF VIRGINIA §46.2; AND
TITLE 16.1, CHAPTER 11, ARTICLE 9 (§16.1-278 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**

WHEREAS, it is necessary to follow the guide set by the Code of Virginia to protect the safety and welfare of residents and guests of the Town of Cape Charles; and

WHEREAS, from time to time, the Code of Virginia is amended to protect those traveling the highways, streets and roads of the Commonwealth; and

WHEREAS, in order to have the authority to enforce these new laws, the Town Council of the Town of Cape Charles must adopt any and all amendments made by the Commonwealth of Virginia; now

THEREFORE, BE IT ORDAINED: That pursuant to the authority of the Code of Virginia, 1950, as amended, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, Title 46.2 and Code of Virginia, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into ordinances as in force and effect on the date of the adoption of this Code, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutadis mutandis*, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision or requirement which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Virginia. This ordinance will take effect July 1, 2024.

Adopted by the Town Council of Cape Charles on June 20, 2024.

Mayor Adam Charney

ATTEST:

Town Clerk