

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

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Vice Mayor Bennett was under the weather so he participated via teleconference from home. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, Officer Andrew Spencer, and Town Clerk Libby Hume. There were approximately 40 members of the public physically in attendance, and 23 viewers on Facebook.

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

PUBLIC HEARING COMMENTS: (3 MINUTES PER SPEAKER)

- A.i. A Conditional Use Permit (CUP) application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map # 83A3-1-534) in the Commercial-2 Zoning District for three single-family dwelling units located on the second floor above commercial space pursuant to Cape Charles Zoning Ordinance (CCZO) Section 3.7 (C).

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

- A.ii. A Conditional Use Permit (CUP) application from Cape Charles 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).

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

- B. Zoning Map Correction: Tax Map #83A3-11-1, a 2.52 acre parcel south of the harbor, owned by Cape Charles 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 the official Cape Charles Zoning Map.

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

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

The public hearing was closed at 6:31 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

- A. Vacation Homeowners of Cape Charles Presentation – Good Neighbor Program:

Ms. Jordan Dail from the Vacation Homeowners of Cape Charles organization gave a presentation announcing their Good Neighbor Program and provided a brief tour of their website. (Please see attached.)

B. National Public Works Week Proclamation:

Mayor Charney read Proclamation 20230518A for National Public Works Week.

Motion made by Councilman Grossman, seconded by Councilman Butta, to adopt Proclamation 20230518A designating the week of May 21-27, 2023 as National Public Works Week. The motion was approved by unanimous vote.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Comments were heard from Melinda Blanchard, Herb Thom, Jeff Gray, Clara Cooper, Walter Bronson, and Dalton Compos, all residents or property owners in Cape Charles, expressing their support of the Lemon Tree Gallery's Friday night parties on Strawberry Street and asked the Town to permit them to continue holding their events.

Richard Burger, Chairman of the Cape Charles Memorial Library Board

Mr. Burger addressed the Council regarding the proposed library board bylaws related to the change to the town residency requirement. (Please see attached.)

Mary Ann Roehm, Lemon Tree Gallery

Ms. Roehm addressed the Council providing comments from the perspective of Lemon Tree. (Please see attached.)

Town Clerk Libby Hume read emails submitted by Ellen Moore, Roxane Ward, Ami Butta, Jan Umphrey, Virginia Gomer, Cristina Carollo, Liliana Bricken, Mary Lovett, Connie Adams, Sean and Crystal Hart, and Jacqueline Smith. (Please see attached.)

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

Town Manager John Hozey stated that he would appreciate the addition of the USDA Rural Development Grant/Loan Resolution to the agenda, adding that he sent the information to all via email earlier this afternoon. He apologized for this last-minute change, but staff received this information yesterday and there was a sense of urgency that he would explain later if the Council were to add this item to the agenda as New Business item 8F.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to add the USDA Rural Development Grant/Loan Resolution to the agenda as New Business item 8F. The motion was approved by unanimous vote.

CONSENT AGENDA

A. Approval of Agenda Format

B. Approval of Minutes:

- i. March 30, 2023 Town Council Executive Session
- ii. April 20, 2023 Town Council Public Hearing & Regular Meeting
- iii. May 4, 2023 Town Council Work Session

C. Approval of March 31, 2023 Financial Report

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to approve the consent agenda as amended. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Virginia DHCD Industrial Revitalization Fund Grant for Rosenwald School Rehabilitation:*

Town Manager John Hozey stated that this item was the same as last year for the Cape Charles Rosenwald School Restoration Initiative's (CCRSRI) Virginia Department of Housing and Community Development (DHCD) Industrial Revitalization Funds (IRF) grant application submittal. CCRSRI was not approved for a grant last year, but staff was strongly supportive of the project and application submittal again this year.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20230518 Authorizing Application Submittal for Industrial Revitalization Funding for the Rehabilitation of the Rosenwald School. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. *Establishing a Housing Rehabilitation Zone:*

John Hozey stated that the Town was actively working with the developer related to their workforce housing project on Cassatt Parkway. During discussions with the Virginia Housing Development Authority (VHDA), the developer was made aware of a program that could offer partial grant assistance along with debt financing, but to qualify, the project must be located within a designated Housing Revitalization Zone as authorized by the Code of Virginia which must be established by the governing body in which the project was located. The proposal would limit the zone to only the parcel under consideration for the workforce housing project and application submission for this program was due by the end of this month. With the increase in project cost estimates since this project was first conceived, the developer felt that partial grant assistance was essential to putting together a financially feasible project.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20230518A Establishing a Housing Rehabilitation Zone for Residual Parcel #90-19-A as presented. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

C. *Conditional Use Permits:*

i. *1 Fig Street – 3 Dwelling Units Above Commercial Space:*

ii. Planner/Zoning Administrator Katie Nunez stated that a CUP application was received from Liquor Distillation Society LLC, the owners of 1 Fig Street, for three single-family dwelling units above first floor commercial space. Staff had been working with the applicants for over a year as this project progressed through the Historic District Review Board. The property owners successfully acquired the lot behind the building along Mason Avenue and the lot line between the two parcels was vacated to become one parcel comprising of 11,200 square feet. With this land acquisition, the applicant was seeking to construct a 30.1' x 55.3' two-story addition, totaling 3,300 square feet, on the west rear side of the existing commercial building. Their plans were for a total of four residential units on the second floor with each unit to contain individual bathrooms and sized from 150 square feet to 198 square feet. The Town had previously approved a CUP on January 19, 2017 for one dwelling unit on the second floor above first floor commercial use in the Commercial-2 Zoning District. The applicants were now seeking a CUP for the additional three residential units, based upon both the existing building and addition. The applicant would provide four parking spaces on the lot to be associated with the four residential units, which would be used as housing for local employees. On January 5, 2017, the Town had approved a variance to this property providing full relief of the off-street parking requirements associated with a restaurant commercial use on the first floor. This approval was affixed to the property and was granted to the current owners of the

property since the commercial use was the same as when the Board of Zoning Appeals heard the matter and issued the variance. The Planning Commission held their public hearing on May 2, 2023 and recommended Town Council approval of a CUP for three single-family dwelling units above first floor commercial space based upon the site plan and application submitted, with the condition that the minimum lease term of no less than 30 days be assigned to the three residents units at 1 Fig Street.

Mayor Charney invited the applicant, Ms. Penelope Kinsey, to the podium. Ms. Kinsey stated that her goal was to provide housing for her staff.

Vice Mayor Bennett stated that in reviewing the plans, it did not appear that there were any cooking areas in the units. Ms. Kinsey confirmed the absence of cooking areas.

Motion made by Councilman Grossman, seconded by Councilman Buchholz to approve Conditional Use Permit 2023-001 for three single-family dwelling units above first 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 three residential units at 1 Fig Street. The motion was approved by unanimous vote.

ii. *6 Mason Avenue – Paid Parking Lot Operation:*

Katie Nunez stated that Cape Charles Marine Services LLC was seeking to obtain a CUP at 6 Mason Avenue 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. The request was seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J). This request was to allow the opportunity to try this venture for one season to see if it was viable, especially since the Town provided free parking on Mason Avenue and elsewhere, and there might not be a market for paid parking on a private lot. She did not want to see permanent changes made to the property if this was not going to be a long-term project. The Planning Commission held their public hearing on May 2, 2023 and recommended Town Council approval of a CUP at Mason Avenue on a one-time seasonal basis until September 5, 2023 with the following conditions: i) A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this seasonal one-time permit timeframe; ii) Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner; iii) The entrance and exit to/from the parking lot would be from the center entrance on Mason Avenue directly across from Harbor Avenue only; iv) Approved and permitted signage indicating the hours of operation of 8:00 a.m. to Dusk and Daily Parking Only, No Overnight Parking, and Towing of Cars would be at the Owner's Expense; v) For July 4th, the hours could be expanded until after the fireworks display. All issues raised at the Planning Commission meeting had been addressed.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve Conditional Use Permit 2023-002 at 6 Mason Avenue on a one-time seasonal basis until September 5, 2023 as recommended by the Planning Commission to include the following conditions: i) A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this seasonal one-time permit timeframe; ii) Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner; iii) The entrance and exit to/from the parking lot would be from the center entrance on Mason Avenue directly across from Harbor Avenue only; iv) Approved and permitted signage indicating the hours of operation of 8:00 a.m. to Dusk and Daily Parking Only, No Overnight Parking, and Towing of Cars would be at the Owner's Expense; and v) Allowing for the extended hours on July 4th. The motion was approved by unanimous vote.

D. *Zoning Map Correction:*

Katie Nunez stated that the Town Council adopted the Zoning Map on December 15, 2022 as an appendix document to the Comprehensive Plan. It was brought to staff's attention by the property owner of Tax Map Parcel #83A3-11-1 that the Zoning Map incorrectly depicted this parcel in Industrial-2 Zoning rather than Harbor Zoning. After extensive research was performed, it was confirmed that this parcel should be zoned Harbor not Industrial-2. The required public hearing was advertised and held earlier this evening; and staff recommended Town Council approval to amend the map to correct the zoning designation for Tax Map Parcel #83A3-11-1 from Industrial-2 (M-2) to Harbor zoning, and to also update the Zoning Map contained in Appendix A of the Cape Charles Comprehensive Plan.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20230518B 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 December 15, 2022. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

E. *Cape Charles Memoria Library Board Bylaws:*

John Hozey stated that Library Board Chairman Rich Burger spoke earlier this evening addressing the updated bylaws submitted for Council approval. Staff brought forward one change regarding residency. Several years ago, when one of the members of the Library Board moved out of town, and since the library served citizens from Northampton County and the county provided some annual funding for library operations, Council approved the allowance of one member of the board to be a citizen of Northampton County. It was the position of staff to remain consistent with all other boards and commissions that required board representation by Town residents. While he agreed with Chairman Burger that the library was used by residents from the county as well as Town residents, it was the Town's residents who paid the majority of the library's budget.

There was some discussion between Council and Chairman Burger, and a consensus was reached to allow two of the six appointed positions to be filled by residents of the County versus the Town.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to amend Section 2.1 of the proposed Cape Charles Memorial Library Board Bylaws regarding Board membership to state that four of the members be residents of the Town of Cape Charles and two of the members be residents of Northampton County. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to approve the Cape Charles Memorial Library Board Bylaws as amended. The motion was approved by unanimous vote.

F. *USDA Rural Development Grant/Loan:*

John Hozey stated that Town Council approved the projects requested to be funded by the U.S. Department of Agriculture Rural Development (USDA RD) when the FY 2023 budget resolution was passed. However, due to the USDA RD standard processes, approval for these budgeted items was just received this week. USDA RD required Council to adopt a resolution to accept the grant of \$26,000 and loan of \$48,800 and the accompanying obligations and requirements. The approved equipment included i) purchase and outfitting of a police vehicle; ii) a utility vehicle; iii) a heavy duty 60" cutter; iv) a box blade; and v) a 72' finish mower. Since this involved FY 2023 purchases, waiting until the June meeting would not provide adequate time to purchase the requested equipment before the fiscal year end.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Loan Resolution #20230518B to accept the USDA Rural Development Grant and Loan for the purpose of purchasing the equipment as approved in the FY 2023 budget. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) John Hozey stated that he did not mean any disrespect to this evening's attendees, but it was his job to enforce the rules. Generally speaking, members of the public had the opportunity to speak during the public comment period and the Town Council had the opportunity to speak later during the meeting. This meeting was not a town hall meeting or session for back-and-forth discussion. He clarified the Lemon Tree issue by stating that approving an event application was not a Council matter but was approved at staff level. The Use of Facility/Event Application and process were recently updated. Council reviewed both and did not object to the new rules. It was not incumbent on the Town to solve all problems. For Festive Fridays, Cape Charles Main Street (CCMS) put together a committee to try to solve the problems. After the items had been ironed out by the committee, CCMS came to the Town to request approval. All organizations and individuals were held to that standard. It was up to the applicant to do the work and put it all together in the application. When Lemon Tree first came to the Town, it was supported. The first few years, the event went well, and no complaints were received. Sometimes success was its own worst enemy. The event grew in popularity and was held more frequently due to its success. It was his feeling that the neighbors were not against the event, but the frequency of it. When word of this year's plans got out, residents and businesses spoke out with their concerns of the noise, parking issues, and the inaccessibility of their homes or businesses. The event was supported by those who did not live here or own a business. It was a big impact for residents and businesses in the Town. When the complaints started coming in, he spoke to the applicant asking them to talk to their neighbors to work things out and he felt that a compromise could be reached. Lemon Tree felt that no compromise could be reached and withdrew their application. Although the Town generally supported this event, we could not ignore the effect on businesses and residents. He strongly encouraged all parties to sit down and talk about it, especially representatives from the homeowners' associations from both condominiums and CCMS who represented the businesses. He was open to having further discussion with attendees after this evening's meeting was over. He welcomed the public to call or email him as well.

Councilwoman Holloway stated that she felt this was a great situation for everyone to come to the table to work things out. CCMS Executive Director Karen Zamorski was willing to act as the intermediary. It was important to note that a lot of good comments were received tonight. She had heard from people from surrounding houses, whose voices were not heard this evening, but who had expressed their concern with the volume of the music every Friday night. Maybe the applicant could consider lessening the frequency so everyone could enjoy the event. She added that she lived adjacent to Central Park and heard all of the concerts during the summer. The Citizens for Central Park (CCP) followed all the Town's guidelines for the concerts. The Cape Charles Christian School distributed tickets to the Crabby Blues Festival to all surrounding residents. There were ways to make it work for everyone.

Councilman Follmer stated that John Hozey spent a lot of time working with organizers to address issues as they came up. Everyone needed to work together. He was somewhat disheartened when walking by Lemon Tree recently and someone from inside, not a Lemon Tree staff person, yelled an expletive at him. He lived and owned a store on the block where these parties were held. He had spoken to some people who thought the concerts were great and others who felt the parties needed to be adjusted. He encouraged everyone to make their

voices heard. He was hearing three main issues, and none were insurmountable. It did not have to be all or nothing. The ABC issues were significant due to insufficient enforcement. He had people coming into his stores with alcohol. If someone owned a restaurant and people went into their establishments with alcohol, that would be a concern. This kind of action caused increased scrutiny by ABC for all establishments in Town and could be helped by having more volunteers. The Town Council approved a new Use of Facility application that discouraged street closures unless it was critical to the event. Council would have an issue with staff if street closures were approved for every Friday night. Another issue heard was the volume of the music, which was hardly an insurmountable issue. Why not try to address lessons learned from past experience? There was not an issue in 2021, but in 2022, the frequency of the outdoor parties increased which revealed some issues. Every year after the Festive Fridays, CCMS met to recap the event and review lessons learned and the issues were addressed in the following year's event. CCP did the same thing each year. He recommended that Lemon Tree do something similar.

Councilman Butta stated that the new policy was to try to avoid street closures. Closing a particular street every Friday during the summer was a concern. How would the Town justify closing one street for an applicant but not another street for another applicant? Strawberry Street Plaza was created specifically for this type of event and was the logical place for it and would avoid any street closures,

John Hozey added that in his opinion, Lemon Tree met the burden regarding the reason the parties could not be held in Strawberry Street Plaza. The Plaza was not designed for night events as there were no lights. They would not be able to use their existing ABC license in the Plaza, where they were permitted to use their ABC license as an extension to their building. He liked that the Lemon Tree parties brought attention to the businesses on Strawberry Street. Although the new policy discouraged street closures generally, he felt it was reasonable in this case. The issue was the frequency which was expressed by the comments. This issue needed to be addressed to reach a compromise acceptable to all.

Councilwoman Holloway added that during Festive Fridays, CCMS had volunteers at both ends of the streets at all times. If someone needed ADA assistance, the volunteers were there to help. Many of the residents of the buildings were elderly with no access to their homes during Friday nights. The parties were a great thing to pull the businesses and community together, but everyone needed to be respectful of each other.

- ii) The bids for the Monroe Avenue property came in and the winning bid was for \$300K. The Town advertised a minimum bid of \$250K. The item would be presented to Council for official action at the June meeting.
- iii) Now that the work on the budget was over, he was able to move to the item of next highest priority – short term rentals. He was putting together a committee comprised of himself, Katie Nunez, Councilman Grossman to represent Town Council and Planning Commission as he was also the housing expert, a representative from the Vacation Homeowners group, a representative from the Historic District Civic League, and a representative from the Bay Creek rental committee.
- iv) He asked Council to put their feelers out for candidates willing to serve on the Historic District Review Board. We were losing one member and potentially a second. He would like to fill the position(s) and name alternates. He asked for Council's assistance and have any interested individuals contact Libby Hume.
- v) Information was received for the restroom project. He had hoped to have the project out for bids by now, but staff was still working through final details, and received input from CCMS

related to textures and colors. The plans would be submitted to DEQ by May 19th. DEQ had 45 days to review the plans which would put their response back around July 3rd. He was hopeful to have the item ready for Council review at their July meeting with the goal to go out for bid in August. He would like to have the restrooms completed and operational by the end of the year in time for Festive Fridays, which began the end of November.

- vi) Treasurer Deborah Pocock announced her plans to retire and we were beginning to actively recruit for the position. He would form a hiring committee and asked Council's preference to have two Council members on the hiring committee or whether Council wanted him to screen the applicants and schedule executive sessions for all Council members to review.

Councilman Buchholz noted that when hiring for the town manager position, there were two Council members on the search committee along with other staff and members of the community. The committee screened the applications and narrowed the field to three or four, which were then presented to the entire Council who held the final interview.

Councilmen Follmer and Grossman volunteered to serve on the committee.

- vii) The grant resolution was approved earlier this evening for the Rosenwald School Initiative. They were getting ready to obtain permits to begin some of the work. They asked if the Town would be willing to waive some of the fees. The Town already waived the planning & zoning fees, but the building permits fees and utility tap fees would be considerable. It would require an enormous amount of work for staff regardless of whether the building permit fees, estimated to be about \$15K, were waived or not. Tap fees were typically required at the time of permit issuance, but there was flexibility to charge the fees at the time of certificate of occupancy issuance. By that time, Virginia American Water would be running the systems and their fees would be significantly less.

Councilwoman Holloway recalled where Council approved a 50% discount in fees for the Cape Charles Brewing Company, adding that she was willing to waive the building permit fees for the Rosenwald School.

There were no objections from Council regarding waiving the building permit fees.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman stated that he was on the Virginia Housing Commission's subcommittee for short term rentals. The subcommittee was expected to reach a consensus during the summer on the bill that excluded realtors from ordinances. In the fall, a recommendation was expected to be presented to the committee. He would keep everyone informed of the progress.

Councilwoman Holloway commented as follows: i) The LoveRun was a huge success with significant community involvement. This year a 10K was added. There were about 250 participants this year, which was 10% higher than expected. She was sorry that Tara Ashworth was unable to attend this evening, but wanted to thank her, Julie Crouse and Patsy Harris for doing such a great job organizing the event; ii) She was happy to see the Vacation Homeowners here tonight presenting their Good Neighbor Program.

Vice Mayor Bennett, and Councilmen Buchholz, Butta and Follmer had no further comments.

Mayor Charney read the announcements.

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

The Public Hearing & Regular Meeting adjourned at 8:29 p.m.

Mayor Charney

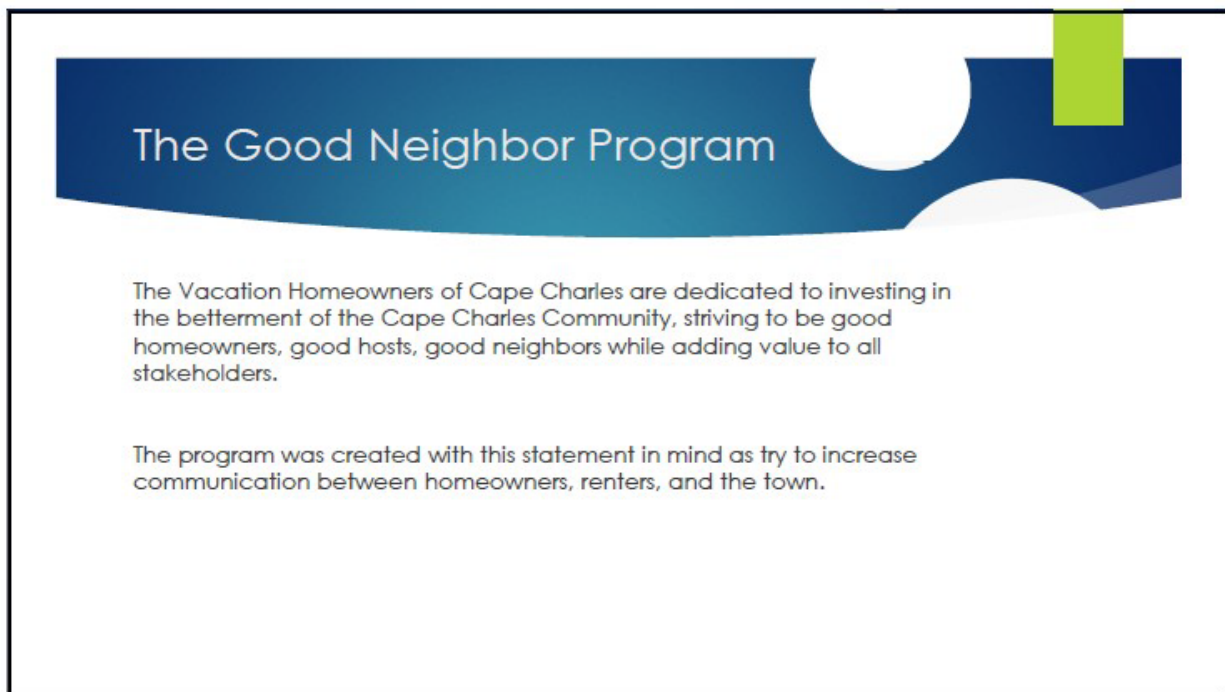
Town Clerk

**May 18, 2023 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Vacation Homeowners of Cape Charles Presentation by Jordan Dail



1



2

How It Works

- ▶ Vacation homeowners volunteer to participate in the program. Homeowners will fill out a form online on the vrhocc's website to join.
- ▶ Pay a \$25 fee.
- ▶ Homeowners will receive the Good Neighbor Magnet and the Golf Cart Magnet.
- ▶ Homeowners will receive information on the particular town ordinances and rules to communicate to renters in the welcome letter, welcome binder, and on rental listing pages.
- ▶ A sample letter is provided that can be sent to neighbors to improve communication throughout the rental season

3

Website Tour

- ▶ www.vrhocc.org

4

Good Neighbor Magnet

The Good Neighbor Program

WELCOME TO CAPE CHARLES! WE STRIVE TO BE GOOD NEIGHBORS AND WE HOPE THAT YOU WILL HELP US IN THIS EFFORT. HERE ARE SOME WAYS YOU CAN BE A GOOD NEIGHBOR DURING YOUR STAY:

- Trash cans are located _____. Trash pickup is on Tuesdays. Please put all trash in the cans before pick up. Trash not inside the trash can will not be picked up. Help keep Cape Charles litter free by picking up your trash at the beach, park, and in our yard.
- Street parking is limited to the spaces directly in front of our house. If you have more cars than will fit directly in front of the house, you can also park here: _____
- Keep noise to a minimum, especially in the evening and night hours.
- After 10 pm all outdoor lighting should be turned off, except for porch lights.
- Please obey all town golf cart driving regulations and refer to the information provided by the homeowner, golf cart renter, or Golf Cart magnet for more information.

THANK YOU!

5

Golf Cart Magnet

GOLF CART 101:

ETIQUETTE:
PARK AND DRIVE YOUR CART WHERE YOU WOULD DRIVE YOUR CAR. NOT SIDEWALKS, THE BEACH, THE PARK, ETC.

COMMON SENSE: DO NOT EXCEED MAXIMUM NUMBER OF OCCUPANTS. TAKE YOUR KEY WHEN PARKING.

BUCKLE UP. USE CAUTION. ALWAYS DRIVE SAFE.

ALL DRIVERS MUST HAVE STATE ISSUED DRIVERS LICENSES.

ALL VEHICLE LAWS APPLY- INCLUDING ALCOHOL LAWS- NO ONE WANTS TO COMMIT A FELONY ON A GOLF CART.

6

Information for Renters

- ▶ Trash pick up and general information
- ▶ Car and boat parking directions
- ▶ Outdoor lighting guidelines
- ▶ Noise consideration after 10 pm
- ▶ Golf cart rules and regulations

7

Sample Letter for Neighbors

- ▶ A sample neighbor letter is provided to help facilitate communication with neighbors.
- ▶ Alternately you could talk to your neighbors in person

8

Local Ordances and Enforcement

- ▶ The Town and local police enforces local law enforce laws and ordnances.
- ▶ We encourage violations be reported to the town through their website and to the town police

9

Richard Burger, Chairman of the Cape Charles Memorial Library Board

Good evening Mayor Charney and members of the Council. Thank you for the opportunity to speak this evening. I am Richard Burger, Chairperson of the Cape Charles Memorial Library Board of Trustees. The issue at hand is the revised by-laws for the Library Board, which you will consider tonight as New Business item E, particularly Section 2.1, regarding Trustees residency. The change that we have suggested, found in the last line of this section, is that all Board members should be residents of Northampton County, not specifically Cape Charles alone. This change was agreed to after a significant discussion at our March meeting. Our decision was based on a number of factors.

It should be noted that while all other Town Board address issues only within the geographic confines of Cape Charles, and therefore require town residency, our Library serves a regional population with patrons from Nassawadox, Machipongo, Eastville, Cheriton and other Shore communities. In fact, anyone with an Eastern Shore Public Library System card may check out materials from our library. The impact of this facility stretches far beyond our town borders. We serve the Shore.

Looking at the patrons of the library statistically, based on data from the Eastern Shore Public Library system, in one-line registration where patrons have provided their addresses, there are slightly more than 1,300 library cards listing Cape Charles addresses, but over 1,700 patrons listing Cape Charles Memorial Library as their primary branch. Northampton County has issued just over 3,000 Library cards, but again, over half of those patrons list Cape Charles Memorial Library as their primary branch. At least 400 people outside of our town confines see our Library as their library of choice. Over half of all library cards in the County see our Library as their library of choice. We feel that these people should be represented on our Board.

Apparently, at some time in the past, a special dispensation was made by the Town Council that one member of the Board who had moved out of town could remain as a member of the Board of Trustees. In order to form a Library Board representing the full scope and diversity of our patron population we feel that more than one member of our Library Board can be selected from the population of Northampton County as a whole, and not be limited to just the population of residents of Cape Charles.

Please consider these factors as you decide whether or not to approve our revised by-laws. Thanks to other members of the Board who are here to support our revised by-laws. Thank you, members of the Council, for your time and consideration.

Mary Ann Roehm, Lemon Tree Gallery

I wanted to say a few words from the perspective of The Lemon Tree. The Gallery and Arts Enter have always focused on providing arts and entertainment to the community. Fridays at Lemon Tree has been a staple on Friday evenings for several years and provides a family friendly fun event that residents and tourists can enjoy. "Free live Entertainment with a cash bar."

A year into COVID in April 2021, we had our first outside party in the front of the theatre and it was wildly popular. After another week, we coordinated with the town and moved the party around the corner to Strawberry St. so that we could provide more safety for visitors. In 2021, we had an outside party every Friday from Spring thru the Fall or until the weather changed. IN 2022, we had many fewer parties as ABC restricted the number of outside parties to 12.

Last year we created Strawberry Jam, a collaboration of all the businesses on Strawberry Street. The intention was to help enhance the visibility of the businesses and provide extra support for each other while also cooperating on the Friday night events.

We expected to continue last year's model with the street closed from Mason to Randolph rather than just the southern end of Strawberry.

A meeting was scheduled with Mr. Hozey to iron out any remaining details on the Facility Use application. At that meeting two weeks ago we were told that there had been numerous complaints about the parties. Mr. Hozey asked us to gather endorsements from Main Street, and the Homeowners associations in the Wilson Building and the Patrick Hand building across the Street and if we did, we would have the Town's support.

We were hurt and offended that we had been asked to defend ourselves against a very few loud complaints and didn't have a clear endorsement from the Town. We chose not to engage in a public debate, did not solicit endorsements and instead decided to retreat and continue with the events inside and withdrew our application. We are not interested in wasting time on confrontation and decided that if there was no harmony, there was no point.

Since then, the reaction to abandoning the street parties has been very vocal. It is encouraging that both residents and tourists are supportive of what we are providing to the downtown during the summer and have shown their appreciation.

It has caused us to re-think and become motivated to re-submit our Town Use Facility application for Fridays between June 2nd and September 18. Rain will force the events indoors.

We hope that we will have help for the Town to make these events a part of the summer fabric in Cape Charles.

Ellen Moore, owner Gallery at 238 Mason

Subject: Friday Nights

I own Ellen Moore Gallery at 238 Mason. I understand that Lemon Tree Friday nights on Strawberry Street are being considered as a weekly and/or regular event. I am voicing my objection to this for several reasons. I have been a merchant on Mason Avenue for over ten years and seen many changes in that period of time, some good and some negative. Strawberry is a main street to Mason Avenue and also serves as parking and access for many residents. Taking away their ability to access their homes along with the noise the event generates is unacceptable. Additionally, the use of alcohol outside the designated area has always been an issue. It is well known that people carry "go" cups full of alcohol and visit the surrounding businesses while consuming their drinks. It is not uncommon for a business to be inundated with a group of rowdy customers.

A single business should not be allowed to close down one block once a week -- it just does not begin to make sense to inconvenience people and allow disruptive behavior..

Sincerely,
Ellen Moore

Roxanne Ward, owner Buoy 56

Subject: Lemon Tree/Strawberry St. Close Off

It has come to my attention that Lemon Tree is applying or has applied to close off Strawberry Street on Friday evenings during the summer. The impact this event has on other merchants stands to be heard. Last year, during these Friday evening events, our end of Mason Avenue (200AB&C) was empty with the exception of a few stragglers walking by with open containers of alcoholic beverages; we ended up closing early on those Friday evenings.

While I am writing on behalf of Buoy 56 only, I feel sure other merchants have had similar situations. I can't help but think of the other merchants on Strawberry St., how does this affect them? Can their customers get to them easily with the road blocked off?

I know many folks enjoy this event and I am not anti-Lemon Tree Street Parties, by any means, but I do think there should be a limit on how many of these events happen in a season. Please take into consideration the impact this event has on other merchants, the residents in surrounding condos, and how it might affect our police officers, who can not be everywhere at the same time.

Thank you for your time.

Respectfully submitted,

Roxane Ward, Owner
Buoy 56
209B Mason Ave.
Cape Charles, VA 23310

Ami Butta, President of the Wilson's Building Condominium Association
Subject: Friday Night Closure of Strawberry Street

Dear Mr. Hozey,

I am writing as the President of the Wilson's Building Condominium Association to voice an objection to the closure of Strawberry Street on Friday nights. Our residents are predominately in their 70's, 80's and 90's and the expectation for them to move cars every week is unfair. If, for some reason, they are not able to move their car, they receive a nasty, recriminating note, and risk damage to their vehicle from careless patrons. Should they arrive home after 5 PM, they are required to walk several blocks which is at best, inconvenient and at worst, unsafe. The noise from the bands is directly outside our windows and we are not able to watch TV or have a normal voice level conversation. We have been left with the remnants of the party to clean up ourselves the next day.

It is difficult to understand why this has been allowed to occur when Strawberry Plaza, built for just this purpose, is a few feet from Lemon Tree.

Thank you for your time and attention,

Ami Butta, President, Wilson's Building COA

Jan Umphrey, resident at 300 Mason Avenue
Subject: Friday night summer concerts at Lemon Tree

Dear Mr. Hozey,

I live at 300 Mason Avenue, unit 1A, and I've heard that Lemon Tree Gallery has applied to hold their weekly street parties every Friday evening this summer as they did last year. I am opposed to Lemon Tree Gallery holding a weekly event that closes a street and generates loud music and noise indiscriminately for business neighbors and residential neighbors.

Although I live on the back side of our building, the music is still much too loud, and it is unbearable for my neighbors who actually face the event—who have no choice but to "attend" if they are in their homes on Friday night. I love all our local stores, and I understand from several owners that the event actually hurt their businesses. In addition, the increased strain on parking from closing that block drives more people to illegally park in our private lot to the disadvantage of residents.

The event is fun for many, I'm sure, but a weekly event does not make a good neighbor. If it continues at all, perhaps a monthly event would be more tolerable. Lemon Tree Gallery can also host events inside as they did before. I think *neighborly* and *consideration* are the key words to consider as this application is deliberated.

Best,

Jan Umphrey

This is my personal opinion and does not represent the board of 300 Mason Avenue.

Virginia Gomer, resident on Randolph Avenue

Subject: Lemon Tree Concerts

I would like to voice my agreement for continuing the free Friday outdoor concerts at Lemon Tree. To me, it is a plus to the town to have the entertainment. While there may be traffic or parking concerns, the concerts do not last long, and it is not a hardship to avoid the area during the limited time the concert and preparations are being conducted. I can't speak for the residents in the Wilson Building but I have known tenants who whole heartedly enjoyed the concerts so I would be curious to know the percentage of those residents who oppose the concerts and those would be the voice to consider when deciding the fate of the concerts.

Let's continue to be a small town at heart and not let our town bureaucracy get in the way of a positive, family event.

The Lemon Tree/Arts Enter has done a tremendous good for the town and the town office, in turn, should do what they can to be of service to the activities they sponsor.

Virginia Gomer

Cristina Carollo, owner Ambrogia Caffé & Enoteca

I am the owner of Ambrogia Caffé & Enoteca located at 321 Mason Ave, and I am writing to oppose the request submitted by Lemon Tree Gallery to close Strawberry Street every Friday night this summer.

Last year these events created multiple problems for my business. First of all, the music was extremely loud and prevented my customers from enjoying a conversation while dining at the restaurant outdoor tables, which are the most popular in the summer. Second, at these events alcoholic beverages were sold in clear plastic cups with no lids. Despite barriers, customers wandered on Mason Ave with such cups and walked into my restaurant with them (there is a sign on the restaurant front door about no outside food and alcohol being allowed). My business complies with ABC laws and regulations to maintain an active liquor license and such behavior could jeopardize such compliance. Third, my customers had problems finding a place to park close to the restaurant, due to the congestion caused by the music events.

Granting such a request would be unjust. I believe it is unfair for the town to favor one business over another in this manner, particularly on one of the busiest nights of the week during the summer.

I appreciate the opportunity to submit my comments and your consideration of this matter.

Regards,

~Cristina

Liliana Bricken, property owner

Subject: Outdoor music @Lemontree

Dear Mr.Hozey,

My husband and I visited Cape Charles two years ago, and knew right away we wanted to move there when my son graduates from school. It's a quaint little town with a good community feel. One of the first Main Street activities we encountered was the Friday afternoon live music concert next to The Lemontree gallery. It was great, and it was just one of many activities that influenced our decision to purchase property in Cape Charles, and even invested in renovating a building on Main Street.

I recently heard that the concerts are cancelled, and I am very dissapointed. Won't you please reconsider, and allow the concerts to go on again.

The most important factor in establishing a thriving community is people. And, the street music concert brings Cape Charles residents, and visitors together in a positive, fun enviroment.

I am hopeful that you will reconsider, and bring the fun back to Main Street

Thank you,

Liliana Bricken

Mary Lovett, resident

Subject: Fridays at Lemon Tree

Good Morning,

As a full time resident of Cape Charles since 2012 we have seen a lot of changes, good and bad for the town. Lemon Trees Friday night events on Strawberry Street have been so popular and a great family event. I am in support of Lemon Tree continuing this great community event for the upcoming season.

Thank you,

Mary Lovett

Connie Adams, resident

Subject: Music at the Lemon Tree Gallery

I am writing to urge you not to ban live music at the Lemon Tree. Music brings a community together.

I moved to Cape Charles this past September. I knew very few people outside of my sister and brother-in-law. Then they left on a 5 week trip in mid-November. I felt quite alone, although the few people I had met were nice.

In early December I took myself over to the Lemon Tree for one of their Friday night music evenings. I was greeted warmly and saw people I knew as well as met many other friendly people. I enjoyed a glass of wine and even danced. The music brought us all together in a way that would have never happened otherwise. I will be forever grateful to the Lemon Tree for providing this lovely oasis in the dark of winter.

Please do not allow a few complaints to rob the community of this wonderful venue.

Thank you,

Connie Adams

Sean and Crystal Hart, owners of Salt & Sand and Just Peachy Convenience

Subject: Lemontree Gallery Live Music Outside

To Whom It May Concern,

I am writing in support of the outside music organized Lemontree Gallery.

Sean and Crystal Hart

Owners of Salt & Sand and Just Peachy Convenience

Jacqueline Smith, resident

To: Members of Town Council

This is to say thank you to both Clelia Sheppard and MaryAnn Roehm for all they do for our community.

Thank you for the beautiful art in Lemon Tree Gallery, from paintings to objects of art in all forms; for showcasing the local talent we are fortunate to have in our area; for the theater productions; for all the musicians that you invite to entertain us. As a former event coordinator, I appreciate all the time and hard work these events require. You are both so gracious and generous and always present wonderful art, programs, and entertainment for the community to enjoy.

As summer approaches, we look forward to the Friday evening performances on Strawberry Street. The performances of local musicians have become a summertime favorite for local residents and visitors alike after a day of shopping and dining in our shops and restaurants.

I know I speak on behalf of many in the community when I say that you are so appreciated. Also, a big thank you to all Lemon Tree Gallery staff and volunteers who help to make all this possible.

Sincerely,

Jacqueline Smith



NATIONAL PUBLIC WORKS WEEK

PROCLAMATION 20230518A

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

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 OEESCO 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	

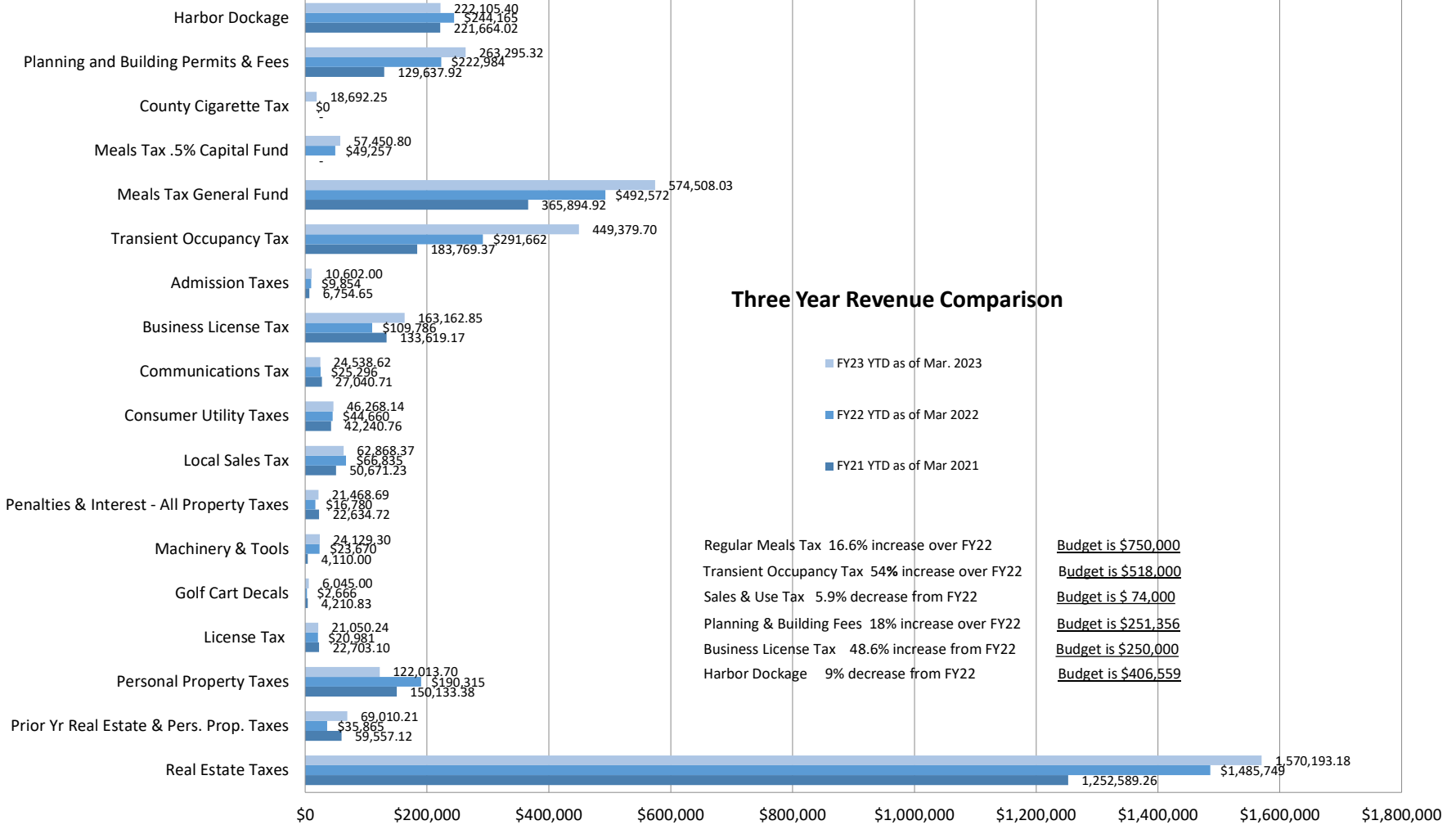
YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

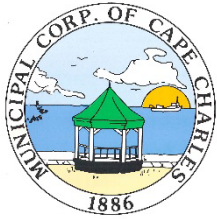
Total Budgeted	76,462	
Total Collected (percent of budget)	<u>90,479</u>	118%
Amount Due Per Budget	(14,017)	

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





*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on May 18, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20230518 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of May 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

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.

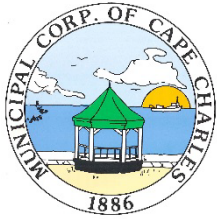
BE IT FURTHER RESOLVED that Town Manager John Hozey is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.

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

By: _____
Mayor Adam Charney

ATTEST:

Clerk of Council



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on May 18, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20230518A (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of May 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

TOWN OF CAPE CHARLES
ORDINANCE 20230518A
ESTABLISHING A HOUSING REVITALIZATION 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 revitalization 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.

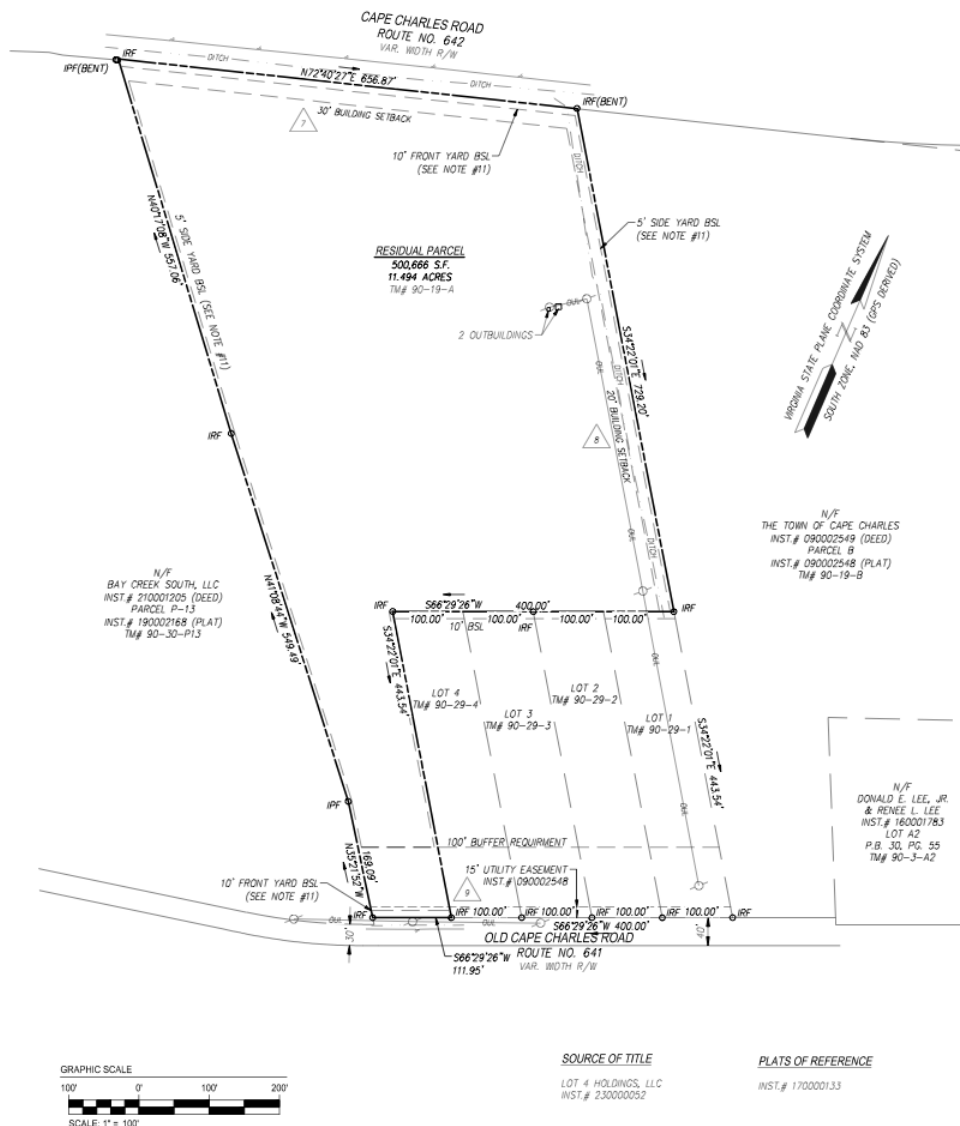
NOW, THEREFORE, BE IT ORDAINED that the Town Council of the Town of Cape Charles, Virginia, pursuant to Code of Virginia, Section 36-55.64, hereby establishes a housing revitalization zone for the Residual Parcel, Tax Map #90-19-A, as described in Exhibit A.

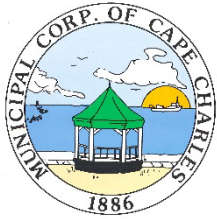
Adopted by the Town Council of Cape Charles on this 18th day of May 2023.

By: _____
Mayor Adam Charney

ATTEST:

Clerk of Council





*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on May 18, 2023 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20230518B (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

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

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

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of May 2023.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

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, 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

LOAN RESOLUTION #20230518B
(Public Bodies)

A RESOLUTION OF THE _____
 OF THE _____
 AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
 A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

 FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____
 _____ (Public Body)
 (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of _____

 pursuant to the provisions of _____; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ _____

under the terms offered by the Government; that the _____

and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas _____ Nays _____ Absent _____.

IN WITNESS WHEREOF, the _____ of the
_____ has duly adopted this resolution and caused it
to be executed by the officers below in duplicate on this _____ day of _____,

(SEAL)

By

Attest:

Title

Title