



TOWN COUNCIL
Public Hearing & Regular Meeting
May 18, 2023
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. [Conditional Use Permits:](#)
 - i. 1 Fig Street – 3 Dwelling Units above Commercial Space
 - ii. 6 Mason Avenue – Paid Parking Lot Operation
 - B. [Zoning Map Correction](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. Vacation Homeowners of Cape Charles Presentation - Good Neighbor Program
 - B. [National Public Works Week Proclamation](#)
5. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of March 31, 2023 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Virginia DHCD Industrial Revitalization Fund Grant for Rosenwald School Rehabilitation](#)
 - *B. [Establishing a Housing Rehabilitation Zone](#)
 - *C. Conditional Use Permits:
 - i. [1 Fig Street – 3 Dwelling Units above Commercial Space](#)
 - ii. [6 Mason Avenue – Paid Parking Lot Operation](#)
 - *D. [Zoning Map Correction](#)
 - *E. [Cape Charles Memorial Library Board By-Laws](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - May 29, 2023 – Town offices closed in observance of Memorial Day
 - June 1, 2023 – Town Council Public Hearing re: Proposed FY 2024 Budget & Special Meeting
 - June 15, 2023 – Town Council Regular Meeting
12. Adjournment

TOWN OF CAPE CHARLES
Town Council – Public Hearing

The Cape Charles Town Council will hold a public hearing on Thursday, May 18, 2023 at 6:30 p.m. in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. A Conditional Use Permit application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) in the Commercial-2 (C-2) Zoning District for 3 single-family dwelling units located on the second floor above commercial space pursuant to Cape Charles Zoning Ordinance (CCZO) Section 3.7 (C).
- B. A Conditional Use Permit application from Cape Marine Services LLC at 6 Mason Avenue (Tax Map#83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9 (E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J).

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

AD PLACED: Eastern Shore Post on Thursday, April 27, 2023
AD TO RUN: Friday, May 5, 2023 and Friday, May 12, 2023

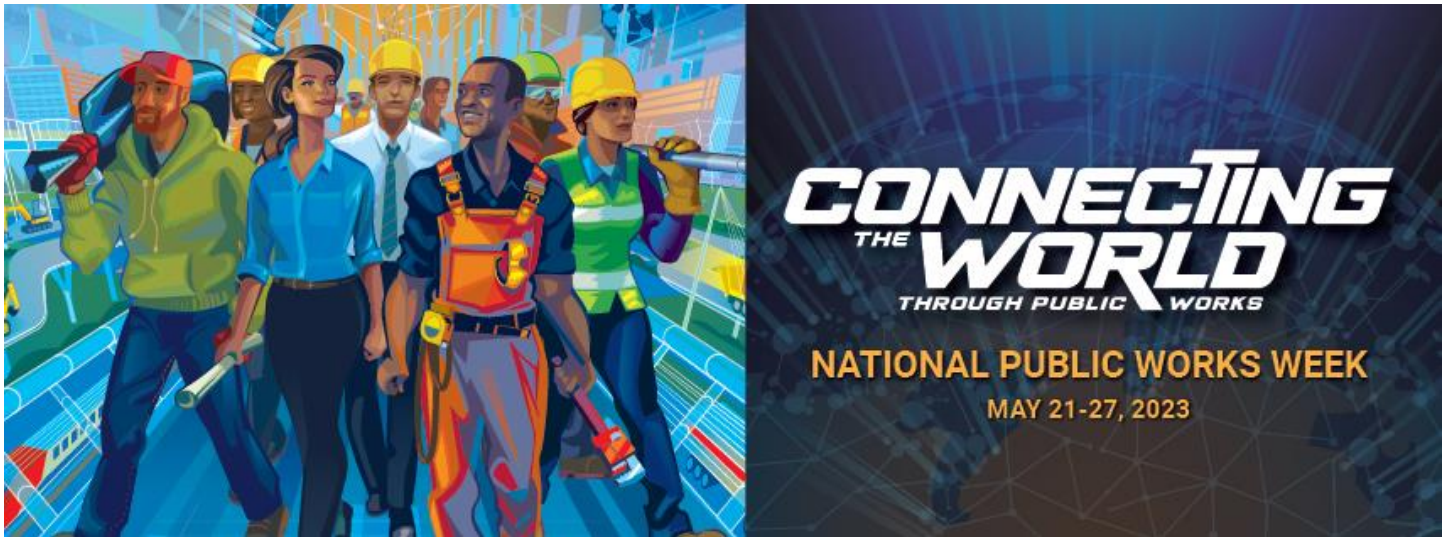
TOWN OF CAPE CHARLES
Town Council Public Hearing – Zoning Map Correction

The Cape Charles Town Council will hold a public hearing on Thursday, May 18, 2023, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on a proposed correction to the Zoning Map that was re-affirmed on 12/15/2023.

Tax Map #83A3-11-1, a 2.52 acre parcel south of the harbor, owned by Cape Harbor Holding Company LLC, was shown on the map in December 2022 as zoned Industrial-2 (M-2) and it should have been shown as Harbor. This hearing is to restore the correct zoning for this parcel to Harbor Zoning on our official Cape Charles Zoning Map.

A proposed map pointing to the parcel in question that should be zoned Harbor is on our website at <https://www.capecharles.org/pview.aspx?id=10101&catid=605>. Please contact the Planning Department at 1-757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Tuesday, May 2, 2023
AD TO RUN: Friday, May 5, 2023 and Friday, May 12, 2023



NATIONAL PUBLIC WORKS WEEK

Item # 4B

PROCLAMATION 20230518A

05/18/2023 TC Reg Mtg

MAY 21-27, 2023

“CONNECTING THE WORLD THROUGH PUBLIC WORKS”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the citizens of Town of Cape Charles; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Town of Cape Charles to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association; now

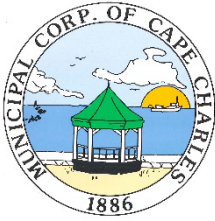
BE IT PROCLAIMED, that the Cape Charles Town Council does hereby designate the week May 21-27, 2023 as National Public Works Week and urges all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Adopted by the Town Council of Cape Charles on this 18th day of May 2023.

Mayor Adam Charney

ATTEST:

Town Clerk



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
March 30, 2023
6:30 PM

At 6:30 p.m. Vice Mayor Bennett, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Vice Mayor Bennett, in attendance were Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Mayor Charney was out of town and participated via teleconference from Millersville, MD. Also, in attendance were Town Manager John Hozey and Project Manager Bob Panek.

Motion made by Councilman Buchholz, seconded by Councilman Butta, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 6: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and Section 2.2-4342.B (Public Procurement Act): Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

Specifically: Discussion of cost estimates and contractual strategies associated with capital projects

There were no members of the public in attendance at this time.

Council went into executive session at 6:32 p.m.

Motion made by Councilwoman Holloway, seconded by Councilman Butta, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 7:46 p.m. There were no members of the public waiting to return to the meeting.

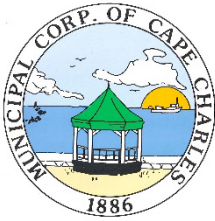
Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

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

The Executive Session adjourned at 7:48 p.m.

Vice Mayor Bennett

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
April 20, 2023
6:30 PM

At approximately 6:30 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, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Public Utilities Clerk Kathy Fraas. There were 12 members of the public physically in attendance, and 11 viewers on Facebook.

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

PUBLIC HEARING COMMENTS: (3 MINUTES PER SPEAKER)

- A. Proposed Amendment to the 1990 Agreement related to annexation developer liability for future expansion of the water and wastewater infrastructure:

Kathy Fraas read an email submitted by Mr. Edward Wells. (Please see attached.)

A second email was received, but pursuant to The Town of Cape Charles Guidelines for Citizen Participation that was adopted on July 22, 2021, the sender was deemed not to have standing in the Town of Cape Charles since they were not a property owner, full-time resident or business owner within the corporate boundaries of the Town of Cape Charles.

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

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

The public hearing was closed at 6:34 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

- A. Employees Celebrating Significant Anniversaries"

Mayor Charney recognized Public Works Crewman James Jones on his 10-year anniversary on April 29th.

- B. National Arbor Day Proclamation:

Mayor Charney read Proclamation 20230420A for National Arbor Day

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 202300420A designating April 29, 2023 as Arbor Day. The motion was approved by unanimous vote.

- C. Tree Advisory Board Presentation – Mr. Phil Goetkin

Mr. Goetkin provided an update of the Tree Advisory Board's (TAB) activities and announced the Town's recognition as a 2022 Tree City USA. Mr. Goetkin also invited all to come celebrate Arbor Day in Strawberry Plaza on April 29th at 9a.m. The TAB would be giving away nice trees and shrubs to the public. He also noted the Blessing of the Worms Ceremony on Sunday at 2:30 p.m. at New Roots Youth Garden.

D. Building Safety Month Proclamation:

Mayor Charney read Proclamation 20230420B for Building Safety Month.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to adopt Proclamation 202300420B designating the month of May 2023 as Building Safety Month. The motion was approved by unanimous vote.

E. National Police Week Proclamation:

Mayor Charney read Proclamation 20230420C to recognize National Peace Officers' Memorial Day and National Police Week 2023.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to adopt Proclamation 202300420C designating May 15, 2023 as Peace Officers' Memorial Day and the week of May 15-21, 2023 as Police Week in the Town of Cape Charles. The motion was approved by unanimous vote.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Kathy Frass read an email submitted by Ms. Susan Bauer. (Please see attached.)

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

CONSENT AGENDA

A. Approval of Agenda Format

B. Approval of Minutes:

- i. March 16, 2023 Town Council Regular Meeting
- ii. February 9, 2023 Town Council Executive Session
- iii. April 6, 2023 Town Council Work Session

C. Approval of February 28, 2023 Financial Report

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the consent agenda items as presented.

Councilman Follmer asked to amend the Agenda Format and pull Item 8.A.ii-Harbor Development Certificate Application for 6 Mason Avenue submitted by Cape Charles Marine Services and move it to the June agenda. Per the Weekly Report, the owner of the property had actually submitted two applications for this property, the second one for two pay-to-park lots. This second application was scheduled to be reviewed by the Planning Commission at their May 2nd meeting. Councilman Follmer felt that it would be better to review both applications during the same meeting.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to remove the Agenda Format from the consent agenda items. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Butta, to approve the remainder of the consent agenda items – Approval of the Minutes, and the February 28, 2023 Financial Report. The motion was approved by unanimous vote.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to amend the Agenda tabling the Cape Charles Marine Services Harbor Development Application until the June meeting so both applications could be reviewed at the same time.

There was much discussion amongst Council as follows: i) Councilman Grossman stated that he was not aware of information regarding the second application and its impact on this application; ii) Councilman Follmer explained his concern of the plans for this property with the golf cart rentals and

paid parking, especially since this would be a satellite location for a Virginia Beach business. The business was currently located in the Pearl Market, but the use at the Pearl Market was uncertain. Without having adequate information regarding what was being proposed for the two paid parking lots, he could not make an informed decision on this application; iii) Vice Mayor Bennett stated that there was no discussion about a second application during the Harbor Area Review Board meeting; iv) Mr. William “Smitty” Dize, representative for the property owner, explained that the two projects would be on two separate parcels. Councilman Follmer noted that the addresses were the same – 6 Mason Avenue, adding that it would make better sense to review both projects together; v) John Hozey stated that he did not disagree with Councilman Follmer’s reasoning. Council had two options. They could vote to postpone now or allow the applicants to explain this project tonight, then opt to postpone a decision until June’ vi) Councilman Grossman stated his preference to hear the planner/zoning administrator and applicants tonight.

Mayor Charney called for a vote.

The motion failed by majority vote: Councilman Follmer voted in favor. Vice Mayor Bennett, Councilmen Butta, Buchholz and Grossman, and Councilwoman Holloway voted against.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. Harbor Development Certificates:

i. Cape Charles Rosenwald School Building Project:

Town Planner/Zoning Administrator Katie Nunez began with an overview of the procedures for the Harbor Area Review Board (HARB). An application was received from the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) for the property located at 1500 Old Cape Charles Road (Tax Map #83A3-A-14D) which was approximately 8.796 acres within the Harbor District. The HARB met on March 28, 2023, to review the application. Katie Nunez provided an overview of the plans to repurpose the former Rosenwald School as a recreational, cultural and entertainment venue, adding that the building was erected in 1929 and had historical significance, but was not included in the Town’s Historic District. The property owners were pursuing a National Register of Historic Places nomination with the Virginia Department of Historic Resources. The HARB determined that the application was sufficient, complete and compliant with the Harbor District Regulations with the exception of the final landscaping, lighting, signage, and exterior public art/historic displays and recommended that Town Council favorably consider approval for the issuance of a Harbor Development Certificate based upon the application submitted with the condition that the final landscaping, lighting, signage and exterior public art/historic displays plans were still required to be submitted to the Town for final review and approval.

Councilman Grossman asked whether the conditioned items would come back to the board for approval. Ms. Beth Walker, representative of the CCRSRI, approached the podium to answer any questions. Ms. Walker stated that drawings would be completed mid-May and would be submitted to Code Enforcement Officer Jeb Brady for approval. CCRSRI had funds available to begin construction and once they found out about the grant, they could proceed with the electrical, etc. to complete the project.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway to approve the Harbor Development Certificate as presented for the Rosenwald School Project with the condition from the Harbor Area Review Board. The motion was approved by unanimous vote.

ii. Cape Charles Marine Services, LLC – Golf Cart Rentals & Sales:

Katie Nunez stated that an application was received from Cape Charles Marine Services, LLC (the property owner) for Posh, Inc. dba Moke America Virginia Beach (tenant) to lease 640

square feet of the property at 6 Mason Avenue (Tax Map #83A3-A-5A) in the northeast corner to operate a Bicycle, Moped, and Street-Legal Golf Cart Sales and Rentals retail service establishment under 2,500 square feet pursuant to Cape Charles Zoning Ordinance Section 3.9 (D)(7)(b). The intent was to utilize the existing concrete pad in this corner of the property to be covered with an existing canvas tent larger than the size of the pad. The HARB met on April 10, 2023 to review the application, and recommended Town Council approval of a one-year Harbor Development Certificate through April 30, 2024, and to waive the second review meeting, recommending that the tenant attend the Council meeting to speak to Council regarding whether there would be a tent covering the leased space (40' x 16') and concrete pad, and how it would affect the viewshed to the Harbor.

There was much discussion as follows: i) Councilman Follmer stated that the Pearl Market was not zoned by Northampton County as a golf cart operation. Katie Nunez responded that the applicant informed her that he had secured warehousing space at the Oyster Farm Marina area; ii) Councilwoman Holloway asked where the sales were being conducted, and Councilman Follmer asked where the golf carts were being stored. Applicants, William "Smitty" Dize, general manager of Oasis Marinas and property manager, and Mr. Tim Posh, owner of Moke America, approached the podium. Mr. Posh stated his desire to store golf carts at 6 Mason Avenue, adding that a 20'x16' space was available to store 8 to 12 carts; iii) Councilman Grossman asked what would physically be located on the property. Mr. Posh responded that only golf carts would be stored, and all rentals would be done online, adding that all carts had trackers; iv) Council continued to ask questions to get a better understanding of this business and the dynamics of the rental process, the addressing of repairs, and whether an attendant would be onsite; v) Vice Mayor Bennett suggested that since the golf carts were currently being stored at the Oyster Farm Marina, renters should pick them up from that location as well; vi) Councilman Buchholz asked Mr. Posh if he planned to sell golf carts in the Town to which Mr. Posh responded in the negative.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to approve a one-year Harbor Development Certificate through April 30, 2024 as recommended by the Harbor Area Review Board for the northeast corner of 6 Mason Avenue (Tax Map #83A3-A-5A) for Posh, Inc. dba Moke America Virginia Beach to operate a bicycle, moped, and street-legal golf cart sales and rentals retail service establishment. The motion failed by majority vote with Vice Mayor Bennett, Councilmen Butta and Follmer, and Councilwoman Holloway opposed.

B. *Appointment to Wetlands and Coastal Dune Board Members:*

John Hozey stated that three applications were received for three vacant positions on the Wetlands and Coastal Dune Board. The applications were provided to the Mayor and Town Council for review, and it was agreed that with three open positions, and three well-qualified applicants, the appointments would be made without the need for interviews.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to appoint Ms. Patricia James, Ms. Elizabeth Pruitt, and Mr. William Robertson to the Wetlands and Coastal Dune Board. The motion was approved by unanimous vote.

C. *Resolution 20230420 – Approval of Amendment #3 to Agreement Between Brown & Root and the Town of Cape Charles Dated March 13, 1990:*

John Hozey stated that as part of the annexation of property into the Town of Cape Charles in 1991, several agreements were entered into by various parties for various purposes. John Hozey began by providing a detailed overview of the annexation agreement. Under consideration this evening was an amendment to one of the sub-agreements under the Annexation Agreement. This agreement was between the developer and the Town, and included language related to the growth of the town and the requirement of additional infrastructure to support the growth. John Hozey explained that this agreement detailed the developer's responsibilities to help with the

cost of the additional infrastructure after the water and wastewater plants reached their capacity. There were two parts to funding the additional infrastructure: i) The Town collected a facility fee from each connection within the Town; ii) The second part was the developer's contribution which had never been defined. Several studies were performed to determine a timeframe when our permanent capacity would be reached, the cost of the infrastructure, and the portion of the lots needing connections belonging to the developer. There were so many assumptions to be made going forward, there were numerous complex calculations involved. A scenario was reviewed where the Town collected facility fees for all undeveloped properties. The cost of the infrastructure was adjusted for inflation. The study revealed that the Fund would not be sufficient to build the necessary infrastructure. The difference between the amount collected from facility fees and the estimated cost of the infrastructure was identified as the developer's contribution. There was another provision in the annexation agreement addressing the sale of the plants, which stated that the developer would be issued a refund on any amounts paid to the Town for expansion. The developer had already paid for the existing infrastructure with the development and transferred ownership to the Town to maintain. In the calculations, the amounts of the facility fees and the amount invested by the developer were deducted from the total cost estimate. That difference needed to be captured. The next step was determination of the number of lots remaining to be developed. After more research, we believe we came up with a reasonable number of lots owned by the developer. By dividing the estimated costs by the number of potential lots, we came up with \$3,000 per lot to be paid by the developer upon sale of the lot. There were a lot of variables that could change the numbers either way, but we had to negotiate in good faith to come up with a fair amount per lot. It was felt that this determination would be beneficial to all parties. The developer would take an unknown liability off their books. The chosen mechanism was that for every sale, \$3,000 would be paid to the Town at the time of closing. This \$3,000 would be shown on the HUD statement at closing. The issuance of any permits on that lot would be contingent upon the Town receiving the \$3,000. The intent of the original agreement was to provide relief to the Town's utility rate payers. By using this method, all the Town's residents would benefit, potentially in the form of property tax relief. If the Town did not make this agreement with the developer prior to the utility sale, Virginia American Water (VAW) would have to negotiate with the developer and any revenue from that negotiation would benefit all VAW's users, not just those in Cape Charles. This would be beneficial to the Town, the developer, current residents and future lot owners. It was a win, win, win all the way around. John Hozey thanked Mr. Bobby Masters and Preserve Communities for sitting down in good faith and working this out. It was a difficult process and he felt that the outcome was the best for everyone.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Resolution 20230420 Authorizing the Third Amendment to Agreement of March 13, 1990, Related to Annexation. Mayor Charney moved for adoption of Resolution 20230420 of the Governing Body of the Town of Cape Charles as noticed and forwent reading of the Resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

D. *Award of Grounds Maintenance Services Contract – Maintenance of Beds, Pots, & Mulching:*

John Hozey stated that an Invitation for Bids for Grounds Maintenance Services was published on March 23, 2023. Browder Hite was the sole bidder. Browder Hite had been the Town's grounds maintenance contractor for the past 15 years and had performed the duties in a professionally responsible and responsive manner. The bid package contained three parts and included watering, pruning, and weeding from April to November. John Hozey described the various areas in the base bid, bid alternate #1 and bid alternate #2, adding that there was also a current contract in place for Central Park. The cost for all areas, including Central Park, would be \$60,795.30 annually.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to award the base bid and both alternates of the Grounds Maintenance Service Contract to Browder Hite. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The concerts in the park were coming up and had been enormously popular. The Town was an enthusiastic sponsor. The Citizens for Central Park (CCP) board was looking for assistance and had reached out to Cape Charles Main Street and others to see how they could keep these events going every Saturday night. If we wanted this to continue there would be an additional cost. John Hozey offered his support to assist with hiring a paid event attendant, not a volunteer. CCP found someone they were excited about, and he would like to contribute \$3,000 to CCP for the event organizer. The funds were in his budget, so Council approval was not necessary, but he wanted the Council to be aware of it; ii) We advertised a Request for Proposals for the redevelopment of the library. Proposals needed to be evaluated closely. Typically, he would form a small committee to review the proposals and would like Council represented on this committee. Vice Mayor Bennett volunteered to serve on the committee; iii) The budget work session was scheduled for May 4th.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows: i) He saw that the Town was selling a lot on Monroe Avenue, adding that typically Council was notified of the intent to sell. John Hozey stated that this was discussed as part of Option 5 regarding the new municipal building and redevelopment of the library. This property was an L-shaped lot that went around the pump station and apologized if the parcel was not included in that discussion; ii) He saw where we hired a new public works crew member. John Hozey stated that he reported that to the Council last month; iii) He saw an advertisement for a new water plant operator and asked if an employee had left. John Hozey stated that we currently had two part-time employees and were advertising for a potential full-time person; iii) Eastern Shore Community College Rails to Trails survey responses were very positive. The Commonwealth Transportation Board authorized \$4M that would cover the first part of the \$40M project, which included: preliminary engineering to convert the 49 miles to trails; an aerial survey; and scoping documents – one for the Cape Charles segment and another for the remaining 47 miles. This was a positive step toward completion of the project.

Vice Mayor Bennett commented as follows: i) He thanked Councilman Grossman for attending and providing updates for the Board of Supervisors meetings; ii) Councilman Follmer brought up that individuals had to have standing in the Town in order to submit comments. Some of us may have forgotten that and felt this needed to be emphasized and possibly added to the top of the sign-up sheet. This was a Town policy and he wanted to remind everyone that in order to make a public comment, individuals must be residents or business owners in the Town.

Councilman Buchholz brought up the Lemon Tree events, stating that they should not be permitted to closing a street every Friday, which puts a burden on a lot of people by not allowing them to park on that street. Their events should be moved across the street to Strawberry Street Plaza, rather than taking parking away from homeowners. John Hozey stated that he was working on the situation. Councilwoman Holloway noted that Strawberry Street Plaza was built for that purpose and staff needed to remind applicants.

Councilwoman Holloway commented as follows: i) In comment to Ms. Bauer's comment regarding electric vehicle (EV) chargers, she had been thinking about this issue for some time, both as a B&B owner and member of CCMS. She felt that we needed to be running with this whether it was the Town's responsibility or not. She researched information regarding EV chargers and payments, and there were ways to manage charging stations. She knew that Northampton County was looking into this as well. This week, she received phone calls from three residents asking about the potential installation of charging stations. Councilman Grossman stated that ANEC had a grant to install two

EV charging stations in the Town. John Hozey stated that he met with representatives from ANEC this week; ii) Northampton County Grants were due next Monday and quite a few applications were being submitted from entities in Cape Charles.

Mayor Charney thanked John Hozey and Julie Pruitt for locking in a date for Dock Dogs, and he was excited to have the event on Veterans Day weekend in Central Park.

Mayor Charney read the announcements.

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

The Regular Meeting adjourned at 8:27 p.m.

Mayor Charney

Town Clerk

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

Edward Wells, Cape Charles resident

Good evening, Town Council, town manager and staff. I would like to congratulate the town's efforts to finally finalize this complex annexation agreement. This has been a long time coming over 30 years. I am not going back in time to criticize or applaud the efforts of the past. The town is at a crossroads to the future, and I realize some sort of final agreement needs to be made. I have to admit I did not read and fully understand the complete history of the previous agreements. I am not sure all town council members have read through the entire history as well. With that being said I am relying on the engineering studies as well as the "reasonable assumptions" that the fee of \$3000.00 per lot is fair. I do however think that "per lot" is not accurate. I think it should be read \$3000.00 per each water and sewer line brought into the dwelling. A single-family dwelling is not the same as multi-family or a duplex. There should be a cost as per each water and sewer line brought into the property. Not as "per lot." Also, will commercial lots cost the same?

Thank you,
Ed Wells

Susan Bauer, Cape Charles property owner and part-time resident

Dear Council Members:

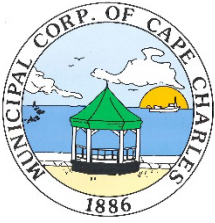
My husband and I have been part time residents of Cape Charles for the past 17 years. Initially, we owned a home in the historic district. Three years ago, we purchased a condo on Mason Avenue. We split our time between Cape Charles and York, Pennsylvania. We travel to Cape Charles approximately twice per month. Recently, we purchased an electric vehicle (EV). I am writing to urge the Council to work toward the installation of an EV charging station in the town of Cape Charles.

It is estimated by the year 2030 that sales of EV's will reach over 28 million - or one third of all vehicles sold in the U.S. There are, of course, many good reasons for the transition to EV's. Cleaner air, better health, less reliance on fossil fuels and the impact on climate change, are just a few of them. It is not my intention, though, to sell anyone on the benefits of EV's, but rather to express that Cape Charles should recognize that both residents and tourists will need access to EV charging stations.

Traveling the shore in an EV is a challenge. The closest EV charging stations to the north are in Salisbury, Maryland (there are a few stations closer, but they are proprietary to Tesla). Accessing a charging station to the south of Cape Charles involves not only significant distance but means paying a hefty toll to cross the bridge. Our EV has a range of 240 miles. Our trip from York, PA will require us to charge our car in Salisbury, Maryland, and then either drive to Virginia Beach to charge, or leave our car plugged into a regular outlet for approximately 5 days to fully charge. Before purchasing our EV, I had never heard of the term "range anxiety" but upon hearing it, I immediately understood the concept. It means fear of running out of power in your EV before reaching a charging station. Anyone traveling any distance to Cape Charles will no doubt experience range anxiety.

Access to an EV charging station is good for the town. Although charging stations are a significant initial investment, they do generate profit, by charging fees to EV users. Businesses, particularly restaurants and hotels benefit from increased revenue from EV drivers, who would otherwise not travel to the shore because of inaccessibility of chargers. EV chargers add to the appeal of our town. Part of the allure and the charm of our town is the natural beauty of the shore and the abundant wildlife that thrives there. Cape Charles should be a leader in sustainability and environmental responsibility. It should be a goal of the town to maintain the health of the ecosystem of the shore. Cleaner air, less noise and a smaller carbon footprint mean support of our natural surroundings, and the people who choose to drive clean energy vehicles. I hope the Council will make every effort to support this necessary improvement in our town.

Sincerely,
Susan Bauer



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
May 4, 2023
6:30 PM

At 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the 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, Treasurer Deborah Pocock, Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez and Town Clerk Libby Hume. There were no members of the public in attendance.

WORK SESSION ORDER OF BUSINESS:

FY 2024 Town Budget Review and Discussion:

Town Manager John Hozey provided an overview of the items being covered this evening, and added the following: i) Core General Fund revenue was up 24.6%, mostly due to new construction, Transient Occupancy Tax, and meals tax; ii) Core General Fund expenses were up 1.5%; iii) The proposed budget included a 2.5% cost of living allowance (COLA) for all regular employees; iv) The proposed budget included revenue and expenditures for public utilities based on the assumption that the utility sale would not be completed. If the sale went through in Fiscal Year (FY) 2024, an adjustment would be made, and the appropriate process would be followed to amend the budget. He was hopeful that the application to the State Corporation Commission could be filed next week; iv) The public hearing for the FY 2024 proposed budget was currently scheduled for June 1, 2023.

The proposed FY 2024 budget items were reviewed as follows:

A. Fund Balance Reserve Status and Funding Strategies:

John Hozey reviewed the audited fund balances, as of June 30, 2022, for the General Fund, Utility Fund and Capital Improvements Projects (CIP) Fund (Please see attached.):

- The General Fund Balance less the required combined reserve was \$1,418,206.
- The Utility Fund Balance Restricted Facility Reserve was \$1,176,588, and the Unrestricted Utility Fund Balance was \$294,524. Additional facility fees collected in FY 2023 was \$833,302, and transfers from prior year income was \$618,414, for a total Facility Fee Reserve of \$2,922,828.
- The CIP Unrestricted Fund Balance was \$286,540.

B. Detail Review of Proposed Budget:

General Fund Revenue: i) The projected real property tax revenue was based on the current tax rates and assessments, estimating \$6.5M valuation of new construction and a 97% collection rate; ii) Personal property was also based on the current tax rate, which was reduced in FY 2023. Councilman Grossman noted that Northampton County reduced their assessments and increased their rate to \$3.90 per \$100. Treasurer Deborah Pocock would contact the Northampton County Commissioner of Revenue regarding this item. John Hozey noted that this amount might be amended based on that discussion; iii) The other tax revenue was based on FY 2022 and 2023 actuals; iv) The County Cigarette Tax Sharing was based on information received from the county; v) \$103K was being reappropriated in the FY 2024 budget for carryover items in the current budget; vi) The Core Operating Revenue was estimated at \$4,483,869. The Core Operating Revenue was the figure used to determine debt limits; vii) The proposed Building, Planning & Zoning Fee Schedule was reviewed with no changes. (Please see attached.)

General Fund Expenditures: John Hozey stated that the 2.5% COLA had been factored into all FY 2024 salaries and proceeded to review the expenditures by department.

Legislative: The only significant change from FY 2023 was for Advertising Services for various upcoming projects such as complete updates to the Zoning Ordinance, Harbor Area Guidelines, and the Planned Unit Development Guidelines which all required public hearings.

Town Clerk: John Hozey stated that IT Services needed to be increased by \$7,800 as the clerk had requested funding for new software, but the increased amount was not reflected in this worksheet.

Town Manager: i) The Program and Event Performers line was increased adding costs for the Citizens for Central Park to hire a paid attendant, versus a volunteer, to manage the summer concerts; ii) The Lease, Buildings & Property line was increased for additional leases for the parking lot, visitor center/downtown restrooms, and train car; iii) The Contingency Fund was consolidated from other departments and included potential code enforcement actions, and sending candidates to the police academy.

Finance: i) A seasonal part-time position was added to have a dedicated staff person to handle business licenses from January through April to assist with billing, collections and issuance of business licenses; ii) The Conference, Education and Travel lines were increased for additional training staff; iii) Three computers needed to be replaced this fiscal year.

Police Department: i) A market adjustment in salary was included for all officers.

Code Enforcement: i) A seasonal part-time assistant or intern was added.

Public Works: i) A second seasonal position was added; ii) The Repair & Maintenance Supplies line was broken out by areas (Central Park, Business District, and Tree Advisory Board) for easier tracking of expenses.

Library: There were no questions about the Library budget.

Planning: i) Part-time Salaries & Wages were increased to add compensation for the various boards. Currently, only the Planning Commissioners received any compensation; ii) Management Consulting was increased for consulting services for the Harbor/Railroad Master Plan & Design Guidelines, and for third party certified plan reviewers to conduct Stormwater/Erosion & Sediment Control/Chesapeake Bay Preservation Act reviews. The State was adopting new regulations and would no longer provide review services for development projects under one acre. The localities would now be responsible for performing the reviews. 12 qualifying permit applications were anticipated at a cost of \$3K per application; iii) IT Services was increased for GIS Contractual Services; iv) The Conference, Education and Travel lines were increased for staff, commission and board training; v) The Computer, Software & Electronics line was increased to include a new laptop for the planner/zoning administrator, and new software.

Capital Asset Management Project (CAMP) Project List/Schedule: John Hozey stated that the figures included in the document were based on current assumptions plus 20% for inflation.

The CAMP project list for the General Fund was reviewed to include: i) Design for new municipal building; ii) Library rehabilitation and Condominiumization; iii) The Town's share of the Multi-Use Trail Phase 3 Construction. The majority of this project expense was grant funded; iv) The Visitor's Center/Downtown Restrooms which would be funded with American Rescue Plan Act (ARPA) and grant funding; v) Public Works Storage Facility to construct a roof over the current storage area and Conex boxes.

There was some discussion related to the timing of future years' projects and the possibility of moving some into FY 2024. John Hozey stated that these projects could be revisited during the mid-year budget review or after the sale of the utilities.

The Harbor Fund CAMP project list included: i) Inner Harbor Fixed Dock Repair which was carried over from FY 2023; ii) Inner Harbor King Pile and Waler Replacement. The estimate included receiving 50% from the Virginia Port Authority (VPA) Aid to Local Ports grant. The maximum amount of the grant was

75% of the project cost. If the Town received a higher percentage, this amount would be updated; iii) Inshore Breakwater Repair/Upgrade included the estimate for the full cost of the project.

The Utilities Fund CAMP project list included: i) Connection of the Keck Wells to the water treatment plant; ii) Wastewater Treatment Plant Membrane Replacement; iii) Sewer Pod Replacement. The Utility Facility Fee Reserve would fund these projects.

General Capital Fund: i) General Capital Fund Revenue included VDOT and other grant funding, reappropriation from FY 2023 carrying over funding for incomplete projects, transfer an estimated amount from the General Fund for the sale of the library, transfer of 6% of core operating revenue, transfer of .5% of meals tax, and transfer of ARPA funding from the General Special Activities Fund; ii) Expenditures included Building Improvements (municipal building, library renovation, visitors center/downtown restroom, public works storage), and the Multi-Use Trail Phase 3.

Utility Fund Revenue & Expenditures: \$311,728 was being transferred from the General Fund to subsidize the Utility Fund. If this amount was not transferred to cover the cost of operations, the utility rates would have to be increased by at least 18%.

John Hozey noted that as part of the consolidated consent order, a correction plan was required to be submitted. Virginia American Water was assisting the Town with this plan. He would be reviewing the information next week and some adjustments to this fund might be necessary.

Harbor Fund Revenue & Expenditures: i) The VPA grant revenue shown represented 50% grant funding. We should receive notification of the actual amount of grant funding next week; ii) The harbor management services contract would be up at the end of 2023 and would be re-evaluated at the end of the season. A request for proposals would be issued at the end of this season.

Sanitation Fund Revenue & Expenditures: Due to cost increases with the Town's trash collection contractor, the new trash collection fee would be \$20.80 per month per receptacle.

Chief Pruitt gave a presentation to Council providing statistics and justification for additional police officers. There was some discussion following the presentation and the general consensus was to approve the hiring of two certified officers.

C. *Strategic Revenue Planning:*

John Hozey reviewed the Strategic Planning Program which attempted to project future revenue needs beyond the current spending cycle based on strategic goals and projects predetermined by Council and other planning processes. All revenue sources were considered, however real estate property tax remained the largest source of potential funds. Other items taken into consideration were the long-term projected inflation rate, historical growth in core revenues, additional services to be added in the future or a potential reduction in services, anticipated near or long-term special projects, retirement of current debt, any new debt to be acquired, whether the fund balances and/or reserves were achieving the set goals, amount of capital funding needed, any one-time grants or other revenue sources. John Hozey stated that the Town's finances were sound and recommended maintaining the current real estate tax rate of 22 cents per \$100.

Councilman Grossman asked that the personal property tax rate be reviewed again as a result of earlier discussion this evening.

D. *Community Funding Applications:*

The Community Funding Request Summary was reviewed and after some discussion, the following amounts were approved: i) Cape Charles Christian School for \$5K for the Crabby Blues Festival; ii) Cape Charles Main Street for \$90K for town marketing and events; iii) Arts Enter Cape Charles for \$4,500 which represented the Town's match for the Virginia Commission for the Arts grant for arts and education; iv) Northampton County YMCA for \$5K to help with funding for the new gymnasium; v) Citizens for Central Park for \$17K for the summer concerts and a concert attendant; vi) Cape Charles Volunteer Fire Company for \$25K for operational support and equipment maintenance; vii) Eastern Shore Tourism Commission for

\$5K for tourism promotion; viii) The Cape Charles Tree Advisory Board (TAB) was not a 501c3 corporation so could not receive funding directly from the Town. The TAB did provide a service to the Town and submitted a plan for the planting of new trees in the Town. The requested amount of \$10,400 was included in the Public Works budget to use as needed.

John Hozey stated that he would check into the items identified during this meeting and would report back to Council. The public hearing would be held on June 1st with adoption of the FY 2024 budget at the regular meeting on June 15th.

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

The meeting was adjourned at 9:10 p.m.

Mayor Charney

Town Clerk

TOWN OF CAPE CHARLES - Building, Planning & Zoning Fee Schedule
EFFECTIVE JULY 1, 2022

Any changes in Fee Schedule are shown in red - if nothing shown, then seeking to retain the existing fee strcture.

	Type of Permit or Review	Charge or Fee	PROPOSED Charge or Fee	Notes
BUILDING	1. Residential: (repair, alteration, demolition, construction)			
	a. Single inspections w/ no permit required	\$35		
	b. Less than \$2,500	\$50		
	c. \$2,500 - \$10,000	\$50 + 0. 5% project cost over \$2500		
	d. \$10,000 +	\$125 + 0.5% project cost over \$10,000		
	e. Demolition	\$50		
	2. Commercial: (repair, alteration, demolition, construction)			
	a. Single inspections w/ no permit required	\$35		
	b. Less than \$2,500	\$75		
	c. \$2,500 - \$10,000	\$75 + 1% of project cost over \$2,500		
	d. \$10,000 +	\$175 + 1% of project cost over \$10,000		
	e. Demolition	\$100		
	Notes:			
	1. Add 2% to all permit fees for state surcharge.			
	2. Permits include inspections and a follow up inspection for a failure. Subsequent inspections for the same item are at \$40 each.			
	3. Add 10% to Base Fee for Fire Department (before tax and not to be taxed).			
	3. New Construction: Per BOCA/ICC permit fee tables based on building square footage and at 100%			
	Certificates of Occupancy			
	1. Permanent Certificant of Occupancy	Included in cost of permit		
	2. Certificate of Occupancy when no permit is issued	\$100		
	3. Temporary Certificate of Occupancy	\$400 (per issuance) Max. of 2 issuances	\$800	Contractors are abusing this with the current nominal fee. Hope an increase will be more of a deterrent.

	Type of Permit or Review	Charge or Fee	PROPOSED Charge or Fee	Notes
	4. Rental Certificate of Occupancy	\$100 (includes inspection)	\$150	Additional staff time required. Extra \$\$ would help offset the cost of the requested additional Part-time Person.
	Notes:			
	1. Inspection fee for 3rd inspection of the same item	\$40		
	2. Inspections scheduled outside normal business hours	\$75		
	3. Fee for starting work without a permit	\$300		
	4. Underground Fuel Tank Removal	\$100 per tank		

	Type of Permit or Review	Charge or Fee	PROPOSED Charge or Fee	Notes
ZONING	5. Zoning Clearance			
	a. As part of a building permit or a Certificate of Appropriateness application	\$0		
	b. All other approved by administrative review	\$150		
	c. Trees/Landscaping			
	1.) Tree Removal Permit	\$10/tree	\$20/tree	increased fee to cover staff review time
	— 2.) Landscaping Plan for full lot	\$100-	\$0	Landscaping Plan fee removed
	2.) PENALTY - Tree removal without a permit	\$300	\$300/tree	added per tree for clarification
	d. Variance Application to Board of Zoning Appeals	\$500**		
	e. Signage			
	1) All affixed and free-standing signage greater than ten (10) sq. ft	\$50	\$100	increased fee
	No permit required for smaller signage or residential signage			
HISTORIC DISTRICT REVIEW BOARD	6. Historic District Review Board Application Fee			
	a. New Construction - Residential	\$500		
	b. New Construction: Commercial or Commerical/Residential Mixed Use	\$750	\$1,000	increased fee more staff review required
	c. Renovation			
	1) Minor Work authorized by CCZO Section 8.17, residential and/or commercial - Administrative Review and Approval only	\$150	\$50	We are looking to create two fee categories for the Minor Work review done by the Zoning Administrator - fences & sheds and then everything else that is spelled out in the ordinance, reflective of staff time for these items.
	2) Minor Work: Fences & Accessory Structures (not visible from any street & under 256 sq. ft) - Administrative Review and Approval Only		\$200	
	3) Substantial alterations - Residential	\$500		
	4) Substantial alterations - Commercial	\$750	\$1,000	increased fee to cover staff review time
	5) Demolition of structure	\$400		
	d. Extension of approved Certificate of Appropriateness	\$50		
	e. Modification to an approved and active Certificate of Appropriateness (CoA)	\$250	\$200	decreased fee
	f. Working without an approved and active Certificate of Appropriateness (CoA) or After the Fact Permit Fee		\$1,000	NEW - to discourage all from doing work without getting approvals.

	Type of Permit or Review	Charge or Fee	PROPOSED Charge or Fee	Notes
APPEALS	7. APPEALS			
	a. Appeals Application to Board of Zoning Appeals	\$500*	\$500**	correction - asterisk needed to be added
	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	\$500**	correction - asterisks needed to be added
	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	NEW - to discourage all from doing work without getting approvals
SITE PLAN	10. Final Plan Review Fees			
	a. Residential	\$150/site		
	b. Commercial	\$250/site #^		
	c. Misc	\$150/site #^		

	Type of Permit or Review	Charge or Fee	PROPOSED Charge or Fee	Notes
PLANNING	11. Planning Applications			
	a. Regular Rezoning	\$1,000	\$0	fee removed
	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		added wording
	d. Conditional Use Permit	\$600		
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 #^	\$500	increased base fee deleted per lot fee due to staff time required
	b) 4 lots or more	\$500 + \$100/lot #^	\$500 + \$250/lot #^	increased per lot fee
	3) Final plat review			
	a) 3 lots or less	\$125	\$200	increased fee due to staff time required
	b) 4 lots or more	\$250	\$400	increased fee due to staff time required
	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		
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			

March 2023 Treasurer's Report

Page 1 – Cash Position

- The final refund to Preserve Homes from the Virginia Investment Pool Escrow Account was made. The remaining interest will be transferred to the short-term investment account at a future date.
- Total long-term debt at the end of March is \$5,325,148.
- The balance in the utility facility fees reserved account is \$2,934,875.

Page 2 – Revenue vs. Expenditures

- The net loss in the sanitation fund reflects the transfer from fund balance to the general capital fund that will contribute to the town match for the Trail Project construction and also the subsidy from sanitation fund balance to customers, after the rate increase last November.

Page 3 – Capital Projects

- \$45,864 has been paid to OESSCO to replace the fuel management system at the harbor.
- \$27,163 was expended repairing a damaged pile, and for fabrication of 25 replacement piles guides.
- \$10,500 was paid to Langley for harbor inshore breakwater repair | preparation. This is not an FY23 budgeted project. Work will be completed in FY24.
- The concrete entranceway and purchase of the conex boxes for the new public works storage area on Bayshore Rd was accomplished.

Page 4 – Tax Collection Rate

- Real property tax collection is at 100% of budget and 98% of what was billed.

Page 5 – Tax Revenue Trends

- Sales and use tax decreased 5.9% from March 2022.
- Transient occupancy tax revenue is 54% greater than last year.
- Meals tax has increased by 16.6%.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
March 31, 2023

<u>Cash on Hand</u>	<u>2/28/2023</u>	<u>3/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$441,143	\$572,742	\$131,599
Atlantic Union Bank Money Market Account	\$476,894	\$477,097	\$203
LGIP Account 1 - Unrestricted	\$106,838	\$107,275	\$438
LGIP Account 2 - Unrestricted	\$309,550	\$310,942	\$1,392
Virginia Investment Pool Liquidity Unassigned	\$2,525,612	\$2,235,696	-\$289,916
Virginia Investment Pool 1-3 Year Unassigned	\$997,724	\$1,013,550	\$15,826
Total Cash On Hand	\$4,857,760	\$4,717,301	-\$140,459

<u>Restricted and Reserved Cash Balances</u>	<u>2/28/2023</u>	<u>3/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$10,250	\$10,250	\$0
US Bank - Reserved per VRA Interest Free Loan Requirements	\$260,462	\$261,268	\$806
Wells Fargo 2010 Debt Service pass through account #300	\$2,980	\$3,025	\$46
Wells Fargo 2010 Debt Service pass through account #308	\$858	\$1,081	\$224
Atlantic Union Money Market # ARPA CRF #5847	\$885,508	\$885,884	\$376
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$2,922,828	\$2,934,875	\$12,047
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$105,996	\$5,055	-\$100,941
Total Cash Held in Reserve	\$4,230,476	\$4,143,037	-\$87,442
Total Cash - All Accounts	\$9,088,236	\$8,860,338	-\$227,899

DEBT SERVICE

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

\$5,325,148

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

March 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
GENERAL Fund						
REVENUE	\$275,677	\$3,259,286	\$3,766,960	\$507,674	\$4,545,819	82.87%
EXPENDITURES	\$236,070	\$2,285,445	\$2,873,169	\$587,725	\$4,545,819	63.20%
NET	\$39,607	\$973,841	\$893,791	(\$80,050)	\$0	
GENERAL Capital Fund						
REVENUE	\$2,670	\$49,257	\$433,506	\$384,249	\$2,213,543	19.58%
EXPENDITURES	\$38,610	\$43,125	\$395,554	\$352,429	\$2,213,543	17.87%
NET	(\$35,940)	\$6,132	\$37,952	\$31,820	\$0	
GENERAL Debt Service Fund						
REVENUE	\$0	\$222,069	\$222,440	\$371	\$249,571	89.13%
EXPENDITURES	\$0	\$222,069	\$222,440	\$371	\$249,571	89.13%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities Fund						
REVENUE	\$187	\$368,422	\$576,439	\$208,017	\$950,727	60.63%
EXPENDITURES	\$168	\$360,109	\$61,628	-\$298,482	\$950,727	6.48%
NET	\$19	\$8,313	\$514,812	\$506,499	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

March 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$165,372	\$1,427,139	\$1,538,850	\$111,711	\$2,709,736	56.79%
EXPENDITURES - Operating	\$56,780	\$438,200	\$1,471,848	\$1,033,648	\$1,692,817	86.95%
NET	\$108,591	\$988,939	\$67,002	(\$921,937)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$0	
REVENUE - FACILITY FEES	\$21,200	\$447,893	\$399,514	-\$48,379	\$466,400	85.66%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$21,200	\$796,374	\$349,011	-\$447,363	\$1,016,919	34.32%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$348,480)	\$50,503	\$398,984	(\$1,016,919)	
HARBOR Fund						
REVENUE - Operating	\$23,602	\$527,823	\$624,652	\$96,829	\$1,042,545	59.92%
EXPENDITURES - Operating	\$115,018	\$421,490	\$551,629	\$130,139	\$992,438	55.58%
NET	(\$91,415)	\$106,332	\$73,023	(\$33,310)	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$102,954	\$103,499	\$546	\$104,950	98.62%
EXPENDED - Capital Projects, Debt Svc	\$0	\$143,054	\$196,341	\$53,287	\$196,950	99.69%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$9,346)	(\$92,841)	(\$83,495)	(\$50,107)	
SANITATION Fund						
REVENUE	\$23,283	\$183,959	\$211,444	\$27,486	\$457,258	46.24%
EXPENDITURES	\$50,779	\$176,120	\$386,979	\$210,859	\$457,258	84.63%
NET	(\$27,496)	\$7,838	(\$175,535)	(\$183,373)	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
3/31/2023

	FY23 Status or Start Date	Percent of Completion	FY23 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY23 YTD Expended	(Over)/Under Budget
<u>General Capital Fund</u>									
Multi-Use Trails, Phase 3 Construction	<u>Pending</u>	1%	\$ 929,922	\$ 12,070	\$ -	\$ 813	\$ -	\$ 12,883	\$ 917,040
Municipal Space Replacement Planning (ARPA)	<u>In process</u>	51%	\$ 550,000	\$ -	\$ 101,211	\$ 182,008	\$ -	\$ 283,219	\$ 266,781
Library Upgrade & Condo-ization	<u>In process</u>	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Mason Avenue Parking Lot Improvement	<u>Pending</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Mason Avenue Restroom	<u>Pending</u>	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110,000
South Beach Restroom Renovation	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Gator for Public Works Staff	<u>Pending</u>	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,500
Grounds Maintenance Equipment for PW	<u>In process</u>	73%	\$ 33,270	\$ 24,228	\$ -	\$ -	\$ -	\$ 24,228	\$ 9,042
Central Park Game Area for Adults (CCP)	<u>Pending</u>	40%	\$ 29,000	\$ -	\$ 11,614	\$ -	\$ -	\$ 11,614	\$ 17,386
Storage Facility (3 x conexes + roofing)	<u>In process</u>	193%	\$ 20,000	\$ -	\$ -	\$ 38,610	\$ -	\$ 38,610	\$ (18,610)
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,040
Public Trash Can Replacements, late FY22 project	<u>completed</u>	100%	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000	\$ -
subtotal	\$ -	-	\$ 1,892,732	\$ 61,298	\$ 112,825	\$ 221,431	\$ -	\$ 395,554	\$ 1,497,178
<u>Utility Fund -Water</u>									
Keck Well Connection (Engineering)	<u>Pending</u>	70%	\$ 60,000	\$ 2,286	\$ 32,010	\$ 7,622	\$ -	\$ 41,918	\$ 18,082
<u>Utility Fund - Wastewater</u>									
Sewer Pod Controller Upgrades Phase 2 of 5	<u>Pending</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -	-	\$ 74,500	\$ 2,286	\$ 32,010	\$ 7,622	\$ -	\$ 41,918	\$ 32,582
<u>Harbor Fund</u>									
Fuel System-Relocate Emergency Stop Switches	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Fuel Management System Replacement	<u>Pending</u>	109%	\$ 42,000	\$ -	\$ -	\$ 45,864	\$ -	\$ 45,864	\$ (3,864)
Inner Harbor King Pile & Waler Replacement Design	<u>Pending</u>	68%	\$ 40,000	\$ -	\$ -	\$ 27,163	\$ -	\$ 27,163	\$ 12,838
subtotal	\$ -	-	\$ 92,000	\$ -	\$ -	\$ 73,026	\$ -	\$ 73,026	\$ 18,974
TOTAL	\$ -	-	\$ 2,059,232	\$ 63,585	\$ 144,835	\$ 302,078	\$ -	\$ 510,498	\$ 1,548,734

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

March 31, 2023

YTD 2022 Real Estate Tax Collections

Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,559,242	
Total Tax Billed	1,606,830	
Total Adjustments	(157)	
Total Collected YTD (percent of billed)	<u>1,570,193</u>	98%
Amount Due per Accounts Receivable	36,479	

YTD 2022 Personal Property Tax, Machinery and Tools Tax & 2021 License Tax Collections

Total Personal Property Value	23,243,305	
2022 Reduction Due to Proration	(879,146)	
Personal Property Billable Valuation	22,364,159	
2022 PPTRA Valuation Reduction	(9,568,117)	
 2022 Supplemental Assessments	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2022 & 2022 Supplemental	22,364,159	
 Total Budgeted	 140,000	
Total Tax Billed less PPTRA	204,003	
2022 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	7,594	
Total Collected YTD (percent of billed)	<u>167,193</u>	79%
Amount Due per Accounts Receivable	29,215	

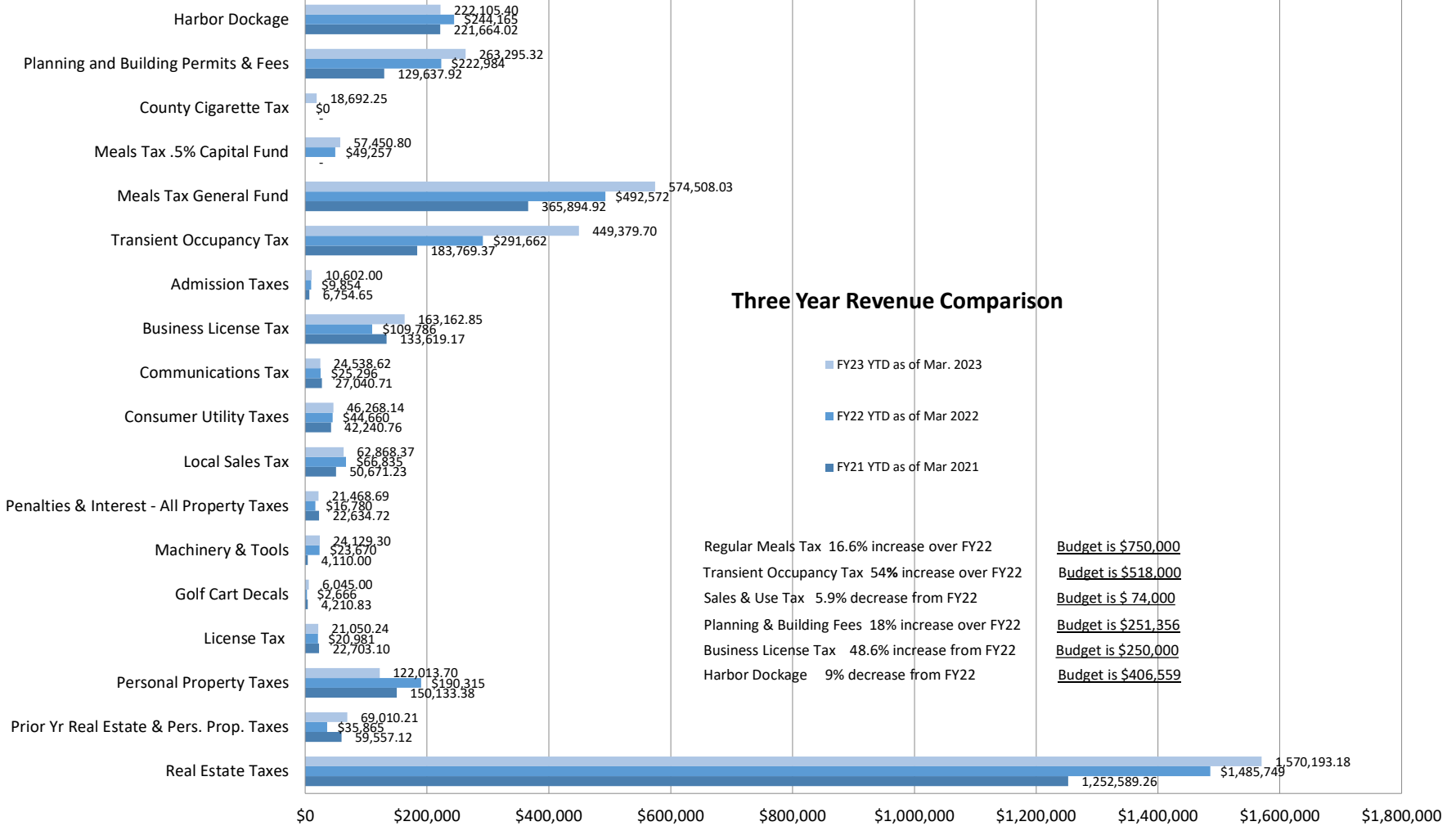
YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

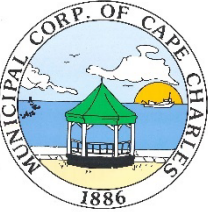
Total Budgeted	76,462	
Total Collected (percent of budget)	<u>90,479</u>	118%
Amount Due Per Budget	(14,017)	

Three Year Revenue Comparison

- FY23 YTD as of Mar. 2023
- FY22 YTD as of Mar 2022
- FY21 YTD as of Mar 2021

Regular Meals Tax 16.6% increase over FY22 Budget is \$750,000
 Transient Occupancy Tax 54% increase over FY22 Budget is \$518,000
 Sales & Use Tax 5.9% decrease from FY22 Budget is \$ 74,000
 Planning & Building Fees 18% increase over FY22 Budget is \$251,356
 Business License Tax 48.6% increase from FY22 Budget is \$250,000
 Harbor Dockage 9% decrease from FY22 Budget is \$406,559



 TOWN OF CAPE CHARLES	AGENDA TITLE: Industrial Revitalization Fund Grant Application for Cape Charles Rosenwald School Restoration Initiative Building Rehabilitation		AGENDA DATE: May 18, 2023
	SUBJECT/PROPOSAL/REQUEST: Adopt Resolution 20230518 authorizing grant application submittal for Industrial Revitalization funding for rehabilitation of the Rosenwald School		ITEM NUMBER: 8A
	ATTACHMENTS: Resolution 20230518		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

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

DISCUSSION:

Staff met with members of the CCRSRI Board of Directors regarding the potential grant opportunity through the Virginia Department of Housing and Community Development (DHCD) for an Industrial Revitalization Funds (IRF) grant for up to \$1M with no match required. The grant was available only to localities for qualifying projects. This grant application period ran from May 1 until June 23, 2023.

Staff reviewed the grant administrative requirements and was comfortable with handling the administration. A Town Council resolution was required to accompany the grant application.

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, adoption of Resolution 20230518 Authorizing Application Submittal for Industrial Revitalization Funding for the Rehabilitation of the Rosenwald School by roll call vote.

RESOLUTION 20230518

AUTHORIZING APPLICATION SUBMITTAL FOR INDUSTRIAL REVITALIZATION FUNDING FOR THE REHABILITATION OF THE ROSENWALD SCHOOL

WHEREAS, the Virginia Department of Housing and Community Development Industrial Revitalization Funds Program provides funding assistance targeting vacant non-residential structures whose poor condition creates physical and economic blight to the surrounding area in which the structure is located; and

WHEREAS, eligible properties include structures formerly used for manufacturing, warehousing, mining, transportation, and power production, as well as large-scale white elephant structures, such as department stores, theaters, hotels and shopping centers; and

WHEREAS, in accordance with the Virginia Department of Housing and Community Development's Industrial Revitalization Funds Grant guidelines, the property located at 1500 Old Cape Charles Road (Tax Parcel #83A4-A-23) has been certified as a blighted property to the definition cited in Code of Virginia § 36-3; and

WHEREAS, only local governments or regional or local economic or industrial development authorities may apply for the funds; however, localities may designate a redevelopment authority or other similar organization as the designated agent for implementation and administration of activities, or partner with private and nonprofit entities; and

WHEREAS, \$600,000 from other grants and contributions, as detailed in the attached Projected Sources of Funding for Building Grand Opening in 2025, will also be expended on this project, it is projected that thousands of Town and County residents will benefit from the implementation of the Cape Charles Rosenwald School Building Rehabilitation; and

WHEREAS, the Fiscal Year 2024 Industrial Revitalization Funds application period runs from May 1 until June 23, 2023; now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles that the Town of Cape Charles wishes to apply for \$1,000,000 of Industrial Revitalization Funds for the Cape Charles Rosenwald School Building Rehabilitation for a community and education center.

BE IT FURTHER RESOLVED that Town Manager John Hozey is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.

Adopted by the Town Council of Cape Charles on this 18th day of May 2023.

By: _____
Mayor Adam Charney

ATTEST:

Clerk of Council

CAPE CHARLES ROSENWALD SCHOOL RESTORATION INITIATIVE, INC. (CCRSRI)
PROJECTED SOURCES OF FUNDING FOR BUILDING GRAND OPENING IN 2025
AS OF MARCH 31, 2023

FUNDING REQUIRED FOR PROJECT COMPLETION:

Projected Cost of Rehabilitation in Phases:

Phase I	\$ 535,000
Phase II	935,000
Phase III	555,000
Phase IV	<u>175,000</u>

PROJECTED COST TO COMPLETE **\$ 2,200,000**

Funds Available for Rehabilitation Project:

Grant - Woodson Center	\$ 250,000
Contributions - Proceeds of Sale from Donated Land	244,000
Contributions - General, net of past G&A expenses	65,500
Grant - ESVA Community Foundation (Phase I Roof Replacement)	50,000
Grant - VBAF - VEDP/DEQ Site Remediation	47,000
Grant - Hotel Cape Charles	5,000
Memorial Brick Campaign	11,500

Available Funds	\$ 673,000
Less: Reserve toward future G&A expenses	<u>(73,000)</u>

FUNDS AVAILABLE FOR BUILDING REHABILITATION **\$ 600,000**

FUNDING REQUIRED FOR PROJECT COMPLETION **\$ 1,600,000**

POTENTIAL FUNDING SOURCES FOR PROJECT COMPLETION:

POTENTIAL FY24 IRF/ARPA GRANT AWARD	\$ 1,000,000
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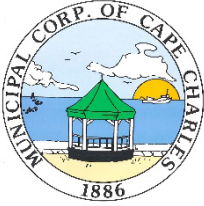
Board Member Funding Contingent on \$1M IRF/ARPA Grant Award:

Capital Campaign Pledge - Eyre Baldwin	\$ 100,000
Capital Campaign Bridge Loan - Beth Walker	\$ 250,000
Capital Campaign Bridge Loan - Kim Abod	<u>\$ 250,000</u>

BOARD MEMBER FUNDING CONTINGENT ON \$1M IRF/ARPA AWARD **\$ 600,000**

TOTAL FUNDING CONTINGENT ON \$1M IRF/ARPA AWARD **\$ 1,600,000**

Notes: The CCRSRI acquired the building and land free and clear of debt in 2019.
Fundraising efforts are ongoing and the Capital Campaign will launch Summer 2023.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Ordinance 20230518A – Establishing a Housing Rehabilitation Zone		AGENDA DATE May 18, 2023
	SUBJECT/PROPOSAL/REQUEST: Establishing a Housing Rehabilitation Zone		ITEM NUMBER: 8B
	ATTACHMENTS: Ordinance 20230518A, VA Code 36-55.30:2		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town has been actively working with a developer (Winmar Advisory) assisting with their efforts to build a workforce housing project on the Cassatt Parkway. This project is complex, poses some challenges, and has many moving parts. The developer is currently trying to put together a financing package through programs offered by the Virginia Housing Development Authority (VHDA).

ITEM SPECIFICS:

During discussions with VHDA, the developer was made aware of a program that could offer partial grant assistance along with debt financing. However, to qualify for this particular program the project must be located within a designated Housing Revitalization Zone as authorized by state code (attached). Such zones must be established by the governing body in which the project is located. The developer has therefore requested the Town consider such a designation.

The proposal would limit the zone to only the parcel under consideration for the workforce housing project. Timing for submission to this program is tight and would need to be filed by the end of this month. With the increase in project cost estimates since this project was first conceived, the developer feels partial grant assistance is now essential to putting together a financially feasible project.

Note, the developer has confirmed with VHDA that the program they are seeking for full occupancy by residents at or below 150% of AMI is supported by their lending programs and would meet this requirement as well.

RECOMMENDATION:

Staff recommends approval of Ordinance 20230518A – Establishing a Housing Rehabilitation Zone

TOWN OF CAPE CHARLES
ORDINANCE 20230518A
ESTABLISHING A HOUSING REHABILITATION ZONE

WHEREAS, the Town Council of the Town of Cape Charles, Virginia, desire to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") described on Exhibit A attached hereto;

WHEREAS, it has been determined that:

(1) the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

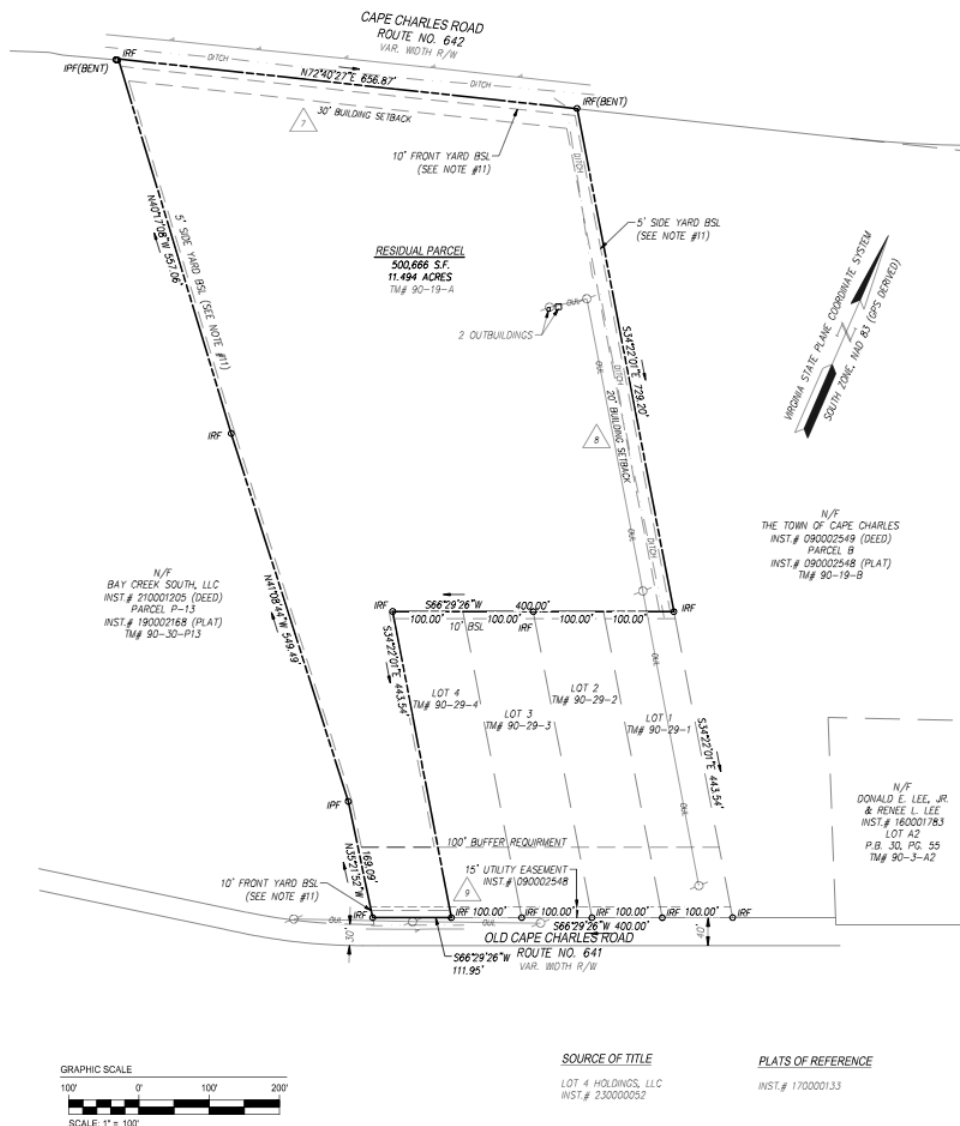
NOW, THEREFORE, BE IT ORDAINED that the Town Council of the Town of Cape Charles, Virginia, pursuant to Code of Virginia, Section 36-55.64, hereby establishes a housing rehabilitation zone for the Residual Parcel, Tax Map #90-19-A, as described in Exhibit A.

Adopted by the Town Council of Cape Charles on this 18th day of May 2023.

By: _____
Mayor Adam Charney

ATTEST:

Clerk of Council



§ 36-55.30:2. Housing revitalization areas; economically mixed projects

A. For the sole purpose of empowering the HDA to provide financing in accordance with this chapter, the governing body of any city or county may by resolution designate an area within such city or county as a revitalization area if such governing body shall in such resolution make the following determinations with respect to such area: (i) either (a) the area is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions: dilapidation; obsolescence; overcrowding; inadequate ventilation, light or sanitation; excessive land coverage; deleterious land use; or faulty or inadequate design, quality or condition; or (b) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area. Any redevelopment area, conservation area, or rehabilitation area created or designated by the city or county pursuant to Chapter 1 (§ 36-1 et seq.) of this title, any census tract in which 70 percent or more of the families have incomes which are 80 percent or less of the statewide median income as determined by the federal government pursuant to Section 143 of the United States Internal Revenue Code or any successor code provision on the basis of the most recent decennial census for which data are available, and any census tract which is designated by the United States Department of Housing and Urban Development and, for the most recent year for which census data are available on household income in such tract, either in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income for such year or which has a poverty rate of at least 25 percent shall be deemed to be designated as a revitalization area without adoption of the above described resolution of the city or county. In any revitalization area, the HDA may provide financing for one or more economically mixed projects and, in conjunction therewith, any nonhousing buildings that are incidental to such project or projects or are determined by the governing body of the city or county to be necessary or appropriate for the revitalization of such area or for the industrial, commercial or other economic development thereof.

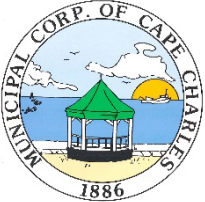
B. The HDA may finance an economically mixed project that is not within a revitalization area if the governing body of the city or county in which such project is or will be located shall by resolution determine (i) either (a) that the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units therein are occupied or held available for occupancy by persons and families who are not of low and moderate income or (b) that the surrounding area of such project is, or is expected in the future to be, inhabited predominantly by lower income persons and families and will benefit from an economic mix of residents in such project and (ii) private enterprise and

investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

C. In any economically mixed project financed under this section, the percentage of units occupied or held available for occupancy by persons and families who are not of low and moderate income, as determined as of the date of their initial occupancy of such units, shall not exceed 80 percent.

1979, c. 374; 1996, cc. [77](#), [498](#); 2004, c. [187](#); 2006, c. [784](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Public Hearing & Discussion on Conditional Use Permit at 1 Fig Street	AGENDA DATE May 18, 2023
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit for 3 Single Family Dwelling Units above 1 st Floor Commercial Space in the C-2 Zoning District	ITEM NUMBER: 8C.i
	ATTACHMENTS: (1) CUP Application dated 4/4/2023 (2) 1 Fig Street Schematics Pkt Resized (3) – Cape Charles Zoning Ordinance Section 3.7 C (4) – Planning Commission 2023-05-02 Staff Report	FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager

BACKGROUND:

The owners of 1 Fig Street, Liquor Distillation Society LLC, have applied for a Conditional Use Permit for 3 single family dwelling units above 1st floor Commercial Space. Staff have been working with the property owner for over a year as this project has been progressing through the Historic District Review Board. Based upon the proposed re-use of the property as a restaurant, we were uncertain if full compliance with both town code and building code could be achieved for the use proposed without some additional land. The property owner successfully acquired the lot behind the building along Mason Avenue and the lot line between the two parcels has been vacated and this is now one parcel comprising 11,200 sq. ft. With this land acquisition, the applicant is seeking to construct a 30.1' x 55.3' two-story addition (total of 3,300 square feet) on the west rear side of the existing commercial building.

In the submittal of their plans for the existing building as well as the proposed addition, these plans showed a total of 4 residential units on the second floor with each unit to contain individual bathrooms and sized from 150 sq. ft to 198 sq. ft. Previously, the Town approved a Conditional Use Permit on 1/19/2017 for one single dwelling unit on the 2nd floor above 1st floor Commercial Use in the Commercial-2 Zoning District. Therefore, they are seeking the conditional use permit for the additional 3 residential units, based upon both the existing building and the addition.

The applicant has indicated they would provide 4 parking spaces on the lot to be associated with the 4 residential units (see Attachment- 1 Fig Street Schematic Pkt Resized). They have also indicated that the residents' units would be housing for local employees.

Just as a point of information, the Town also approved a variance on 1/5/2017 to this property providing full relief of the off-street parking requirements associated with a restaurant commercial use on the first floor. This approval, while granted to a different owner of the property, is affixed to the property, and is granted to the current owners of this property since the commercial use they are proposing (a restaurant) is the same as when the Board of Zoning Appeals heard the matter and issued the variance.

AERIAL MAP: Property outlined in blue



ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 3.7 (C) states that:

- C. Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

Regarding compliance with the rest of the Cape Charles Zoning Ordinance for both the principal use of the first floor as a restaurant and the second floor as 4 residential units, the applicant fully complies or has received governmental approval for relief from requirements of the zoning ordinance, contingent upon receiving Town Council approval of this application.

PLANNING COMMISSION PUBLIC HEARING

Planning Commission held their public hearing on Tuesday, May 2, 2023 and staff gave their report on the application. The applicants were not present for the hearing and there were no public comments.

PLANNING COMMISSION DISCUSSION

Commissioner Strub asked and received clarification that there will be four total residential units on the second floor which the applicants have indicated will be provided as housing for their employees and the site plan shows four parking spaces which will be assigned to the residential units on the second floor.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Grossman motioned to recommend to Town Council to approve CUP2023-001: Conditional Use Permit for 3 single family dwelling units above 1st floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the 3 residential units at 1 Fig Street. He was seconded by Commissioner Holloway and the motion was carried unanimously.

TOWN COUNCIL:

Town Council is requested to hold the public hearing on CUP 2023-001 and to consider the Planning Commission Recommendation on the matter. Staff is proposing the following motion for Town Council's consideration:

To approve CUP2023-001: Conditional Use Permit for 3 single family dwelling units above 1st floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the 3 residential units at 1 Fig Street.

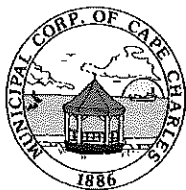
Attachments:

Attachment 1 – CUP Application dated 4/4/2023

Attachment 2 – 1 Fig Street Schematics Pkt Resized

Attachment 3 – Cape Charles Zoning Ordinance Section 3.7 C

Attachment 4 – Planning Commission 2023-05-02 Staff Report



Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022	
Taxes	Vpd MW
Violations	N/A
Fee	\$600 pd
Decision	

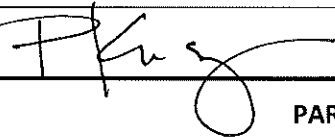
PART 1: APPLICATION NOTES

Certain land uses, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses may be permitted within designated districts under controls, limitations, and regulations of a conditional use permit.

The Town Council has the responsibility to evaluate the impact and the compatibility of each use and to stipulate conditions and restrictions to assure the proposed use is compatible with the neighborhood in which it is located. The Council can deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated

☐ Zoning Clearance Application ☐ Site Plan/Survey showing existing conditions and proposed changes

Owner signature: 

Date: 4/4/2023

PART 2: PROPERTY INFORMATION

Property Address: 1 FIG STREET

Tax Map #: 83A3-1-53A

Zoning District: C2

Current use: NOTHING

Proposed use: EMPLOYEE HOUSING

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: LIQUOR DISTILLATION SOCIETY, LLC

Mailing Address: 640 WASHINGTON AVE, CAPE CHARLES, VA 23310

Phone Number: 435.640.6061

Email: FRANKINSEY@gmail.com

If owner is not the applicant, an Owner's Permission Affidavit must be attached.

PART 4: APPLICANT INFORMATION

Name and/or Company: LIQUOR DISTILLATION SOCIETY, LLC

Mailing Address: 640 WASHINGTON AVE, CAPE CHARLES, VA 23310

Phone Number: 435.640.6061

Email: pennkinsey@gmail.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? COMMERCIAL & RESIDENTIAL
2. How would this proposed use fit in with the neighborhood? ADD SPACES FOR LOCAL EMPLOYEES
3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. SHOULD NOT HAVE ANY

B. In the Commercial and Harbor Districts, a conditional use permit is required for residential use above 1st floor commercial use.

Number of residential floors 1 Number of residential units per floor 4
Number of parking spaces on premises 4 Number of parking spaces on street _____ deeded off-site _____
Amenities provided ROOM & BATHROOM

C. Description of Use

Days of Operation _____
Hours of Operation N/A
Hours of Delivery N/A

Number of full-time staff? 4 Part-time? N/A
If foodservice, will there be alcohol sales on premises? N/A

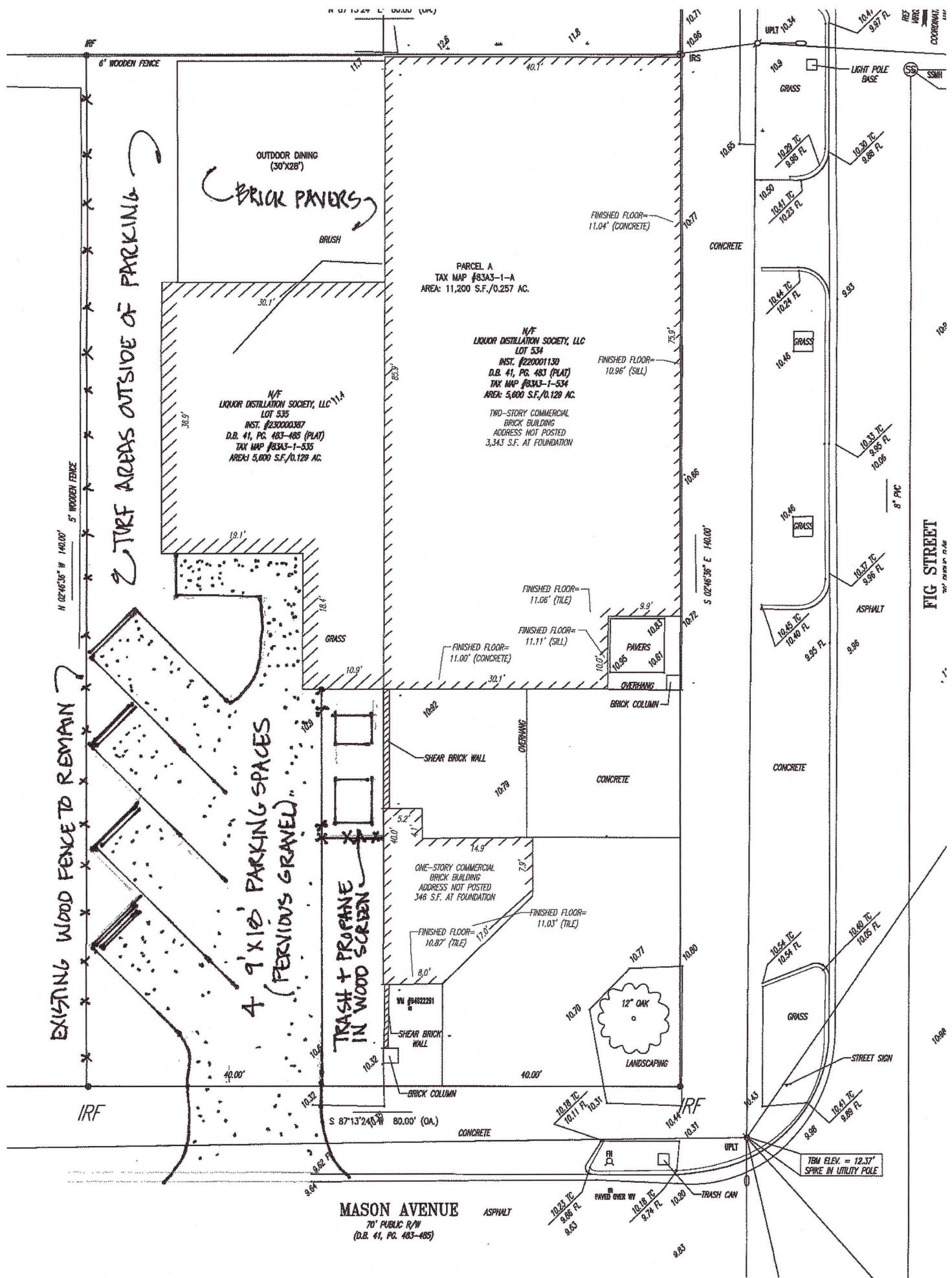
D. Site plan must also include Primary and any accessory structures (size & setbacks), Trash location, screening, fencing, lighting, utilities, landscaping and parking if required.

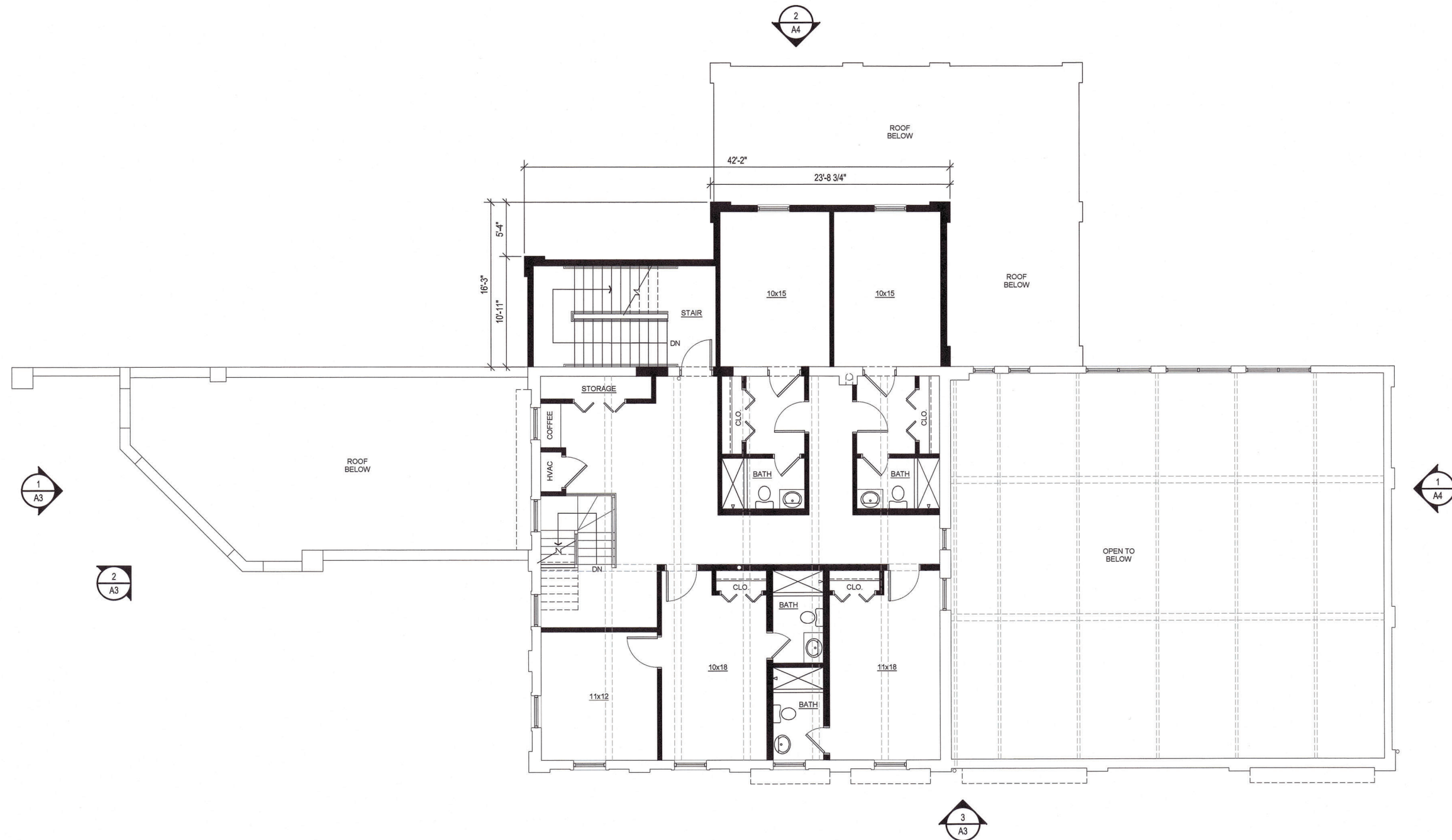
I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed.

Applicant's signature: _____

Date: _____

4/4/2023





SECOND FLOOR PLAN
3/16" = 1'-0"

A2

HISTORIC RENOVATION & RESTORATION TO THE
KELLOGG BUILDING
1 FIG STREET, CAPE CHARLES, VIRGINIA

REVISED 2/xx/23

3/16"=1'-0"



Dills Architects
1432 North Great Neck Rd,
#204 Virginia Beach, VA 23454



TOWN OF CAPE CHARLES

ZONING ORDINANCE

Section 3.7 Commercial District C-2

A. Statement of Intent. The intent of this zoning district is to recognize the existing commercial areas which are less densely developed than the C-1 District and to encourage compatible commercial uses and density. This area generally has been developed with larger lots and larger individual buildings. The specific intent of this district is to recognize the existing and possibly new freestanding commercial development.

B. Permitted Uses. The following uses are permitted by right:

1. All uses as allowed in C-1
2. Nursing/retirement homes
3. Any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

C. Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

D. Height Regulations: Buildings may be erected up to 35 feet in height from the adjacent ground elevations.

E. Area Regulations: The following area regulations shall apply as minimums for new development in this district:

1. Lot width at setback line 60
2. Area requirements (60 x 150) 9,000
3. Side yard 10
4. Rear yard 10 or prevailing rear yard if less
5. Front setback shall be determined by the average setback of the existing built up commercial area.

F. Development/Redevelopment Standards, Other Requirements, and Accessory Uses. The standards for development and/or redevelopment, specific additional requirements, and accessory uses shall be the same as those listed and described for the C-1.

G. Sign design shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped.



PLANNING COMMISSION STAFF REPORT

Meeting Date: May 2, 2022

Item #4A & 7A – CUP 2023-001

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: April 24, 2023

APPLICANT: Liquor Distillation Society, LLC

SITE ADDRESS: 1 Fig Street

TAX MAP: 83A3-1-534

LOT SIZE : 11,200 sq ft

TYPE OF APPLICATION: Conditional Use Permit 2023-01

SPECIFIC REQUEST: 3 Single Family Dwelling Units Above 1st Floor Commercial Space

ZONING ORDINANCE: Section 3.7 (C)

CURRENT ZONING: Commercial-2 (C-2)

DATE RECEIVED: April 4, 2023

DATE DEEMED COMPLETE: April 7, 2023

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): July 7, 2023

NARRATIVE OF PROPOSAL

The applicant is seeking to obtain a Conditional Use Permit for 3 single family dwelling units above 1st floor Commercial Space. Previously, the Town approved a Conditional Use Permit on 1/19/2017 for one single dwelling unit on the 2nd floor above 1st floor Commercial Use in the Commercial-2 Zoning District.

Staff have been working with the property owner for over a year as this project has been progressing through the Historic District Review Board. Based upon the proposed re-use of the property as a restaurant, we were uncertain if full compliance with both town code and building code could be achieved for the use proposed without some additional land. The property owner successfully acquired the lot behind the building along Mason Avenue and the lot line between the two parcels has been vacated and this is now one parcel comprising 11,200 sq. ft. With this land acquisition, the applicant is seeking to construct a 30.1' x 55.3' two-story addition (total of 3,300 square feet) on the west rear side of the existing commercial building.

The addition on the first floor will be utilized for public bathrooms, storage, cooler and freezer space adjacent to the kitchen area and an office and a stairwell leading to the second story. The addition on the second story will be combined with existing square footage on the second story for a total of 4 residential units with individual bathrooms for each unit (the units sized from 150 sq. ft. to 198 sq. ft) and some storage space.

The applicant has indicated they would provide 4 parking spaces on the lot to be associated with the 4 residential units (see Attachment- 1 Fig Street Schematic Pkt Resized). They have also indicated that the residents' units would be housing for local employees.

NOTE: Additionally, the Town has also approved a variance on 1/5/2017 to this property providing full relief of the off-street parking requirements associated with a restaurant commercial use on the

AERIAL MAP: Property outlined in blue

[illegible]

ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 3.7 (C) states that:

- C. Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

Regarding compliance with the rest of the Cape Charles Zoning Ordinance for both the principal use of the first floor as a restaurant and the second floor as 4 residential units, the applicant fully complies or has received governmental approval for relief from requirements of the zoning ordinance, contingent upon receiving Town Council approval of this application.

STAFF RECOMMENDATION:

Staff is recommending that the Planning Commission consider a condition to this application that the residential units be required to a minimum lease term of no less than 30 days, similar to the requirement that the Town has established for Accessory Dwelling Units.

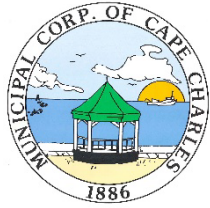
Staff recommends that the Planning Commission review the application and conduct the public hearing and consider an affirmative recommendation on CUP2023-001: Conditional Use Permit for 3 single family dwelling units above 1st floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the 3 residential units.

Attachments:

Attachment 1 – CUP Application Packet

Attachment 2 - 1 Fig Street Schematic Pkt Resized.pdf

Attachment 3 – CCZO Section 3



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Public Hearing & Discussion on Conditional Use Permit (CUP 2023-00mo2) at 6 Mason Avenue

SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit for a Paid Parking Lot in the Harbor Zoning District

ATTACHMENTS: (1) – CUP Application Packet
(2) - Site Plan
(3) – Comments from Adjacent Property Owners
(4) – CCZO Section 4.5 (J) – Landscaping Requirements for Parking Lots
(5) Planning Commission 2023-05-02 Staff Report

STAFF CONTACT (s):
Katie H. Nunez, Planning & Zoning Administrator

AGENDA DATE
May 18, 2023

ITEM NUMBER:
8C.ii

FOR COUNCIL:
Action (X)
Information ()

**REVIEWED
BY:**
John Hozey, Town Manager

BACKGROUND:

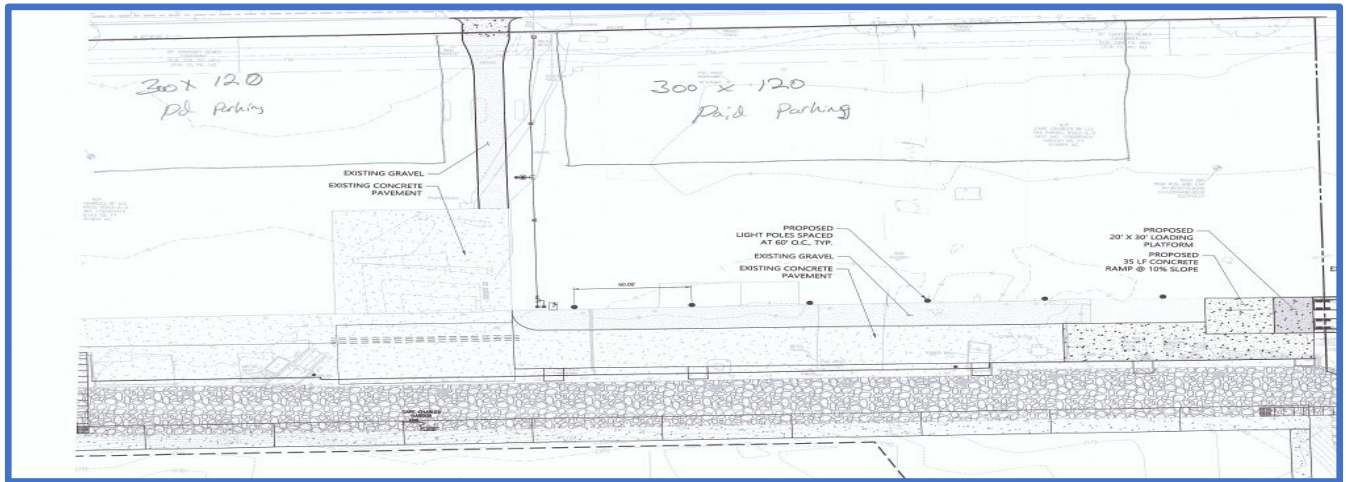
Cape Marine Services LLC is seeking to obtain a Conditional Use Permit (CUP 2023-002) at 6 Mason Avenue (Tax Map#83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9 (E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J).

When the property representative, Smitty Dize, met with me to discuss this matter, we looked through the zoning ordinance to see the possibility of a paid parking lot and what other requirements are there relative to a paid parking lot. I suggested that he considered a seasonal conditional use permit application to allow the opportunity to try this venture for one season to see if viable, especially since this Town has provided free parking on Mason Avenue and elsewhere and there may not be a market for “paid” parking on a private lot. This approach would allow the applicant to also seek a waiver initially from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this “seasonal” one-time permit before a significant investment in infrastructure improvements is made and altering the current state of the property.

AERIAL MAP: Property outlined in blue



Marked-Up Site Plan by Applicant



Staff has utilized the dimensions provided by the applicant and has staked this on the property (see green metal stakes with orange cones on them) so that you get a better understanding of the size and location on the property.

ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 3.9 (E) (7) (f) states that:

- C. Conditional Uses: The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:
 - 7. Other miscellaneous uses of the following types:
 - f. Off-site parking

The Cape Charles Zoning Ordinance defines *off-site parking* as “*parking provided for a specific use but located on a site other than the one on which the specific use is located*” and defines *Parking Lot or Parking Garage* as “*an area or building designated and designed for the temporary storage of vehicles*”.

In addition, the Cape Charles Zoning Ordinance contains a whole section under the General Regulations Applicable to All Districts the landscaping requirements contained in CCZO Section 4.5 (J). for a parking lot (attached), which the applicant is seeking a waiver of those requirements under this temporary or seasonal Conditional Use Permit application. Again, this particular request is not unreasonable if the Town wishes to allow a “trial run” of this type of use – a paid parking lot – that would not alter the natural landscape unnecessarily if it is not successful.

However, there is a provision in Cape Charles Zoning Ordinance Section 4.4 – Landscaping and Screening Regulations which states the following:

(B) General Requirements

1. Landscaping shall be required in all commercial and industrial districts.

- a. The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.**
- b. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.**

2. Commercial and industrial district uses that abut residential zones shall provide a landscape buffer or screened area between districts.

3. All parking lots shall be screened and landscaped from adjoining properties or every other use and zoning district.

4. Land disturbance shall be limited to the area necessary to provide for the desired use or development. a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.

5. Indigenous vegetation shall be preserved to the maximum extent possible with the use and the development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook and the Chesapeake Bay Act.

a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the Zoning Administrator.

b. Prior to clearing or grading, suitable protective barriers such as safety fencing shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
Revised 10/20/2022 Article IV Page 26

c. Trees may be pruned or removed as necessary to provide sight lines and vistas provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint pollution from runoff. Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale, and image.

d. Any path shall be constructed and surfaced so as to effectively control erosion.

6. Any land-disturbing activity exceeding 2,500 square feet, including construction of single-family homes, shall comply with the requirements of the Erosion and Sediment Control Regulations.

7. The comprehensive plan for each parcel shall include the requirement to retain the 100 foot Resource Protection Area (RPA) and associated buffer area.

C. Commercial and Industrial Requirements

1. Required open spaces shall be landscaped in accordance with a landscape plan to be submitted with the site plan and approved by the Zoning Administrator.

2. Screening shall be provided along the common side and rear lot lines of every commercial and industrial district that abuts a residential use or zone. Such screening shall include either fencing or shrubs and trees that provide a six feet in height barrier to visual observation. Screening shall be shown on the landscape plan submitted.

3. Parking lots. There shall be a landscaped open space within the perimeter of the parking areas in the minimum amount of two square feet per parking space. At least one tree shall be planted for each forty square feet of landscaped area.

PLANNING COMMISSION PUBLIC HEARING:

On May 2, 2023, the Planning Commission held their public hearing on this application. The staff report was presented which stated that the paid parking lots would:

- be located only on Tax Map 83A3-A-5
- Have one entrance and exit from the Mason Avenue side of the property directly across from Harbor Avenue
- Be staffed with one person at this entrance, with a chair and umbrella that would be taken down daily
- Would have a trash can to keep the site clean
- Would not have any access to the paid parking lots from the entrance near the War Memorial Driveway which runs along the smaller parcel of Tax Map #83A3-A-5A
- Signage will indicate parking is from 8 am to dusk and vehicles left after lot closure will be towed at the vehicle owner's expense.
- Staff was supportive of a waiver from the interior landscaping requirements relative to the development of a parking lot (Section 4.5 (J)).

The applicant's representative, Smitty Dize, confirmed the staff presentation and reaffirmed the operating details as laid out in the staff report re: hours of operation and the clear understanding that this lot would not be for overnight or long-term parking but daily, short-term parking only. The lot would be open to all types of vehicles that can traverse on the public roads, including motor homes, trailers, boats being towed however, the larger vehicles may be charged a different rate from a regular car.

Henry Harris of 150 Mason Avenue lives above Gull Hummock and wondered if this is the best use of the property. He was concerned about landscaping for the property and the seasonal operation of a parking lot and was unclear how the Town and the applicant would determine if the seasonal conditional use permit was successful and merited a longer-term application and approval by the Town.

Robert Shrieves of 654 Randolph Avenue indicated that he was concerned about the noise and parking for the restaurant. At that time, the Chairman informed him that Mr. Shrieves was commenting on the prior public hearing matter for 1 Fig Street and not this application.

An e-mail was received from Canonie Atlantic Co, with a copy being provided in the Planning Commission agenda packet as well as an attachment to this report.

Mr. Dize responded that the property owner understands this is not the best use of the property but this may possibly be a short-term enterprise that could provide a service that the needs appears to be in need of – parking – and derive some revenue to offset the expenses of the lot today. He indicated that they will be fixing the fence around the property as well. He also indicated that they would request one exception to the operating hours: Fourth of July to be able to close down following the fireworks. He asked that the Planning Commission not include any temporary landscaping efforts at this time since that would be a projected expense unforeseen and most likely would make the venture undoable as a seasonal, trial run effort. He indicated that there is no intent to pave any of this parking lot at this time but to keep it with the grass and that, on rainy days, the lot would probably not be open since they are not looking to destroy the existing grass on the property.

PLANNING COMMISSION DISCUSSION:

The members requested clarification regarding the type of vehicles that would be allowed and it was re-affirmed by the applicant that all vehicles would be allowed but would be required to remove at dusk or would be subject to towing and they have already spoken to a towing company to have them on call for this type of situation. A question was posed regarding an RV and the applicant stated that the owner of the RV could use it while it was parked in the lot but no overnight parking at all, no sleeping overnight, etc.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Grossman motioned to recommend to Town Council the approval of Conditional Use Permit (CUP) 2023-002 at 6 Mason Avenue on a one-time seasonal basis until 9/5/2023 with the following conditions:

1. A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this “seasonal” one-time permit time-frame.
2. Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner.
3. The entrance and exit to/from the parking lot is from the center entrance on Mason Avenue directly across from Harbor Avenue only.
4. Approved and permitted signage indicating the hours of operation of 8 am to Dusk & Daily Parking Only; NO OVERNIGHT PARKING, and Towing of Cars will be at Owner’s Expense.

The motion was seconded by Commissioner McCoy and the motion was carried unanimously.

TOWN COUNCIL:

Town Council is requested to hold the public hearing on CUP 2023-002 and to consider the Planning Commission Recommendation on the matter. Staff is proposing the following motion for Town Council’s consideration:

To approve Conditional Use Permit (CUP) 2023-002 at 6 Mason Avenue on a one-time seasonal basis until 9/5/2023 with the following conditions:

- 1. A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this “seasonal” one-time permit time-frame.***
- 2. Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner.***
- 3. The entrance and exit to/from the parking lot is from the center entrance on Mason Avenue directly across from Harbor Avenue only.***
- 4. Approved and permitted signage indicating the hours of operation of 8 am to Dusk & Daily Parking Only; NO OVERNIGHT PARKING, and Towing of Cars will be at Owner’s Expense.***

Attachments:

Attachment 1 – CUP Application Packet

Attachment 2 - Site Plan

Attachment 3 – Comments from Adjacent Property Owners

Attachment 4 – CCZO Section 4.5 (J) – Landscaping Requirements for Parking Lots

Attachment 5 – Planning Commission Mtg 2023-05-02 Staff Report



Cape Charles Yacht Center
1011 Bayshore Road
Cape Charles, VA 23310

April 5, 2023

Re: Conditional Use Permit
Parcel: 83A3-A-5

Purpose:

This is to allow visitors to Cape Charles to pay for daytime-only parking on this lot. We believe that this will remove some stress for visitor parking on Bay and Mason Ave.

Project:

To utilize two 300ft x 120 ft sections of parcel 83A3-A-5 for paid parking. (See site plan and attached Map) This will be a seasonal project, with plans to be open from 8 am to dusk daily. Currently, there are no plans for grading and filling the parking area as this is a temporary trial and error, and the future for the property remains the same. If we decide to keep some areas for paid parking that will need to be graded, we will re-apply for town approval.

We will utilize Staked signage on the roadside of the fence that will be placed out and removed daily. These signs will read Paid Parking ahead. We will also have signs inside the fence that read Park at your own risk and any vehicles on the property after dusk will be subject to towing at the owner's expense. We will also put up and take down every day a chair and an umbrella for staff. We may install a trash can at the entrance if we see that one will be needed.

I'm applying for this Conditional Use Permit on behalf of the owner John Kemp, and an owner's affidavit is on file at the Town Offices.

Sincerely,

William "Smitty" Dize
General Manager



Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee \$600

Decision

PART 1: APPLICATION NOTES

Certain land uses, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses may be permitted within designated districts under controls, limitations, and regulations of a conditional use permit.

The Town Council has the responsibility to evaluate the impact and the compatibility of each use and to stipulate conditions and restrictions to assure the proposed use is compatible with the neighborhood in which it is located. The Council can deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated

☐ Zoning Clearance Application ☒ Site Plan/Survey showing existing conditions and proposed changes

Owner signature:

Date: 4/5/23

PART 2: PROPERTY INFORMATION

Property Address: 6 Mason Ave

Tax Map #: 83A3-A-5

Zoning District: Harbor

Current use: Empty Lot

Proposed use: Paid Parking

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: John Kemp - Cape Marine Services LLC

Mailing Address: 3611 Roland Ave., Baltimore, MD 21211

Phone Number:

Email: johnkemp@royalfarms.com

If owner is not the applicant, an Owner's Permission Affidavit must be attached.

PART 4: APPLICANT INFORMATION

Name and/or Company: William S. Dize Jr. - Cape Marine Services LLC

Mailing Address: 1011 Bayshore Rd., Cape Charles, VA 23310

Phone Number: 757-693-0098

Email: wdize@oasismarinas.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? Mix Use Comercial and residential
2. How would this proposed use fit in with the neighborhood? This would establish additional summertime parking for beach goers and free up public street parking.
3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. None

B. In the Commercial and Harbor Districts, a conditional use permit is required for residential use above 1st floor commercial use.

Number of residential floors NA Number of residential units per floor NA
Number of parking spaces on premises 80 Number of parking spaces on street NA deeded off-site _____
Amenities provided None

C. Description of Use

Days of Operation Seasonal Sun - Sat Number of full-time staff? _____ Part-time? 4
Hours of Operation 8 am - dusk If foodservice, will there be alcohol sales on premises? NA
Hours of Delivery NA

D. Site plan must also include Primary and any accessory structures (size & setbacks), Trash location, screening, fencing, lighting, utilities, landscaping and parking if required.

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed.

Applicant's signature: [Signature]

Date: 4/5/23

Northampton County, Virginia

Legend

-  County Boundaries
-  Town Names
-  Route Numbers
-  Road Labels
-  Parcels
-  Driveways

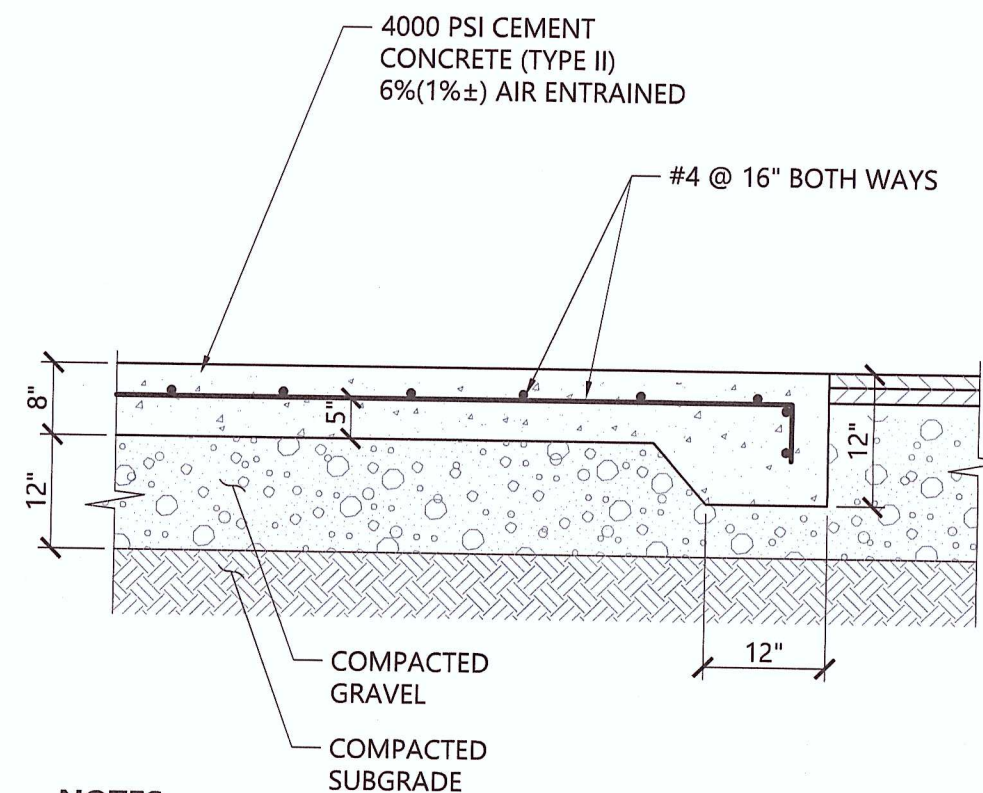
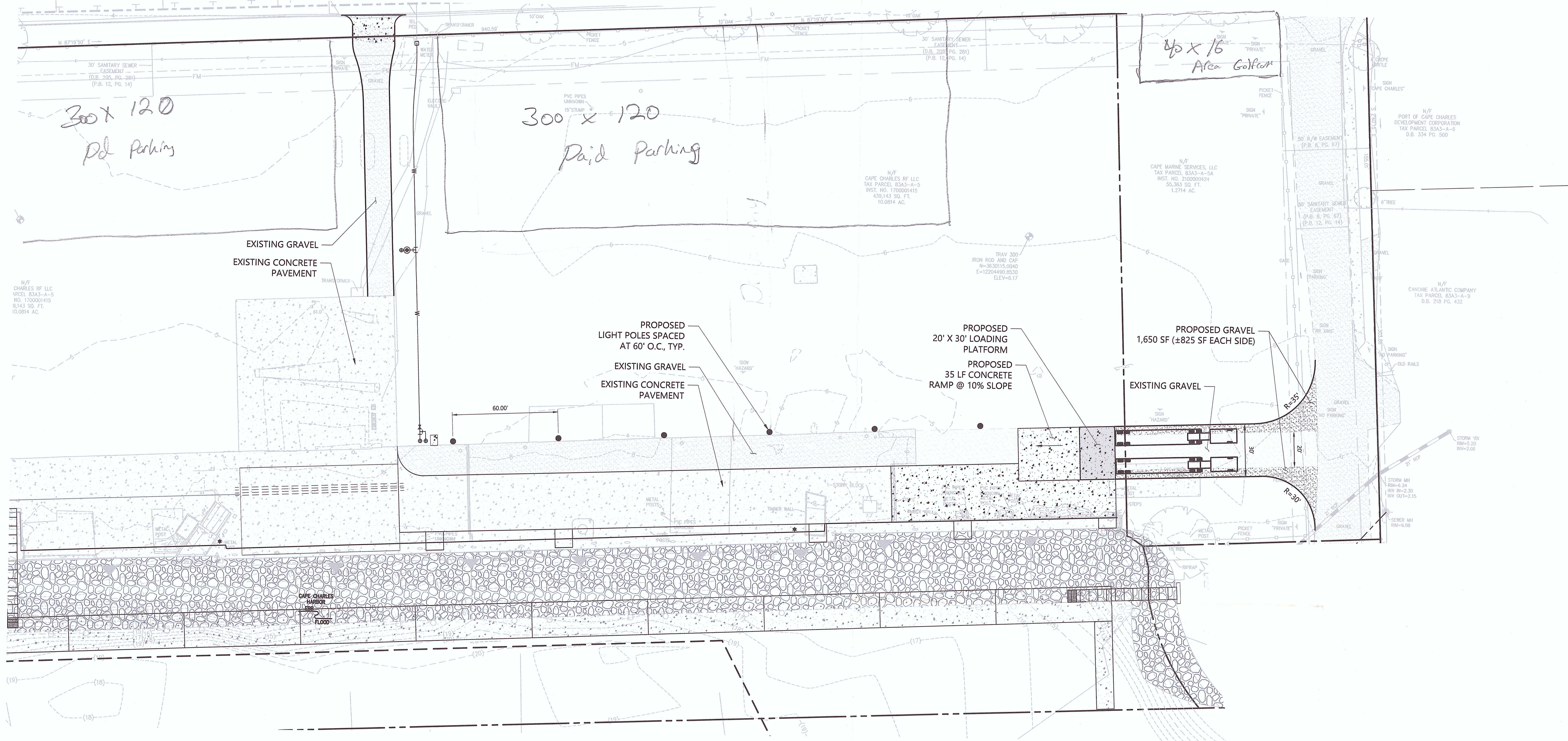
Map Printed from Northampton
<https://parcelviewer.geodecisions.com/Northampton/>



Title: 6 Mason Ave. Paid Parking

Date: 4/5/2023

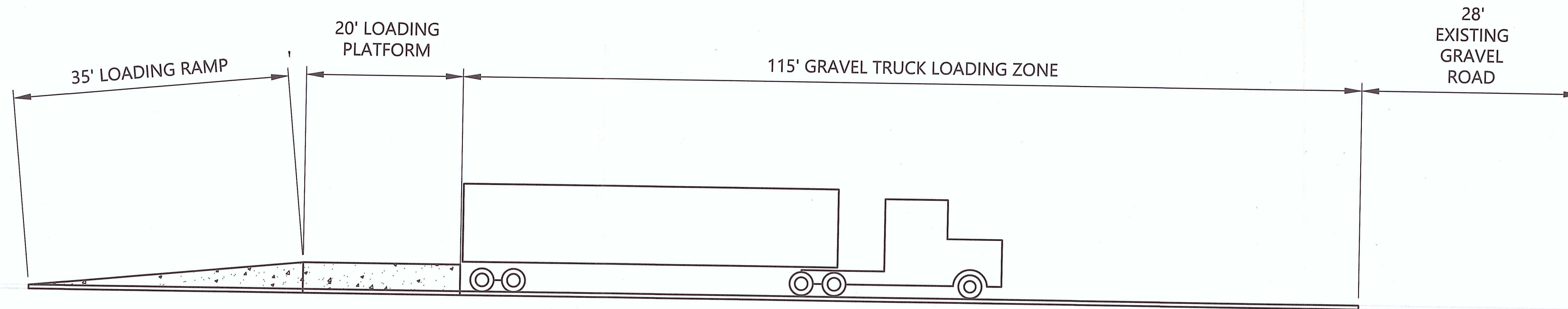
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.



- NOTES**
1. SIZE OF PAD TO BE AS INDICATED ON PLANS AND SHALL BE H-20 RATED.
 2. CONSTRUCTION JOINTS SHALL BE SPACED NO MORE THAN 30 FEET ON CENTER AND SHALL BE EQUALLY SPACED OVER THE LENGTH AND WIDTH OF THE PAD.

Concrete Pavement Detail

N.T.S. Source: VHB 1/16 LD_711



Legend

H-20 RATED CONCRETE PAVEMENT

CAPE CHARLES YACHT CENTER

Cape Charles Harbor
Town of Cape Charles, Virginia

No. Revision Date Appr.

Designed by Checked by
Issued for Date

Nov. 29, 2021

Not Approved for Construction

Site Plan
Loading Platform Concept

Drawing Number

C02.00

Sheet of
3 6

Project Number

34205.03



351 McLaws Circle
Suite 3
Williamsburg, VA 23185
757.220.0500

vhb.com

Alyce Crockett

From: joutland@canonieatlantic.com
Sent: Thursday, April 20, 2023 12:42 PM
To: Katie Nunez
Cc: 'H Spencer Murray'
Subject: 5/2 Conditional Use Permit Application Hearing: Cape Marine Services

Katie:

In regards to the above matter, Canonie Atlantic Co.'s Board of Directors Meeting is also scheduled for 5/2 so there will be no company representation at the permit application hearing. There are, however, some questions we'd like more clarity on regarding the conditional use parking application.

What is the planned ingress and egress for the proposed parking? There is none currently shown on the map.

Will ingress/egress to the parking area only be from the property's entrance at Mason and Harbor Ave?

Will ingress/egress to the parking area also be available from the property's entrance at Mason Ave and War Memorial Driveway (across from Brown Dog)?

If ingress/egress to the parking area will also be available from the Mason Ave and War Memorial Driveway, will the driveway be paved and/or the pot holes filled?

Will the pay for parking lots be available for short term, long term or both?

What type of vehicles will be authorized to park at the lots? Are boats, campers, and trailers included?

Thanks,

Jim

Jim Outland
General Manager
Canonie Atlantic Co.
P.O. Box 312
Cape Charles, Va 23310
(m) 804 928-8206
joutland@canonieatlantic.com



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**CAPE CHARLES ZONING ORDINANCE
ARTICLE IV**

Section 4.5 OFF STREET PARKING AND LOADING STANDARDS

J. Landscaping in parking lots.

1. Interior landscaping for off-street parking areas shall be required for all surface parking lots designed for 20 or more spaces. The following requirements shall apply.

- a. Landscape islands shall be located no farther apart than every ten parking spaces and at the terminus of all rows of parking. Each landscaped island shall be at least 200 square feet in area with a minimum width of ten feet.
- b. There shall be at least one overstory tree, ten low shrubs and a minimum of 60 percent living ground cover, sod, and/or annual or perennial color in each landscaped island. Shrubs, sod and/or living ground cover shall not to exceed three feet in height.
- c. Vehicles shall be separated from sidewalks, driveways, and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide, reserved as open space, and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of 48 inches from the nearest tree trunk.
- d. Head-to-head parking shall provide a five-foot grass strip with curb. The grass strip may be counted as part of the landscaped areas and shall have one tree every 50 feet containing at least one overstory tree, and ten shrubs, per 50 linear feet, and a minimum of 70 percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.
- e. Perimeter landscape strips. The perimeter of a surface parking lot shall provide a five-foot wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every 40 linear feet of landscape strip, and evergreen shrubs spaced every 5 linear feet of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks.
- f. Landscaped areas in parking lots shall provide drainage and irrigation that ensures full drainage to the storm drainage system.
- g. See the Cape Charles Master Tree Plan for trees that shall and shall not be permitted within parking lot landscape areas.

2. The minimum number of spaces required may be reduced where the Zoning Administrator has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention for said tree or trees.

3. Screening. Plantings which meet the standards for screening as approved by the Zoning Administrator will be required to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.



PLANNING COMMISSION STAFF REPORT

Meeting Date: May 2, 2022

Item #4B & 7B – CUP 2023-002

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: April 24, 2023

APPLICANT: Cape Marine Services LLC
John Kemp (Owner); William Dize (Representative)
SITE ADDRESS: 6 Mason Avenue
TAX MAP: 83A3-1-534

TYPE OF APPLICATION: Conditional Use
Permit 2023-02

SPECIFIC REQUEST: Paid Parking Lot

ZONING ORDINANCE: Section 3.9 (E) (7)
(f)

LOT SIZE : 11,200 sq ft

CURRENT ZONING: Harbor (H)

DATE RECEIVED: April 5, 2023

DATE DEEMED COMPLETE: April 7, 2023

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): July 7, 2023

NARRATIVE OF PROPOSAL

The applicant is seeking to obtain a Conditional Use Permit at 6 Mason Avenue (Tax Map#83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9 (E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J).

When the property representative met with me to discuss this matter, we looked through the zoning ordinance to see the possibility of a paid parking lot and what other requirements are there relative to a paid parking lot. I suggested that he considered a seasonal conditional use permit application to allow the opportunity to try this venture for one season to see if viable, especially since this Town has provided free parking on Mason Avenue and elsewhere and there may not be a market for “paid” parking on a private lot. This approach would allow the applicant to also seek a waiver initially from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this “seasonal” one-time permit before a significant investment in infrastructure improvements is made and altering the current state of the property.

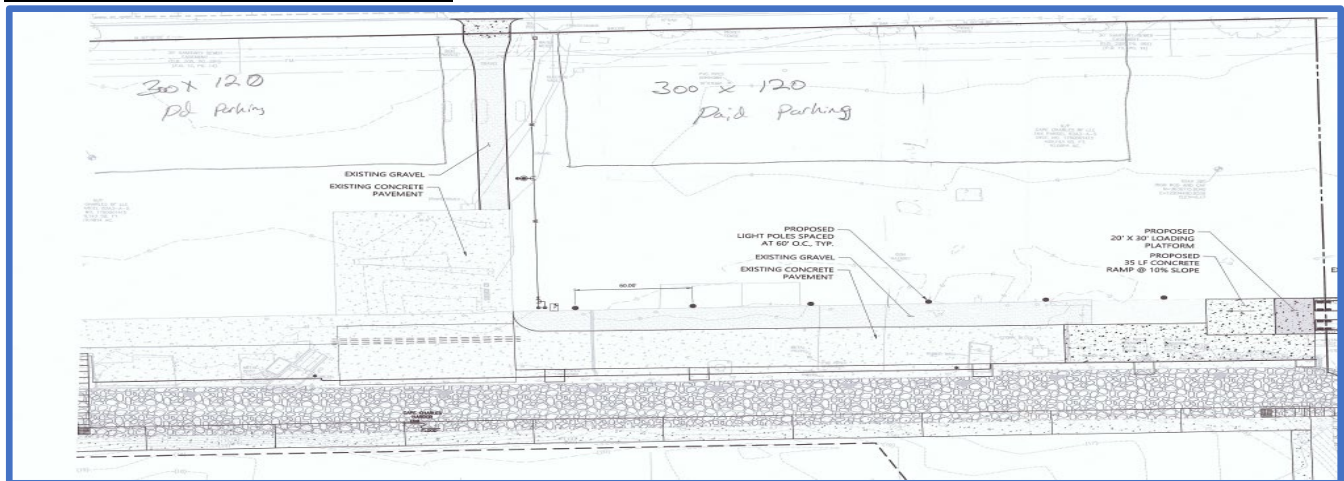
AERIAL MAP: Property outlined in blue



Approximate Location of proposed parking lots



Marked-Up Site Plan by Applicant



Staff has utilized the dimensions provided by the applicant and has staked this on the property (see green metal stakes with orange cones on them) so that you get a better understanding of the size and location on the property.

Based upon the site plan submitted and the application referring only to Tax Map 83A3-A-5 and indicating that there would be only one trash can provided at the “entrance, if needed and one chair and one umbrella for staff which would be taken down every day, the intended ingress and egress appears to be only from the center entrance directly off Mason Avenue, across from Harbor Avenue. The applicant needs to confirm this and if so, should detail how they will mark and/or restrict access into the paid parking lot from the entrance by the War Memorial Driveway (across from Brown Down) which is the

entrance that runs along Tax Map #83A3-A-5A. If not, then the applicant would need to be amended to pick up this adjacent lot (which is under the same ownership name as the original lot in question).

The application states that the lots will be for daily paid parking only from 8 am to dusk and that they would place signage that reads “Park at your risk and any vehicles on the property after dusk will be subject to towing at the owner’s expense.” This should also be included as a condition of this permit, if approved, so that this lot cannot be utilized as long-term parking nor overnight parking.

ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 3.9 (E) (7) (f) states that:

- C. Conditional Uses: The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:
 - 7. Other miscellaneous uses of the following types:
 - f. Off-site parking

The Cape Charles Zoning Ordinance defines *off-site parking* as “*parking provided for a specific use but located on a site other than the one on which the specific use is located*” and defines *Parking Lot or Parking Garage* as “*an area or building designated and designed for the temporary storage of vehicles*”.

In addition, the Cape Charles Zoning Ordinance contains a whole section under the General Regulations Applicable to All Districts the landscaping requirements contained in CCZO Section 4.5 (J). for a parking lot (attached), which the applicant is seeking a waiver of those requirements under this temporary or seasonal Conditional Use Permit application. Again, this particular request is not unreasonable if the Town wishes to allow a “trial run” of this type of use – a paid parking lot – that would not alter the natural landscape unnecessarily if it is not successful.

However, there is a provision in Cape Charles Zoning Ordinance Section 4.4 – Landscaping and Screening Regulations which states the following:

(B) General Requirements

- 1. Landscaping shall be required in all commercial and industrial districts.***
 - a. The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.***
 - b. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.***

- 2. Commercial and industrial district uses that abut residential zones shall provide a landscape buffer or screened area between districts.***

- 3. All parking lots shall be screened and landscaped from adjoining properties or every other use and zoning district.***

4. Land disturbance shall be limited to the area necessary to provide for the desired use or development. a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.

5. Indigenous vegetation shall be preserved to the maximum extent possible with the use and the development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook and the Chesapeake Bay Act.

a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the Zoning Administrator.

b. Prior to clearing or grading, suitable protective barriers such as safety fencing shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
Revised 10/20/2022 Article IV Page 26

c. Trees may be pruned or removed as necessary to provide sight lines and vistas provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint pollution from runoff. Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale, and image.

d. Any path shall be constructed and surfaced so as to effectively control erosion.

6. Any land-disturbing activity exceeding 2,500 square feet, including construction of single-family homes, shall comply with the requirements of the Erosion and Sediment Control Regulations.

7. The comprehensive plan for each parcel shall include the requirement to retain the 100 foot Resource Protection Area (RPA) and associated buffer area.

C. Commercial and Industrial Requirements

1. Required open spaces shall be landscaped in accordance with a landscape plan to be submitted with the site plan and approved by the Zoning Administrator.

2. Screening shall be provided along the common side and rear lot lines of every commercial and industrial district that abuts a residential use or zone. Such screening shall include either fencing or shrubs and trees that provide a six feet in height barrier to visual observation. Screening shall be shown on the landscape plan submitted.

3. Parking lots. There shall be a landscaped open space within the perimeter of the parking areas in the minimum amount of two square feet per parking space. At least one tree shall be planted for each forty square feet of landscaped area.

I can support a waiver from the interior landscaping requirements relative to the development of a parking lot (Section 4.5 (J)) but a full out-right waiver from the general landscaping requirements for the perimeter of the lot (Section 4.4 (B) & (C)) due to the use alone as a proposed parking lot should be adhered to and a requirement and condition of this permit, if approved.

STAFF RECOMMENDATION:

Staff is recommending that the Planning Commission hold the public hearing and consider all comments received. Enclosed is an e-mail received from Canonie Atlantic Co. who also raised the additional question which I have not addressed in this staff report regarding the type of items that could and would they be able to be parked in this parking lot, specifically boats, trailers, and motor homes in addition to cars and trucks.

Staff is supportive of a limited, seasonal Conditional Use Permit to expire 6/5/2023 with the following conditions:

1. A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this “seasonal” one-time permit time-frame.
2. Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner.
3. The entrance and exit to/from the parking lot is from the center entrance on Mason Avenue directly across from Harbor Avenue only.
4. Approved and permitted signage indicating the hours of operation of 8 am to Dusk & Daily Parking Only; NO OVERNIGHT PARKING, and Towing of Cars will be at Owner’s Expense.
5. Submit a landscape plan to the Zoning Administrator in compliance with CCZO Section 4.4 (B) & (C) and install said plantings.

Staff is available to assist in the development of a motion if the Planning Commission should need assistance.

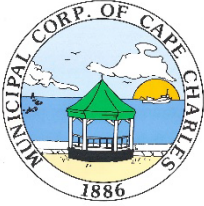
Attachments:

Attachment 1 – CUP Application Packet

Attachment 2 - Site Plan

Attachment 3 – Comments from Adjacent Property Owners

Attachment 4 – CCZO Section 4.5 (J) – Landscaping Requirements for Parking Lots

 TOWN OF CAPE CHARLES	AGENDA TITLE: Zoning Map Correction		AGENDA DATE May 18, 2023
	SUBJECT/PROPOSAL/REQUEST: Correction to Zoning Map that was adopted on December 15, 2022		ITEM NUMBER: 8D
	ATTACHMENTS: (1) Zoning Map Adopted 12/15/2022 (2) Proposed Zoning Map noting Parcel to Be Fixed (3) Town Manager Memorandum dated 4/27/2023 (4) Ordinance #20230518B		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator		REVIEWED BY: John Hozey, Town Manager

BACKGROUND:

During the week of April 7, 2023, it was brought to the Planning & Zoning Department's attention by the property owner that the Town Zoning Map was incorrect, specifically regarding Tax Map #83A3-11-1 south of the harbor and its zoning should be Harbor Zoning and not Industrial-2 (M-2) Zoning. Extensive research was done and it is correct that this particular parcel should be zoned Harbor and not Industrial-2 – please see Town Manager Memorandum dated 4/27/2023 with the detailed information (attached).

A public hearing ad has been placed in the Eastern Shore Post as required by the Code of Virginia to correct the Town Zoning Map as contained with the Comprehensive Plan as Appendix A.

ITEM SPECIFICS:

At the December 15, 2022 Town Council meeting, the Comprehensive Plan 5-Year Update was before the Town Council for adoption, after advertisement as a public hearing as required. Within that ad, we stated the following since the Zoning Map was an appendix document within the Comprehensive Plan:

The Comprehensive Plan document does contain an updated Zoning Map that reflects all zoning map amendments approved by Town Council between 7/10/2008, when the Zoning Map was last adopted, through 7/21/2022 when the most zoning map amendment was approved; this Zoning Map is included and requested to be ratified only as a representation of previously approved actions of Town Council for zoning map amendments. There are no proposed zoning map amendments reflected or included on the zoning map.

Therefore, I am looking for the Town Council to correct the Zoning Map for this parcel only (Tax Map #83A3-11-1 from Industrial-2 zoning to Harbor zoning) which is contained as an Appendix to the 12/15/2022 Comprehensive Plan which will bring the map in correct alignment with all prior zoning map amendments properly adopted by the Town Council.

Once the Town Council votes on this matter, then I will be replacing the Zoning Map on our website to reflect this correction as well as provided updated Zoning Maps to insert into the Comprehensive Plan binders for all members of Town Council, Planning Commission, and staff.



PROPOSED TOWN COUNCIL ACTION:

I am proposing the following motion for Town Council's consideration:

To amend the Zoning Map to correct the zoning designation for Tax Map #83A3-11-1 from Industrial-2 (M-2) to Harbor zoning and to also update the Zoning Map contained in Appendix A of the Comprehensive Plan for the Town adopted on 12/15/2022 and which is further detailed in Ordinance #20230518B.

ATTACHMENTS

Attachment 1: Zoning Map Adopted 12/15/2022

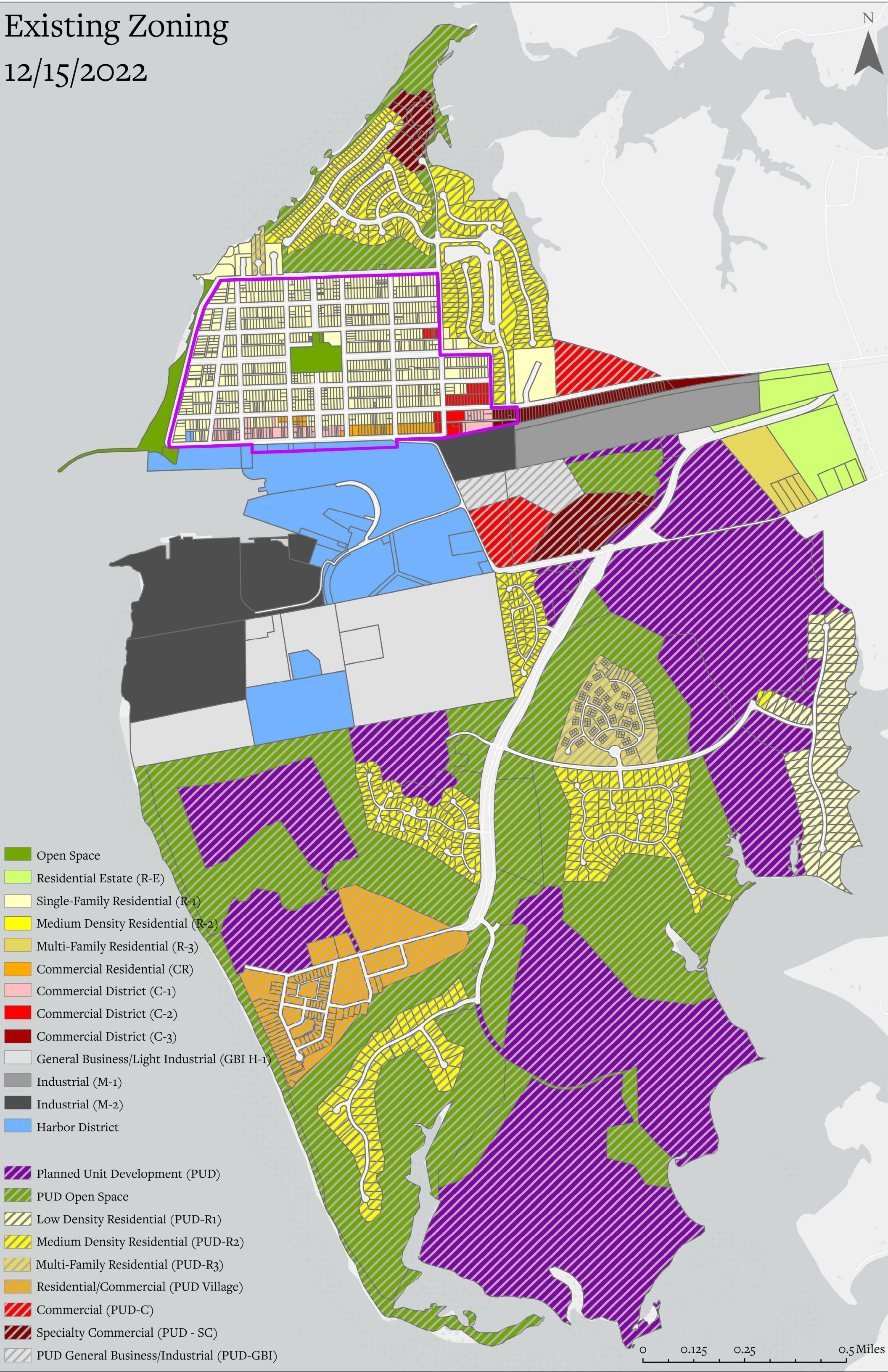
Attachment 2: Proposed Zoning Map noting Parcel to Be Fixed

Attachment 3: Town Manager Memorandum dated 4/27/2023

Attachment 4: Ordinance #20230518B

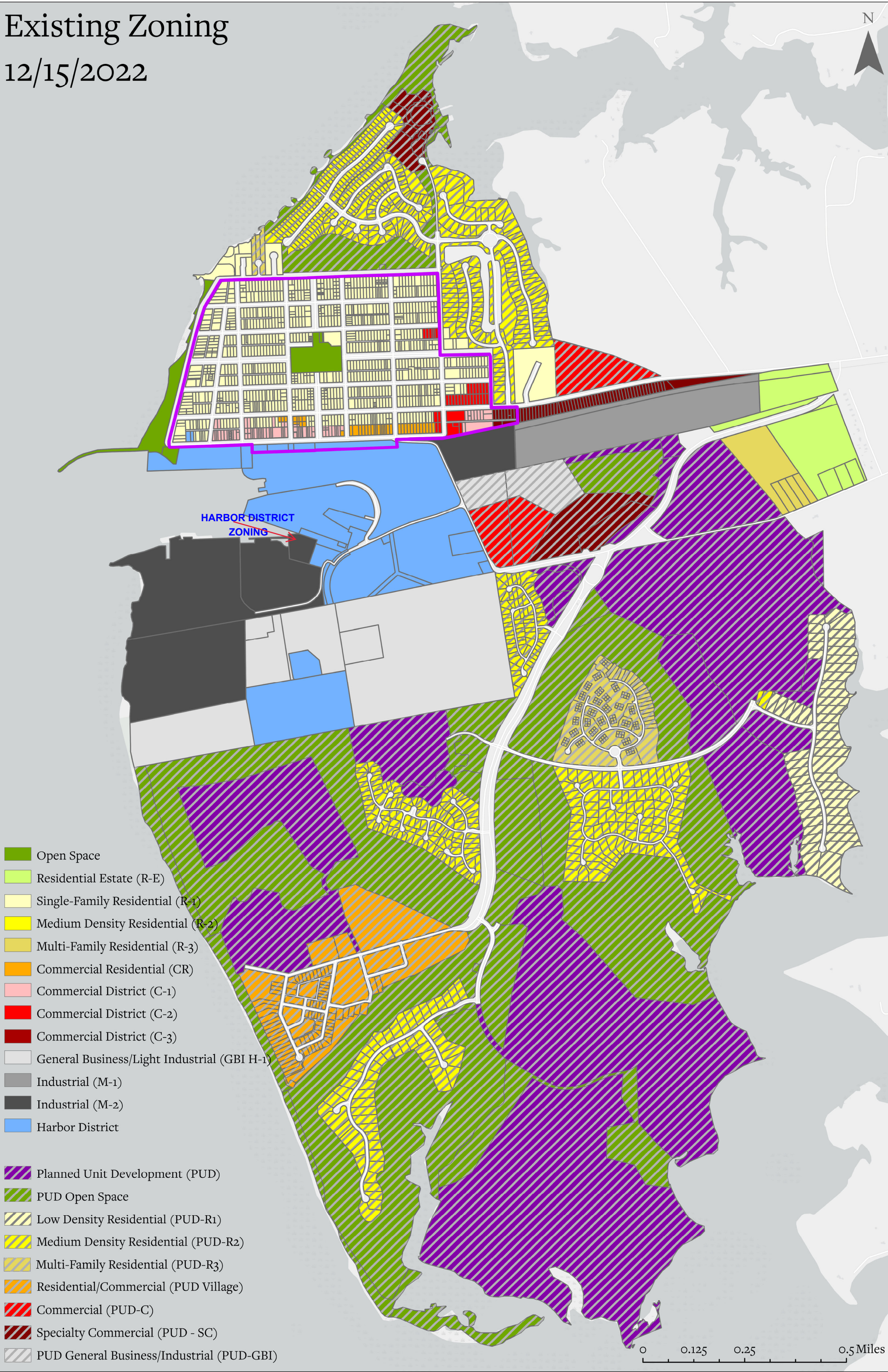
Existing Zoning

12/15/2022



Existing Zoning

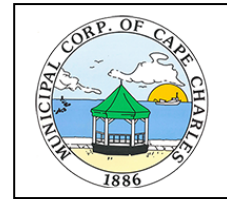
12/15/2022



Town Manager Memorandum

April 27, 2023

RE: Town of Cape Charles Zoning Map



Please allow me to clarify a recent zoning issue brought to our attention last week regarding the Town zoning map and two parcels south of the harbor (Tax Maps #83A3-11-1 and #83A3-11-2). Both of the referenced parcels are associated with the same deed and ownership. Until this issue was raised, the Town had considered the zoning of both these parcels to be M-2 (Industrial). However, upon more detailed research it has been discovered that this was a misclassification of the zoning, and that only Tax Map #83A3-11-2 was zoned M-2, and that Tax Map #83A3-11-1 was zoned Harbor. See map below.

By means of an explanation, this misclassification appears to have stemmed from several errors and poor record keeping on the part of the Town, as well as inaccurate information provided by the property owners, or the owner's representatives, more than five years ago.

During the summer of 2016, both parcels (totaling 20 acres) were zoned Harbor. On July 8, 2016 the property owner submitted a rezoning application to rezone just Tax Map #83A3-11-2 to M-2, however this was described as a 20 acre parcel (the area of both parcels). While this description alone did not formally change the nature of the application, it seems to have led to confusion in later years over what was being rezoned. Note, the Town Council ultimately approved this rezone (for Tax Map #83A3-11-2 alone) on August 15, 2016.

Then in August of 2017, engineers for the property owner submitted development plans to the Town for both Tax Maps #83A3-11-1 and #83A3-11-2, and in that submission, the engineers referenced the zoning for both parcels as being M-2. When the Town reviewed and commented back on this development plan, the Town also referred to the zoning of both parcels as M-2. Neither the Town, the owner, nor the owner's engineer noted this misclassification at that time.

Since 2017 there has been significant turnover in Town planning/zoning staff. In 2022, it was noted that the Town's zoning map was grossly out of date (last adopted in 2008), so as part of the Town's Comprehensive Plan update; the Town hired a consultant to help consolidate all zoning actions previously adopted by the Town Council from 2008 to 2022 into an updated current zoning map.

During the research for this 2022 zoning map update, the previous misclassification of Tax Map #83A3-11-1 was inadvertently brought forward and incorporated into the update, which was then adopted by the Town Council in December of 2022. This updated zoning map has been the Town's reference for all zoning business since its adoption in December.

On April 19, 2023 the owner of Tax Map #83A3-11-1 approached the Town regarding a potential use for the property. The proposed use seemed to conflict with the M-2 designation

denoted on the zoning map. When this was communicated to the owner, he challenged the accuracy of the zoning designation. The Town therefore agreed to conduct further research. However, the staff member who was needed to do this research was out of town attending a weeklong professional conference. As a result, the Town was not able to begin this work until April 25th. Within two days of staff resources becoming available, the misclassification of Tax Map #83A3-11-1 on the recently adopted zoning map was identified.

The Town sincerely apologizes for this error and will take immediate action to correct the mistake on the zoning map. The necessary public hearing and Town Council action will be scheduled for next month. In the interim, any new inquiries regarding Tax Map #83A3-11-1 will be referenced to the Harbor zoning district.

While the Town truly regrets this oversight and takes full responsibility for the inconsistent record keeping over the years; it should also be noted that once brought to our attention, the matter was quickly investigated, the issue has been acknowledged, and the proper zoning has been restored, with the zoning map correction occurring as soon as possible.



ORDINANCE 20230518B

**CORRECTING CAPE CHARLES ZONING MAP DESIGNATION FOR
TAX MAP PARCEL #83A3-11-1 FROM INDUSTRIAL-2 TO HARBOR ZONING**

WHEREAS, the Cape Charles Zoning Map was adopted by the Cape Charles Town Council on December 15, 2022 as an Appendix to the Cape Charles Comprehensive Plan; and

WHEREAS, an error on the Zoning Map was brought to the Town's attention by the owner of Tax Map Parcel #83A3-11-1; and

WHEREAS, Tax Map Parcel #83A3-11-1 was inadvertently classified on the Zoning Map as being in the Industrial-2 (M-2) Zoning District rather than the Harbor Zoning District; and

WHEREAS, staff researched the Town's records and identified the misclassification of Tax Map Parcel #83A3-11-1; and

WHEREAS, the attached Cape Charles Zoning Map shows the corrected classification of Tax Map Parcel #83A3-11-1 as being in the Harbor Zoning District; and

WHEREAS, pursuant to Code of Virginia, Section 15.2-2204, notice of public hearing was advertised once a week for two successive weeks in the local newspaper; and

WHEREAS, the required public hearing was held on May 18, 2023, prior to the Town Council regular meeting; now

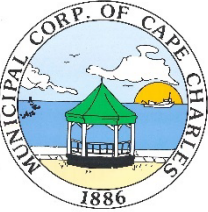
THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of May 2023, that the Cape Charles Zoning Map be amended as described above and adopted as the official Cape Charles Zoning Map effective immediately.

Adopted by the Town Council of Cape Charles on May 18, 2023

By: _____
Mayor Adam Charney

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Memorial Library Board Bylaws		AGENDA DATE: May 18, 2023
	SUBJECT/PROPOSAL/REQUEST: Review and approval of Cape Charles Memorial Library Bylaws		ITEM NUMBER: 8E
	ATTACHMENTS: Cape Charles Memorial Library Board Bylaws-Updated May 10, 2023		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Cape Charles Memorial Library was established in June 1919, and is governed by the Library Board.

The Board has been working for a number of years to update their bylaws and finalized the draft at their meeting on May 10, 2023. The draft bylaws have been submitted for Town Council review and approval.

DISCUSSION:

Historically, members of all of the Town's boards and commissions were required to be citizens of the Town of Cape Charles.

In 2021, one of the library board members moved outside the Town's corporate limits. Since the library serves citizens from Northampton County and the county has provided annual funding for library operations (\$30K in FY 2023, \$20K previous years), Council approved the allowance of one member of the board to be a citizen of Northampton County.

The Library Board is now requesting the following change to past precedent regarding membership residence:

Section 2.1 of the updated bylaws state *"All Board members should be residents of Northampton County."*

Since the Town funds the majority of the library budget, and to remain consistent with our other boards and commissions, staff feels that the existing policy should be retained, allowing for only one member to be from outside the town.

Staff therefore recommends that the last sentence of Section 2.1 be amended as follows: *"Board members should be residents of Cape Charles, except that one member may reside in Northampton County."*

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, approval of the Cape Charles Memorial Library Board Bylaws as recommended above.

CAPE CHARLES MEMORIAL LIBRARY BOARD

BYLAWS

The Cape Charles Memorial Library (herein the “Library”), previously known as the Northampton Library was established in June of 1919 in accordance with Section 42.1-35 of the Code of Virginia, as amended.

ARTICLE I

Name, Locations and Constituency

Section 1.1 Name. The name of the organization governed by these Bylaws is the “Cape Charles Memorial Library Board” (the “Board”).

Section 1.2 Location. The headquarters of the Library are located at 201 Mason Avenue, Cape Charles, Virginia 23310.

Section 1.3 Constituency. The Library provides a free public library system to all citizens of the Town of Cape Charles and Northampton County.

ARTICLE II

Governance

Section 2.1 Trustees. The Library shall be governed by the Board, which shall have such duties and obligations as may be provided by the Code of Virginia and as may be specified by the Library of Virginia. The Board shall consist of seven members who shall be appointed by the Town Council. One member shall be a voting representative of the Town Council and the remaining six members shall be referred to as appointed members. The six appointed members shall be chosen from the citizens at large with reference to their fitness for such office. Each member shall serve for a term of four years. The representative from the Town Council shall be for their two-year appointment. Any vacancy in membership shall be filled by appointment of the Town Council and shall be for the unexpired term only. An appointed member’s term of office shall expire on August 8 of the given year (current terms). The Town Council may remove a member for misconduct or neglect of duty. All Board members should be residents of Northampton County.

Section 2.2 Officers. The Board shall elect a Chair, a Vice Chair, and Secretary at the last meeting of each fiscal year to serve for two years, as terms expire.

Section 2.3 Duties of Officers. The officers shall have such duties as customarily pertain to such offices.

Section 2.4 Officers Tenure. No Chair or Vice Chair shall be elected to the same office for more than (2) consecutive two-year terms.

Section 2.5 Committees. The Board may appoint special and/or standing committees and liaisons for particular purposes as it may determine from time to time.

ARTICLE III

Meetings

Section 3.1 Date, Time, and Place. Regular meetings of the Board shall be held once a month at a time and place established by the Board from time to time. Currently, the meetings are held on the second Wednesday of each month. Pursuant to Chapter 37, Title 2.2 of the Code of Virginia of 1950, as amended (Virginia Freedom of Information Act) all meetings, hearings, records, and accounts of the Board shall be open to the public. Proper notice shall be given in accordance with § 2.2-3707C of the Code of Virginia.

Section 3.2 Quorum, Voting. Four physically present members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of trustees present at a meeting at which a quorum is present shall constitute action of the Board. Members may not vote by proxy.

Section 3.3 Attendance Requirements. The Librarian and members are expected to attend all meetings of the Board. If any member misses three consecutive meetings of the Board without due cause, the members may vote to request that the Town Council remove such members and appoint a replacement. Members are required to notify the Chair of an anticipated absence.

Section 3.4.1 Special Meetings. Special meetings of the Board may be called by the Chair or any three members. Notice of a special meeting and reason for the meeting shall be provided to all Board members and shall be given at least one week before such meeting.

Section 3.4.2 Emergency Meetings. Emergency meetings may be called to meet the emergent operations of the library with notice as is practical.

Section 3.5 Order of Business. The order of business at meetings of the Board shall consist of the following, together with such other items as the Board may establish from time to time. During review of the agenda the order of business may be altered.

- Call to Order by the Chair
- Establishment of a quorum
- Review and acceptance of the agenda
- Matters from the public
- Approval of Minutes
- Library Manager's Report
- Old/Unfinished Business
- New Business
- Adjournment

Individual speakers during the Matters from the public portion of a meeting will be limited to three (3) minutes unless prior approval is obtained from the Chair.

Section 3.6 Parliamentary Authority. Parliamentary procedures in the Board meetings shall be governed by Robert's Rules of Order, Revised – Short Form.

ARTICLE IV
Amendments

Amendments to these Bylaws may be proposed by any member at any regular Board meeting. A copy of the proposed amendment shall be delivered to each member, and the proposed amendment shall be voted on at the next regular Board meeting. If the proposed amendment is approved by a quorum of the Board, it shall become part of these Bylaws. All amendments to these Bylaws are to be sent to the Town Clerk for review and approval by the Town Council.

Approved: _____

Last reviewed: May 10, 2023

Amended: May 10, 2023