



TOWN COUNCIL
Regular Meeting
May 15, 2025
Cape Charles Civic Center
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Recognition of Visitors / Presentations / Recognitions
 - A. [Cape Charles Volunteer Fire Company – Ryan Peake](#)
 - B. [National Public Works Week Proclamation](#)
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval for Minutes](#)
 - C. [Approval of March 31, 2025 Financial Report](#)
6. Unfinished Business:
 - A. None
7. New Business:
 - *A. [Memorandum of Agreement for Maintenance of the Cape Charles Portion of the Rail Trail](#)
 - *B. [FY 25 Budget Amendment Correcting a Fund Appropriation](#)
 - *C. [IT Support Services Contract Extension](#)
 - *D. [Resolution Requesting Speed Limit Reduction on a Portion of Old Cape Charles Road](#)
10. Town Manager Comments
11. Mayor & Council Comments (5 minutes per speaker)
12. Announcements
 - May 26, 2025 – Town Offices Closed for Memorial Day
 - May 27, 2025 – Town Council Town Hall Meeting re: Options for New Municipal Building
 - June 5, 2025 – Town Council Public Hearing re: FY 26 Budget
 - June 18, 2025 – Town Council Regular Meeting
 - June 19, 2025 – Town Offices Closed for Juneteenth Federal Holiday
13. Adjournment

Cape Charles Volunteer Fire Co.





Chief
Jay Bell

Deputy Chief
Jeb Brady

Assistant Chief
Matt Pruitt

President
Bill Powell

Treasurer
Ryan Peake

A Brief History of the Cape Charles Volunteer Fire Co.

- 1890-1900
 - First records of fire fighting activities paid for by the Railroad.
- 1921
 - Cape Charles Volunteer Fire Co. incorporated.
- 1924
 - First motorized fire engine purchased after a large fire on March 6th, 1924.
- 1931
 - Moved into what is currently the town municipal building.
- 1958
 - Moved into current Fire Station(Owned by CCVFC)



CCVFC Coverage area:

CCVFC is a mutual aid Fire Department.

In emergency services, mutual aid is an agreement among emergency responders to lend assistance across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire. Mutual aid may be ad hoc, requested only when such an emergency occurs. It may also be a formal standing agreement for cooperative emergency management on a continuing basis, such as ensuring that resources are dispatched from the nearest fire station, regardless of which side of the jurisdictional boundary the incident is on. Agreements that send closest resources are regularly referred to as "automatic aid agreements".

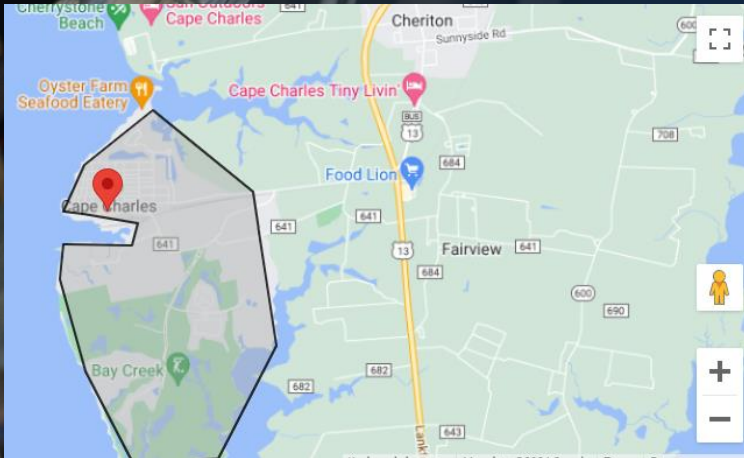
The Cape Charles Volunteer Fire Company engages in mutual aid with the specified stations, which reciprocally provide mutual aid in return :

- Cheriton VFC
- Eastville VFC

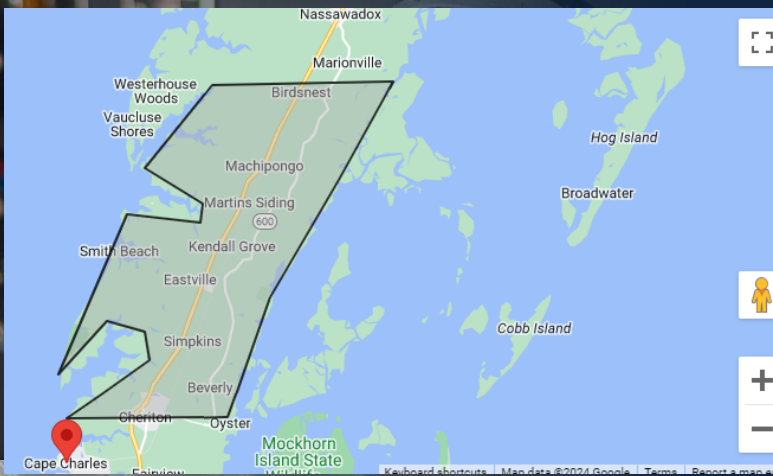
CCVFC Coverage area:

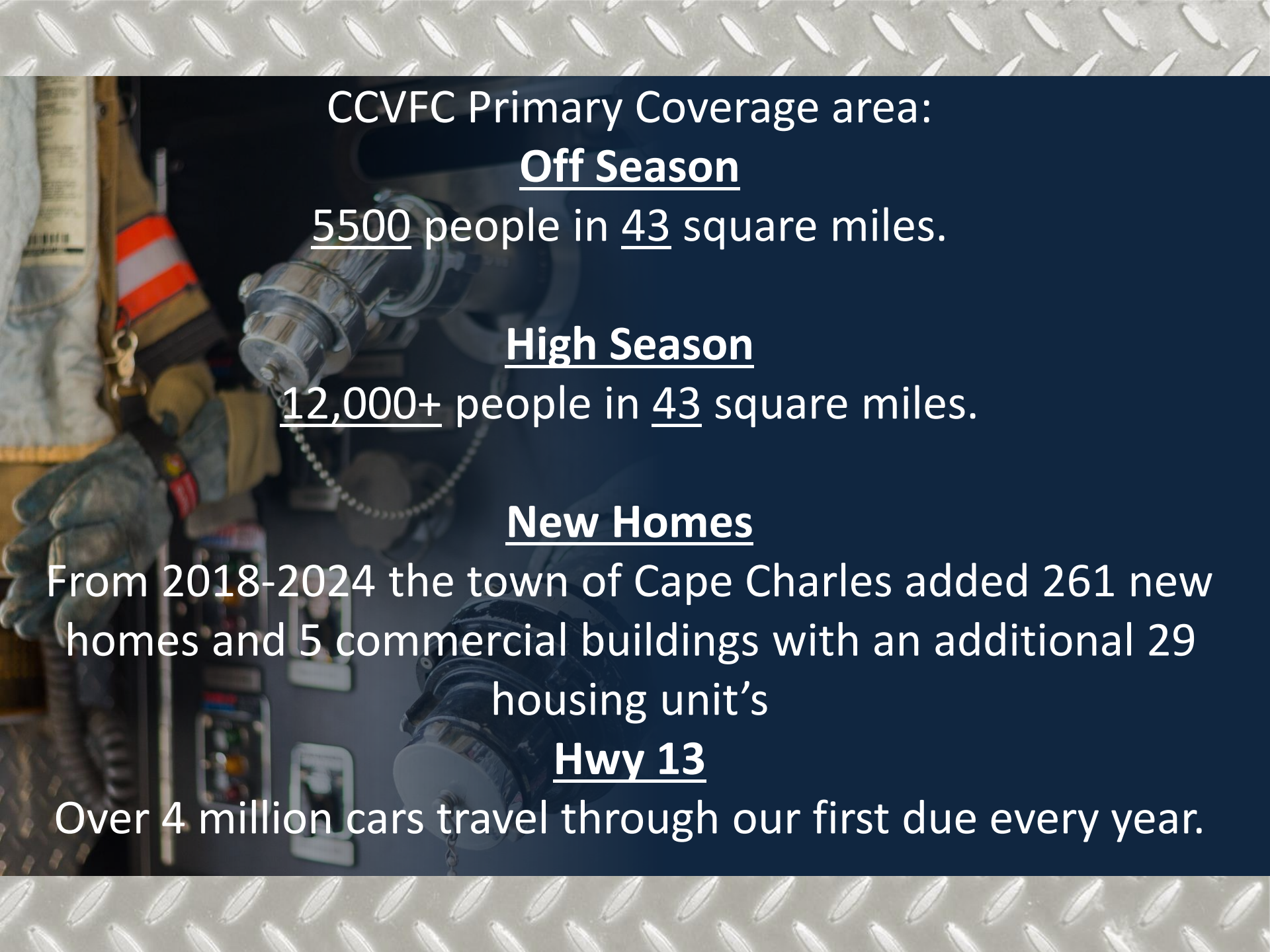
CCVFC Primary Coverage area:

The Cape Charles Volunteer Fire Company serves two main areas, encompassing the entire Town of Cape Charles within its boundaries, as well as a specific region designated by the county beyond the town's borders. The service area within the town spans approximately 3.5 square miles, while the service sector in the surrounding county measures about 39.5 square miles. In total, the primary area of responsibility for the fire company covers roughly 43 square miles.



CCVFC Secondary Coverage area/Mutual Aid:





CCVFC Primary Coverage area:

Off Season

5500 people in 43 square miles.

High Season

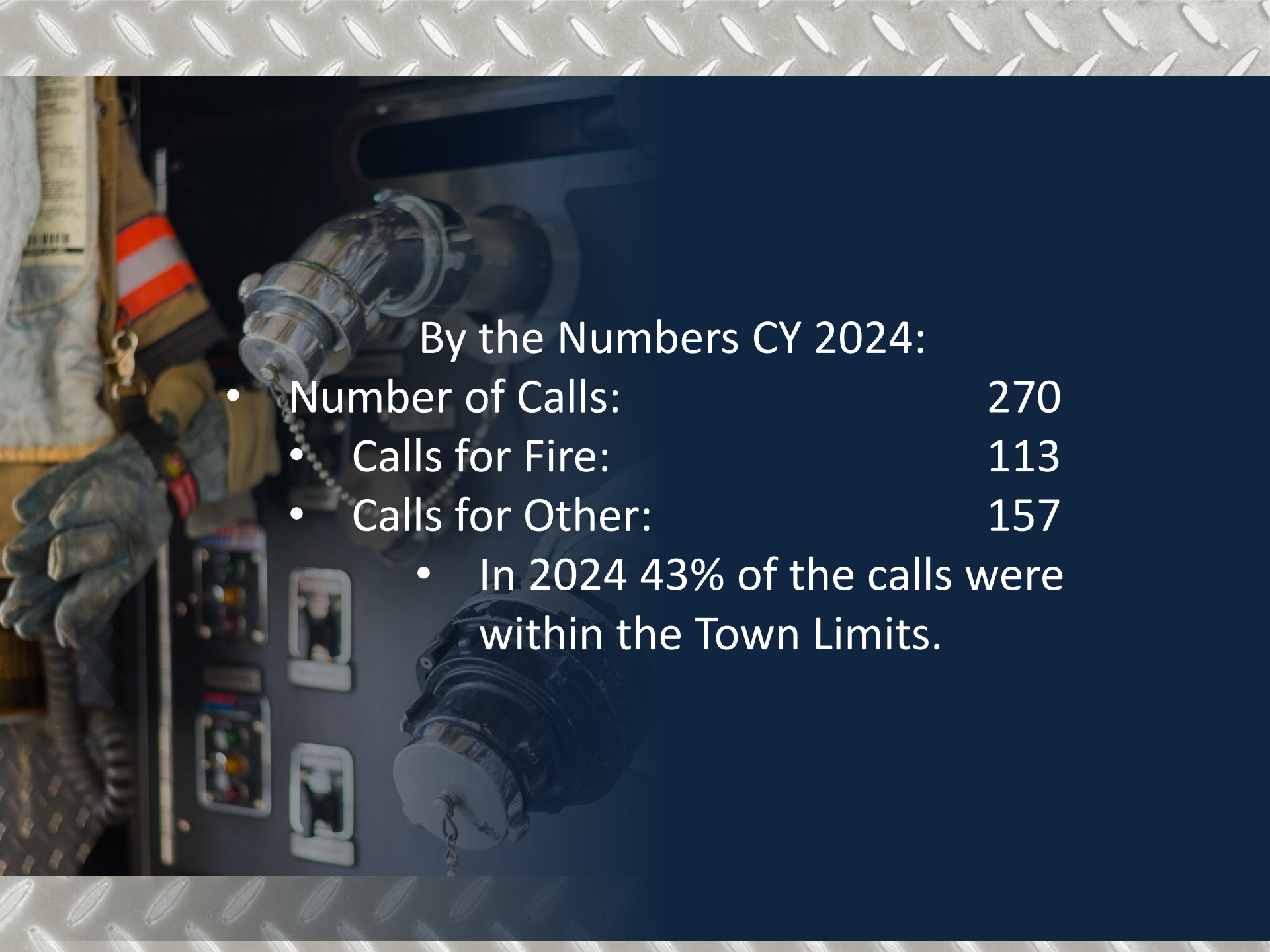
12,000+ people in 43 square miles.

New Homes

From 2018-2024 the town of Cape Charles added 261 new homes and 5 commercial buildings with an additional 29 housing unit's

Hwy 13

Over 4 million cars travel through our first due every year.



By the Numbers CY 2024:

- Number of Calls: 270
- Calls for Fire: 113
- Calls for Other: 157
 - In 2024 43% of the calls were within the Town Limits.



By the Numbers CY 2024:

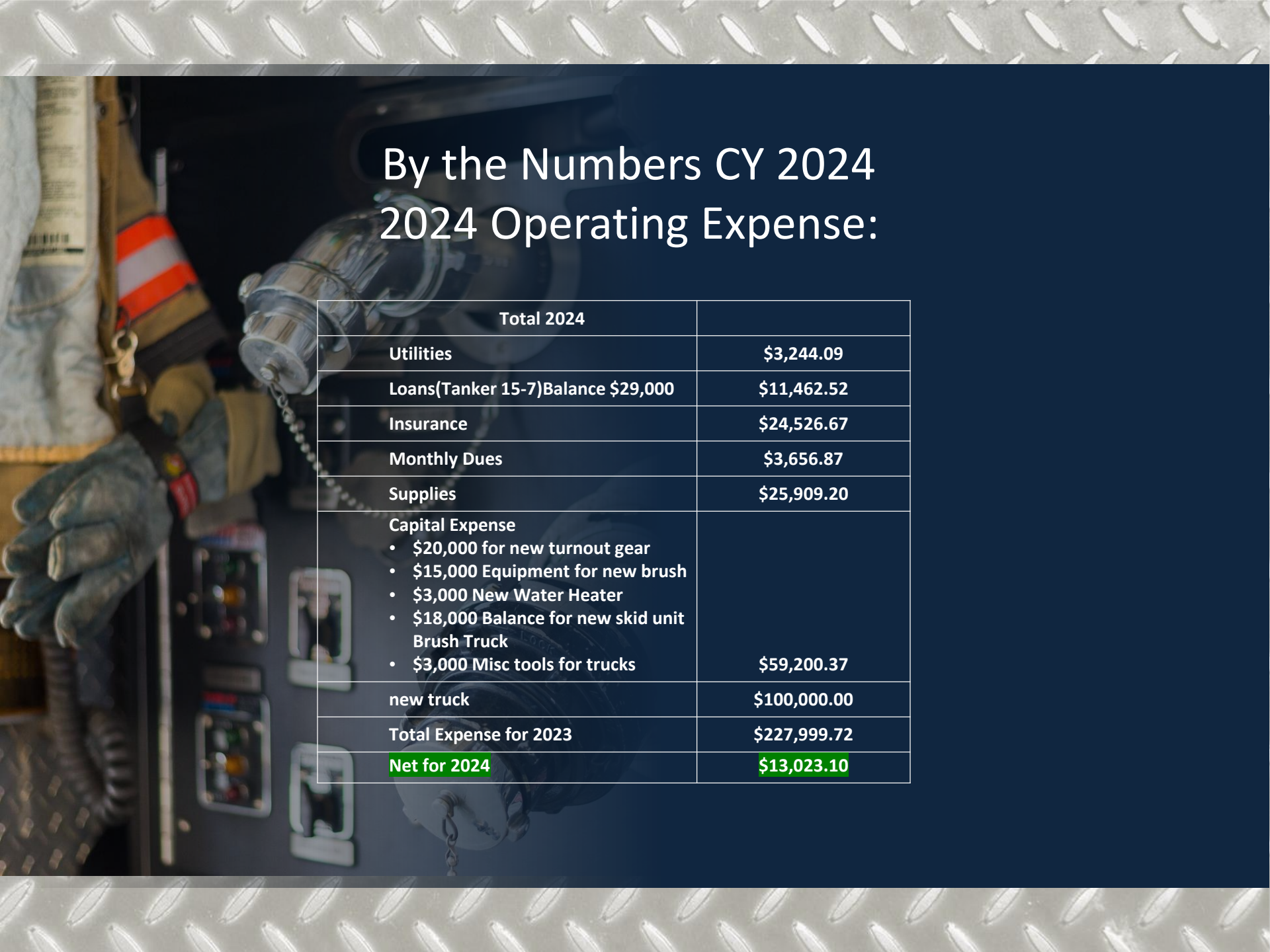
- Volunteer hours worked: 2,346
- Responding to calls: 810
- Monthly meetings, training,
and administrative duties: 934
- Fundraising: 602
 - 3 total fundraisers in 2024
 - Tool Mania, 1 BBQ, Fishing Tournament

By the Numbers CY 2024

Funding Sources:

ACTUAL RECEIPTS		Actual YTD*	
	Donations	\$12,227.87	5%
	Northampton County	\$75,050.00	31%
	Town Of Cape Charles	\$50,000.00	21%
	Town of Cape Charles (Pass through Grant)	\$15,000.00	6%
	Town of Cape Charles Building permit	\$25,121.20	10%
	Northampton County Fire rescue comission	\$3,186.65	1%
	Tool Mania	\$60,437.10	25%
	Fishing tournament	\$9,640.00	4%
TOTAL RECEIPTS		\$241,022.82	

- The average yearly total income from 2019 to 2023 was \$176,273.
- In 2024, Northampton County continued to use the cigarette tax proceeds to fund the five volunteer fire departments within the county. The annual contribution from the county is \$75,000.



By the Numbers CY 2024 2024 Operating Expense:

Total 2024	
Utilities	\$3,244.09
Loans(Tanker 15-7)Balance \$29,000	\$11,462.52
Insurance	\$24,526.67
Monthly Dues	\$3,656.87
Supplies	\$25,909.20
Capital Expense • \$20,000 for new turnout gear • \$15,000 Equipment for new brush • \$3,000 New Water Heater • \$18,000 Balance for new skid unit Brush Truck	
• \$3,000 Misc tools for trucks	\$59,200.37
new truck	\$100,000.00
Total Expense for 2023	\$227,999.72
Net for 2024	\$13,023.10

New Apparatus in service for CY 2024-2025



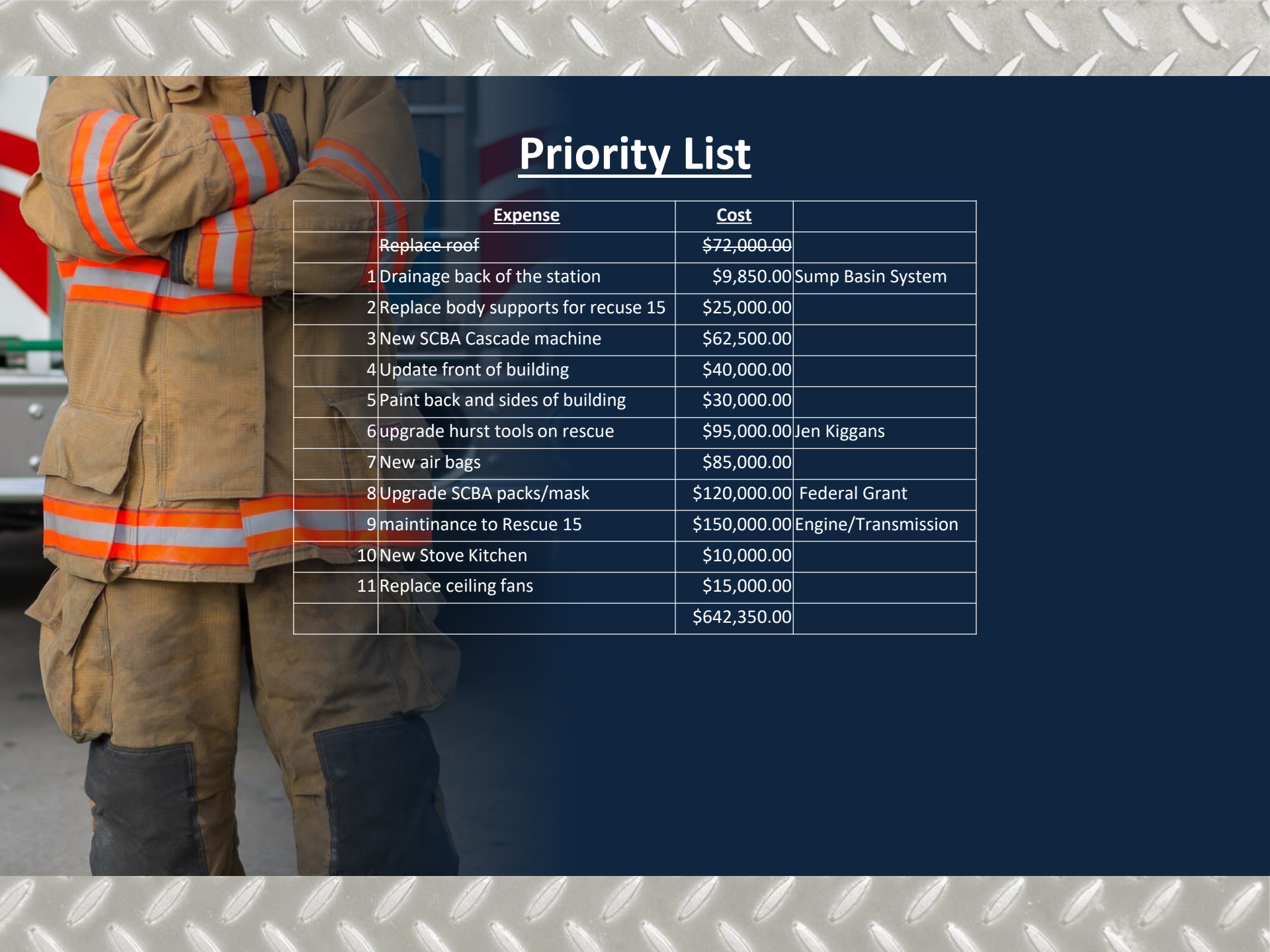
Engine 15-3

- 2024 E-One Engine
- Replaced our 1997 E-One Engine. Brakes failed in late 2024 and was taken out of service. Truck was sold for scrap for \$1,000

Brush Truck

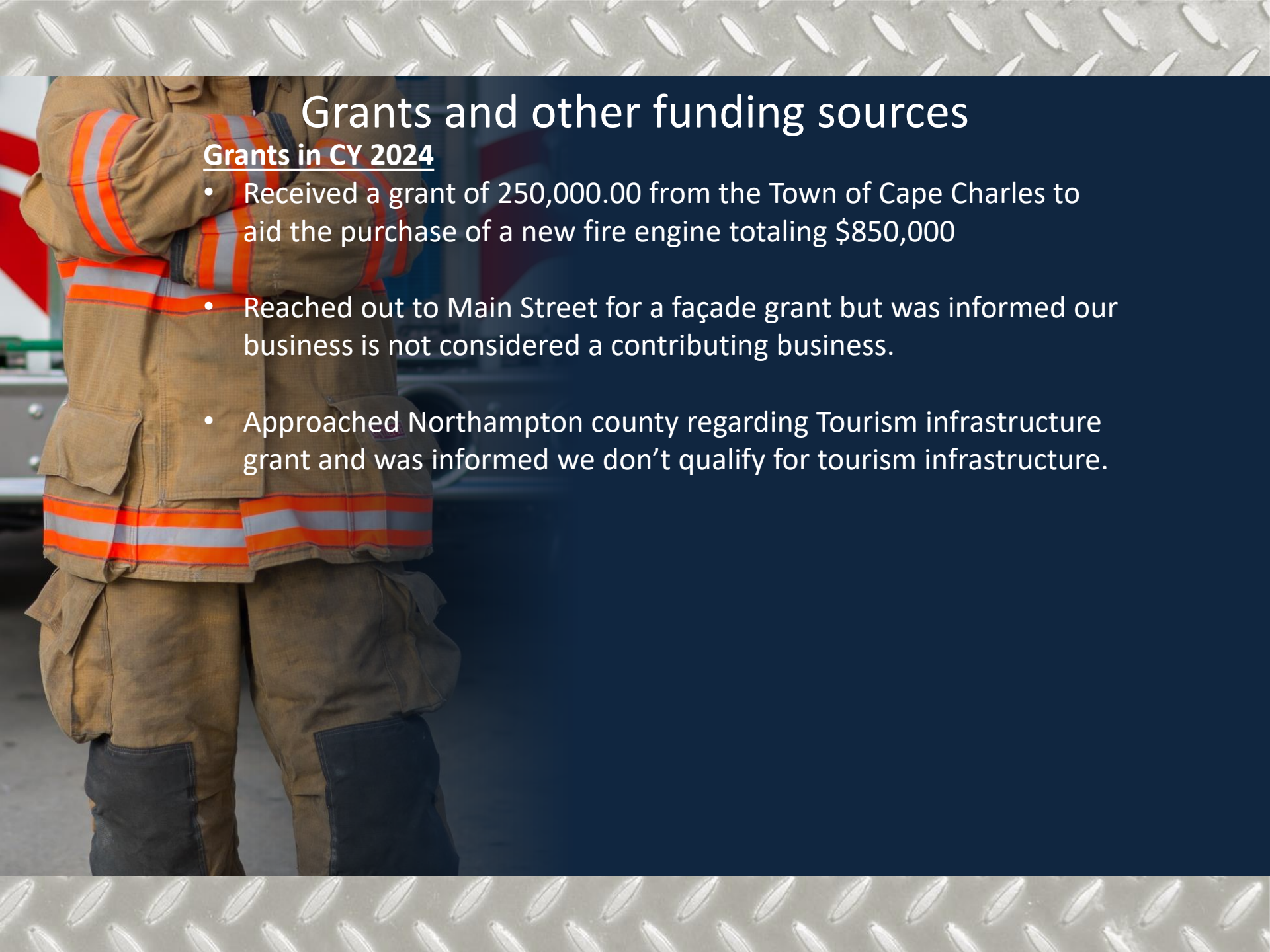
- 2021 Ford F250 was donated by Cape Charles Volunteer Rescue Squad
- Replaced our 1989 GMC Brush Truck which was sold for \$5,000





Priority List

	<u>Expense</u>	<u>Cost</u>	
	Replace roof	\$72,000.00	
1	Drainage back of the station	\$9,850.00	Sump Basin System
2	Replace body supports for rescue 15	\$25,000.00	
3	New SCBA Cascade machine	\$62,500.00	
4	Update front of building	\$40,000.00	
5	Paint back and sides of building	\$30,000.00	
6	Upgrade hurst tools on rescue	\$95,000.00	Jen Kiggans
7	New air bags	\$85,000.00	
8	Upgrade SCBA packs/mask	\$120,000.00	Federal Grant
9	maintinance to Rescue 15	\$150,000.00	Engine/Transmission
10	New Stove Kitchen	\$10,000.00	
11	Replace ceiling fans	\$15,000.00	
		\$642,350.00	



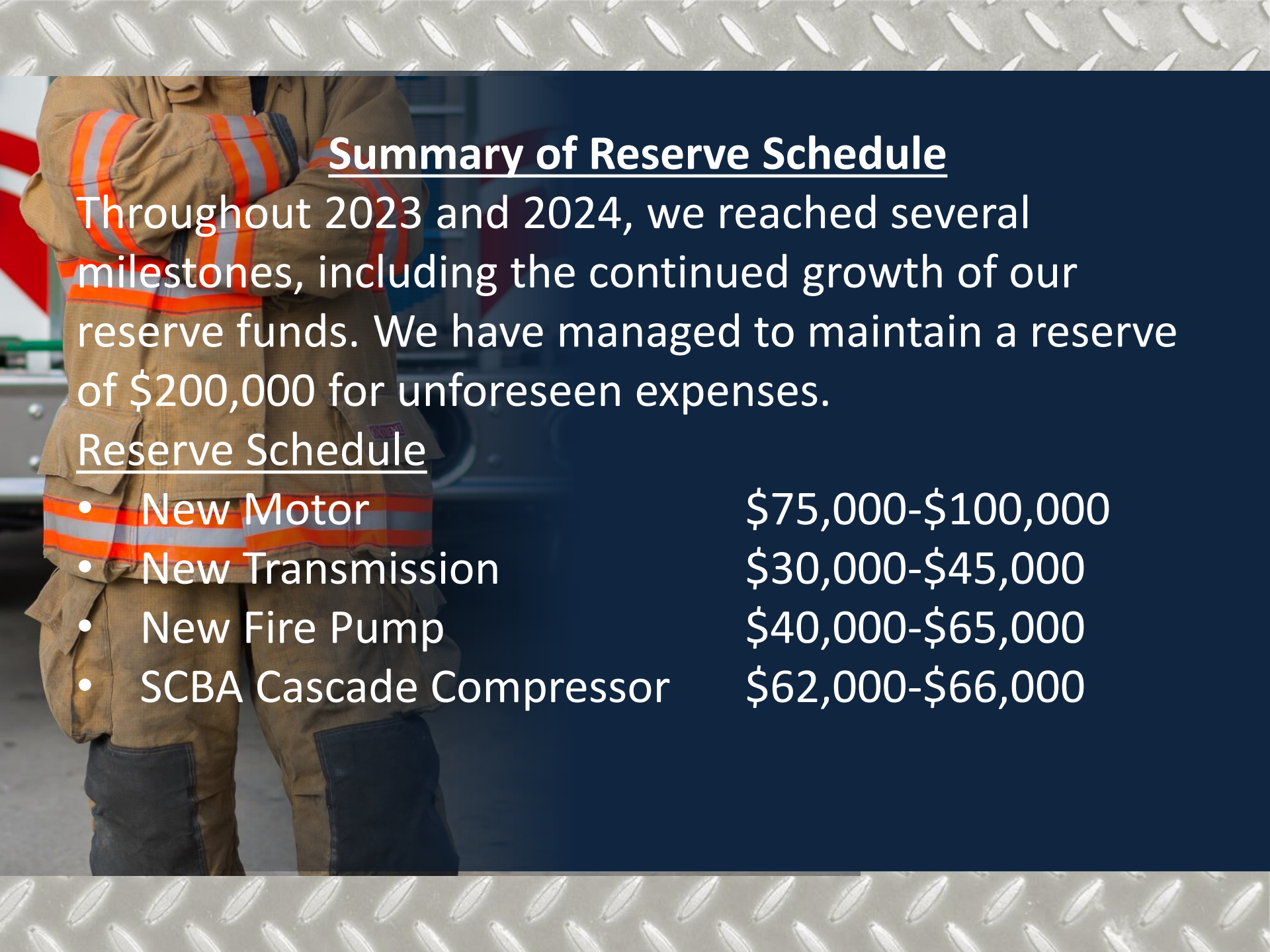
Grants and other funding sources

Grants in CY 2024

- Received a grant of 250,000.00 from the Town of Cape Charles to aid the purchase of a new fire engine totaling \$850,000
- Reached out to Main Street for a façade grant but was informed our business is not considered a contributing business.
- Approached Northampton county regarding Tourism infrastructure grant and was informed we don't qualify for tourism infrastructure.

Grants and other funding sources in CY 25

- April 2025, we held a fundraiser to support the cost of replacing the roof. In addition, Northampton County contributed \$42,000. Together, these efforts fully covered the \$72,000 roof replacement cost, allowing us to complete the project without using any reserve funds.
- April 2025, we applied for a grant through Firehouse Subs to replace our SCBA compressor at a cost of \$62,000. We expect to hear back from this grant in June
- May 2025, we applied through Congresswoman Jen Kiggans' office for discretionary funding to help replace our 25-year-old extrication equipment, with an estimated cost of \$130,000–\$150,000. We expect to hear whether we were approved in June.
- December 2025, we plan to apply for a federal grant to replace our 18-year-old SCBAs, which exceed the recommended replacement age of 15 years. The estimated cost for this project is \$140,000.
- Northampton county raised the FY26 contribution from \$75,000 to \$100,000.
- We submitted a \$75,000 funding request for FY26 to the Town of Cape Charles to support operational needs that continue to enhance public safety and emergency response.
- Additional expenses going into FY26
 - \$48,000 loan payment for new fire engine.
 - \$5,000 insurance increase
 - \$4,000 professional federal grant writer for SCBA grant.

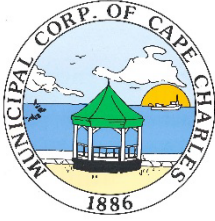
A firefighter in a tan uniform with orange and reflective stripes stands with arms crossed. The background is a dark blue gradient with a diamond plate pattern at the top and bottom.

Summary of Reserve Schedule

Throughout 2023 and 2024, we reached several milestones, including the continued growth of our reserve funds. We have managed to maintain a reserve of \$200,000 for unforeseen expenses.

Reserve Schedule

• New Motor	\$75,000-\$100,000
• New Transmission	\$30,000-\$45,000
• New Fire Pump	\$40,000-\$65,000
• SCBA Cascade Compressor	\$62,000-\$66,000



**7 DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
April 17, 2025
6:00 PM**

At approximately 6:00 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 Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Staff in attendance were the current Town Manager John Hozey, the new Town Manager Rick Keuroglan, Treasurer Marion Scofield, Planning & Zoning Director Katie Nunez, Project Manager Bob Panek, Police Officer Jordan Yee, Assistant to the Town Manager Courtney Neale and Town Clerk Libby Hume. There were 10 members of the public physically in attendance, and 10 viewers on Facebook.

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

Mayor Charney welcomed Rick Keuroglan, the new town manager, to the Town and his first Town Council meeting.

PUBLIC HEARING

Mayor Charney read the public hearing notice.

- A. *Zoning Text Amendment 2025-01: application from the Town of Cape Charles to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Project Development*

Peter Alpern, resident

Mr. Alpern began by stating that he and his wife owned the house at 3 Bay Vista. He went on to state that he had spoken at the April 10 Planning Commission arguing against the two items before Council tonight. The zoning department wanted to change a 33-year-old zoning regulation by reducing the requirements of Residential-3 (R-3) zoned properties, for one developer that wanted to fix and flip the Seabreeze Apartments. The Planning Commission voted to approve this zoning text amendment and the subsequent zoning map amendment despite the fact that the developer currently had no plan regarding the number of units. Mr. Alpern encouraged the Council to ask for details because no details were provided last week at the Planning Commission meeting. Instead of carefully considering the implications of exposing every taxpaying stakeholder in Cape Charles to build apartment buildings that would consume scarce parking and other resources, the Commission voted in favor of the amendments. Several people who watched the meeting contacted him suggesting that the planning department appeared to be acting as agents of the developer and not representatives of the taxpayers of Cape Charles. He asked Council to represent all the Cape Charles taxpayers and protect them by denying zoning text amendment 2025-01 and require apartment buildings to sit on 3 acres of land to protect our scarce parking and other resources. It had been the requirement for 33 years, and never once until last week, was it challenged. Do the due diligence, represent and protect yourself and all the other taxpayers of Cape Charles and deny the zoning text amendment.

Town Clerk Libby Hume read letters submitted by Erin and Don Sedgley, and Fabien and Shashi Baksh. (Please see attached.)

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

- B. *Zoning Map Amendment 2025-01: application from Seabreeze Associates LP, to Conditionally Rezone with Proffers 201-209 Washington Avenue (Tax Map #83A1-3-B2 and 83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) pursuant to Cape Charles Zoning Ordinance Sections 2.7.2 and 3.3*

Peter Alpern, resident

Mr. Alpern thanked Council for letting him speak tonight and went on to ask Council to deny zoning map amendment 2025-01. He spoke against the zoning map amendment at last week's Planning Commission meeting adding that his comments were not accurately conveyed nor characterized in the packet of information prepared for Council this evening. He encouraged Council to review the video of the Planning Commission meeting and compare it to the provided notes. The Seabreeze Apartments were neglected for so long that they were unsalvageable. His fears were maximized in September 2023 when the Seabreeze Apartment building next door to his house was on fire and the fire department caused \$10K worth of damage to his property. At last week's Planning Commission meeting, the developer had no plan whatsoever for the property and did not even know how many units it would have. The number of cars would add to the parking problem in this town, and how many golf carts would be added. The developer did not mention anything that they were doing for the people of Cape Charles. Mr. Alpern distributed an article from WTKR Hampton Roads published on February 9, 2024 titled "I'm in limbo: Nearly 20 without a home after Cape Charles apartments deemed unsafe." He noted that outgoing town manager, John Hozey, reportedly said that the primary issue was structural. The article continued with a Seabreeze resident saying they used to have a tiny gap between their floor and wall and how it had grown. This did not sound like a property that a responsible town government would approve for fixing and flipping. Mr. Alpern also distributed a copy of an article published by the Cape Charles Wave on October 30, 2012 regarding the first time that the Seabreeze Apartments were condemned. There was a photo in this article of the northern facing walls of the Seabreeze Apartments with a caption that the storm surge breached the breakwater behind the apartments washing out the foundation. These were 2 of the buildings that would be fixed and flipped if Council voted in favor of zoning map amendment 2025-01. How would the taxpayers of Cape Charles benefit from this? He concluded by thanking Council for their service.

Libby Hume read comments submitted by Devon and Linda Johnson, John and Antoinette Payne, and Fabien and Shashi Baksh. (Please see attached.)

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

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

The public hearing was closed at 6:22 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

- A. *Cape Charles Main Street Presentation – Karen Zamorski, Executive Director*

Executive Director Karen Zamorski presented the Fiscal Year 2025 Mid-Year Review of Cape Charles Main Street's activities such as marketing support for the businesses and the Town, beautification projects, events, grants, volunteerism, etc. (Please see attached.)

B. *Commission & Boards Annual Reports*

Ms. Dolores Blackburn, Board of Zoning Appeals chairperson, Mr. Stuart Smith, Harbor Area Review Board chairperson, Ms. Libby Wright, Historic District Review Board vice-chairperson, Mr. Bill Stramm, Planning Commission chairperson, and Mr. John Schoeneck, Wetlands & Coastal Dune Board chairperson, presented their annual reports to the Town Council. (Please see attached.)

C. *National Building Safety Month Proclamation*

Mayor Charney read Proclamation 20250417A – Building Safety Month – May 2025.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Proclamation 20250417A for Building Safety Month – May 2025. The motion was approved by unanimous vote.

The proclamation would be presented to Code Official Jeb Brady at a later date.

D. *National Police Week Proclamation*

Mayor Charney read Proclamation 20250417B to Recognize National Peace Officers' Memorial Day and National Police Week 2025.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt Proclamation 20250417B to Recognize National Peace Officers' Memorial Day and National Police Week 2025. The motion was approved by unanimous vote.

Mayor Charney presented the proclamation to Officer Jordan Yee.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Phil Goetkin, representing New Roots Youth Garden

Mr. Goetkin addressed the Council to invite them to the 15th Annual Blessing of the Worms on Sunday, April 27th, at 3:00 p.m. The New Roots Youth Garden (NRYG) had many volunteers working at the garden, which looked better than ever. This spring, children from the Cape Charles Christian and Kiptopeke Elementary Schools visited regularly. He thanked the Council and the Town on behalf of the NRYG Board for all the support provided over the years, especially by the Public Works team for their help in mowing the grass and providing their assistance in other areas as needed. He distributed copies of the NRYG Blessing of the Worms flyer.

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

CONSENT AGENDA

A. Approval of Agenda Format

B. Approval of Minutes:

- i. March 20, 2025 Town Council Public Input Session, Public Hearing & Regular Meeting
- ii. March 20, 2025 Town Council Executive Session
- iii. March 29, 2025 Town Council Work Session
- iv. March 29, 2025 & April 2, 2025 Town Council Public Input Sessions

C. Approval of February 2025 Financial Report

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to approve the Consent Agenda items as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

A. *Zoning Text Amendment 2025-01: Article III, Section 3.3 (E)*

Zoning Administrator Katie Nunez stated that on March 20, 2025, she submitted a request for Town Council to consider amending Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance. Council adopted a resolution of intent to move the request forward for Planning Commission public hearing and review. This request occurred as a result of conversations with a prospective purchaser of the Seabreeze Apartments property, which was a parcel just under 1.5 acres and was currently zoned Residential-1. She reviewed the zoning ordinance to determine the most appropriate zoning district for this parcel based on the existing legal, non-conforming uses on the property of multi-family dwellings. This examination led to a closer look at the Lot, Yard, Height, Coverage and Density Requirements for the Residential-3 (R-3) Multi-Family District which had a minimum 3-acre requirement for a multi-family project. In December 2024, several parcels were rezoned to R-3 when the RE Zoning District was eliminated, but staff missed the 3-acre minimum requirement in the district, so the majority of the parcels currently zoned as R-3 did not meet that requirement. There were currently 8 parcels in the R-3 district and only 1 of the properties met that requirement. The setback requirements along with the other development provisions contained in the ordinance such as parking, driveways, sidewalks, landscaping, stormwater, etc. would determine the amount of land needed to accommodate a multi-family project development, so an acreage requirement was an unnecessary component for this zoning district. The current 3-acre requirement was highly restrictive of property that could otherwise meet all of the other criteria for multi-family dwellings. Regardless of the final decision regarding the Seabreeze property, this issue needed to be cleaned up for the other parcels currently zoned R-3.

Katie Nunez went on to state that the Planning Commission held their public hearing on April 10, 2025. One public comment was received from Peter Alpern who spoke in opposition to the application. After much discussion, the Commissioners voted to recommend Town Council approval of Zoning Text Amendment 2025-01 to remove the requirement of 3 acres on R-3 lots. This was approved by majority vote with Commissioner McDonald opposed.

There was some discussion as follows: i) Councilwoman Holloway asked why this issue was not reviewed during the Zoning Ordinance update. Katie Nunez responded that the entire zoning ordinance was rewritten, which was a very large task, and some conflicts were missed. As they were discovered, they would be brought to Council for correction; ii) Councilwoman Holloway asked if this would be considered if the potential purchaser of Seabreeze had not contacted the Town. Katie Nunez stated that once this issue was discovered, she was obligated to bring it to the town manager and Council for correction. This zoning text amendment was independent from the zoning map amendment which would be discussed later. Regardless of whether the Council approved the zoning map amendment, this issue still needed to be addressed. If any of the owners of the parcels currently in the R-3 district wanted to develop the lots, there would be issues since only 1 of the 7 parcels met the 3-acre minimum requirement; iii) Councilman Newman stressed the importance of separating the two applications. The Town put 7 properties into a zoning district that they did not conform to. This should not be considered as reversing the course of decisions made, but as a correction that needed to be made; iv) Councilman Grossman noted that we currently had requirements stating that more than 45% of a property could not be developed. We had the Bay Lake Condos with 12 units on .5 acre. The structures met this requirement and at least 55% of the parcel was undeveloped and available for parking lots, etc. Removing the 3-acre minimum did not matter since other conditions were in place.

Motion made by Councilman Grossman, seconded by Councilman Newman, to adopt Ordinance 20250417A-Amending Cape Charles Zoning Ordinance Article III-District Regulations, Section 3.3-Residential Multi-Family District Requirements. The motion was

approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

B. *Zoning Map Amendment 2025-01: Tax Map #83A1-3-B2 & 83A1-3-3*

Katie Nunez stated that this property, known as the Seabreeze Apartments, was developed in 1984 with 4 buildings that housed a total of 28 apartments and 1 office building/laundry, when the Town did not have any zoning. In 1992, the Town adopted a Zoning Ordinance and zoned this property as Residential-1 which did not permit multi-family dwelling but was meant for single-family residential developments. However, due to the Seabreeze Apartments predating the Zoning Ordinance, the buildings were allowed to continue to operate as rental housing units and classified from a zoning perspective as a legal, non-conforming use, pursuant to the Cape Charles Zoning Ordinance Section 2.5. In February 2024, the Town issued a Notice of Violation regarding two of the buildings that were found to be unfit for human habitation. Because of the Town's findings, the funding partners of Housing & Urban Development (HUD) and United States Department of Agriculture (USDA) for the low-income housing at this property subsequently terminated their funding which then led to the full-scale relocation of all of the tenants from this property. There were underlying issues with the ownership of the entity of Seabreeze Apartments, LP, due to the deaths of the primary partners. This was recently resolved when a liquidator trustee was named and given authority to seek a purchaser for this property. The property is under a purchase agreement and there was a period of due diligence before the sale occurred. The due diligence included a robust discussion with the Town regarding the zoning for this property, including the restrictions associated with the R-1 zoning and the uses and structures being designated as legal, non-conforming uses and structures. Section 2.5 of the Cape Charles Zoning Ordinance stated that a legal, non-conforming use could continue to exist but there were restrictions on expanding the use or structure on the property. Additionally, there were imposed time frames when a legal, non-existing use could continue on a property when that use ceased to occur. There were currently 2 clocks running on this property: i) The first was relative to the 2 buildings on the north end of the property that were deemed uninhabitable. A 12-month clock was placed on those 2 buildings effective February 27, 2024 when the Notice of Violation was issued, to address the Notice of Violation and return the 2 buildings to service, otherwise, the legal, non-conforming use as a multi-family dwelling would cease; and ii) The second clock was relative to the 2 buildings to the east as well as the small office building/laundry room. There was a 24-month clock from July 31, 2024, when there were last tenants in the building, for the use of a multi-family dwelling to resume in these 2 buildings and the office building/laundry room. While the liquidator trustee applied for a 6-month extension to address the Notice of Violation for the 2 buildings on the north end of the property, which was granted by the zoning administrator, the proposed purchaser indicated that they would like to make certain improvements and expansion on this property that could not occur in the R-1 Zoning, specifically due to the limitations and constraints of the legal, non-conforming use designation. Katie Nunez continued to state that the applicant, Seabreeze Associates, LP., was seeking to rezone the 2 parcels (Tax Map #83A1-3-B2 & 83A1-3-3) from R-1 to R-3 with several proffers.

The Planning Commission held their public hearing on April 10, 2025. One resident, Peter Alpern, spoke in opposition of the zoning map amendment, and 4 written comments from Erin and Don Sedgley, Devon and Linda Johnson, Fabien and Shashi Baksh, and John and Antoinette Payne were read into the record. Mr. Bill Parr, representative of the potential purchaser, was granted time to rebut the comments. Mr. Parr explained that when the Bay Vista Way residents purchased their properties, they were aware of the low-income housing development next door, adding that the development proposed for this property was going to be far superior to what was previously there. After much discussion, the Commissioners voted to recommend Town Council approval of the Conditional Rezoning (Zoning Map Amendment 2025-01) of 201-209 Washington Avenue (Tax Map #83A1-3-B2 & 83A1-3-3) from Residential-1 to Residential-3 with the proffers provided by the applicant. This was approved by unanimous vote.

There was discussion as follows: i) Councilman Grossman stated that he heard comments that the comprehensive plan was not being followed. On the contrary, if you looked at the Future Land Use Map, R-3 fit in this area. We needed to be clear that this amendment did meet the Future Land Use Map as outlined; ii) The existing structures would not have to seek variances from the setback requirements, but any expansion of the buildings in size would have to seek variances; iii) Councilman Newman asked for examples of what could and could not be done if the zoning was kept at R-1. Katie Nunez stated that the four existing buildings would stay as they were, and only internal renovations would be permitted. If they decided to convert the former office and laundry room into dwelling units, that could not be done under R-1; iv) Councilman Butta asked if any changes would be permitted to the exterior of the building. Katie Nunez stated that some changes could be permitted but anything that changed the footprint of the buildings were not permitted, such as the addition of outdoor steps or an overhang on an exterior door; v) Councilwoman Ashworth asked that if the time ran out, the buildings would no longer be legal, non-conforming structures, the use would expire, and the lot would become a standard R-1 lot. Katie Nunez stated that was true, but added that it did not mean that the buildings would come down. If the application were denied tonight, the proposed purchaser could withdraw the offer and walk away. We still had the current owners who had to find new purchasers. One clock would expire in August 2025 on the 2 unfit buildings and the legal non-conforming uses on those would go away. The other buildings were good until July 2026; vi) Councilman Grossman asked if the owners could move people into those 2 buildings and continue with the current use. Katie Nunez responded that they could do so, adding that the current owners could opt to leave all the buildings and board them up; vii) Katie Nunez explained the options for the property under R-1. a) One house could be built on the 1.5 acres; b) Up to 5 lots could be carved out of the property with direct frontage on Washington Avenue; c) A developer could propose a subdivision to have more than 5 lots and create a new road similar to Dreams by the Water; viii) Councilwoman Ashworth asked if the Town could mandate demolition of the buildings. Katie Nunez stated that if the buildings were boarded up and continued to deteriorate, the code official could pursue it, but it could come down to the Town to demolish the buildings and place a lien on the property; ix) Councilman Newman stated the importance of understanding that it was not the Town Council's purview whether these buildings were salvageable or not. That was up to a structural engineer and whether a prospective buyer wanted to spend the money to make the necessary repairs; x) Katie Nunez stated that in the Notice of Violation, a structural engineering report was required. Code Official Jeb Brady reviewed the report and found it sufficient; xi) Katie Nunez added that comments were heard that the buildings were not salvageable, but if that was the stand taken by the Town, Cape Charles would not have any structures. A great deal of investment had been made in Cape Charles, and it was surprising how buildings could be saved, and if given the chance, the proposed purchaser could make a lot of changes to restore these buildings.

The applicant, Bill Parr, was given the opportunity to address Council.

Mr. Parr thanked Katie Nunez for articulating the details of the 42-year-old multi-family community in a 33-year-old zoning district. Bay Vista Way was developed in the 30-year-old shadow of the Seabreeze Apartments and were intentionally designed home sites in close proximity to Seabreeze. Some stated that Seabreeze was a temporary use but after 42 years, it should not be considered as temporary. The purchaser wanted to make a lot of improvements, and if zoned R-3, could improve the aesthetics of the buildings to break up the boxy lines. They needed answers from the Town before actual plans could be made. The buildings were solid and worthy of redevelopment. The 28K square feet could be turned into something more attractive and appealing. If they did not get conditional rezoning approval, the plans would be pared down and only the interior of the buildings could be renovated, and the value would be permanently limited. The purchaser would be taking possession of the property within a week or so, so the buildings would not be abandoned.

Councilman Grossman asked for clarification that the proffers were unsolicited by the Town, and the purchaser decided what to proffer, adding that he wanted to ensure that there was no coercion. Bill Parr stated that yes, the proffers were the purchaser's idea. The purchasers did not want to do anything detrimental to the surrounding properties. They would not allow short-term rentals, a fence and gate would be installed, and quality features would be added to the property to enhance the aesthetics as much as possible.

Councilwoman Ashworth asked whether the purchaser would move forward with the purchase of the property regardless of the outcome of the rezoning application. Mr. Parr responded that yes, the closing would move forward, and the purchaser would replace the plumbing, HVAC, windows, doors, etc., but the exterior, boxy look of the buildings would remain, and no additional amenities could be added which would limit the value of the units for the lack of aesthetics. Mr. Parr went on to state that the original plan for Seabreeze was to build a playground. The area designated for a playground could support a swimming pool and recreational area and still meet the open space requirements and setbacks for R-3 zoning. There would be 2 parking spaces per unit and in the condo environment, no ADA spaces were required. The purchaser was looking at possibly combining some units to make nicer, larger units and reduce density.

Councilwoman Holloway expressed concern of a gated community, adding that Bay Vista Way and Dreams by the Water fit into the neighborhood because they were open. A gate made it feel elitist, and she did not think it was what was needed across the street from the Historic District. Mr. Parr countered asking what would keep cars from going into the development's parking lot during the summer months. Councilwoman Holloway responded that others installed signage noting that parking was for residents use only.

Don Schultz, from Crenshaw, Ware & Martin representing the property owners, addressed the Council explaining that all of the limited and general partners of Seabreeze Associates had passed away and that a management company had been overseeing the apartment complex. The complex was initially built by the family as a goodwill gesture for low-income families and he did not think they made any money over the years, and the property deteriorated. His job was to keep the USDA from foreclosing. Mr. Parr's client was commendable and committed to this property. The purchaser was moving forward regardless of the outcome of the rezoning application and would be making this property into something much better than what had been there for a long while. His clients were going to sell the property, and he felt that the purchaser was entitled to some good consideration to do this. The current mortgage had not been paid for years, and the USDA had been paying to keep the utilities on, etc. His client might break even or have to pay some to the trust to make it even. If the property did not sell, the USDA would foreclose on it, and then it would sit vacant for a very long time.

Councilman Butta stated that regardless of what Council opted to do, those buildings would still be there, and he did not understand the objections to what was being proposed.

Councilwoman Ashworth asked if the purchaser was from the Eastern Shore. Mr. Parr stated that the purchaser was an LLC with 3 partners – 2 were Eastern Shore residents with 1 of them being a Cape Charles resident.

Motion made by Councilman Grossman, seconded by Vice Mayor Buchholz, to adopt Ordinance 20250417B to amend the Cape Charles Zoning Map by conditionally rezoning Tax Map #83A1-3-B2 & 83A1-3-3 from Residential-1 to Residential-3 and accept the Proffer Statement presented by the applicant. The motion was approved by majority vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, no; Newman, yes.

NEW BUSINESS:

A. *Short-Term Rental Software Contract Award*

Katie Nunez stated that a request for proposals (RFP) was issued by the Town in February 2025 for qualified firms to provide software services assisting the Town with the management of short-term rentals (STR) operating within the corporate limits of the Town. The submittal deadline was March 7, 2025 and six proposals were received, opened and reviewed by the review committee, which was comprised of Town Manager John Hozey, Code Official Jeb Brady, Deputy Treasurer Adrian Oei, and Katie Nunez. The proposals were narrowed down to the top three and follow-up demonstrations of each of the software systems were held with the review committee and applicable support staff. Based on the demonstrations, the committee ranked Deckard Technologies as the top choice in meeting all stated objectives and goals listed in the RFP. The software would provide online application submission for STR business licensing, safety inspections, and zoning permitting as well as payment for all applicable fees. It was also able to provide monthly or quarterly remittance and reporting of transient occupancy taxes by the STR licensee and/or the STR management company on behalf of multiple licensees. Their outreach campaign at the beginning of the season and the compliance module with the 24/7 compliant hotline would provide the Town staff with the resources needed to handle the newly adopted STR Zoning Ordinance and be able to generate the necessary reports to ensure compliance and understanding of the STR business operating within the Town's limits. Deckard Technologies was extremely competitive in their annual pricing as the lowest price proposal received at \$32K for year one and the company agreed to hold that price for year two as well.

There was discussion as follows: i) Mayor Charney asked how the software located STRs. Katie Nunez stated that Deckard Technologies built an algorithm of the Town of Cape Charles corporate limits, not just area code 23310, and the software scoured 90+ websites looking for STRs, prices, descriptions, etc. It verified everything with our ordinance and flagged those that advertised outside of the parameters; ii) Reports could be pulled using the number of bedrooms, etc.; iii) Councilwoman Ashworth asked about the fees after year 2. Katie Nunez stated that the contract included up to a 5% escalator based on the consumer price index; iv) Councilman Grossman asked whether the issuance of violation letters came through staff. Katie Nunez stated that staff would build templates for each letter. If a complaint was received, it would be redirected to the appropriate department (i.e., noise complaints would be routed to the police department). The complaint would go to the property manager first and if they failed to rectify the problem, a violation of responsiveness would be issued. Councilman Butta expressed his displeasure of the automated part of the process. The complaints should be investigated by a member of staff before a letter was issued to the property manager, etc. Councilwoman Holloway agreed. Katie Nunez added that this could be altered with the company. When a complaint was received, it was not considered a violation unless the property manager/owner failed to respond; v) Councilwoman Ashworth asked how the business licenses/inspections were being addressed since the due date had passed. Katie Nunez stated that in 2024, we had 108 STRs in Bay Creek and 222 STRs in the Historic District for a total of 330. For 2025, we currently had 74 STRs in Bay Creek and 185 STRs in the Historic District for a total of 259, but the finance department currently had a massive stack of application files, and those numbers had not yet been captured. Currently 41 inspections had been completed in Bay Creek and 113 in the Historic District. The code official was substantially behind. The Town hired Adam Buell as the compliance officer, but he was still in training so could not assist with the inspections; vi) Councilman Butta asked how many of the STRs paid transient occupancy tax (TOT) in 2024. Katie Nunez stated that the number could not be determined using our current software, FMS, and based on the method that third party companies such as VRBO and Airbnb were paying TOT in lump sums and not providing details on the specific properties. Councilwoman Ashworth commented that we needed to know the number of STRs that were paying TOT in order to determine our return on investment for the software. John Hozey stated that this had not been tracked before and would be a labor-intensive process; vii) Councilwoman Ashworth asked if any of the STRs owners had been provided an opportunity to look at the user

interface for the software. Katie Nunez stated that it was staff's job to look at it from their point of view – the ability to apply for a business license and pay for it online, the TOT remittance automation, etc. Councilwoman Ashworth stated that she researched the software and found a review from an STR owner who said that the software was very difficult to use. Katie Nunez responded that she had spoken to 6 communities that used this software and received rave reviews on the use of the software and compliance from their customer base, and the customer support was extended to the homeowners as well as the staff. Councilwoman Ashworth stated that the STR owners were paying for this software and she just wanted to feel comfortable that this would make their lives easier as well, and it made sense to have someone from that community look at the software; viii) There was much discussion about the lump sum TOT checks from the third-party companies; ix) Councilman Grossman asked about our ability to terminate the contract. Katie Nunez stated that we could terminate with 60-days' notice, adding that the \$32K would be paid as each element was brought online and we were locked into year 2 at the same price; x) Rick Keuroglan stated that this had been an issue in his former locality, Georgetown, CO, forever, adding that the fact that Cape Charles was processing all of this on paper was a nightmare. That the Town is looking at software was exciting. It could capture more and track everything. It would be a dream and a good thing for the Town; xi) Katie Nunez stated that to address concerns, she would bring in 3 representatives from STRs (1 from a larger management company, 1 from a medium management company, and 1 individual) to test the software before going live.

Motion made by Councilman Grossman, seconded by Councilman Newman, to award the Short-Term Rental Management Software contract to Deckard Technologies for the first year at \$32K. The motion was approved by unanimous vote.

B. *Vanasse Hangen Brustlin, Inc. Contract Amendment*

John Hozey explained that Vanasse Hangen Brustlin, Inc. (VHB) exceeded their original scope of work on the Beachfront Master Plan and had been working without payment. VHB was doing great work and provided incredible value. It was a good faith effort on both sides as the public outreach was twice what VHB had initially agreed to. We would be meeting again in a work session soon to get Council guidance for moving forward. To enable the work to continue on this project, it was necessary to amend the contract to fund the increased level of effort being supported by VHB. He proposed the amount for the contract amendment and VHB agreed to it. The amendment included round 2 of public and Town Council outreach and engagement, round 2 of concept development, and assistance with the grant application processes for an amount of \$39,408.

Motion made by Councilman Butta, seconded by Councilman Grossman, to approve the contract amendment for VHB in the amount of \$39,408. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) He welcomed Rick Keuroglan to Cape Charles, adding that this was his third day on the job. It had been a nonstop brain dump, and Rick had not run yet. He felt the process and the overlap period was working well, but they still had a lot more to cover.
- ii) The beachfront master plan work session currently scheduled for May 8th needed to be rescheduled as Rick would be out of the office attending his daughter's graduation on May 9th.

The beachfront master plan work session was rescheduled for May 13th. It was discovered that several Council members were unavailable for the May 1st FY 26 budget work session, so that was rescheduled for May 6th.

- iii) He signed the corrective action agreement with the Department of Environmental Quality for the Chesapeake Bay Preservation Act audit. We had a couple of items to address. He asked Katie Nunez to draft a summary of the report for Council review. We had up to a year to correct the issues and no fines were assessed.
- iv) The Library Board asked for permission to dedicate the local history room as the Chris Bannon Memorial History Room. The Council gave their blessing to rename the room.
- v) He asked Mayor Charney to come into the office tomorrow to sign the deeds for the library building.
- vi) The Easter Egg Hunt was scheduled for this Saturday beginning at 10:00 a.m. Be there by 9:45 if you had any children who wanted to participate.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows:

- i) He checked with Libby Hume earlier and found out that we have 15 or so electronic comments on the Beachfront Master Plan and reminded everyone that April 21st was the deadline for submitting comments.
- ii) He recommended a work session followed by a public input meeting to deal with the pros and cons of purchasing the Meatland property for a new Town Hall. The Methodist church contacted us about their building, and we also had other options (the original location off Cassatt Parkway, and the 7 lots on Fig Street and Randolph Avenue) that need to be looked into and discussed. He did not want to rush into a deal with Meatland without further discussion about the other options. He also felt that the public needed the opportunity to participate in the discussion.

John Hozey stated that he believed he had a final agreement with the owners of Meatland and he did not have much confidence in their willingness to delay the process. He had not had the opportunity to talk to anyone from the Methodist church, but their space was not big enough for our current design. We would still need another location to accommodate everything.

Mayor Charney asked about the 7 town-owned lots at Randolph and Fig. John Hozey stated that the design would have to be modified.

Councilman Newman agreed that this item deserved a lot of attention.

John Hozey stated that staff would look into everything and report back to Council.

Councilwoman Holloway commented as follows: i) She worked with the Eastern Shore Chamber of Commerce to get free tickets for Council members and John Hozey for ChamberFest. Please let her know by next week if interested in going; ii) Rails to Trails groundbreaking is happening very soon. Just waiting on VDOT to set the date. John Hozey noted that the updated maintenance agreement for Rails to Trails will be on the May Council agenda; iii) The engraved plaque for Smitty Dize's bench was ordered and she would let everyone know when it came in. Enough money was raised to pay for the bench and the plaque.

There were no additional comments.

Announcements:

- April 25, 2025 – Blessing of the Fleet
- April 26, 2025 – LoveRun
- April 27, 2025 – Blessing of the Worms
- May 6, 2025 – Town Council Work Session
- May 13, 2025 – Town Council Work Session
- May 15, 2025 – Town Council Regular Meeting
- May 26, 2025 – Town Offices Closed for Memorial Day
- Dock Dogs was being moved to the first weekend of October – October 4 and 5

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

The Regular Meeting adjourned at 9:39 p.m.

Mayor Charney

Town Clerk

**April 17, 2025 Town Council Regular Meeting
Comments & Information Provided in Writing**

Public Hearing A – Zoning Text Amendment 2025-01: Article III, Section 3.3 (E)

Don & Erin Sedgley, Bay Vistas Way

Dear Mayor Charney and the Cape Charles Town Council,

Something does not seem right regarding Zoning Text Amendment 2015-01: Article III, Sections 3.3 (E). There were more unknowns and unanswered questions than details and a clear justification during the planning meeting last week. Despite the lack of clarity, the above amendment sits in front of you this evening.

During the discussion portion, two of the planning team members asked thoughtful questions and raised valid concerns, however their reasonable request to simply pause and perform additional due diligence was ignored. A question arose that this proposal conveniently coincided with a request for the reclassification of one property that would surely benefit. An acknowledgment of was not made.

In this resolution, it actually stated that this proposal came about “As a result of conversations with a prospective purchaser of the Seabreeze Apartments which is just under 1.5 acres...” The Seabreeze reclassification was voted on last week as well. They are in tandem again this evening.

Such a request could have numerous negative (or positive) consequences. There was no proof shared either way. Questions arose during discussion about altering these requirements to 1.5 acres regarding parking, space studies, square footage of possible buildings, density considerations and impacts on the surrounding community however a hush fell over the room.

The Town of Cape Charles is thinking of our future. The vision is to build our greatest revenue in tourism with consideration for residents. Thought and deliberation, professional space studies should occur prior to drastic changes to town positions for future development. Think of the time and deliberations around the waterfront master planning project. This is not a simple vote as it will also impact our future.

The R-3 requirements of minimum 3 acres for the specified purposes are very appropriate and should remain. This proposal to amend the current zoning requirements by cutting them in half is extreme and should not be permitted to come to pass. It is an insult to those who set these requirements with the intention of upholding a quality environment in Cape Charles.

As property owners on Bay Vistas, we are vehemently opposed. Please vote against Zoning Text Amendment 2015-01: Article III, Sections 3.3 (E).

Thank you,
Don & Erin Sedgley

Drs. Fabien & Sashi Baksh, Bay Vistas Way

We have owned our home at Bay Vistas Way since 2018, in the community immediately adjacent to the Seabreeze Apartments. We object to the removal of the 3-acre requirement for the R-3 district especially as it is intimately linked to the pending approval of the rezoning of the Seabreeze apartments.

The 3-acre rule was implemented as part of a carefully planned zoning ordinance created in 1992. The reasoning was to prevent overcrowding, control resource utilization and protect infrastructure such as water and sewer from being overwhelmed. These reasons are even more relevant today as the town has become busier especially in the summer. Parking is always an issue and the Seabreeze apartments as R-3 will place an additional strain on parking for Washington Ave and adjacent streets. The 3-acre rule was designed to control density, and while we can certainly fit more living spaces into a smaller area, the drafters of the zoning rules surely considered this. They decided that the town could not accommodate this density and still manage its resources and preserve its smalltown feel. The Town Council should consider that they are changing a carefully thought of rule with no apparent study on the long-term impact of this amendment, on a town that seeks to preserve its core historic nature.

This zoning amendment was born out of the Seabreeze application to rezone to R-3 as documented in the Planning and Zoning Meeting. We suggested in our letter to the Planning Commission that this amendment be tabled and not rushed through to accommodate the Seabreeze application. A motion to do just that did not prevail at the meeting and the amendment eventually passed. I am once again proposing to you that a significant change to the zoning rules such as this with widespread and ongoing implications not be rushed through to accommodate one developer. There is too much at stake for the town to do this and it will be irresponsible in our opinion.

Another reason given for changing the 3-acre requirement is that multiple land parcels were erroneously rezoned as R-3 that were smaller than 3 acres. We are more than a little concerned that you are considering permanently changing a rule to correct a previous error. Why not simply allow the error to "grandfather in" as an exception and keep the rule. This will otherwise be a classic case of the tail wagging the dog. It will be an awful precedent to set that a Board or Commission can make an error and then change the rules to match the error – it is a recipe for future shenanigans and back door rule changing.

I strongly urge the Council to reconsider this amendment as it will

1. Create a long-term issue for the Town regarding density, infrastructure and parking and
2. Create a terrible precedent for rule changing with many possible unintended future consequences.

Sincere Regards,
Fabien and Shashi Baksh

Public Hearing B – Zoning Map Amendment 2025-01: Tax Map #83A1-3-B2 & 83A1-3-3

Devon & Linda Johnson, Bay Vistas Way

My wife and I are opposed to the rezoning application from Seabreeze Associates LP from Residential-1 (R-1) to Residential-3 (R-3).

My wife and I are against changing the current zoning which will affect the Town's comprehensive plan for this non-conforming property. Why should this property be the change agent for the Town zoning / comprehensive plan?

The eight parcels cited who's zoning will be affected will not have the same effect on the Town historic character and the residents that live in the Washington St corridor.

The Town now has the opportunity to have this non-conforming property developed within the current zoning ordinance and in a manner that is representative of the housing within the Town. Look at what is being built and renovated on Washington Avenue.

As far as the Town's affordable housing and adding units issue. Yes if this rezoning is approved it will add back units however affordability will not be addressed. Look at what one bedroom condo's are being listed for in Cape Charles.

I truly believe that by changing this zoning it will have unintended consequences for the Town and all property owners.

The current zoning has benefited everyone and this property should not be used as the foundation to change it.

Sincerely,
Devon and Linda Johnson

John Payne, Bay Vistas Way

Honorable Mayor, Vice Mayor, Council Members, and staff;

I would like to introduce myself John, and my wife Antoinette, as the land owners of lot 0 Bay Vista Way. We have owned this lot for six years with plans to build our house on the lot in the near future. When we bought the property, we were aware of Sea Breeze Apartments , as an attainable housing development, and had no issue with the development. We also recognize the property is zoned R-1. As lot owners we are aware of many of the changes, forcing this property to not be habitable. Since this property is in transition, in ownership, and use, it is our opinion it should not be changed from R-1 zoning to R-3. We believe it is zoned appropriately in this category consistent with adjoining properties, including Dreams by the Water. The consistency continues with all single family developments along Washington Avenue in this general area. The intent of the R-3 zone stated in the ordinance is to provide high density multi family development. The intent of the R-1 zone is to provide quiet medium density single family; the regulations are "designed to stabilize and protect the essential characteristics of the district". To rezone this property to R-3 in my opinion would be arbitrary, and capricious, and inconsistent with the current zone and future zone exhibited in the latest adopted Comprehensive Plan upon which we rely. It is also my read, (subject to correction and explanation) that rezoning to R-3 would not allow the existing property to meet current required setbacks of the R-3 zone. Also my reading of the ordinance's maximum lot coverage and minimum lot size, the maximum number of units as single family R-3 could be 25 and for multi family 19, without considering setbacks and other site plan requirements where R-1 would allow 11 units. Because this has been a non-conforming use I believe it does not guarantee

redevelopment of the property in R-3 without complying with those setbacks. I am concerned that if suddenly after rezoning, the new owners decide that rehabbing the buildings, is not cost effective, the redevelopment of the site, allowed by the then approved R-3, would be incompatible to the surrounding neighborhoods. I ask that you seriously consider that scenario and vote against this rezoning. We do believe leaving the property R-1 is the best scenario. I can not understand how the existing non conforming set backs can be overlooked in the properties redevelopment as R-3. It seems inconsistent with the reason the property needs to be rezoned. I am also concerned, as the developer at the planning commission was vague as to their actual plans; saying we may add a second story to the maintenance building or not or we may combine units or not (my paraphrase). I recall the engineers study handed to the Planning Commission Chair as record, at last week's meeting called for approximately \$100,000 of improvement needed, yet the developer later stated, they would likely gut the property to the studs, with all new elements, and maybe add back doors, which would definitely change the character of the existing setbacks and impact Bay Vista residents. We therefore recommend, as directly adjacent property owners denial of the rezoning of Sea Breeze to R-3. *(3-minute allotment elapsed)*

Sincerely,
John and Antoinette Payne

Drs. Fabien & Shashi Baksh, Bay Vistas Way

We purchased our home at Bay Vistas Way in 2018 as a vacation home, and we plan to eventually retire there. We are immediately adjacent to the Seabreeze apartment complex.

We of course acknowledge that we purchased our home with the multi-unit dwelling in existence. While it obviously was an outlier as far as structure and use, we certainly understood that it served an important social purpose and had no issues with the community or the residents. We however also knew that it was zoned R-1, was noncompliant and thus assumed that eventually the property would revert to R-1 use after the lease was up on the building. To rezone the property to R-3 is a betrayal of the trust that the town has placed in you and an affront to the carefully considered zoning ordinances that have been put in place. When the zoning ordinances were created the property was specifically zoned R-1 despite the R-3 structure that was in place. This can only be because the planners of the town development expected that at some point the property would revert to R-1 usage, as it should.

At the Planning Commission Meeting last week, the developer had no specific plans for the property. We were given no vision for development except that it would be gutted and rebuilt on the inside. He specifically said that he was unsure if anything will be done to the exterior building facade. The exterior of the building is plain and generic with small windows and doors. This cannot be seriously marketed as luxury condos. Rezoning the property to R-3 will allow the developer to leave the same tired looking structure on prime bayfront property and will guarantee that this sad building will haunt us forever. It will also surely worsen parking issues on Washington Avenue and adjoining streets that are already problematic. The Town Council surely has a better vision for the long-term development of the waterfront than what is currently Seabreeze apartments. At the unfortunate and untimely expense of the Seabreeze residents we have a one-time and golden opportunity in front of us to properly develop one of the last remaining bayfront locations in Cape Charles. Surely the town did not elect you to take the easy route of just approving a quick fix on the eyesore that is already there but expects you to have a vision for a better future.

We would also like to address the overall housing issues that have been raised, outlining the need for diverse and affordable housing. This property, as previously mentioned, is prime bayfront property, and should not be used to provide affordable housing. There is no shortage of land around Cape Charles that can be used for this purpose. The town will be better served by keeping the waterfront developed in the manner that it is currently, with R-1 housing. Flipping an old and dilapidated, previously condemned structure and giving it a face lift will not provide long-term benefit for Cape Charles but ONLY short-term profit for the investors, leaving us to live with it for years to come.

In summary, as property owners immediately adjacent to Seabreeze, we strenuously object to rezoning this land parcel to R-3 as it will result in a permanent change in the nature of the neighborhood from quiet, medium density housing to high density housing. The previous non-conforming use was inherently temporary and should not be the basis for a change in zoning. *(3-minute allotment elapsed)*

Sincere Regards,
Fabien and Shashi Baksh



Our Board of Directors



Bill Stramm
President



Patsy Harris
Vice President



John Hozey
Board Member
at Large



Jay Abella
Co-Chair
Economic Vitality



Ken Butta
Co-Chair
Economic Vitality



David Gammino
Co-Chair Design



Lenore DeBellis
Co-Chair Design



Tara Ashworth
Co-Chair
Promotions



Gerry Taylor
Co-Chair
Organization



Nancy Perry
Co-Chair
Organization

What Cape Charles Main Street has delivered First Half FY2025(July 1, 2024 to December 31, 2024)

BUSINESS/TOWN Mkt. SUPPORT - \$124,052

Grants completed Through Dec. 1: **\$100,817**
FY2025 remaining grants : \$194,753
Working on New Grants Now for FY2026 Starting
July 1, 2025

- Received Full Accreditation for another year through DHCD and Main Street America Placer al Software 1 year **\$2500**
- Held Monthly Main Street Connect meetings for businesses **\$586**
- Continued to update and build on the CCVC website with CCMS Microsite and social media pages **\$8,567**
- Map & Distribution **\$1025**
- Lightbox in Welcome Center at CBBT: **\$850**
- Buy Local Campaign on WESR Radio **\$350**
- Giving Tuesday **\$210**
- Marketed Cape Charles through various print/Digital/Social campaigns **\$9167**
- Cape Charles Gift Card Program*

*(See details in presentation)

BEAUTIFICATION/SPONSORED PROJECTS - \$79,713

- Beautification projects (benches, planters, beds flowers) **\$1340**
- Train Project: Repair & Maintenance, Lettering Storyboards: **\$32,334**
- Gateway Beautification Phase 1 - **\$1650**
- Strawberry Street Plaza **\$31,113**
- Permanent tree lighting - **\$3576**
- Electrical Upgrade in the Plaza - **\$9700**

EVENTS - \$45,248 Includes Marketing Costs Spent on Events

- Cape Charles Main Street Annual Meeting - Heart & Soul in a Bowl **\$1,189**
- LOVEFEST in the Park - **\$6,978**
- Festive Fridays - **\$37,081**
- Love Run - Coming April 26, 2025

Cape Charles Main Street Grant Success

Grants Closed YTD FY2025	\$100,817
Grants to be completed in FY2025	\$194,753
Total Grants Currently working	\$295,970

Details on all grants for 2024-2025 in appendix

5-Years of Successful Grant Acquisition and business growth:
\$1,481,875 in grants
51 New Businesses/Expansions

Details on Info-graphic in appendix



Key Grant Update



Train at the "Welcome Center" – Train is complete. Story boards for surrounding the train are in process but waiting for Canonie land settlement before installing which is the final project on the books for the train at this time.



Strawberry Street Plaza – All final pieces are scheduled for installation. Wayfinding signage and clock are delayed. Dedication/Ribbon cutting on April 26th at 12 noon following the Love Run.



Beach Bathroom - New roof, fixtures, tile, paint, hardware are complete. New bottle filler/pet watering station and 2 ada compliant showers are here and ready to be installed as soon as concrete is complete. Planning to be ready for season opening.



Gateway Entrance to Cape Charles

Phase 1 of the Gateway Beautification project has been completed. This phase included:

Conceptual Site Planning Services:

- Base Mapping - Federal wetland inventory, FEMA floodplain, USDA soils survey zoning, parcels, speed limits and average trips per day, existing structures, topography, public utilities.
- Feasibility Report and Intersection Base Maps

Applying for a grant to enter into Phase 2 for schematic design services and renderings

Thank You Volunteers!



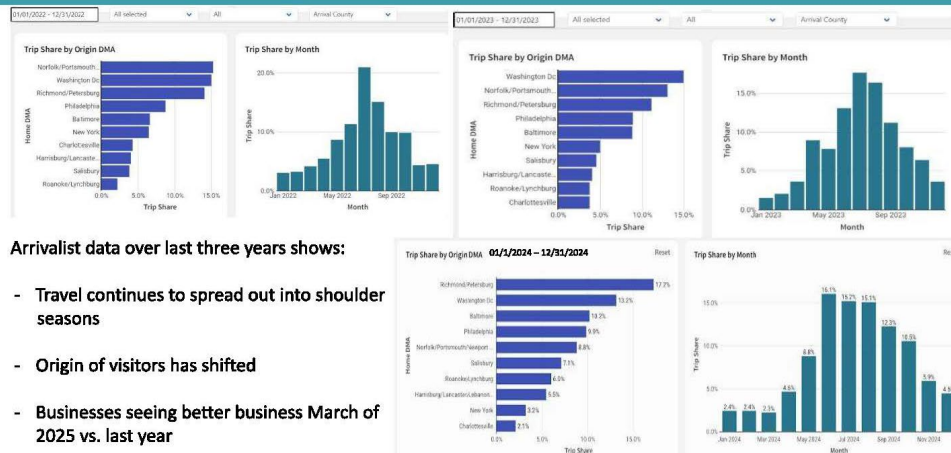
Our Volunteers ROCK!

Volunteer Hours First ½ FY25:
1,850 hrs. = \$55,975

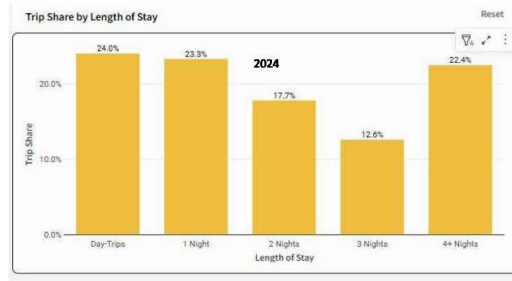
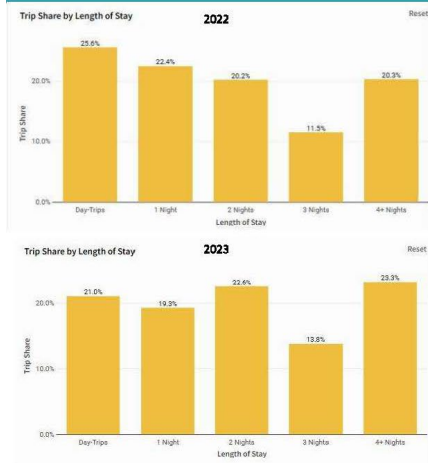
Total Volunteer Hours to Date for CCMS:
16,087 hrs. = \$459,736



Marketing Cape Charles - Research



Marketing Cape Charles – Research

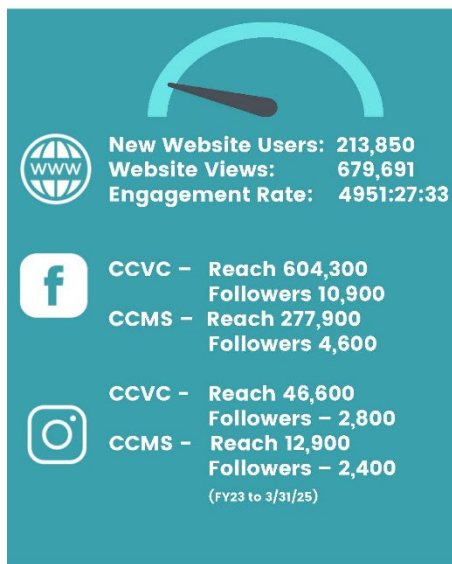


Cape Charles Gift Card Program

A Gift Card that works in 31 of our Businesses

Dashboard

Analyze or export data about your program



SUMMARY & ROI

BENEFITS DELIVERED	AMOUNT	
Town of Cape Charles Investment	\$ 45,000.00	Qtr. 1 & 2
- Marketing Person		
- Website Management		
- Social Media Management for Fb & Instagram		
- Grant Writing & Management		
- Event Management		
- Fundraising		
- Design/Beautification Projects		
Amount Returned (Calculated on income minus Town investment only)*	\$ 191,743.00	Includes Grants claimed to Date, Profit from events and donations
Investment Gained	\$ 146,743.00	
ROI on Investment in CCMS as of 1/1/25	+326%	
Plus Grants Remaining FY25	\$ 194,753.00	

WHAT'S NEXT?

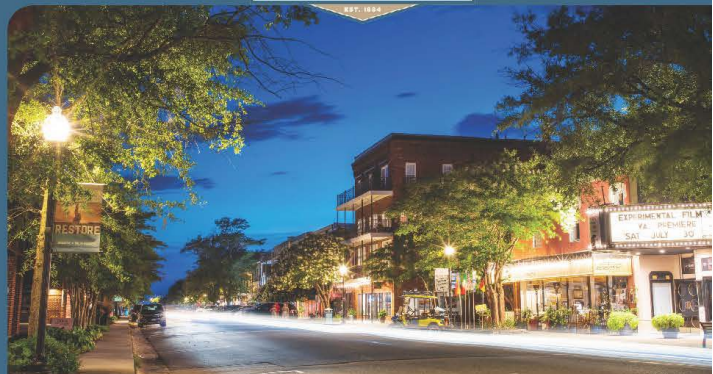
- Love Run 5k/10k , April 26, 2025
- Opening Party for Strawberry Street Plaza – April 26th, 2025
- Opening of updated bathrooms at the Beach – Ready to Open (showers and fountain ready for installation)
- Reminder, Chamberfest coming May 17th, 2025
- Heart & Soul Soup Night – TBD (Oct/Nov)
- Festive Fridays 2025 (Nov. 28, Dec. 5, 12, & 19th)
- New Visitor Center, Bathrooms, Offices TBD – Holding \$67,666 in grant funds
- Sail Fest Cape Charles – June 19 – 22, 2026



Thank You All!



Cape Charles



THE POWER OF MAIN STREET IN VIRGINIA

We are one of almost 100 cities and towns across Virginia working to strengthen our economic vitality and quality of life by leading a public-private effort to revitalize our historic downtowns.

We make our communities more attractive for residents, businesses, investors, and tourists by following Main Street America's proven Main Street Four-Point Approach™, which guides our placed-based, community-driven economic development work. Here's how:

- ✓ STRATEGICALLY WORKING TO ACHIEVE A SHARED VISION FOR DOWNTOWN'S FUTURE
- ✓ COLLABORATING WITH NUMEROUS PARTNERS FROM OUR MUNICIPALITIES TO CHURCHES & ARTS ORGANIZATIONS
- ✓ PROVIDING GRANTS AND ASSISTANCE TO MOM & POP BUSINESSES
- ✓ PUBLIC ART AND BEAUTIFICATION PROJECTS
- ✓ FREE ARCHITECTURAL SERVICES THAT ENCOURAGE HISTORIC PRESERVATION
- ✓ SPECIAL EVENTS AND DESTINATION MARKETING TO BOOST LOCAL CUSTOMER TRAFFIC AND TOURISM

Together, Virginia Main Street communities have seen over **\$2.6 B** in investment, created almost **30,000** new jobs, **\$43 M** in volunteer time, and over **8,200** new businesses and expansions since 1985.

Our organization is supported by Virginia Main Street (VMS). We receive:

- ➔ Grants for organizational development, beautification & economic development
- ➔ One-on-one staff support
- ➔ Free architectural design services
- ➔ Training and educational resources, including conference scholarships



In the last 5 years, VMS has supported communities like Cape Charles with over \$954,064 in grants.

In the last 5 years, Cape Charles Main Street has received **\$1,481,875** in grants!

That have funded infrastructure improvement, Covid relief, Event Production, Marketing and Promotion of our town

Investing in downtown means new jobs and business activity. Year after year downtown Cape Charles has seen a net gain of businesses and job creation.

Since **2019**, we have had **51** new businesses or expansions



Cape Charles Stats 2020-2023

Total Private Investment: **\$3,745,755**

Total Public Investment: **\$74,796**

Total Volunteer Hours: **14,237**

Value of Volunteer Time: **\$403,761**

A Tale of two towns

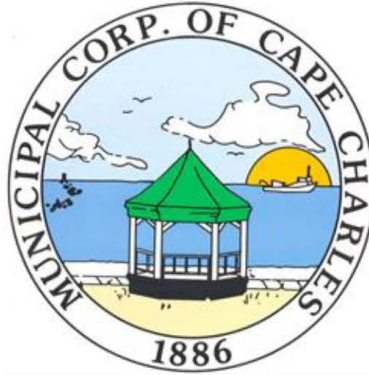
Cape Charles is known for its small-town charm mixed with a rich maritime heritage. With a Historic District making up the core of the downtown area (listed on the National Register of Historic Places); while also sporting an upscale residential resort development at Bay Creek, with its own signature golf course, net work of nature trails and sandy beaches. Its marinas are dotted with a variety of vessels, reflecting it's strong connection to the waterman culture, as well as other recreational activities. The town has seen a major revialization with a significant transformation in the last 8 to 10 years; blending old and new with a thriving downtown featuring boutique shops, restaurants and art galleries along its main street, Mason Avenue.

There is always something happening! We have hosted a total of 48 events since 2019. Our designated district TOT tax has increased by 1,518% since 2021 and our Meals Tax has increased by 47% since 2021. This shows our work as a Designated Virginia Main Street is successful! We are ringing cash registers, boosting the tax base, and enhancing the quality of life for all who live, work and visit our historic town.

We aren't saving historic Main Streets because of nostalgia. We save them because they are great places to **LIVE, VISIT, and WORK.** Strong **COMMUNITY SUPPORT**, and **STRATEGIC ECONOMIC , DEVELOPMENT EFFORTS** means Main Streets will always have a future.

We appreciate your support of the Virginia Main Street program, which we rely on to help organizations like ours continue to write our success stories and to strengthen Virginia's unique competitive advantage!

Boards & Commission Annual Reports:



**Town of Cape Charles
Board of Zoning Appeals**

**2024 Annual Report
(January 1, 2024-December 31, 2024)**

Dolores Blackburn
Chairwoman

Jim Holloway
Vice Chairman

2024 Board of Zoning Appeals Members

<i>Name</i>	<i>Representation</i>	<i>Term Expiration</i>	<i>Notes</i>
Dolores Blackburn	Member Chairwomen	10/31/2026	-
Jim Holloway	Chairman Vice – Chairman	10/31/2027	PC Rep for BZA
Pete Baumann	Member	10/31/2026	-
Laura Weigand	Member	10/31/2028	Retired 2/2024
Bill Murphy	Member Chairman	10/31/2028	Resigned 01/2024 (relocated) Position Vacant

2024 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
(July 2022 to present)

Tracy Outten, Planning & Zoning Assistant, Preservation & Zoning Administrator
(October 2016 to present)

Maureen Tamarez-Meditz, Planning & Zoning Administrative Assistant (part-time)
(Resigned in April 2024)

Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant
(Hired June 2024)

I. Introduction

Section 15.2-2308.C of the Code of Virginia states the following, “The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once a year.”

II. Board and Staff Updates

A. Board Membership 2024

After Bill Murphy tendered his resignation in January 2024 due to his move out of town his position remained vacant for a year. Recently, Elise McMath was appointed to fill the vacancy to bring the board back to five members. The Town Council also appointed Brian Murphy as the alternate in case there is any more changes. Both Elise and Brian have since undergone orientation and received the necessary documentation with Ms. Nunez on January 13, 2025.

B. Staff Changes 2024

Staffing for the Department of Planning and Zoning has stabilized since 2022 with both Ms. Nunez and Ms. Outten continuing to fulfill their roles and obligations as full-time members of the department.

In December 2023, the Part-Time Zoning Compliance Officer Robert James resigned. Shortly thereafter, the Department’s other part-time employee, Administrative Assistant Maureen Meditz, resigned to take a full-time position with the Library Department. Afterwards, a request was made and support by the Town Manager and Town Council to consolidate both part-time roles into one-full-time position.

In June 2024, Jack Steinmayer joined the department as the new Full-Time Zoning Compliance Officer and Administrative Assistant.

C. Education

Tracy Outten has completed the Virginia Commonwealth University Certified Board of Zoning Appeals Program in August 2024.

Katie Nunez continues to maintain her annual certification as a Certified Zoning Official through the Virginia Association of Zoning Officials (VAZO)

Vice-Chairman Holloway and Member Weigand completed the Virginia Commonwealth University Certified Board of Zoning Appeals Program in December 2024.

III. Meetings

The Board of Zoning Appeals held 3 Meetings during the 2024 calendar year.

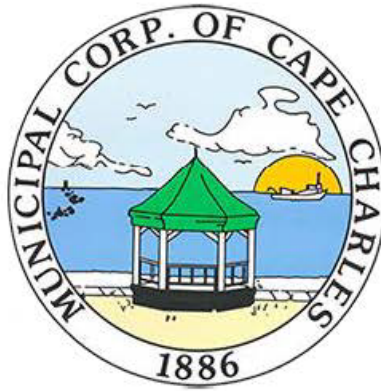
<u>2024 Attendance</u>			
Green highlighted dates are Public Hearings			
	1/9/2024	8/13/2024	10/8/2024
Bill Murphy (Chair)	P	-	-
Pete Baumann	P	-	P
Dolores Blackburn	P	P	P
Jim Holloway	P	-	P
Laura Weigand	P	-	P

On January 9th, 2024, the Board of Zoning Appeals elected Member Dolores Blackburn as the new Chair due to Bill Murphy's resignation and elected Member Jim Holloway as the Vice-Chair and reviewed the 2023 Annual Report and Bylaws: Rules of Procedure and Addition of Remote Meeting Participate Policy.

On August 13th, 2024, the Board of Zoning Appeals was supposed to hold its regular meeting to hear two appeals of decisions made by the Zoning Administrator. However, due to mailing errors and miscommunication, the appellant was not aware of the meeting and would not be in attendance. Due to these errors, the meeting was rescheduled; additionally, the Board of Zoning Appeals did not have a quorum, and the meeting was rescheduled for October 8th, 2024.

At the October 8, 2024 meeting, the Board heard two appeals of Zoning Administrator's decisions and one variance application. See chart below for specifics.

Public Hearings and Decisions of the Board of Zoning Appeals in 2024				
Type of Application	Meeting Date	Property Address	Zoning Ordinance Section	Board Decision
Variance to the Side Yard Setback	October 8 th , 2024	113 William Scott Lane (Tax Map #90-32-B345)	Cape Charles Zoning Ordinance Appendix – Accawmacke Plantation Planned Unit Development Ordinance (PUD), Article 4.2 (E) (2) which requires for a Single-Family Dwelling for a side yard setback of 10 feet and the applicant is seeking a variance of 3 ft. 1 in. from this setback. Reason for request is to construct a new single-family dwelling.	Approved.
Appeal of Zoning Administrator Decision	August 13 th , 2024 & October 8 th , 2024.	204 Bay Avenue (Tax Map #83A3-1-1)	Zoning Administrator issued a violation pursuant to Cape Charles Zoning Ordinance Sections 2.4.2 (A) (1), 2.4.3, 8.16, and 8.17 for unauthorized removal and replacement of the roof and installing flashing to a chimney. Appeal filed by property owner.	Approved to overturn decision of Zoning Administrator due to when reading the statute, this does not fall under substantial alterations, it was not different material and does not require a permit of approval from the Historic District Review Board.
Appeal of Zoning Administrator Decision	August 13 th , 2024 & October 8 th , 2024.	Madison Avenue (Tax Map #83A1-1-97)	Zoning Administrator issued a violation pursuant to Cape Charles Zoning Ordinance Sections 3.2 and 2.9 for parking of a commercial vehicle (bus) on the undeveloped lot. Appeal filed by property owner.	Approved to overturn decision of Zoning Administrator due to this undeveloped lot on the 500 block of Madison Avenue should not be considered a parking lot because this lot has not been designated or designed to be a parking lot, and there is only one vehicle on this lot.



Town of Cape Charles
Harbor Area Review Board
2024 Annual Report

Stuart Smith
Chairman

2024 Harbor Area Review Board Members

<i>Name</i>	<i>Representation</i>	<i>Term Expiration</i>	<i>Notes</i>
Stuart Smith	Chairman	12/20/2026	-
Bill Ashworth	PC Rep.	10/31/2024	-
Shannon Smith	PC Rep.	10/31/2025	-
Ken Butta	TC Rep.	12/31/2026	-
Benjamin Lewis	Member At-Large	12/20/2026	-
Rob Harris	Member At-Large	12/20/2026	-
Vacant	-	-	-

2024 Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time),
(resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer, Planning & Zoning Administrative Assistant
(hired June 2024)

There were no meetings held in 2024.

I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full record of its proceedings, and the Harbor Area Review Board qualifies. As part of the requirement, the Harbor Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

II. Board Updates

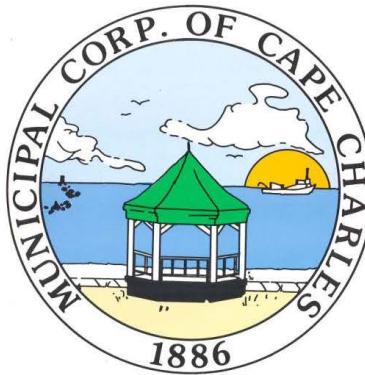
The Board remained consistent throughout the 2024 calendar year.

III. Staffing Updates

In April 2024, the part-time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz resigned to take a full-time position at the Cape Charles Library. Afterwards, the decision was made to combine the Zoning Compliance Officer and Planning & Zoning Administrative Assistant into one full-time position. In June 2024, Jack Steinmayer was hired to fill the vacancy.

IV. Meetings

No meetings in 2024.



Town of Cape Charles
Historic District Review Board

2024 Annual Report

(January 1, 2024 - December 31, 2024)

Kathy Glasser
Chairwoman

Herbert Thom
Vice Chairman

2024 Historic Review Board Members

NAME	REPRESENTATION	Term Expiration	NOTES
Kathy Glaser	Member Chairwoman	1/8/2026	
Herbert Thom	Chairman Vice-Chairman	1/8/2028	
Martin Mayer	Member	1/8/2025	
Michael Strub	PC Rep	10/31/2023	Retired 2/2024
Patricia James	Member	1/8/2027	
Elizabeth Wright	PC Rep	10/31/2027	Appointed by PC 2/6/2024

2024 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time),
(Resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant
(hired June 2024)

I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full public record of its proceedings, and the Historic Area Review Board qualifies. As part of that requirement, the Historic Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

The “Town Council-prepared” Annual Report is meant to provide a detailed report on the departmental staffing, ongoing education of both staff and Board members, and breakdown of the types of applications and activities occurring in the Historic District.

Additionally, the Town was designated as a Certified Local Government (CLG) Community on March 12, 2007, pursuant to the National Historic Preservation Act of 1960 and further amended in 1980. This designation establishes a partnership between the Town, the National Parks Service and the Virginia Department of Historic Resources (DHR). A requirement of this designation is for the Town to complete an annual survey or report on forms provided by DHR. The intent of this survey is to verify activity level within the Historic District, compliance of Board appointments with the minimum criteria of background/education of said Board members, continuing education compliance for Board members and staff, update on any zoning ordinance revisions or historic district guidance documents and an audit of Historic District Review Board minutes.

The CLG Annual Report was done for the time period of October 1, 2023 thru September 30, 2024 (EXHIBIT A).

II. Board and Staff Updates

A. BOARD MEMBERSHIP 2024:

Member Michael Strub retired from the Planning Commission therefore he could no longer serve as the Planning Commission representative for the Historic District Review Board. Elizabeth Wright was appointed as an alternate to the Historic District Review Board and then was appointed to the Planning Commission. Since Ms. Wright had knowledge of the Historic District Review Board, she was given the opportunity to continue serving on the board as the Planning Commission representative. At the December 19, 2024 Town Council Regular Meeting Member Herb Thom resigned from the board.

B. STAFF CHANGES 2024:

In April 2024, the Part-Time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz was hired full-time in April 2024 at the Cape Charles Memorial Library. Therefore, after much consideration the decision was made to combine the Zoning Compliance Officer and the Planning & Zoning Administrative Assistant and offer a full-time position. Jack Steinmayer was the lucky candidate and became active in his role in June 2024.

III. EDUCATION

A requirement of the CLG designation is that continuing education must occur annually for both the staff and Board members that is relevant to the Historic District Overlay. To that end, the following training, education and seminars were attended as noted:

<u>Name of Class/ Training/ Seminar</u>	<u>Duration of Training</u>	<u>Provider of Training</u>	<u>DATE</u>	<u>Participants</u>
The ABCs of Historic Designation -Webinar	1.5 hours	NAPC	11/16/2023	Tracy Outten
Early 20 th Century Architecture: Looking to the Past and Future - Webinar	1.5 hours	NAPC	12/14/2023	Tracy Outten
Substitute Materials on Historic Building Exteriors - Webinar	1.5 hours	NAPC	3/21/2024	Tracy Outten Kathy Glaser Katie Nunez Herb Thom Elizabeth Wright
Housing and Historic Preservation: A Joint webinar with the Advisory Council on Historic Preservation and NAPC - Webinar	1.5 hours	NAPC	5/23/2024	Tracy Outten
ACHP's Proposed Program on Accessible, Climate – Resilient, Connected Communities	1 hour	NAPC	9/19/2024	Tracy Outten
City of Lynchburg CAMP: Meeting Procedures, Alternative Materials, Envisioning Infill Design, Community Engagement and Building Public Support	7 hours	NAPC	11/8/2024	Patricia James
City of Williamsburg CAMP: Meeting Procedure, Envisioning Infill Design, Community Engagement, Alternative Materials	8 hours	NAPC	11/15/2024	Herb Thom Elizabeth Wright

IV. MEETINGS

HISTORIC DISTRICT REVIEW BOARD MEETING 2024

	<u>2024 Attendance Record</u>											
	P = Present			A = Absent			V= Vacant					
	1/3/2024	1/16/2024	2/20/2024	3/19/2024	4/10/2024	4/16/2024	5/21/2024	6/18/2024	8/20/2024	9/17/2024	10/15/2024	11/19/2024
Kathy Glaser	P	P	P	P	P	P	P	P	P	P	P	P
Patricia James	P	A	P	P	A	P	P	P	P	A	P	P
Martin Mayer	P	P	P	A	P	A	A	P	P	A	P	P
Herb Thom	P	A	P	P	P	P	P	P	P	P	A	P
Michael Strub	P	P	-	-	-	-	-	-	-	-	-	-
Elizabeth Wright	-	-	P	P	P	P	P	A	P	P	P	P

The Historic District Review Board reviewed and reached decisions on individual property applications for some level of renovation or rehabilitation or other improvements to their property as well as application for new single-family residences on the infill lots. The types of applications received and acted upon by the HDRB are broken out below and finally followed by a summary table for the calendar year.

The last table for the calendar year is the listing of applications that could and were reviewed administratively by the Zoning Administrator.

PUBLIC HEARINGS AND DECISIONS HISTORIC DISTRICT AREA REVIEW BOARD 2024			
TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
FENCE INSTALLATION	4/16/2024	114 Pine Street	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
RENOVATION, MINOR	2/20/2024	616 Strawberry Street	After the Fact Approval
	3/19/2024	612 Pine Street 614 Pine Street	Approved Approved
	4/16/2024	644 Monroe Avenue 543 Mason Avenue 210 Tazewell Avenue	Approved Approved Approved
	11/19/2024	629 Tazewell Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
MODIFICATION OF APPROVED CERTIFICATE OF APPROPRIATENESS (COA)	1/16/2024	623 Madison Avenue	Approved
	3/19/2024	110 Tazewell Avenue	Approved
	6/18/2024	301 Mason Avenue	Approved
	9/17/2024	10 Tazewell Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
RENOVATIONS, ADDITIONS & NEW CONSTRUCTIONS	1/3/2024	215 Mason Avenue 619 Mason Avenue 603 Pine Street 110 Tazewell Avenue	Approved Approved Approved Approved
	1/16/2024	542 Monroe Avenue 224 Jefferson Avenue 212 Madison Avenue 646 Tazewell Avenue 609 Mason Avenue 509 Randolph Avenue Lot 26 on Jefferson Avenue Lot 62 on Jefferson Avenue Lot 31 on Jefferson Avenue	Approved Approved Approved Approved Approved Approved Approved Approved Approved
	2/20/2024	514 Washington Avenue 10 Tazewell Avenue	Approved Approved
	3/19/2024	535 Jefferson Avenue 122 Peach Street	Approved Approved
	4/10/2024	645 Mason Avenue	Approved
	4/16/2024	505 Harbor Avenue Lots 58B & 59B on Plum Street	Approved Approved
	5/21/2024	644 Monroe Avenue 519 Mason Avenue 102 Randolph Avenue	Approved Approved Approved
	6/18/2024	118 Fig Street 711 Tazewell Avenue 212 Randolph Avenue 607 Randolph Avenue	Approved Approved Approved Deferred
	8/20/2024	607 Randolph Avenue 7 Strawberry Street 646 Tazewell Avenue	Approved Approved Approved
	9/17/2024	542 Jefferson Avenue Lot 224 on Jefferson Avenue	Approved Approved
	10/15/2024	526 Tazewell Avenue 128 Peach Street Lot 584 on Randolph Avenue Lot 418 on Monroe Avenue	Approved Approved Approved Approved
	11/19/2024	406 Randolph Avenue 508 Harbor Avenue 602 Washington Avenue Lot 32 on Monroe Avenue Lot 420 on Tazewell Avenue	Approved Approved After the Fact Approval Approved Approved

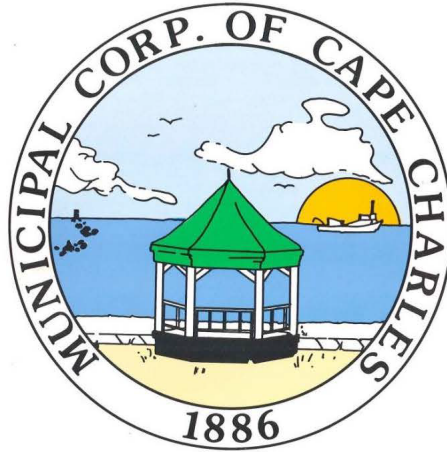
TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
OTHER	1/3/2024	645 Mason Avenue relocating to 602 Washington Avenue	Approved
	4/10/2024	Lot X on Mason Avenue	Approved

SUMMARY of HDRB MEETINGS FOR 2024					
MEETING DATE	Fence Installation	Renovation, Minor	Modification to Approved COA	Renovations, Additions & New Construction	Other
1/3/2024	-	-	-	4	1
1/16/2024	-	-	1	9	-
2/20/2024	-	1	-	2	-
3/19/2024	-	2	1	2	-
4/10/2024	-	-	-	1	1
4/16/2024	1	3	-	2	-
5/21/2024	-	-	-	3	-
6/18/2024	-	-	1	4	-
8/20/2024	-	-	-	3	-
9/17/2024	-	-	1	2	-
10/15/2024	-	-	-	4	-
11/19/2024	-	1	-	5	-
TOTAL APPROVED	1	6	4	40	2
APPROVED AFTER THE FACT	-	1	-	1	-
DENIED	0	0	0	0	0
HDRB TOTAL APPLICATION	1	7	4	41	2
HDRB OVERALL TOTAL APPLICATION 2024	55 Applications				

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
1/3/2024	540 Jefferson Avenue 549 Randolph Avenue 512 Monroe Avenue	Roof Replacement – front porch Roof Replacement Replace 2 front replacement windows
1/16/2024	Lot 134 on Madison Avenue 649 Randolph Avenue	Modification to Approved CoA for extending rear roof to cover steps Demolish existing rear deck and construct new rear deck

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
2/20/2024	622 Jefferson Avenue 303 Madison Avenue 550 Madison Avenue 2 Monroe Avenue 516 Randolph Avenue	Install side and rear fence Install gutters Replace existing rear deck and outdoor shower Install rear outdoor shower Replace existing concrete walkway with brick
3/19/2024	223 Monroe Avenue	Install gutters
4/16/2024	305, 307, 309 Harbor Avenue 601 Jefferson Avenue 517 Madison Avenue 623 Madison Avenue 618 Monroe Avenue 506 Plum Street 527 Plum Street 408 Randolph Avenue 214 Washington Avenue 506 Washington Avenue 618 Washington Avenue	Roof Replacement Roof Replacement Replace existing concrete sidewalk/walkway Construct rear accessory structure Add rear door and construct rear deck Roof Replacement Modify Construction of rear accessory structure Demolish rear accessory structure and construct a new one Install rear paver walkway, rear paver patio with sitting wall Roof Replacement Demolish dilapidated non-contributing accessory structure
5/21/2024	415 Jefferson Avenue 501 Jefferson Avenue 608 Jefferson Avenue 239 Mason Avenue 615 Monroe Avenue	Install rear accessory structure Install rear outdoor shower and privacy wall Install rear fence Repaint masonry, paint trim, and replace awning covering Roof Replacement front SFD and Roof and Siding Replacement rear accessory Structure
6/18/2024	122 Peach Street 610 Pine Street 340 Randolph Avenue 408 Randolph Avenue 318 Tazewell Avenue 506 Tazewell Avenue Lots 58B & 59B on Plum Street	Remove & reconfigure rear brick patio for ZO compliance Repair front porch wood flooring, columns, and balusters Replace front porch wood railing connectors Install rear fence Replace brick front steps Roof Replacement - SFD and rear accessory structure Modification to CoA to move side door to rear and move rear window to right of SFD
8/20/2024	521 Mason Avenue 127 Peach Street 209 Randolph Avenue	Install front walkway, side wood wall, outdoor shower Roof Replacement - front porch including chimney cap Remove side window and cover opening with siding and replace one rear window with smaller window
9/17/2024	408 Jefferson Avenue 515 Monroe Avenue 501 Nectarine Street 217 Randolph Avenue 520 Randolph Avenue 649 Randolph Avenue 111 Tazewell Avenue 541 Tazewell Avenue	Replace & install rear fence and gates Roof Replacement Roof Replacement & rebuild rake eave Roof & Flooring Replacement – front porch Roof Installation – existing pergola Roof Replacement Roof Replacement Install rear accessory structure

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
10/15/2024	208 Harbor Avenue 115 Randolph Avenue 509 Randolph Avenue 515 Randolph Avenue 545 Randolph Avenue	Roof Replacement – rear porch Install front step railing and repair brick steps Roof Replacement – front porch Roof Replacement – front porch Modification to CoA for rear deck
11/19/2024	539 Jefferson Avenue 518 Madison Avenue 549 & 551 Monroe Avenue 4 Randolph Avenue 515 Randolph Avenue 649 Tazewell Avenue	Roof Replacement Roof Replacement Roof Replacement Install rear accessory structure, rear outdoor shower, fence Roof Replacement – house Construct one dormer on each rear side
	504 Bay Avenue 627 Jefferson Avenue 214 Washington Avenue	Roof Replacement Roof and Siding Replacement Install Pergola on existing Patio
TOTAL APPROVED = 59		



Town of Cape Charles Planning Commission

Annual Report
(January 2024-December 2024)

Bill Stramm,
Chairman

Katie Nunez,
Director of Planning/Zoning Administrator
& Subdivision Agent

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January 17th, 2025

Mayor Charney & the Cape Charles Town Council:

On behalf of the Cape Charles Planning Commission, I am pleased to provide you the 2024 Annual Report of the Planning Commission, as required by *Section 15.2-2221 of the Code of Virginia, as amended, which prescribes the duties of the local planning commission. The duties include a requirement to provide an annual report to the local governing body concerning the operation of the commission and the status of planning in its jurisdiction.*

At the Town Council meeting on December 16, 2021, a contract was awarded to Summit Design and Engineering Services for the Comprehensive Plan & Zoning Updates. Once the Comprehensive Plan was adopted on December 15, 2022, by Town Council, work immediately commenced on updating the Zoning Ordinance. This process has been a multi-year effort from 2023 thru 2024.

In 2023, Summit Design conducted a thorough review of the entire document to ensure compliance with the Code of Virginia. Additionally, staff provided a list of items/issues that should be reviewed, which Summit Design provided input on these items that were reviewed by the Planning Commission.

A Housing Subcommittee was formed, comprised of Bill Stramm and Paul Grossman, along with Director of Planning Katie Nunez and Building Official Jeb Brady, who reviewed a study commissioned by Northampton County by the Berkley Group titled "Overcoming Land Use Ordinance Barriers to Housing Development" dated May 27, 2022. We reviewed definitions and terms, uses by zoning districts, impacts on lot coverage, setbacks, height requirements, and parking implications. These proposed changes were imported into the larger zoning ordinance amendments project.

A Sign Subcommittee was formed, comprised of Shannon Smith and Bill Ashworth as well as Director of Planning Katie Nunez, to complete revisions to the Sign Ordinance, using a model ordinance from the Virginia Local Government Attorneys Association. This entire document was then incorporated into the larger project on the zoning ordinance and went in as a stand-alone chapter to the Zoning Ordinance.

In addition, the Planning Commission met with the Town Council in six joint work sessions to review the proposed zoning ordinance amendments which also contained adjustments to the Industrial and Harbor Zoning Districts. All of the proposed changes resulted in several mapping amendments as well to align the parcels to the appropriate new or existing zoning district. This led up to a Joint Public Hearing on November 18, 2024, on the amended zoning ordinance and zoning map which was adopted by Town Council with some revisions on December 19, 2024.

Additionally, a new ordinance regarding Short Term Rentals or Vacation Rentals also was developed concurrently over the last 2 years, led by Town Manager John Hozey with

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assistance from a working committee and Planning Director Katie Nunez and Councilman Paul Grossman. This was initially adopted on November 21, 2024 as a singular zoning text amendment. However, Town Council chose to consider further changes to the STR Zoning Ordinance which were able to be included into the larger full zoning ordinance revision project and was subsequently amended December 19, 2024 as part of the full Zoning Ordinance revision document.

The full zoning ordinance revision and the creation of a new zoning ordinance on a major community issue (Short Term Rentals) was a significant effort and long overdue project of the department and the Planning Commission and eventually Town Council.

Unfortunately, these two projects did not allow time for pursuit of other identified issues for the department and Commission to handle. In 2025, our focus will turn to developing guidelines and master plan for the harbor area, including the former railroad property and working with Preserve Communities (developer of Bay Creek) to update and amend the zoning ordinance known as the Accawmacke Plantation (Bay Creek) Planned Unit Development ordinance.

In 2025, the Planning & Zoning staff will also be working on several software improvements for the department, including (1) GIS Mapping Software, (2) STR Software, (3) Permitting Software for the planning & zoning issued permits, and (4) Agenda Management Software which will be for all of the Planning & Zoning Boards and Commission but also for Town Council.

2024 Planning Commission Members

<i>Name</i>	<i>Representation</i>	<i>Term of Appointment</i>	<i>Notes</i>
Bill Stramm, Chair	At-Large Member	11/1/2022 – 10/31/2026	Re-elected in December 2023 as Chair
Paul Grossman	Town Council Rep. Vice-Chair	1/1/2023 – 12/31/2027	Elected in December 2023 as Vice-Chair
Libby Wright	At-Large Member HDRB Rep.	2/11/2024 – 10/31/2027	-
Bill Ashworth	At-Large Member HARB Rep.	11/1/2024 – 10/31/2028	-
Shannon Smith	At-Large Member HARB Rep.	1/1/2023 – 10/31/2025	-
Jim Holloway	At-Large Member BZA Rep.	11/1/2022 – 10/31/2027	-
Ian McDonald	At-Large Member	6/7/2024 – 10/31/2028	-

NOTE: The Planning Commission appoints its members to serve as their designee on the following Town Boards:

Historic District Review Board – 1 Appointment

- Libby Wright, term of appointment is: 2/1/2024 - 10/31/2027

Board of Zoning Appeals – 1 Appointment

- Jim Holloway, term of appointment is 11/1/2022-10/31/2027

Harbor Area Review Board – 2 Appointments

- Bill Ashworth, term of appointment is 11/1/2024-10/31/2028
- Shannon Smith, term of appointment is 1/2023 – 10/31/2025

2024 Planning and Zoning Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent

Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator

Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time),

(Resigned in April 2024)

Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant

(hired June 2024)

2024 Planning Commission Meetings

For 2024, Bill Stramm and Paul Grossman were elected in December 2023 as Chair and Vice-Chair, respectively.

2024 Attendance

Blue highlighted dates are Work Sessions;

Green highlighted dates are Joint Public Hearings with the Town Council;

Orange highlighted dates are Joint Work Sessions with Town Council.

P = Present; A = Absent; V = Vacant

	01/11/24	02/06/24	02/21/24	2/24/24	04/15/24	06/04/24	08/06/24	08/22/24	09/03/24	10/01/24
Bill Stramm	P	P	P	P	P	P	P	P	P	P
Paul Grossman	P	P	P	P	P	P	P	P	P	P
Bill Ashworth	P	P	P	A	P	P	P	P	P	P
Shannon Smith	P	P	P	P	P	P	A	A	P	P
Jim Holloway	P	P	P	P	P	P	P	P	A	P
Elizabeth Wright	-	P	P	P	P	P	P	P	P	P
Michael Strub	P	-	-	-	-	-	-	-	-	-
Ian McDonald	V	V	V	V	V	P	P	P	P	P

	10/21/24	10/30/24	11/18/24	12/03/24
Bill Stramm	A	P	P	P
Paul Grossman	P	P	P	P
Bill Ashworth	P	P	P	P
Shannon Smith	A	P	P	P
Jim Holloway	P	P	P	P
Elizabeth Wright	P	A	P	P
Michael Strub	-	-	-	-
Ian McDonald	P	P	A	P

In 2024 the Planning Commission held 7 Regular Session Meetings; 1 Work Session; 6 Joint Work Sessions with Town Council; and 2 Joint Public Hearing with Town Council.

LISTING BY MEETING DATE OF TOPICS/ITEMS ADDRESSED AT THE MEETING

1/11/2024: Planning Commission By-Laws were reviewed and clarifying language was suggested. A clean copy of the By-Laws will be brought to the next meeting. The Remote/Electronic Participation Policy will be added as Appendix C when the Planning Commission By-Laws get adopted. Continued the review and discussion of the proposed sign ordinance.

2/6/2024: Planning Commission By-Laws were accepted. The Remote/Electronic Participation Policy was adopted and added to the Planning Commission By-Laws as Appendix C. Ms. Nunez summarized the Planning Commission Annual Report that will be presented to Town Council. Continued with review and discussion of the proposed sign ordinance.

2/21/2024: Continued with review and discussion of proposed sign ordinance. Finalized the proposed sign ordinance discussion, a draft version of the ordinance will be sent out to the Town Council for the February 29th, 2024, Joint Work Session. Reminded the board about the upcoming Strategic Planning Meeting that will be held at the Northampton YMCA gymnasium.

2/24/2024: Strategic Planning Meeting was held in the YMCA gymnasium with the Town Council, Bay Creek Association, Bay Creek Homeowner's Association, Historic Civic League and Cape Charles Main Street.

2/29/2024: Planning Commission and Town Council Joint Work Session was cancelled due to a lack of quorum.

3/5/2024: Planning Commission Regular Meeting was cancelled.

4/15/2024: Planning Commission held a Joint Work Session with Town Council to go over the draft Zoning Ordinance and the new language for certain sections of the Zoning Ordinance that was discussed at the previous Work Session.

5/7/2024: Planning Commission Regular Meeting was cancelled.

6/4/2024: Planning Commission held a Joint Work Session with Town Council to continue the review of the draft Zoning Ordinance and new sections as prepared by Ms. Nunez as a result of the prior work session. Furthermore, pursuant to the previous work session, Ms. Nunez had been consolidating zoning districts relative to Harbor and Industrial in an effort to reduce the number of zoning districts within the Town of Cape Charles.

7/2/2024: Planning Commission Regular Meeting was cancelled.

8/6/2024: Planning Commission held a public hearing for a Zoning Map Amendment (ZMA 2024-01) application from Donna and Gregory Kohler who were requesting to conditionally rezone all three lots of 711 Tazewell Avenue/302 Fig Street (Fig Street Inn) from Residential-1 to Commercial Residential (CR) with proffers in order to expand their business offerings to allow guests to rent bicycles for the duration of their stay at the Fig Street Inn. After conversations between the Commissioners and Applicants, it was clear that the application would not be approved as is and it was decided to table the application

until further discussions could be held between the applicants and the Zoning Administrator.

9/3/2024: Continued review and discussion of Zoning Map Amendment (ZMA 2024-01) application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell/302 Fig Street (Fig Street Inn) from Residential-1 to Commercial Residential. After their application was tabled during the 08/06/2024 Planning Commission Meeting, the applicants met with Ms. Nunez, and it was decided that additional proffers would need to be removed to move the application forward. After further discussion from the Planning Commission, they recommended that only Lot A would be allowed to be rezoned with the accompanying proffer statement.

10/1/2024: Due to Ms. Nunez not feeling well at the time of the meeting, it was decided that instead of holding the full meeting, the Planning Commission would only go over the upcoming calendar for Short – Term Rentals and all other Zoning Text Amendments. After going over the calendar it was confirmed that the Planning Commission would only hold a special session on October 30th, 2024, if they could not make it through all the required material on the October 21st, 2024, meeting.

10/21/2024: Planning Commission and Town Council held a Joint Public Hearing for a Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Rentals (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishments and operation of an STR by amending sections of the Zoning Ordinance.

10/30/2024: Continued discussion and review of Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Rentals (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishments and operation of an STR by amending sections of the Zoning Ordinance. The Planning Commission reached a recommendation in favor with amendments on ZTA 2024-01 to Town Council.

11/18/2024: Planning Commission and Town Council held a Joint Public Hearing for a Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the update of the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, conveniences, general welfare, and good zoning practices.

12/3/2024: Continued discussion regarding Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the update of

the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, conveniences, general welfare, and good zoning practices.

LISTING BY SUBJECT MATTER
(INCLUDING TOWN COUNCIL FINAL ACTION)

I. Comprehensive Plan - no changes were made to the Comprehensive Plan in 2024.

II. Town Zoning Ordinance 2024

The Town of Cape Charles conducted a comprehensive review of the Town Zoning Ordinance and with the input of the Planning Commission made the recommended changes. The Planning Commission made their recommendation for approval with modifications on December 3, 2024 and ***Town Council approved with incorporation of the Planning Commission modifications and made several additional changes at their meeting on December 19, 2024. The Full Zoning Ordinance, as adopted by Town Council, will be posted on the Town's MuniCode on the Town website.***

Zoning Text Amendments 2024

- A.*** Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Regulations (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishment and operation of an STR by amending the following sections of the Zoning Ordinance.
- i. Sections 2.9 Definitions:*** delete “Dwelling Seasonal” and add “Operator” and “Short – Term Rental”
- 1.*** Add Short – Term Rental as by right use in:
- a.*** Section 3.2; Single Family Residential District (R-1)
 - b.*** Section 3.3; Residential Mixed District (R-2)
 - c.*** Section 3.4; Residential Multi-Family District (R-3)
 - d.*** Section 3.5; Commercial Residential (CR)
 - e.*** Section 3.6; Commercial District (C-1)
 - f.*** Section 3.7; Commercial District (C-2)
 - g.*** Section 3.8; Commercial District (C-3)
 - h.*** Harbor District (HARB)
- ii. Amend Section 3.16 (B):*** Permitted Uses: Bay Crossing Planned Unit Development to specifically exclude STRs
- iii. Amend Section 4.2 (J):*** General Regulations Applicable to All Districts – Accessory Dwellings by deleting (J) (2) (a), under Occupancy Characteristics the section on Transient Occupancy and adding language to (J) (2) (b) that STRs are not allowed in Accessory Dwellings

- iv. **Amend Section 4.5 (B) (3) (a) (9):** under Parking Regulations, by deleting “other temporary residences renting by the day or week”
- v. **Add new Section 4.12: Short Term Rental Regulations.**

At their meeting on November 21, 2024, Town Council adopted ZTA 2024-01 on a vote of 4 in favor and 2 against; said ordinance includes the Planning Commission recommendation as well as the following revisions by Town Council:

- *Item C.5: Add “There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Uniform Building code or local building code official. Occupancy of greater than the above per STR may be approved through a Conditional Use Permit, provided the property can accommodate sufficient off-street parking, the property meets any other life safety requirements as may reasonably be required for such higher occupancy, and the property does not exceed the Uniform Building Code or local building code official limitations.”*
- *Item E.1.h & E.1.i: remove “or more” from the violation language.*
- *Item E.1.f: delete from the ordinance*
- *Add a new item under the STR Zoning requirements that “STR Property Owners are required to have annual certification of town-prepared training sessions.*
- *Amend Article III moving all Short-Term Rentals from accessory uses (by-right) to Conditional Uses in the respective zoning districts.*

B. Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the updated of the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, convenience, general welfare, and good zoning practice.

- i. **Article II - General Provisions:** update the district references; change the Violation and Penalty section to a civil penalty; remove Change of Use Section regarding Non-Conforming Building or Structure; remove

Occupancy of Vacant Non-Conforming Buildings or Structures; Update the Board of Zoning Appeals Powers and Duties to Code of Virginia requirements; move the Definitions Section to new Appendix A.

ii. Article III - District Regulations: converted the dimensional information for each district into digestible charts and standardize each district to have a By-Right Use, Accessory Use and Conditional Use Category and move all Development Standards to a new section in Article IV.

1. Delete Residential Estate District (R-E)

2. Residential-1 District:

a. Add by-right use of (a) Duplex Dwellings, provided off-street parking is provided, (b) condominium dwellings; (c) cooperative dwellings; (d) manufactured home dwellings, (e) Group Homes, per Code of VA §15.2-2291; delete dog pens; and move Home Occupations and Accessory Dwelling Units to Accessory Units, and (f) Short Term Rentals;

b. add Accessory Uses of (a) home occupations and Accessory Dwelling Units and accessory buildings and electric vehicle charging stations;

c. delete from Conditional Uses (a) libraries, museums, and office & meeting spaces for civic organizations; public utilities and services; neighborhood community center; and Adaptive Reuse of existing structures.

3. Residential-2 District

a. Add by-right use of condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals

b. Streamline the Accessory Uses and Conditional Uses

4. Residential-3 District

a. Add by-right use of duplex, condominium, cooperative, manufactured home dwellings, group homes, parks & playgrounds, and Short – Term Rentals

b. Streamline the Accessory Uses and Conditional Uses

5. Commercial Residential (CR)

a. Add by-right use of duplex, townhouse, condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals; consolidated commercial and community uses

- b. Added Accessory Uses section and streamlined Conditional Uses
- 6. Commercial District (C-1): streamline By-Right, Accessory and Conditional Use categories
- 7. Commercial District (C-2): streamline By-Right, Accessory and Conditional Use
- 8. Commercial District (C-3): streamline By-Right, Accessory and Conditional Use
- 9. Restructure Harbor District into Harbor-Commercial and Harbor-Light Industrial
- 10. Industrial District (M-1) – Delete
- 11. Industrial District (M-2) – with some modifications
- 12. Retain Planned Unit Development (PUD) with some modifications
- 13. Delete General Business/Light Industrial H-1 (GBI H-1) – partially consolidated with new Harbor – Light Industrial
- 14. Retaining Open Space District with some modifications
- 15. Retaining Bay Crossing Planning Unit Development (Bay Crossing PUD) with minor modifications
- iii. **Article IV – General Regulations Applicable to All Districts**
 - 1. Revised Home-Based Occupation
 - 2. Deleted Sign Regulation and replaced with new Sign Regulation section
 - 3. Exceptions to the Regulations – clarifications and minor corrections
 - 4. Revisions to the Conditional Use Permits Procedures, Off-Street Parking and Loading Standards, Demolition Policy, Swimming Pool Regulations
 - 5. Delete Section 4.4 (E) – Exterior Lighting and replace with new section “Outdoor Lighting”
 - 6. Add new section “Solar Panels-Performance Standards/Design Regulations”
 - 7. Delete Section 4.11 Wind Turbines
 - 8. Add 2 new section containing all of the Performance Design Standards (one Commercial and one Residential) that was formally located in Article III & add new section regarding Sidewalk Development for Infill Lot Development
 - 9. Add new section regarding “Accommodations Relative to the Americans with Disabilities Act and the Fair Housing Act”
 - 10. Add new section regarding “Short Term Rental Regulations”

- iv. Article VI** – Flood Plain District – delete current version and replace with new Model Ordinance with modifications.
- v. Article VIII** – Historic District Overlay
 - 1.** Revision to Section 8.17 – update reference to include new section on Solar Panels Standards in Article IV
 - 2.** Revision to Section 8.21 – Demolition: Alternate Procedure: Offer to Sell
 - 3.** Revision to Section 8.22 – Maintenance and Repair Required
 - 4.** Revision to Section 8.33 – Appeals; Decision of the Historic District Review Board to be consistent with the Historic District Guidelines
- vi. Article IX** – Revise to delete “Historic” from the title and throughout this section
- vii. Appendix A** – Subdivision Ordinance – revisions to address consistency with Code of Virginia
- viii. Appendix B** – Site Plan Ordinance
- ix. Appendix C** – Coastal Primary Sand Dunes Ordinance – revisions to address consistency with Code of Virginia
- x. Appendix D** – Erosion and Sediment Control Ordinance – Delete current version and replace with new Model Ordinance with modifications
- xi. Appendix E** – Wetlands Ordinance – revisions to address consistency with Code of Virginia
- xii. New Appendix** – to contain Definitions that was a section previously in Article II.

and Zoning Map Amendments 2024-02 thru 2024-084 listed below:

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-02	90-19-B	Owner: Town of Cape Charles 16.21 acres or 706,161.78 sq. ft. Off Old Cape Charles Road- & Cassatt Parkway	RE	R-3
2024-03	90-19-B1	Owner: Virginia American Water Company (VAW) 1.44 acres or 62,729.79 sq. ft. Known as the Keck Well Site	RE	Open Space (OP)
2024-04	90-3-A2	Owner: Donald Lee 1.55 acres or 67,693.49 sq. ft. 2449 Old Cape Charles Road	RE	R-3
2024-05	90-12-Y	Owner: Brian Chandler Burke 1.1 acres or 47,857.32 sq. ft. 2461 Old Cape Charles Road	RE	R-3

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-06	90-12-Z	Owner: Spath Squared LLC 1.1 acres or 47,934.02 sq. ft. Old Cape Charles Road	RE	R-3
2024-07	90-A-6	Owner: The Virginia Port Authority 44.41 acres or 1,934,450.76 sq. ft. Pit for Beach Dredging Spoils Site	M-1	Open Space
2024-08	90-A-90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres or 941,701.49 sq. ft.	GBI-H-1	Open Space
2024-09	90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres or 935,546.37 sq. ft.	Harbor	Open Space
2024-10	90-A-1A6	OWNER: Cherrystone investments, LLC 1.85 acres or 80,577.68 sq. ft.	Harbor	Harbor – Light Industrial
2024-11	90-8-1A4	OWNER: Northampton County Board of Supervisors 2.18 acres or 94,766.52 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-12	90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres or 365,221.75 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-13	90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 301 Patrick Henry Ave. 2.75 acres or 119,701.17 sq. ft.	Harbor	Harbor – Light Industrial
2024-14	90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres or 513,729.51 sq. ft.	GBI-H1	Harbor-Light Industrial
2024-15	90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres or 2,440,242.97 sq. ft.	GBI-H1	Harbor-Light Industrial
2024-16	90-A-1B	OWNER: Upfront Storage, LLC 5 acres or 217,639.59 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-17	90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres or 789,711.55 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-18	83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 1101 Bayshore Lane 17.18 acres or 784,426.9 sq. ft.	M-2	Harbor – Light Industrial
2024-19	83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres or 109,751.96 sq. ft.	Harbor	Harbor – Light Industrial
2024-20	83A3-A-20	OWNER: Cape Marine Services, LLC 1021 Bayshore Road 1.6 acres or 69,610.36 sq. ft.	Harbor	Harbor-Light Industrial
2024-21	83A3-A-19	OWNER: Cape Marine Services, LLC 1011 Bayshore Road 1.42 acres or 61,991.94 sq. ft.	Harbor	Harbor – Light Industrial
2024-22	83A3-A-19A	OWNER: HUSH HUSH LLC 1011 Bayshore Road 5,605 square ft.	Harbor	Harbor - Commercial

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-23	83A3-A-12	OWNER: Cape Marine Services .99 acres or 43,274.03	Harbor	Harbor – Light Industrial
2024-24	83A3-A-11	OWNER: Coast Guard Yacht Center 1 Marina Way 2.2 acres or 95,637.52	Harbor	Harbor – Light Industrial
2024-25	83A3-A-17	OWNER: Cape Marine Services, LLC 1100 Bayshore Rd. 12.6 acres or 547,500.56 sq. ft.	Harbor	Harbor – Light Industrial
2024-26	83A3-A-15	OWNER: CTI TOWERS ASSETS II LLC 1.72 acres or 74,866.29 sq. ft.	Harbor	Open Space
2024-27	83A3-A-13	OWNER: CTI TOWERS ASSETS II LLC .26 acres or 11,283.33 sq. ft.	Harbor	Open Space
2024-28	83A3-A-14D	OWNER: Cape Charles Rosenwald School Restoration Initiative, Inc Old Cape Charles Road 8.72 acres or 379,843.33 sq. ft.	Harbor	Commercial-1
2024-29	90-A-9	OWNER: Canonie Atlantic Company 28.94 acres or 1,260,667.69 sq. ft.	M-2	PUD
2024-30	83A3-A-14C	OWNER: Town of Cape Charles 2.72 acres or 118,361.03 sq. ft.	Harbor	Commercial-1
2024-31	83A3-A-14A	OWNER: Town of Cape Charles 1.43 acres or 62,436.83 sq. ft.	Harbor	Open Space
2024-32	83A3-A-14B	OWNER: Virginia American Water (VAW) 500 Bayshore Road 4.72 acres or 205,442.13 sq. ft.	Harbor	Open Space
2024-33	83A4-A-24	OWNER: Wilhemnia Bosse .46 acres or 20,253.43 sq. ft.	Harbor	Commercial-1
2024-34	83A3-A-9	OWNER: Canonie Atlantic Company 42.15 acres or 754,170.41 sq. ft.	Harbor	Harbor-Commercial for bulk of parcel except Commercial-1 (for approx. 2,085 sq. ft along Mason Avenue between Peach St. and Nectarine St. for a depth southward of 120 feet)
2024-35	83A3-A-10	OWNER: Town of Cape Charles 17.31 acres or 118,361.03 sq. ft.	Harbor	Harbor-Commercial
2024-36 2024-37	83A3-A-5 83A3-A-5A	OWNER: Cape Charles RF, LLC 7.26 acres or 312,100.06 sq. ft. 1.271 acres or 43,522.18 sq. ft.-	Harbor	Harbor-Commercial
2024-38	83A3-2-2-88 83A3-2-2-87 83A3-2-2-84	OWNER: 1 Mason Avenue, LLC 1 Mason Avenue 16,880 sq. ft.	Harbor	Harbor-Commercial

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-39	83A3-A-6	OWNER: Port of Cape Charles Development Corp 216 Mason Avenue .48 acres or 21,065.86 sq. ft	Harbor	Commercial-1
2024-40 2024-41 2024-42 2024-43 2024-44 2024-45 2024-46 2024-47 2024-48 2024-49 2024-50 2024-51 2024-52 2024-53 2024-54 2024-55 2024-56 2024-57 2024-58	83A3-4- XXXX 83A3-4-220BO 83A3-4-222BO 83A3-4-224BO 83A3-4-226BO 83A3-4-228BO 83A3-4-230ABO 83A3-4-230BBO 83A3-4-230CBO 83A3-4-230DBO 83A3-4-230EBO 83A3-4-230FBO 83A3-4-230GBO 83A3-4-230HBO 83A3-4-230IBO 83A3-4-232BO 83A3-4-234BO 83A3-4-238BO 83A3-4-240BO	OWNER: VARIOUS OWNERS 220 – 236 Mason Avenue & 230 Mason Avenue (CONDO BUILDING) 28,604 sq. ft or .66 acres	Harbor	Commercial-1
2024-59 2024-60 2024-61 2024-62 2024-63 2024-64 2024-65 2024-66 2024-67 2024-68 2024-69 2024-70 2024-71 2024-72 2024-73 2024-74 2024-75 2024-76 2024-77 2024-78 2024-79	83A3-4-3001ABO 83A3-4-3001BBO 83A3-4-3001CBO 83A3-4-3001DBO 83A3-4-3002ABO 83A3-4-3002BBO 83A3-4-3002CBO 83A3-4-3002DBO 83A3-4-3002EBO 83A3-4-3002FBO	OWNER: VARIOUS OWNERS (CONDO BUILDING) 28,757 sq. ft. or .66 acres 300 Mason Avenue	HARBOR	Commercial-1

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-80	83A3-4-			
2024-81	3002GBO			
2024-82	83A3-4-			
2024-83	3002HBO			
2024-84	83A3-4-			
	3003ABO			
	83A3-4-			
	3003BBO			
	83A3-4-			
	3003CBO			
	83A3-4-			
	3003DBO			
	83A3-4-			
	3003EBO			
	83A3-4-			
	3003FBO			
	83A3-4-			
	3003GBO			
	83A3-4-			
	3003HBO			
	83A3-4-300A			
	83A3-4-300B			
	83A3-4-300C			
	83A3-4-300D			
	83A3-4-300E			
	83A3-4-300F			

At their meeting on December 19, 2024, Town Council voted to amend Cape Charles Zoning Ordinance by replacing it wholly with Zoning Text Amendment 2024-02 and Zoning Map Amendments 2024-02-thru 2024-084 (passed unanimously), including the Planning Commission recommendations along with the following amendments by Town Council:

- *Amend Section 3.10 Harbor – Light Industrial by amending the Statement of Intent as follows:*

A working waterfront area that is ~~both~~ a strong economic benefit to the Town with compatible new industry and employment uses, and ~~a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions.~~

~~Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment through the harbor. The south side of Mason Avenue shall provide a visually inviting connection to~~

the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs.

To permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.

- *Amend Section 3.10 Harbor – Light Industrial by adding two uses to the Permitted Uses Category: 1) Port facilities and bulk handling and storage of materials such as stone, sand, timber, steel, etc.; and 2) Manufacture and repair of vessels such as concrete floating docks, barges and ships.*
- *Amend Section 4.2 {corrected to 4.15 in final Zoning Ordinance} (M) Bed and Breakfasts (B&Bs) requirements, adding item #e which states: “The following ancillary, or accessory, business uses are permissible through a conditional use permit; said uses may be included with the initial Conditional Use Permit application for a Bed & Breakfast or may be applied for as a modification to the approved Conditional Use Permit for the Bed & Breakfast:*
 - 1. Bicycle Rentals*
 - 2. Gift Shops, located within either the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed 20% of the total floor space of the Bed & Breakfast*
 - 3. Electric Vehicle Charging Stations.*
- *Amend the Short Term Rental ordinance from 11/21/2024 with a new amended STR Ordinance document that restored STRs to by-right Accessory Uses and not as Conditional Uses and delete all of the grandfathered language; add to Section 4.14 (B)(f) the following at the end of the section “certification that contact information has been provided to all current adjacent property owners each permit period” and to amend Section 4.14 (C) (6) to add a sentence to the end of the paragraph “excluding persons 2 years of age or under from the occupancy count”.*

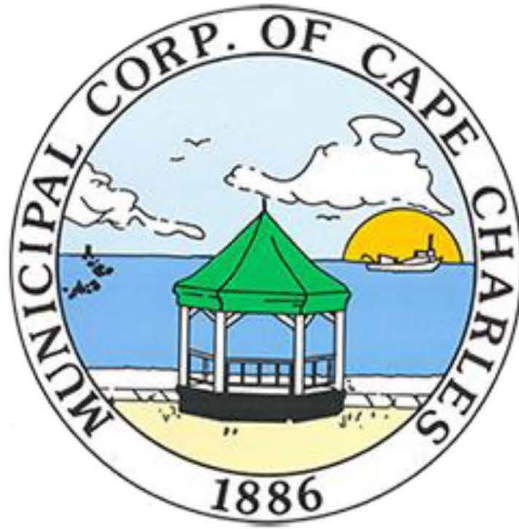
III. Conditional Use Permits 2024

None

IV. Zoning Map Amendments 2024

- A. Zoning Map Amendment (ZMA) 2024-01: application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A; 83A4-2-J; and 83A4-2-I) from Residential-1 to Commercial Residential (CR) with proffers to limit commercial activity of said proposed rezoning; said property has a Conditional Use Permit for a Bed & Breakfast. *On October 17th, 2024, the applicants withdrew their application due to indications from the Town Council that they were not going to approve a rezoning of any of the lots that were proposed.*
- B. Zoning Map Amendments (ZMA 2024-02 thru 2024-084): see discussion under the full Zoning Ordinance above.

V. General Discussions 2024 - NONE.



Town of Cape Charles
Wetlands and Coastal Dune Board
2024 Annual Report

John Schoeneck
Chairman

William "Bill" Robertson
Vice – Chairman

2024 Wetlands and Coastal Dune Board Members

<i>Name</i>	<i>Representation</i>	<i>Term of Appointment</i>	<i>Notes</i>
Jay Schoeneck	Chairman	11/13/2021 – 11/12/2026	Elected as Chairman in June 2023
William “Bill” Robertson	Vice – Chair	11/13/2019 – 11/12/2029	Elected as Vice – Chair in June 2023
Mike Hudson	Member At-Large	11/13/2022 – 11/12/2027	-
Elizabeth “Liz” Pruitt	Member At-Large	11/13/2023 – 11/12/2028	-
Vacant	Member At-Large	-	-

2024 Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Jack Steinmayer, Zoning Compliance Officer & Administrative Assistant

2024 Member Attendance

	7/17/2024	12/18/2024
Jay Schoeneck	P	Cancelled
William Robertson	P	
Mike Hudson	P	
Elizabeth Pruitt	P	

In 2024 the Wetlands and Coastal Dune Board held 1 Regular Session Meeting.

I. Introduction

Section 28.2-1304 of the Code of Virginia states the following, “The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year and shall forward a copy of each report to the Virginia Marine Resources Commission”.

This board met infrequently during 2024. Indicated by the lack of meetings.

II. Board Updates

The board remained consistent throughout the 2024 calendar year.

III. Staffing Updates

In April 2024, the part-time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz resigned to take a full-time position at the Cape Charles Library. Afterwards, the decision was made to combine the Zoning Compliance Officer and Planning & Zoning Administrative Assistant into one full-time position. In June 2024, Jack Steinmayer was hired to fill the vacancy.

IV. Meeting Information

7/17/2024:

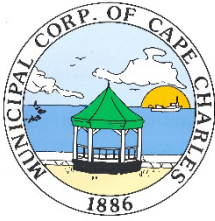
- A. VMRC JPA #2024-1368 – application from John and Dorothy Butler – to construct a 119 foot long and 4-foot-wide boardwalk at 604 Carousel Place, using marine grade/pressure treated wood. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*
- B. VMRC JPA #2024-1343 – application from Ronald Holt – to construct a 120 foot long and 4-foot-wide boardwalk at 614 Carousel Place, using marine grade/pressure treated wood. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*
- C. VMRC JPA #2024-1348 – application from Dianne Frantz – to construct a 105 foot long and 4-foot-wide boardwalk at 616 Carousel Place, using marine grade/pressure treated wood. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*

- D. VMRC JPA #2024-1344 – application from George R. Semmens – to construct a 90 foot long by 4-foot-wide boardwalk at 620 Carousel Place, using marine grade/pressure treated wood. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*
- E. VMRC JPA 2024-1345 – application from Gregg Taylor – to construct a 90 foot long by 4-foot-wide boardwalk at 624 Carousel Place, using marine grade/pressure treated wood. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*
- F. VMRC JPA 2024-1366 – application from Lorraine Buono – to construct a (1) (73'Lx5'W) private pier with a (20'Lx20'W) "L," (2) and a (16'x12'W) boat lift slip at 124 Creekside Lane. *The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.*

Also at this meeting, the Wetlands and Coastal Dune Board reviewed its By-Laws and adopted the Remote/Electronic Participation Policy, as Appendix C pursuant to the Code of Virginia Sections 2.2-37708.2 and 2.2-3708.3.

12/18/2024

- A. VMRC JPA 2024-2714 – application from John and Susan Robinson – to construct a 63'x5' dock, 12'x13' L head, 20'x8' floating dock, 3'x16' steel ramp, 7'x6' platform for ramp, and 7'x6' bottom platform for ramp at 113 Creekside Lane. Grider cross beams will be constructed of marine treated 3x8s, stringers and decking will be constructed of marine treated 2x8s. *The Wetlands and Coastal Dune Board did not have a quorum, they were going to review the application and affirm the by right dock application. Application was approved administratively.*
- B. VMRC JPA 2024-2570 – application from Coastal Precast Systems, LLC., - to construct a 625-foot extension to connect Patrick Henry Avenue to the southern end of the concrete plant. *The Wetlands and Coastal Dune Board did not have a quorum. Application was administratively approved with the conditions that Coastal Precast Systems, LLC., gave the Planning and Zoning Department a set of plans, with dates, and received the necessary site plan approvals for this project.*



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
April 17, 2025
Immediately Following the Regular Meeting

At 9:50 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were current Town Manager John Hozey, new Town Manager Rick Keuroglian, Project Manager Bob Panek, and Planning & Zoning Director Katie Nunez.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia, Paragraph 3 for the purpose of: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and Paragraph 6 for 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.

Specifically: Discussion of terms, conditions, incentives, or other requirements associated with a potential Town request for proposals regarding the disposition of Town-owned property for potential development, including possible negotiation strategies that could lead to public/private partnerships of said Town-owned property.

Members of the public were asked to leave the room.

Council went into executive session at 9:52 p.m.

Motion made by Councilwoman Ashworth, seconded by Vice Mayor Buchholz, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 10:24 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: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

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

The Executive Session adjourned at 10:25 p.m.

Mayor Charney

Town Clerk

March 2025 Treasurer's Report

Page 2 – Revenues vs. Expenditures

- Pepup has finally corrected their fuel invoicing issue, and the harbor expense numbers reflected in this report include some fuel costs from prior months.
- The lag in the Sanitation Fund mentioned in last month's report continues. The April report will reflect revenue collected on garbage bills for the quarter ending 3/31/2025.

Page 3 – Capital Projects

- A payment of \$12,357 was made to Jimenez Builders for completion of their work on the Strawberry Street Sidewalk Project.
- A payment of \$61.60 was made to the Eastern Shore Post to publish an IFB for the Mason Avenue Electrical Project. Nothing is budgeted for this project because it is not scheduled to start until next fiscal year. Other de minimis costs associated with this project will be charged to this account for the remainder of the fiscal year.
- A payment of \$56,025.73 was made to Bay Coastal Contracting towards phase III of the inner harbor bulkhead repair.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
March 31, 2025

<u>Cash on Hand</u>	<u>2/28/2025</u>	<u>3/31/2025</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	-\$2,156	\$13,772	\$15,928
Atlantic Union Bank Money Market Account	\$1,398,511	\$1,213,562	-\$184,949
LGIP Account 1 - 0565 - Unrestricted	\$118,583	\$119,029	\$447
LGIP Account 2 - 0195 - Unrestricted	\$346,794	\$378,334	\$31,540
Virginia Investment Pool Liquidity Unassigned - 5003	\$16,384,894	\$16,447,056	\$62,162
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,092,902	\$1,097,744	\$4,842
Taylor Bank Operating Cash Account	\$197,963	\$13,802	-\$184,161
Taylor Bank Sweep Account	\$400,400	\$401,486	\$1,087
Total Cash On Hand	\$19,937,889	\$19,684,784	-\$253,105

<u>Restricted and Reserved Cash Balances</u>	<u>2/28/2025</u>	<u>3/31/2025</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,120	\$30,120	\$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$0	\$0	\$0
Total Cash Held in Reserve	\$30,551	\$30,551	\$0
Total Cash - All Accounts	\$19,968,440	\$19,715,335	-\$253,105

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
March 31, 2025

REVENUE VS. EXPENDITURES

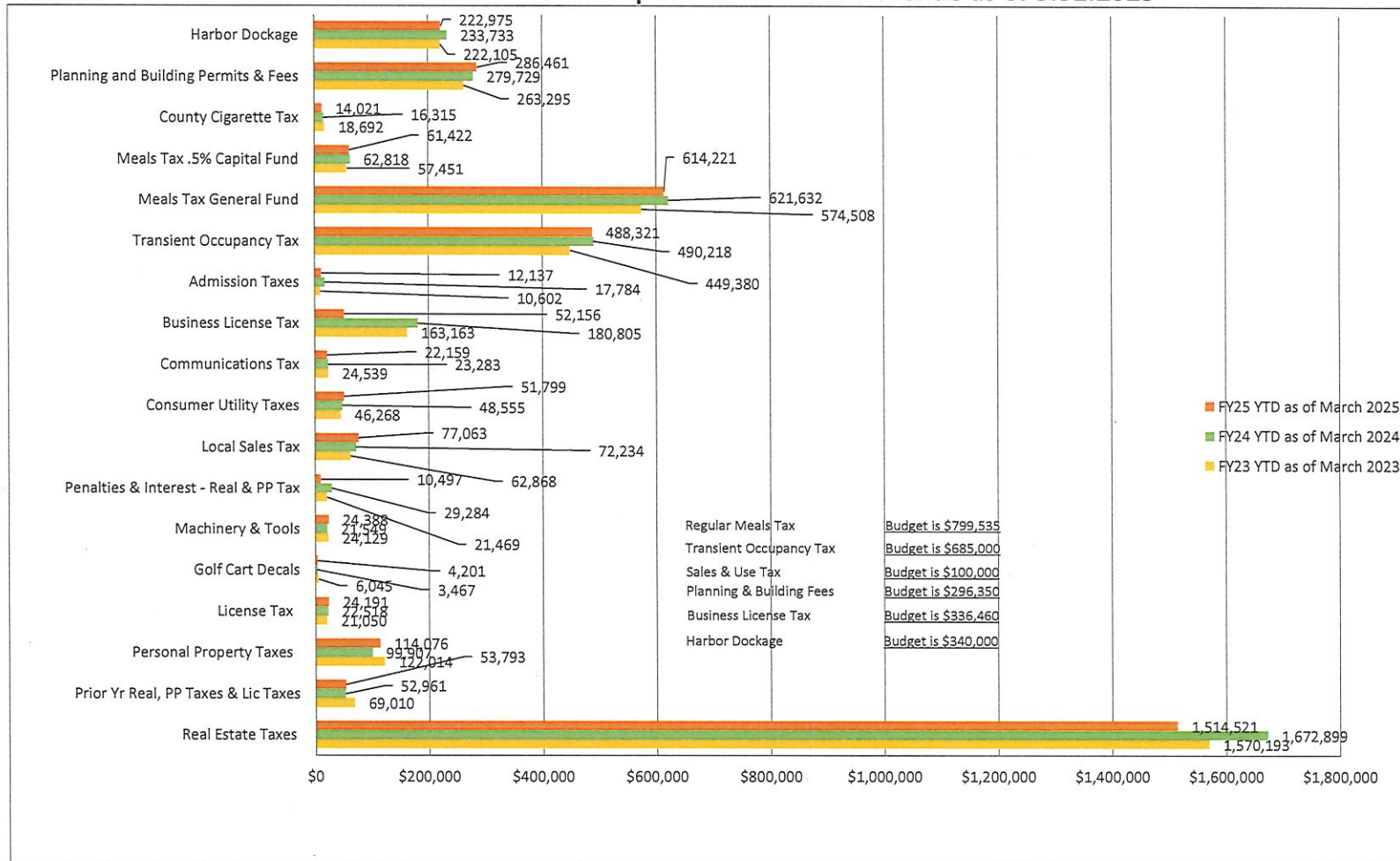
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY25</u>
GENERAL Fund				
REVENUE	\$113,299	\$4,217,301	\$5,727,599	73.63%
EXPENDITURES	\$270,235	\$3,241,810	\$5,727,599	56.60%
NET	(\$156,936)	\$975,491	\$0	
GENERAL Capital Fund				
REVENUE	\$50,491	\$245,764	\$11,127,130	2.21%
EXPENDITURES	\$12,519	\$51,225	\$11,127,130	0.46%
NET	\$37,973	\$194,540	\$0	
GENERAL Debt Service Fund				
REVENUE	\$0	\$0	\$25,121	0.00%
EXPENDITURES	\$0	\$16,032	\$25,121	63.82%
NET	\$0	(\$16,032)	\$0	
GENERAL Special Activities Fund				
REVENUE	\$0	\$58,604	\$25,500	229.82%
EXPENDITURES	\$4,575	\$21,285	\$25,500	83.47%
NET	(\$4,575)	\$37,319	\$0	
PUBLIC UTILITIES Fund				
REVENUE	\$640	\$112,986	\$9,576,514	1.18%
EXPENDITURES	-\$988	\$16,882	\$9,576,514	0.18%
NET	\$1,629	\$96,104	\$0	
HARBOR Fund				
REVENUE	\$27,495	\$483,349	\$1,165,287	41.48%
EXPENDITURES	\$108,014	\$609,861	\$1,165,287	52.34%
NET	(\$80,519)	(\$126,512)	\$0	
SANITATION Fund				
REVENUE	\$263	\$170,633	\$345,884	49.33%
EXPENDITURES	\$26,442	\$252,814	\$345,884	73.09%
NET	(\$26,178)	(\$82,181)	\$0	

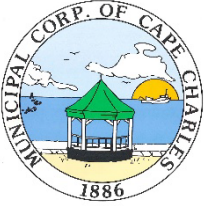
FY 25 Capital Improvement Project Tracking Report

As of:
3/31/2025

	<u>FY25 Status or Start Date</u>	<u>% of Current Year Budget</u>	<u>FY25 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY25 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	Completed in FY24		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Municipal Space Replacement	In Process	0%	\$ 3,250,000	\$ -	\$ -	\$ -	\$ -	\$ -	3,250,000
Welcome Center Design & Construction	In Process	2%	\$ 750,000	\$ -	\$ 1,222	\$ 10,654	\$ -	\$ 11,876	\$ 738,124
Library Upgrade & Condoization	In Process	1%	\$ 250,000	\$ 2,895	\$ 450	\$ 53	\$ -	\$ 3,398	\$ 246,602
Beachfront Revitalization	Pending		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Beach Restroom/Bathhouse	Pending		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Sidewalk Infill	In Process	72%	\$ 50,000	\$ 274	\$ 84	\$ 35,532	\$ -	\$ 35,889	\$ 14,111
Mason Ave. Electrical	Pending		\$ -	\$ -	\$ -	\$ 62	\$ -	\$ 62	(62)
Keck Wells Water Line Return	Pending	0%	\$ 565,000	\$ -	\$ -	\$ -	\$ -	\$ -	565,000
Subtotal			\$ 4,865,000.00	\$ 3,169	\$ 1,756	\$ 46,301	\$ -	\$ 51,225	\$ 4,248,775
Harbor Fund									
Inner Harbor Bulkhead Rehab, Phase 3	Pending	28%	\$ 221,537	\$ 4,750	\$ 1,695	\$ 56,029	\$ -	\$ 62,474	\$ 159,063
Fixed Dock Rehab	Pending	6%	\$ 20,000	\$ 1,287	\$ -	\$ -	\$ -	\$ 1,287	\$ 18,713
Replace Boardwalk With Concrete	Pending	0%	\$ 43,000	\$ -	\$ -	\$ -	\$ -	\$ -	43,000
Subtotal			\$ 284,537	\$ 6,037	\$ 1,695	\$ 56,029	\$ -	\$ 63,761	\$ 220,776
TOTAL			\$ 5,149,537	\$ 9,206	\$ 3,451	\$ 102,330	\$ -	\$ 114,985	\$ 4,469,552

Specific Sources of Revenue as of 3.31.2025



 TOWN OF CAPE CHARLES	AGENDA TITLE: Memorandum of Agreement for Maintenance of the Cape Charles portion of the Rail to Trail		AGENDA DATE May 15, 2025
	SUBJECT/PROPOSAL/REQUEST: Approval of Memorandum of Agreement for Maintenance of the Cape Charles portion of the Rail to Trail		ITEM NUMBER: 7A
	ATTACHMENTS: Memorandum of Agreement for Maintenance of the Cape Charles portion of the Rail to Trail		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Ever since the railroad ceased to operate in Cape Charles, there has been a desire to see the former railbed converted to a trail system. Canonic Atlantic has diligently worked toward this end and in cooperation with the Eastern Shore Rail Trail Foundation and the Virginia Dept of Transportation, has begun construction. When this concept was first contemplated, the Town was approached to see if it would consider maintaining a portion of this trail after construction. On October 24, 2018, the Town Council approved such an agreement that, among other things, committed the Town to maintaining the portion of this trail from the trail head near Mason Ave. to Route 13.

ITEM SPECIFICS:

During the intervening time, some of the components of the original 2018 agreement have since become obsolete. Yet the need for the Town's continued commitment toward maintenance is critical to ensure project success. Therefore, an updated agreement has been drafted to focus on this maintenance commitment. The terms of this updated agreement are substantially similar to the 2018 agreement. Council action is now required to rescind the previous agreement and adopt the new one, committing to maintenance of the Cape Charles portion of the Rail to Trail from Mason Ave and Fig St (the Hump) to the Route 13 crossing at County Pl.

RECOMMENDATION:

Staff recommends approval of the attached Memorandum of Agreement for Maintenance of the Cape Charles portion of the Rail to Trail.

Memorandum of Agreement

This Memorandum of Agreement (MOU) is entered into this _____ day of _____, 2025 by and between the Town of Cape Charles, Canonie Atlantic Co., and the Eastern Shore Rail Trail Foundation.

The purpose of this agreement is to set forth the scope, responsibilities, terms, and conditions related to the Town's maintenance of the Cape Charles Segment of the Eastern Shore Rail Trail once the Virginia Department of Transportation (VDOT) completes construction of the segment. This agreement supersedes and replaces a prior October 24, 2018, agreement regarding maintenance of the Cape Charles Segment of the Eastern Shore Rail Trail.

WHEREAS

- On July 5, 2022 the Surface Transportation Board issued a Notice of Interim Trail Use ("NITU") to the Eastern Shore Rail Trail Foundation ("ESRTF") as a successor interim trail sponsor for a 49.1 mile section of Canonie's rail right of way under the National Trails System Act ("Trails Act"), 16 USC 1647(d).
- As required under regulations of the Trails Act, the ESRTF and Canonie Atlantic Co. acknowledge that use of the right of way ("ROW") for interim trail purposes is subject to possible future railroad reconstruction and reactivation.
- In May 2023, Canonie Atlantic Co. and the 501c3 Eastern Shore Rail Trail Foundation jointly notified the STB in accordance with the Trails Act that they had entered into an Interim Trail Use/ Rail Banking Lease Agreement for a 49.1 mile section of corridor which is planned to be converted for recreational trail use. This section includes the Cape Charles Segment.
- Per the Trails Act, the trail corridor could be rebuilt and reactivated for future rail use should a viable economic or national need be suitably demonstrated and subsequently approved by the STB.

- In 2023 and 2024 both Federal and Commonwealth of Virginia funds were secured to design and build the Cape Charles Segment of the rail trail with actual construction scheduled to begin during Q2 2025.
- Critically, none of the Federal and State funds allocated to construct the Cape Charles Segment include funding to maintain the trail after it is built.

AGREEMENT

Therefore, the parties agree to the following:

1. The "Cape Charles Segment" of the Eastern Shore Rail Trail is defined as extending from the east side of Old Cape Charles Road at Mason Ave (the Hump) in Cape Charles, continuing in an easterly direction to Route 13 and then south to the first pedestrian crossing located on the west side of Route 13 at Lankford Hwy and Country Pl. Also included in this segment is the trail head parking lot which is located next to Rayfields pharmacy and is accessed by a driveway to be built at the intersection of Mason Ave and Fig St.
2. Canonie Atlantic Co. will continue to retain fee-simple ownership of the entire rail right of way that is converted for interim use as a rail trail. This 49.1 mile corridor extends from the waterfront next to the Shanty Restaurant in Cape Charles and runs north to Hallwood, Va.
3. The Eastern Shore Rail Trail Foundation will continue as a lessee of Canonie Atlantic Co. and holds the lease to operate the entire rail banked right of way as a recreational rail trail.
4. As in the original 2018 superseded MOA, the Town of Cape Charles will maintain the Cape Charles Segment of the trail for the duration of its lifespan, including provisions for employee time and requisite funding to maintain the integrity of the trail's paved route, shoulders, road crossings, and buffers.
5. "Maintenance" includes trash removal, spraying, mowing, and repairing as needed, as well as providing for public safety, law enforcement, and any additional signage or control devices/landscaping as needed. Maintenance also includes keeping the trail head parking lot serviceable for trail users.
6. No liability will arise or be assumed between the parties as a result of this Memorandum.

7. The arrangements made by this Memorandum shall remain in effect until such time as they are superseded in writing to all parties.
8. This agreement shall be signed on behalf of the Town of Cape Charles by John Hozey, Town Manager; on behalf of Canonie Atlantic Co. by H. Spencer Murray, President of Canonie Atlantic Co.; and on behalf of the Eastern Shore Rail Trail Foundation by Ron Wolff, Executive Director. This agreement shall be effective as of the date first written above and maintenance responsibilities will become active upon completion of the segment and release by VDOT.

By: _____

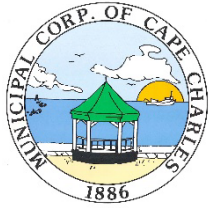
John Hozey, Town Manager
Town of Cape Charles

By: _____

H. Spencer Murray, President, Canonie Atlantic Co.
Canonie Atlantic Co.

By: _____

Ron Wolff, Executive Director ESRTF
Eastern Shore Rail Trail Foundation



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: FY25 Budget Amendment Correcting a Fund Appropriation

AGENDA DATE
May 15, 2025

SUBJECT/PROPOSAL/REQUEST: Approval of FY25 Budget Amendment Correcting a Fund Appropriation

ITEM NUMBER:
7B

ATTACHMENTS: FY25 Budget Amendment Correcting a Fund Appropriation

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Following adoption of the FY25 Town Budget, the Council was approached by the CC Volunteer Fire Company and asked to contribute \$250,000 toward a new fire engine replacement. The Council agreed to the contribution and a budget amendment was developed and approved to appropriate this money from the fund balance of the General Fund on October 17, 2024.

ITEM SPECIFICS:

The financial contribution for the fire engine was eligible to count against the last remaining ARPA funds the Town had received. Staff therefore used this expenditure to fully capture all of our remaining ARPA funds. However, the Town's auditor had booked the ARPA money to the Capital Improvement Fund (CIP), not the General Fund. Therefore, to correct our internal accounting, we need to correct the previous budget amendment to appropriate the money from the CIP Fund verses the General Fund.

This re-calibration has been taken into account in the recent reserve status presentation provided with the FY26 draft budget.

RECOMMENDATION:

Staff recommends approval of the attached FY25 Budget Amendment correcting the fund appropriation for the Town's contribution of the new fire engine.

FY25 Budget Amendment					
			Original Budget	Amended Budget	Change
		GF Revenue			
		100-3900-6000 Appropriation From Fund Balance	\$ 250,000.00	\$ -	\$ (250,000.00)
		GF Expenses			
		100-4121-4025 Grant Exp - Town Support Fire Dept	\$ 300,000.00	\$ 50,000.00	\$ (250,000.00)
		Revenue Less Expenses			\$ -
		Capital Fund Revenue			
		110-3900-1000 Appropriation From Fund Balance	\$ -	\$ 250,000.00	\$ 250,000.00
		Capital Fund Expenses			
		110-4121-4025 Town Support Fire Co. - New Engine	\$ -	\$ 250,000.00	\$ 250,000.00
		Revenue Less Expenses			\$ -

 TOWN OF CAPE CHARLES	AGENDA TITLE: IT Support Services Contract Extension		AGENDA DATE: May 15, 2025
	SUBJECT/PROPOSAL/REQUEST: Authorize town manager to execute contract renewal with Inversa Minds, LLC for IT support services for a two-year period		ITEM NUMBER: 7C
	ATTACHMENTS: None		FOR COUNCIL: Action (x) Information ()
	CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

On April 24, 2019, the Town of Cape Charles entered into a two-year, non-exclusive contract with Inversa Minds, LLC for IT Support Services. The contract included a provision for subsequent renewals at two-year intervals.

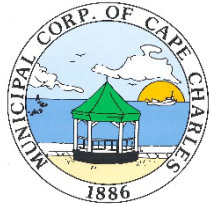
Inversa Minds is contracted on a “break and fix” approach to providing professional support services, charging an hourly rate depending on the level of support.

The current contract expired on April 24, 2025 and staff has been working with Inversa Minds, LLC on the contract renewal. The proposed rates for the 2025-2027 term are \$130/hour for standard support, and \$150/hour for emergency support, billable in thirty-minute increments. This is a two-year renewal contract and either party may withdraw from the agreement with at least 30 days’ notice.

The Town has received excellent service and timely responses from Inversa Minds and enthusiastically recommends continuing this contract to provide this critical support.

RECOMMENDATION:

Staff recommends Council authorize the town manager to execute a two-year contract renewal with Inversa Minds, LLC for IT support services.



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Resolution 20250515 – Requesting the Virginia Dept of Transportation (VDOT) to lower the speed limit on a portion of Old Cape Charles Road

AGENDA DATE
May 15, 2025

SUBJECT/PROPOSAL/REQUEST: Approval of Resolution 20250515 – Requesting the Virginia Dept of Transportation (VDOT) to lower the speed limit on a portion of Old Cape Charles Road

ITEM NUMBER:
7D

ATTACHMENTS: Resolution 20250515; plans for upgraded golf cart path

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Cape Charles is a golf cart friendly community, which has contributed to the town’s character. However, due to the existing speed limits on the Cassatt Parkway and Old Cape Charles Road, there is not currently a safe, convenient passage for golf carts between the town’s two primary population centers: Bay Creek and the Historic District.

ITEM SPECIFICS:

The Bay Creek Homeowner’s Association has just recently committed to the construction of an improved golf cart path across the Cassatt Parkway from their main entrance, along the north side of the Cassatt Parkway, to Old Cape Charles Road near the Rosenwald School. This will significantly upgrade the old, unusable path in that same area. The Developer has provided the HOA with an easement, and the Association is committed to maintaining the path going forward.

The only remaining obstacle to providing this safe passage for golf carts between Bay Creek and the Historic District is the speed limit on Old Cape Charles Road between Bayshore Road and the Cassatt Parkway (currently 35 MPH). This speed limit needs to be reduced to 25 MPH to allow for legal golf cart use.

An additional benefit to reducing this speed limit would be to permit golf cart traffic to the Rosenwald School once their renovation is completed.

Speed limits are regulated by the Virginia Dept of Transportation (VDOT), and VDOT requires a resolution from the Town Council to consider such a change.

RECOMMENDATION:

Staff recommends approval of Resolution 20250515 – Requesting the Virginia Dept of Transportation to lower the speed limit on a portion of Old Cape Charles Road between Bayshore Road and the Cassatt Parkway to 25 MPH.

RESOLUTION 20250515

REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO MODIFY THE SPEED LIMIT ON A PORTION OF OLD CAPE CHARLES ROAD

WHEREAS, the Town of Cape Charles was designated a Golf Cart Community by the Virginia General Assembly and the use of golf carts is promoted as an alternative means of transportation within the town; and

WHEREAS, due to safety concerns, golf carts may only operate within speed zones of 25 MPH or less; and

WHEREAS, the Town of Cape Charles has two primary population centers, the Bay Creek Development and its Historic District; and

WHEREAS, there is currently no safe, convenient way to travel by golf cart between these two population centers; and

WHEREAS, the Bay Creek Homeowners Association has recently committed to the construction and maintenance of a dedicated golf cart path to provide safe transit of golf carts from their main entrance, along the north side of the Cassatt Parkway, to the area of Old Cape Charles Road near the Cape Charles Rosenwald School; and

WHEREAS, the Virginia Department of Transportation (VDOT) has already approved a golf cart crossing of the Cassatt Parkway at the entrance to Bay Creek; and

WHEREAS, the Cape Charles Rosenwald School, located at 1500 Old Cape Charles Road, is under major renovation and will soon be used as a multi-purpose community center; and

WHEREAS, a significant increase in golf cart traffic is expected on Old Cape Charles Road between Bayshore Road and the Cassatt Parkway as a result of the opening of the Rosenwald School and the continued aggressive construction in Bay Creek.

WHEREAS, the current speed limit on that portion of Old Cape Charles Road is 35 MPH; and

WHEREAS, the adjacent speed limit north of Bayshore Road is 25 MPH, which continues into the entire Historic District.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Cape Charles, Virginia requests the extension of the existing 25 MPH speed limit on Old Cape Charles Road to include the area between Bayshore Road and the Cassatt Parkway.

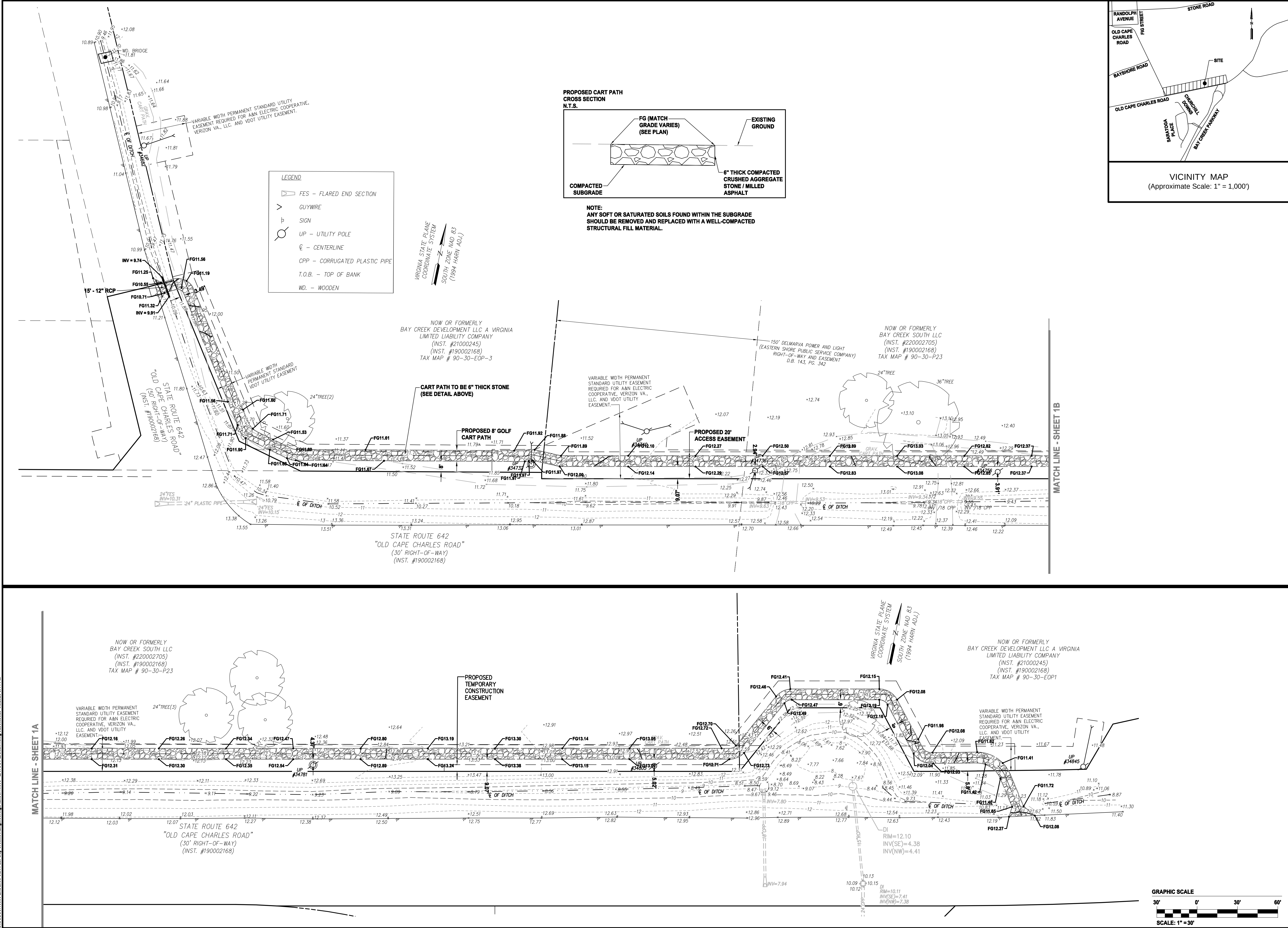
Adopted by the Town Council of the Town of Cape Charles on May 15, 2025.

By: _____
Mayor Charney

Attest:

Town Clerk

S:\08311000 Entrance Cart Path-Bay Creek\08Engineering\Plans\H1006 - LAYOUT EXHIBIT.dwg, Jason Leese 4/20/2023 5:44 PM



Rev.	Date	Description	Revised By



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LAYOUT EXHIBIT
OF
A PORTION OF TAX MAP #'S
EOP-3, P-23, & EOP-1

CAPE CHARLES VIRGINIA

Project Contacts: JS/ZHT
Project Number: H10308-00
Scale: 1"=30' XXXXXXXXX

Sheet Title:

Sheet Number
1 OF 1