

TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
May 19, 2022
6:30 PM

At approximately 6:30 p.m. Vice Mayor Steve Bennett, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Buchholz and Grossman, and Councilwomen Holloway and O'Brien. Councilman Follmer arrived at 6:33 p.m. Mayor Dize was not in attendance. Also, in attendance were Town Manager John Hozey, Interim Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were two members of the public physically in attendance, and 16 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize opened the public hearing for comments relating to a proposed lease of a portion of the Harbor boardwalk to the west of and contiguous to the portion of tax parcel #83A3-OA-010 currently leased to The Hungry Crab, LLC for the purpose of expanding restaurant operations.

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

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

The public hearing portion of the meeting closed at 6:32 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no presentations or visitors to be recognized.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Laura Weigand, resident and business owner

Ms. Weigand addressed Council stating that she received a notice from a business on Mason Avenue of an outside event with live music beginning May 20 from 6:30 – 8:30 p.m. and asking that people refrain from parking in the first two parking spots on the south end of Strawberry Street, near Mason Avenue, in the afternoon. Ms. Weigand asked if Strawberry Street could be closed to through traffic between Randolph and Mason Avenues for safety purposes. In the past during events in the area, cars would go through creating an accident hazard.

Town Clerk Libby Hume read comments submitted in writing from Mr. Sam Jones. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. April 21, 2022 Town Council Regular Meeting
 - ii. May 3, 2022 Planning Commission & Town Council Joint Public Hearing
- C. Approval of March 31, 2022 Financial Report

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, 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. *Zoning Text Amendments - §§ 4.2(J) Accessory Dwelling Units and 2.9 Definitions:*

Interim Planner/Zoning Administrator Katie Nunez stated that the Planning Commission had been working on the proposed text amendments for accessory dwelling units (ADUs) since January 2022. A joint public hearing with the Planning Commission and Town Council was held on May 2, 2022 with one written comment received stating that it should be permissible for intermittent use as overflow space for family members and guests of the property owner. The proposed text amendments included i) Removal of the conditional use permit (CUP) requirement, which was a costly and lengthy process typically taking about four to five months to complete, and adding it as a component for a zoning permit application; ii) A Statement of Intent was added at the beginning of this section to help provide the proper context as to the discussions regarding the addition of ADUs to the zoning ordinance and to emphasize very specific conditions and criteria which were identified through the Comprehensive Plan to help bring additional housing units for long-term rental use; iii) Expansion and clarification of the physical characteristics of a kitchen area, bathroom, and sleeping area and bedroom; iv) Change to the length of stay from 30 to 60 consecutive days to help strengthen the Statement of Intent relating to longer-term rentals, such as work force housing, etc.; v) Addition of new criteria relating to separate trash receptacles, annual safety inspection checklist and zoning compliance affidavits.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt the zoning text amendments to Sections 4.2(J) and 2.9 as recommended by the Planning Commission.

There was much discussion as follows: i) Councilman Follmer expressed his agreement with removing the conditional use permit requirement for ADUs and prohibiting the use as a short-term rental; however, he felt that it was government overreach to prohibit the property owners from using their ADUs for overflow housing for visiting family and friends. He also stated that definitions needed to be standardized, adding that the definition of a kitchen as “a space within a structure designated for the preparation of food that includes a sink” was laughable and most bathrooms and laundry rooms would qualify as a kitchen under this definition; ii) Councilwoman Holloway expressed her agreement with Councilman Follmer, adding that tax-paying property owners should have a by-right use to permit their family and friends to stay in the ADU; iii) Councilman Grossman explained that the intended purpose of an ADU was to provide housing infill, not to be an extension of the main house; iv) Councilman Buchholz stated that the intent was for long-term if the property was being rented and he was okay with a minimum 60-day requirement, but family stays should not be restricted.

After some further discussion, Vice Mayor Bennett called for a vote.

The vote was 5-1 against; motion failed. Roll call vote: Bennett, no; Buchholz, no; Follmer, no; Grossman, yes; Holloway, no; O'Brien, no.

Vice Mayor Bennett acknowledged the amount of work done by the Planning Commission and asked for direction from Council regarding changes: i) The 60-day minimum stay did not pertain to family and non-renting guests; ii) Definition of kitchen needed further review. There was some discussion relating to parking. Vice Mayor Bennett recommended that if there were any other concerns, the Council member needed to attend the next Planning Commission meeting to make their concerns known.

B. *Conditional Use Permit After the Fact – 420 Randolph Avenue for Accessory Dwelling Unit:*

Katie Nunez stated that the applicant was seeking to obtain an after-the-fact permit for a 548 square foot ADU which was constructed in 2018/2019. Based upon a complaint to the Planning & Zoning Department, staff investigated and determined that the accessory structure met the definition of ADU and that it was being rented on a weekly basis in conjunction with the main house on the property. A corrective action plan was developed to have the owners apply for a CUP to bring the property into compliance with the elements of the Zoning Ordinance. The accessory structure was constructed during the transition time when the Town was crafting and adoption the ADU ordinance. The applicant responded swiftly in cooperation with staff to correct this violation. Ms. Nunez added that there was no parking available on this lot, but this structure was permitted to be built on this lot by the Town so the parking requirement, after the fact, was not being imposed. The focus was to get the use approved. A joint public hearing with the Planning Commission and Town Council was held on May 2, 2022 and no public comments were received.

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to approve the Conditional Use Permit for an Accessory Dwelling Unit After-the-Fact at 420 Randolph Avenue on an application filed by Cynthia Emrich and Charles van Dyck pursuant to Zoning Ordinance Section 4.2(J).

There was discussion as follows: i) Councilman Follmer spoke in support of the application adding his concern that the property owners had to go through this process after having received approval from the Town and Town Manager to build the structure. This process went well with the applicants cooperating with Ms. Nunez but he preferred not having any future cases similar to this having to come to Council; ii) Katie Nunez responded to Councilman Follmer's comments adding that at the time, the town manager stated in the staff report to the Historic District Review Board that the accessory structure would not be an ADU, since ADUs were not permitted at that time.

The motion was approved by unanimous vote.

- C. *Update re: Conditional Rezoning Request from Cape Charles Ventures, LLC – 238 Randolph Avenue:* Katie Nunez began by informing Council that this item was provided for informational purposes only, then proceeded as follows: i) A joint public hearing with the Planning Commission and Town Council was held on May 2, 2022, with 12 comments received – 6 in support of the application and 6 opposed; ii) The Planning Commission voted to table the decision regarding the application and directed staff to explore whether there was a way to retain the property as Residential-1 zoning while providing a narrow allowance for trash and propane service to continue, possibly as a legal, non-conforming use. This item would be on the June 7, 2022 Planning Commission meeting agenda for further review. If the Planning Commission were to reach a decision, their recommendation would be provided to Council at the next available meeting for consideration and possible action.
- D. *Proposed Lease of a Portion of the Harbor Boardwalk to The Hungry Crab, LLC:* Town Manager John Hozey stated that this item was the subject of tonight's public hearing, with no public comment was received. The Shanty would like to continue to use the area provided to them during the COVID pandemic but through a formal lease. This area of the boardwalk was included in the initial part of the network of trails but there were no plans to expand the trail to that area at this time. The lease was drafted with the flexibility to cancel when the time comes. The current best use of the area for the public and the Town would be to move forward with the short-term lease.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to adopt Ordinance 20220519A Granting Lease of Town Property to The Hungry Crab, LLC as presented.

Jon Dempster, the owner of The Shanty, was permitted to speak as follows: i) He stated that the lease was for the best interest of the Town, and he felt the rental amount was reasonable; ii) This additional space represented additional revenue for the restaurant and the Town; iii) He understood that he would eventually lose this land and asked that he be notified in advance of lease cancellation so plans could be made; iv) He had not considered using this land until the COVID pandemic and the need for social distancing and outside dining. He thanked the Town for allowing use of the land adding that people were enjoying this additional seating option; v) He stated that a gated perimeter would be added to comply with ABC requirements and proper signage would be installed.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes, Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

E. *Adoption of 2021 Eastern Shore of Virginia Hazard Mitigation Plan:*

John Hozey stated that certain funding opportunities through FEMA required localities to write and adopt a Hazard Mitigation Plan. In 2017, the Eastern Shore Hazard Mitigation Plan was written by localities on the Eastern Shore and the Accomack-Northampton Planning District Commission. The plan was required to be updated every five years to maintain FEMA approved status. The Eastern Shore Hazard Mitigation Committee updated the plan which was accepted by FEMA. All localities must approve the plan prior to July 1, 2022.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to adopt Resolution 20220519 adopting the Eastern Shore Hazard Mitigation Plan as submitted. The motion was approved by unanimous vote. Roll call vote: Bennett, yes, Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

F. *ARPA Funding for New Police Car:*

John Hozey stated that the Town would receive American Rescue Plan Act (ARPA) funding of \$1,057,230 and the Town elected to use the funds for revenue replacement enabling the use of funds for a wide variety of purposes. One of the uses was to support first responders and emergency services. The Town typically purchased one replacement police department vehicle each year under the USDA Rural Development grant/loan program. For FY 2022, there was insufficient grant funding available to purchase the budgeted police vehicle prior to June. The next grant pool would begin in January 2023 for purchase in spring of 2023. This delay created difficulty in keeping operable police vehicles in service. Staff requested Council approval to obligate \$42K of the appropriated ARPA grant funding for the immediate purchase and outfitting of a replacement police vehicle per the FY 2022 budget in lieu of waiting for next round of the USDA Rural Development grant/loan.

Motion made by Councilman Follmer, seconded by Councilman Grossman, to use \$42K of ARPA grant funding for the immediate purchase and outfitting of a replacement police vehicle. The motion was approved by unanimous vote.

G. *Cape Charles Public Hearing Procedures:*

John Hozey stated that Mayor Dize requested the development of procedures/guidelines to standardize public hearings for Town Council and all Town boards and commissions. John Hozey proceeded to review his recommended procedures adding that if approved, the procedures would be published as an addendum to the Town of Cape Charles Code of Ethics and Meeting Rules of Order. (Please see attached.)

Motion made by Councilman Grossman, seconded by Councilman Follmer, to adopt the public hearing procedures as presented.

There was some discussion regarding the procedures. Councilman Follmer stated that the public hearing would be the only opportunity for members of the public to speak on the particular issue and suggested adding language where an individual who may have arrived late or was unaware

of the sign-up requirement would also be given the opportunity to speak if so desired. John Hozey agreed that not everyone knew that they had to sign up to speak, adding that he would include a statement for the presiding officer to ask the public if everyone wanting to speak had signed the roster offering one last opportunity for anyone in attendance to sign up.

Councilman Follmer amended the motion to add the presiding officer's statement confirming that everyone wanting to speak had signed the roster. Councilman Grossman seconded. The amended motion was approved by unanimous vote.

The original motion to adopt the public hearing procedures was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The comprehensive plan working group met with the consultant to get the project moving forward. At the last joint work session with the consultant, Planning Commission and Town Council set a timeline. It was decided not to engage the public during the tourist season, but we were at the point where another joint work session was necessary to review the draft plan and seek input from the Council and Planning Commission. The clerk would be contacting everyone to schedule the joint work session in mid-June or July; ii) He thanked everyone for their time spent participating in the budget process. He hoped to put together a summary for the public prior to the public hearing.

VICE MAYOR AND COUNCIL COMMENTS

Councilmen Buchholz did not have any additional comments.

Councilwoman Holloway commented as follows: i) Cape Charles Main Street submitted eight Northampton County Infrastructure grant applications. Although she could not announce anything to the public at this time, everyone would be very excited about the money received; ii) The Eastern Shore of Virginia Tourism Commission would be paying for additional porta potty units for five months. It was great to have their support; iii) Next Tuesday (May 24), the Board of Supervisors would be meeting regarding assessments, and she encouraged everyone to attend. Everyone should either submit their comments in writing in advance or attend the meeting to voice their concerns. Councilman Grossman stated that the Board of Supervisors would hold one public hearing for the equalized rate plus 1% and a separate public hearing would be held for the increased rate, and suggested that the Town submit a letter to the county for the records. John Hozey responded that he had spoken to Mayor Dize and would work with him to get an official letter to the County.

Councilwoman O'Brien asked who needed to be contacted about issues with streetlights. John Hozey stated that the Town received complaints about streetlights all the time, but they were installed and maintained by ANEC. Unfortunately, citizens could not contact ANEC directly. The public works manager was the liaison. Councilwoman O'Brien added that she had a streetlight outside her house and had blackout curtains. Her entire house was illuminated when she opened her curtains. Councilwoman Holloway suggested that anyone with streetlight issues submit a Report a Concern so it could be directed to the public works manager to contact ANEC.

Councilman Grossman commented as follows: i) He thanked Code Official Jeb Brady for his work on the Hazard Mitigation Plan; ii) There was an article in the Eastern Shore Post regarding affordable housing in areas in Accomack and Northampton Counties. More information would be coming; iii) A work session was scheduled for May 26 regarding utilities. He had been culling information from State Corporation Commission (SCC) filings and sent his material to John Hozey earlier this afternoon to provide to Council. John Hozey added that the consultant would also be in attendance at the work session.

Councilman Follmer commented that since last month's meeting, he had only received positive feedback on the Town's staff. He thanked the public works department for repairing the silver bullet (portable restroom on Mason Avenue). He thanked Jeb Brady, Katie Nunez and the police department

for their helpful attitudes, adding that he even heard complimentary feedback when dealing with violations.

Vice Mayor Bennett stated that there was much negativity in this current climate and added that it was nice to hear positive comments.

Vice Mayor Bennett read the announcements. Councilwoman Holloway added that the Eastern Shore Master Gardeners was holding the Cape Charles Garden Tour on June 5 from noon to 4:00 p.m. and her house was on the tour this year.

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

The Regular Meeting adjourned at 7:33 p.m.

Vice Mayor Bennett

Town Clerk

**May 19, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Sam Jones, resident

Subject: New Language; Accessory Dwelling Unit

Dear Town Council members:

I am Sam Jones and my wife and I live at 538 Monroe Avenue.

Thank you for your work to clarify issues regarding accessory dwelling units (ADU) in Town. In reviewing the proposed language, it does not appear to adequately address the personal use of ADU's by the property owner.

To address this issue I suggest the following language be added at the end of the proposal:
"Nothing in this ordinance shall prevent or restrict the "by right" use of an Accessory Dwelling Unit by the homeowner to house family members or family guests at the homeowners discretion and with no time requirements."

Thank you for considering this additional language.

Sam Jones
538 Monroe Avenue

Public Hearing procedures:

1. Members of the public wishing to speak will sign up on a roster to be provided prior to the public hearing being called to order; those wishing to have comments read into the record will provide written comments to the clerk of the body no later than one hour prior to the scheduled start of the hearing
2. All public comments will conform to the *Guidelines for Citizen Participation* document as approved by the Town Council
3. The presiding officer of the body will call the public hearing to order and read the public hearing notice(s)
4. The presiding officer will ask the public assembled if everyone who wanted to speak has signed the roster and offer one last opportunity for anyone who has not, to do so.
5. The responsible staff liaison will brief the public on the subject of the hearing
6. The members of the body will not ask questions about the staff liaison report or engage in any discussion regarding the subject of the hearing
7. The presiding officer will invite members of the public who signed up, to speak
8. When all in-person testimony is heard, the clerk of the body will read all written comments into the record
9. The members of the body will not ask questions of the public or directly respond to any comments offered
10. If there was more than one topic advertised for public hearing, the subsequent topics will be heard repeating the procedure above
11. When all topics have been heard, the presiding officer of the body will request a motion to close the public hearing(s)

March 2022 Treasurer's Report

Page 1 – Cash Position

- No comments.

Page 2 – Revenue vs. Expenditures

- Harbor net revenue has increased over prior years, which typically showed a year-to-date loss at the end of March, the end of its slow season.

Page 3 – Capital Projects

- A payment was made on the town office space study. Total expended as of the end of March for this project was \$36,401.

Page 4 – Tax Collection Rate

- Real property tax collection is at 97% of billed and 100% of budgeted amount.

Page 5 – Tax Revenue Trends

- Building and zoning/planning revenue has greatly increased.
 - Sales and Use tax had been increasing significantly since October 2020, however, that increase has begun to taper off.
 - Communication tax revenue is steadily decreasing while Consumer utility taxes are increasing – the net effect is almost zero revenue growth or loss.
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MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
March 31, 2022

<u>Cash on Hand</u>	<u>2/28/2022</u>	<u>3/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$443,023	\$422,175	-\$20,849
Atlantic Union Bank Money Market Account	\$4,021,793	\$4,021,896	\$102
LGIP Account 1 - Unrestricted	\$104,279	\$104,301	\$21
LGIP Account 2 - Unrestricted	\$295,641	\$295,709	\$68
Total Cash On Hand	\$4,864,737	\$4,844,081	-\$20,657

<u>Restricted and Reserved Cash Balances</u>	<u>2/28/2022</u>	<u>3/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$7,173	\$7,314	\$141
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,586	\$257,587	\$1
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,899	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$762	\$1
Atlantic Union Money Market # ARPA CRF #5847	\$528,699	\$528,712	\$13
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,736,675	\$1,737,038	\$363
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$910,944	\$595,245	-\$315,699
Total Cash Held in Reserve	\$3,492,109	\$3,176,929	-\$315,180
Total Cash - All Accounts	\$8,356,846	\$8,021,009	-\$335,837

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$5,919,321
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MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

March 31, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$139,350	\$2,706,431	\$3,259,286	\$552,855	\$3,536,507	92.16%
EXPENDITURES	\$272,751	\$2,275,421	\$2,285,445	\$10,023	\$3,536,507	64.62%
NET	(\$133,401)	431,010	\$973,841	\$542,831	\$0	
GENERAL Capital						
REVENUE	\$2,158	\$378,282	\$49,257	-\$329,025	\$1,197,762	4.11%
EXPENDITURES	\$6,755	\$378,282	\$43,125	-\$335,157	\$1,197,762	3.60%
NET	(\$4,597)	\$0	\$6,132	\$6,132	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$121,110	\$222,069	\$100,959	\$258,614	85.87%
EXPENDITURES	\$0	\$121,110	\$222,069	\$100,959	\$258,614	85.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$8,942	\$0	\$368,422	\$368,422	\$948,115	38.86%
EXPENDITURES	\$17,235	\$0	\$360,109	\$360,109	\$948,115	37.98%
NET	(\$8,293)	\$0	\$8,313	\$8,313	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

March 31, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$150,196	1,329,615	\$1,427,139	\$97,523	\$1,825,021	78.20%
EXPENDITURES - Operating	\$37,934	496,202	\$438,200	-\$58,002	\$993,224	44.12%
NET	\$112,262	\$833,414	\$988,939	\$155,525	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS, DEBT SVC	\$0	\$0	\$0	\$0	\$104,751	0.00%
REVENUE - FACILITY FEES	\$57,941	\$301,510	\$447,893	\$146,384	\$254,400	176.06%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$57,941	\$648,602	\$796,374	\$147,771	\$936,548	85.03%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$347,093)	(\$348,480)	(\$1,387)	(\$831,797)	
HARBOR						
REVENUE - Operating	\$36,413	\$658,766	\$527,823	-\$130,943	\$833,500	63.33%
EXPENDITURES - Operating	\$26,600	\$524,807	\$421,490	-\$103,317	\$772,500	54.56%
NET	\$9,813	\$133,959	\$106,332	(\$27,626)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$30,754	\$30,754	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$10,586	\$102,954	\$92,368	\$102,657	100.29%
EXPENDED - Capital Projects, Debt Svc	\$0	\$240,012	\$143,054	-\$96,958	\$163,657	87.41%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$229,426)	(\$9,346)	\$220,080	(\$61,000)	
SANITATION						
REVENUE	\$20,701	\$152,876	\$183,959	\$31,083	\$390,595	47.10%
EXPENDITURES	\$42,460	\$154,007	\$176,120	\$22,113	\$390,595	45.09%
NET	(\$21,758)	(\$1,131)	\$7,838	\$8,970	\$0	

FY 2022 Capital Improvement Project Tracking Report

As of:
3/31/2022

	<u>FY22 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY22 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY22 YTD Expended</u>	<u>(Over)/Under Budget</u>
<u>General Capital Fund</u>									
Multi-Use Trails, Phase 3 Construction	<u>Pending Fall 2022</u>	1%	\$ 929,922	\$ 848	\$ 5,876	\$ -	\$ -	\$ 6,724	\$ 923,198
Mason Avenue Parking, Planning & Construction	<u>Suspended</u>	0%	\$ 34,240	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,240
Storm Sewer Video-Mapping, Phase 2	<u>Suspended</u>	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Municipal Center Replacement	<u>In process</u>	28%	\$ 130,000	\$ -	\$ -	\$ 36,401	\$ -	\$ 36,401	\$ 93,599
Central Park Gazebo Upgrades	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Fountain	<u>In process</u>	0%	\$ 36,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000
Public Trash Cans	<u>Pending</u>	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Final Installation of Zipline	<u>Completed</u>	42%	\$ 2,600	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100	\$ 1,500
subtotal	\$ -		\$ 1,197,762	\$ 1,948	\$ 5,876	\$ 36,401	\$ -	\$ 44,225	\$ 1,153,537
<u>Utility Fund -Water</u>									
Water Tank Mixer/Power Vent (FY2021 carryover)	<u>Suspended</u>	0%	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Remote Read Water Meters - starter setup carryover	<u>Suspended</u>	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,985
(AMI)/AMR Auto Read Water Meters - Phase 2	<u>Suspended</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
<u>Utility Fund - Wastewater</u>									
Washington Avenue Pump Station Rehab Phase	<u>Suspended</u>	0%	\$ 39,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,151
Sewer Pod Controller Upgrades Phase 1 of 5	<u>In process</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 180,636	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180,636
<u>Harbor Fund</u>									
Harbor Capital Evaluation Plan	<u>Completed</u>	0%	\$ 40,100	\$ -	\$ -	\$ 40,100	\$ -	\$ -	\$ 40,100
Structural Piling Repair	<u>Deferred</u>	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
In-Shore Breakwater Repair	<u>Pending</u>	0%	\$ 121,380	\$ -	\$ -	\$ 68	\$ -	\$ 68	\$ 121,312
subtotal	\$ -		\$ 161,480	\$ -	\$ -	\$ 40,168	\$ -	\$ 68	\$ 161,412
TOTAL	\$ -		\$ 1,539,878	\$ 1,948	\$ 5,876	\$ 76,569	\$ -	\$ 44,293	\$ 1,495,585

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

March 31, 2022

YTD 2021 Real Estate Tax Collections

Total Taxable Land Value	179,657,188	
Total Improvement Value	306,863,500	
Exemptions	(4,196,393)	
Additional Assessments (SCC Utility)	3,702,099	
Total Real Estate Value (taxable)	486,026,394	
 Total Budgeted	 1,484,511	
Total Tax Billed	1,527,451	
Total Adjustments	(8,854)	
Total Collected YTD (percent of billed)	<u>1,485,749</u>	97%
Amount Due per Accounts Receivable	32,847	

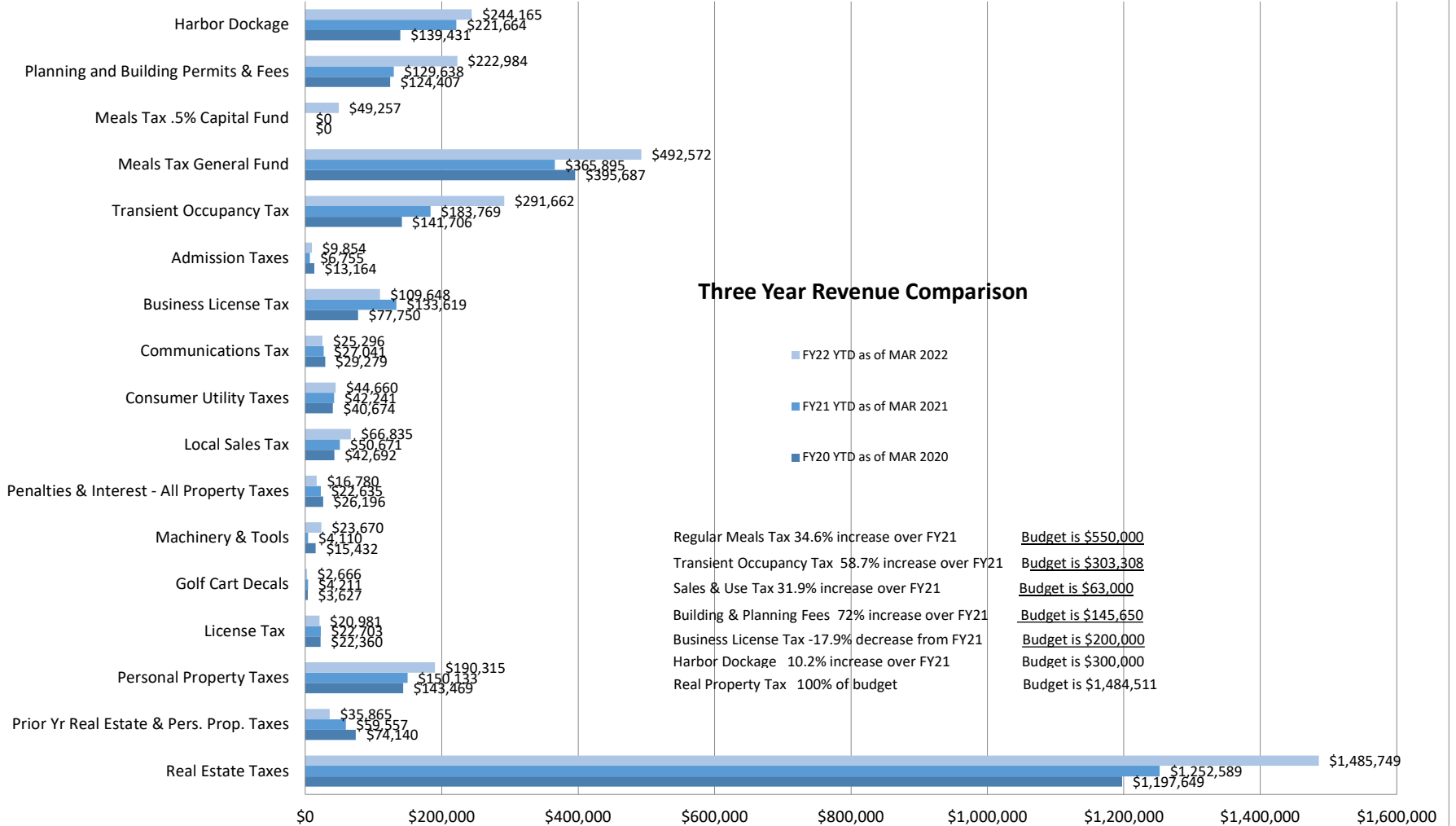
**YTD 2021 Personal Property Tax, Machinery and Tools Tax
& 2021 License Tax Collections**

Total Personal Property Value	23,415,700	
2021 Initial Assesement Exonerations & Proration	(424,083)	
Personal Property Value, billed	22,991,617	
 2021 Supplemental Assessments	 -	
2021 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2021 and 2021 supplemental	22,991,617	
 Total Budgeted	 153,000	
Total Tax Billed less PPTRA	303,178	
2021 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	(52,243)	
Total Collected YTD (percent of billed)	<u>234,966</u>	94%
Amount Due per Accounts Receivable	15,969	

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

Total Budgeted	86,150	
Total Collected (percent of budget)	<u>52,645</u>	61%
Amount Due Per Budget	33,505	

Three Year Revenue Comparison



Regular Meals Tax 34.6% increase over FY21 Budget is \$550,000
 Transient Occupancy Tax 58.7% increase over FY21 Budget is \$303,308
 Sales & Use Tax 31.9% increase over FY21 Budget is \$63,000
 Building & Planning Fees 72% increase over FY21 Budget is \$145,650
 Business License Tax -17.9% decrease from FY21 Budget is \$200,000
 Harbor Dockage 10.2% increase over FY21 Budget is \$300,000
 Real Property Tax 100% of budget Budget is \$1,484,511



*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 May 19, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20220519A (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>
William Dize, Mayor		X			
Steve Bennett	X		X		
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O’Brien	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 19th day of May 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20220519A
GRANTING LEASE OF TOWN PROPERTY

WHEREAS, the Town of Cape Charles desires to lease for a period of one (1) year, with four (4) one (1) year renewal periods, a portion of the harbor boardwalk to the west of and contiguous to the portion of Tax Parcel 83A3-OA-00-010 currently leased to The Hungry Crab, LLC, for the purpose of expanding restaurant operations; and

WHEREAS, the use of the property for this purpose will have a beneficial effect on Town rent and meals tax revenues; and

WHEREAS, a public hearing has been held as required by Code of Virginia, Section 15.2-1800; and

WHEREAS, the proposed ordinance and lease conform with the requirements of Code of Virginia, Section 15.2-2100; now

THEREFORE, BE IT ORDAINED that the Town Manager be authorized to finalize the lease materially in conformance with the terms and conditions attached hereto; and

THEREFORE, BE IT FURTHER ORDAINED by the Town Council of Cape Charles, this 19th day of May 2022, that the Mayor be authorized to execute such lease between the Municipal Corporation of Cape Charles and The Hungry Crab, LLC.

Adopted by the Town Council of Cape Charles on May 19, 2022

By: _____
Vice Mayor Steve Bennett

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 May 19, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20220519 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor		X			
Steve Bennett	X		X		
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O’Brien	X		X		

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 19th day of May 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20220519

Eastern Shore of Virginia Hazard Mitigation Plan 2021 Town of Cape Charles, Virginia

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, an Eastern Shore Hazard Mitigation Plan Steering Committee comprised of members of the business community, non-profit organizations, and local officials was convened in order to study the town's risks from and vulnerabilities to natural hazards and to make recommendations on mitigating the effects of such hazards on the Town of Cape Charles; and

WHEREAS, the Accomack-Northampton Planning District Commission updated a regional Hazard Mitigation Plan including the Town of Cape Charles; and

WHEREAS, the efforts of the Town of Cape Charles, Eastern Shore of Virginia Hazard Mitigation Plan Steering Committee members, and the Accomack-Northampton Planning District Commission have resulted in the development of a regional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town of Cape Charles, Virginia that the sections pertaining to the town in the Eastern Shore of Virginia Hazard Mitigation Plan dated April 2022 is hereby approved and adopted for the Town of Cape Charles, Virginia.

Adopted by the Town Council of the Town of Cape Charles on May 19, 2022.

By: _____
Vice Mayor Steve Bennett

Attest:

Town Clerk