



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

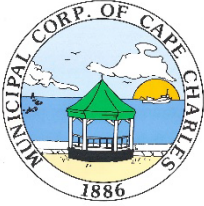
1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. [Proposed Amendment to the 1990 Agreement related to annexation developer liability for future expansion of the water and wastewater infrastructure](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. Employee Celebrating Significant Anniversaries
 - i. James Jones – Public Works – 10 years
 - B. [National Arbor Day Proclamation](#)
 - C. Tree Advisory Board Presentation
 - D. [Building Safety Month Proclamation](#)
 - E. [National Police Week Proclamation](#)
5. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of February 28, 2023 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. Harbor Development Certificates:
 - i. [Cape Charles Rosenwald School Building Project](#)
 - ii. [Cape Charles Marine Services LLC – Golf Cart Rentals & Sales](#)
 - *B. [Appointment of Members to the Wetlands & Coastal Dune Board](#)
 - *C. [Resolution 20230420 – Approval of Amendment #3 to Agreement Between Brown & Root and the Town of Cape Charles Dated March 13, 1990](#)
 - *D. [Award of Grounds Maintenance Services Contract – Maintenance of Beds, Pots & Mulching](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - April 21, 2023 – [16th Annual Blessing of the Fleet](#)
 - April 22, 2023 – Cape Charles Main Street's Love Run
 - April 23, 2023 – New Roots Youth Garden's Blessing of the Worms
 - April 29, 2023 – Arbor Day Celebration
 - May 4, 2023 – Town Council Work Session – FY 2024 Budget
 - May 18, 2023 – Town Council Regular Meeting
12. Adjournment

TOWN OF CAPE CHARLES
Town Council Public Hearing

The Cape Charles Town Council will hold a public hearing on Thursday, April 20, 2023, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue to receive comment on the proposed amendment to the 1990 Annexation Agreement related to developer liability for future expansion of the water and wastewater infrastructure. The proposed agreement will be available for public review on our website at www.capecharles.org, under Agendas & Minutes / Town Council by Thursday, April 13, 2023. Written comments may also be submitted to clerk@capecharles.org by 4:00 p.m. on April 20th and will be read into the record.

AD PLACED: Eastern Shore Post on Friday, March 31, 2023

AD TO RUN: Friday, April 7, 2023

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution 20230420 – Approval of Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		AGENDA DATE April 20, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		ITEM NUMBER: 3A & 8C
	ATTACHMENTS: Resolution 20230420; Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

As a part of the annexation of property into the Town of Cape Charles in 1991, several agreements were entered into by various parties, for various purposes. One such agreement was between Brown & Root (owner and potential developer of the annexed properties – now Bay Creek South, LLC) and the Town of Cape Charles, dated March 13, 1990. This agreement laid out certain obligations for both parties subsequent to an annexation. One such obligation dealt with the provision of future water and sewer capacity. The agreement obligated the developer to financially contribute to future expansions of these systems, once the current permitted capacity was reached, in an amount to be determined at a later date, but in proportion to the impacts of the developer's activities. This agreement was previously amended twice. This third amendment will seek to resolve the lingering obligation associated with impacts of the ongoing development.

ITEM SPECIFICS:

Attempting to determine the developer's liability under this agreement is a complex undertaking. Data needed to be gathered regarding expected growth, not just by the developer, but townwide. Projections needed to be made regarding required utility capacity over time, and those projections needed to be compared to anticipated growth rates.

To assist in this process, two engineering studies were put into the field in 2022. Those results helped identify when future additional capacity might be needed. However, despite this data driven approach and professional analysis, some reasonable assumptions were also required. Note that assumptions are just that, a good faith effort to estimate something that hasn't happened yet. So despite our best efforts, should any of these assumptions turn out to be incorrect, the future model could be skewed. Therefore, this liability cannot be calculated down to an exact dollar amount, but rather needed to be negotiated in a way that balances assumptions equitably.

Based on this approach, it was determined that if the developer were to pay an ongoing impact fee of \$3000 per lot for all their remaining properties, that would reasonably cover the developer's portion of the liability associated under this agreement. This impact fee would be paid by the developer at the closing of all future property sales. The fee would be deducted from the sellers proceeds of the sale. This payment method allows payment over time which eases the financial burden to the developer, while providing a long-term general fund revenue source to the Town. The exact amount of revenue derived per year is obviously dependent on the number of properties sold that year, but as an example; if 50 lots were sold, the town would receive \$150,000 that year.

RECOMMENDATION:

Staff recommends Council consider input from the public hearing, and then if deemed in the best interest of the Town, adopt Resolution 20230420.

THIRD AMENDMENT TO AGREEMENT OF MARCH 13, 1990

THIS THIRD AMENDMENT TO AGREEMENT is made this ____ day of April 2023, by and between Bay Creek South, LLC, Bay Creek Development, LLC and Bay Creek Resort, LLC (collectively the “Developer”), and the Town of Cape Charles (the “Town”) (jointly the “Parties”).

WHEREAS, Brown & Root I, Inc. (“Brown and Root”), entered into an Agreement dated March 13, 1990, in contemplation of the annexation of certain property owned by Brown & Root (the “Agreement”);

WHEREAS, Brown & Root and the Town agreed on a first amendment of the Agreement on November 25, 1991 (the “First Amendment to Agreement”);

WHEREAS, the property was annexed by the Town;

WHEREAS, Brown & Root and the Town agreed on a second amendment of the Agreement on July 14, 1992 (the “Second Amendment to Agreement”);

WHEREAS, Bay Creek South, LLC, Bay Creek Development, LLC and Bay Creek Resort, LLC are successors in interest to Baycreek LLC which was a successor in interest to Brown & Root;

WHEREAS, the Town has previously expended funds to upgrade its water and wastewater facilities, including the water and wastewater plants (the “Facilities”), and further upgrades to increase capacity and comply with laws and regulations will be required;

WHEREAS, the Town is in the process of entering into a franchise with the Virginia-American Water Company to operate the Town’s water and wastewater Facilities (the “Franchise Agreement”);

WHEREAS, the Parties have been working cooperatively to comply with the Agreement, as amended;

WHEREAS, the Parties desire to further amend the Agreement to account for changed circumstances;

WHEREAS, the Town finds that it is in the public interest to enter this Third Amendment to Agreement;

WHEREAS, the Town Council approved this Third Amendment to Agreement by Resolution dated April __, 2023;

WHEREAS, the Town Council authorized the Town Manager to enter into this Third Amendment to Agreement, and to adopt and institute procedures as necessary to implement the terms of the Third Amendment to Agreement;

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual promises and recitals contained herein which form a part hereof, the Parties agree to amend and modify the provisions of the Agreement and First Amendment to Agreement as follows:

1. Paragraph 10 of the Agreement is further amended by adding paragraph 10 (e):
 - e. In satisfaction of its obligations under paragraph 10 related to expansions and improvements to the Town's Facilities, when the Franchise Agreement goes into effect and utilities are charged at standard tariff rates approved by the Virginia State Corporation Commission (the "Tariff"), the Developer shall also pay a municipal impact fee to the Town as each lot owned by the Developer is conveyed to a third party. The impact fee shall be \$3000 per lot. The fee will be disbursed to the Town at the conveyance of each lot to a third-party, and payment of the fee will be a condition precedent to granting a building permit for the lot.
2. So long as the Tariff is in effect, compliance with the Tariff and the payment of the impact fees will satisfy the remaining obligations of the Developer to the Town for expansions and

improvements to the Town's Facilities under paragraph 10 of the Agreement as previously and herein amended. Notwithstanding the forgoing, Developer will continue to be responsible to construct the necessary physical improvements within its property to accommodate the water and sewer services and to dedicate such improvements to the Town or its successors.

3. The Parties further agree that the provision of water and wastewater services through the Franchise Agreement fulfills the Town's obligations under paragraph 10 of the Agreement, as previously and herein amended.
4. Except as modified herein all the other terms and conditions of the Agreement, First Amendment of Agreement, and Second Amendment of Agreement, are ratified, and incorporated herein by reference.
5. This amendment becomes effective when the Franchise Agreement goes into effect.

IN WITNESS HEREOF, and intending to be legal bound hereby, the Parties have signed this Third Amendment to Agreement under seal effective the day and year first above written, and that it may be executed in one or more counterparts, each of which shall be deemed to be an original.

[Signatures on following pages]

THE TOWN OF CAPE CHARLES, a Virginia municipal corporation

By: _____

John Hozey, Town Manager

Date

COMMONWEALTH OF VIRGINIA)

_____) SS

COUNTY OF NORTHAMPTON)

On this _____ day of April 2023, before me, the undersigned Notary Public, personally appeared John Hozey, Town Manager of the Town of Cape Charles, a Virginia Municipal Corporation and known to be an authorized agent of the Town that executed the foregoing Agreement and acknowledged the Agreement to be the free and voluntary act and deed of the Town, by authority of a Resolution passed by the Town Council, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Agreement in fact executed the Agreement on behalf of the Town.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek South, LLC, a Virginia Limited Liability Company

By: _____

Date

Name: _____

Title: _____

COMMONWEALTH OF Virginia)

_____) SS

COUNTY OF NORTHAMPTON)

On this _____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek South, LLC , a Virginia Limited Liability Company and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or he is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek Development, LLC, a Virginia Limited Liability Company

By: _____

Date

Name: _____

Title: _____

COMMONWEALTH OF Virginia)

_____) SS

COUNTY OF NORTHAMPTON)

On this _____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek Development, LLC, a Virginia Limited Liability Company, and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek Resort, LLC, a Virginia Limited Liability Company

By: _____

Date

Name: _____

Title: _____

COMMONWEALTH OF Virginia)

_____) SS

COUNTY OF NORTHAMPTON)

On this _____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek Resort, LLC , a Virginia Limited Liability Company, and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or he is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____



PROCLAMATION 20230420A

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS Arbor Day is now observed throughout the nation and the world, and

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, be it proclaimed that the Cape Charles Town Council hereby designates April 29, 2023 as Arbor Day in the Town of Cape Charles and urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Adopted by the Town Council of Cape Charles on this 20th day of April 2023.

Mayor Adam Charney

ATTEST:

Town Clerk



Item #4D
4/20/2023 TC Reg Mtg

**PROCLAMATION 20230420B
BUILDING SAFETY MONTH — MAY 2023**

WHEREAS the Town of Cape Charles is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians--building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry--who work year-round to ensure the safe construction of buildings; and

WHEREAS these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety--our local code officials--who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

WHEREAS "It Starts with You," The theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale; and

WHEREAS each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, the Cape Charles Town Council does hereby proclaim the month of May 2023 as Building Safety Month. Accordingly, citizens are encouraged to join with the community in participation in Building Safety Month activities.

Adopted by the Town Council of Cape Charles on this 20th day of April 2023

Mayor Adam Charney

ATTEST:

Town Clerk



**TOWN OF CAPE CHARLES
PROCLAMATION #20230420C**

**TO RECOGNIZE NATIONAL PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK 2023**

To honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers' Memorial Day and the week in which that date falls as Police Week; and

WHEREAS, May 15, 2023 has been designated as National Police Officers' Memorial Day and May 15-21, 2023 as National Police Week; and

WHEREAS, there are more than 800,000 sworn law enforcement officers serving in communities across the United States, including the dedicated members of the Town of Cape Charles Police Department; and

WHEREAS, the members of the Cape Charles Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Cape Charles and provide vital public service; and

WHEREAS, since the first recorded death in 1786, more than 23,785 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, each year, hundreds of names of officers killed in the line of duty are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, the National Law Enforcement Officers Memorial Fund will host their 35th Candlelight Vigil on May 13, 2023 at 8:00 p.m. and the names of the 224 officers lost during 2022 will be read aloud to memorialize them for making the ultimate sacrifice for their communities; now

THEREFORE, BE IT PROCLAIMED that the Cape Charles Town Council formally designates May 15, 2023 as Peace Officers' Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

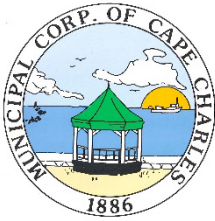
BE IT FURTHER PROCLAIMED that the Cape Charles Town Council formally designates May 15-21, 2023 as Police Week in the Town of Cape Charles and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted by the Town Council of Cape Charles on this 20th day of April 2023.

Mayor Adam Charney

ATTEST:

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
March 16, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Butta, Follmer and Grossman, and Councilwoman Holloway. Councilman Buchholz was not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 6 members of the public physically in attendance, and 10 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. Employees Celebrating Significant Anniversaries"

Mayor Charney recognized Police Officers Juana Diaz and Thomas Lynch for their five-year anniversaries with the Town on March 27th, and Public Works Crewman Ricardo Finley on his five-year anniversary on April 2nd. Chief Pruitt accepted the Certificates of Appreciation for his officers and Town Manager John Hozey accepted the Certificate for Ricardo Finley.

B. National Library Week 2023 Proclamation:

Mayor Charney read Proclamation 20230316 for National Library Week 2023.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Proclamation 20230316 designating April 23-29, 2023 as National Library Week. The motion was approved by unanimous vote.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Laura Weigand, resident and business owner in Cape Charles

Ms. Weigand addressed the Council regarding an influx of 53' high cube trucks on Madison Avenue and requested the Town's support for VDOT to place signage restricting these trucks from entering the historic district. (Please see attached.)

There were no additional 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. February 9, 2023 Town Council Work Session
- ii. February 9, 2023 Town Council Executive Session
- iii. February 16, 2023 Town Council Regular Meeting
- iv. March 2, 2023 Public Input Session & Special Meeting

C. Approval of January 31, 2023 Financial Report

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the consent agenda items as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Harbor Development Certificates:*

Town Planner/Zoning Administrator Katie Nunez began with an overview of the procedures for the Harbor Area Review Board. Three applications were received from the Town of Cape Charles for properties within the Harbor District, with two of those applications also being within the Historic Overlay District. A joint meeting was held with the Harbor Area Review Board and the Historic District Review Board. The applications were for: i) the construction of a 1,337 square foot building for a visitors' center and public restrooms on a portion of the lot which the Town leased from Canonie Atlantic Railroad (Tax Map #83A3-A-9); ii) to perform exterior renovation work on the decommissioned rail car located on a portion of the lot which the Town leased from Canonie Atlantic Railroad (Tax Map #83A3-A-9); and iii) to construct a 15,494 square foot municipal building on a lot owned by the Town (Tax Map #83A3-4-14C), which was on Cassatt Parkway behind the Rosenwald School. Ms. Nunez went on to review each application. For applications 1 and 2 (Visitors Center & Restrooms, and Rail Car Restoration), the Historic District Review Board approved the Certificates of Appropriateness as described in the applications in accordance with the Historic District Guidelines Chapter 5.13. The Harbor Area Review Board deemed all three applications as sufficient, complete and compliant with the Harbor District Regulations and recommended Council approval for issuance of Harbor Development Certificates based upon the applications as submitted.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Harbor Development Certificate as presented for the Visitors Center and Downtown Restroom as recommended by the Harbor Area Review Board. The motion was approved by unanimous vote.

It was clarified that the silver bullet portable restroom unit would be removed upon completion of the visitors' center and restroom facility. It would be retained by the Town for use during events.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Harbor Development Certificate as presented for the Rail Car Restoration Work as recommended by the Harbor Area Review Board. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilman Butta, to approve the Harbor Development Certificate as presented for the Municipal Building as recommended by the Harbor Area Review Board. The motion was approved by unanimous vote.

B. *IT Support Contract Amendment and Extension:*

John Hozey stated that the Town has had the same IT contractor for a number of years and were very satisfied with the services received. There had been no rate increases since the inception of the original contract in 2019. This was a two-year renewal contract with two proposed amendments: i) An increase in billable hourly rates to \$110.00 for standard support and \$140 for emergency support; and ii) The Town would reimburse the contractor for the cost of any third-party software or equipment used for providing services, mainly for the use of software for remote access. This software was used by the contractor to diagnose and maintain the Town's computers and network, but is also used by a number of employees to remotely access their computers when out of the office.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to authorize the town manager to execute a two-year contract renewal with Inversa Minds, LLC for IT support services. The motion was approved by unanimous vote.

Councilman Grossman noted that IT support services was included in the approved budget and the contract was for less than \$30K annually, so technically, did not need to be brought to Council for approval of the contract renewal.

John Hozey explained that it was presented to Council for approval as had been done in previous years, but in the future would be handled administratively as outlined in the Town's procurement policy.

C. *USDA Rural Development Grant/Loan for Purchase of Police Vehicle & Public Works Equipment:*

John Hozey stated that this item was to formalize the USDA Rural Development grant application by adoption of a resolution by Council. The items had been originally approved in the Fiscal Year 2023 budget. During the mid-year budget review, the public works equipment had been removed, but the cost for the equipment was reappropriated in the budget amendment approved by Council last month.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20230316 to complete the application package for the purchase of a new police vehicle and public works equipment. Mayor Charney moved for adoption of Resolution 20230316 of the Governing Body of the Town of Cape Charles as noticed and forwent reading of the Resolution. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The original agenda posting included a public hearing regarding the annexation agreement, but that work was taking longer than anticipated and could not be completed for tonight's meeting. The discussion was moving along and the document should be ready for the April Council meeting; ii) A few weeks ago, the fully revised use of facility form and manual were sent to Council for review. He wanted to confirm that Council had no issues with the new form so it could be published; iii) As requested at the last Council meeting, Katie Nunez and Jeb Brady worked on a demolition by neglect report which was provided to Council for review. He asked if there were any questions regarding the report. Council expressed their appreciation for the excellent report and suggested that it be posted for public access; iv) Mayor Charney had brought up the possibility of the Town rejoining the Eastern Shore Chamber of Commerce. The membership was discontinued several years ago when the budget was tight, since it did not appear that the Town received any benefits from membership. He wanted to check with Council to get their thoughts regarding membership in the Chamber. There was some discussion, and Councilwoman Holloway felt that the businesses in the Town received many benefits and she felt that the Town should be a partner with the Chamber. John Hozey stated that there was funding in his budget, so the membership application would be submitted; v) Mayor Charney was working on bringing the Dock Dogs event to Cape Charles in the fall – September 28-October 1. He fully supported this event and there were no other events in Town during that timeframe. The event would be held in Central Park and we were hopeful to get enough sponsors to cover the cost. The Town would need to pay a \$2,500 deposit now with the remainder due after July 1. The full cost would be \$10K. Mayor Charney added that this was a national event so the Town would get assistance from national and state sponsors. The dogs participating in the event would come from all across the United States. Councilwoman Holloway thought that it would be a great off-season, pet-friendly event, and we would benefit as a Town. There was some concern about the impact to the park, but since the event would only last two to three days, the impact should not be significant. It was noted that the event had been held several years ago in Bay Creek; vi) The Town needed volunteers to serve on the Wetlands Board. We currently had three vacancies and were expecting an application to come in soon. Please contact the clerk if you are interested. Libby Hume stated that she had received two applications recently, and needed at least one more; vii) The Vacation Homeowners of Cape Charles organization developed a Good Neighbor program and he was contacted by a representative offering to do a presentation to Council. He asked if this was something Council would be interested in. Council expressed their

interest in hearing the presentation. John Hozey would contact them to schedule their presentation at the May Council meeting; viii) We had two new additions to the Town staff: Adrian Oei was the new assistant treasurer and would be starting next week, and Harper Matthews was the new member of the public works team and would be starting the end of this month. We were very excited about both individuals joining our team; ix) The Public Works crew was busy preparing for the summer season. This week was beach week, and the crew was making progress. Next week will be the VDOT street sweeping, and flyers/notices would be distributed. The following week would be Central Park week, and maintenance and repairs would be made to the fishing pier the first week of April. The crew would be closing the pier while the work was being done. Councilwoman Holloway expressed her concerns regarding the work planned for the end of March and early April since a large number of visitors were expected to be in Town during Easter break beginning on March 31st, Good Friday, through Easter which was April 8th. The community yard sale and sidewalk sale were scheduled for April 1st, and she wanted to ensure that there would not be any heavy work being done on those dates. She also asked about the projected timing for landscaping along Mason Avenue. John Hozey stated that work was in progress to update the contracts for grounds maintenance, but the Town might need to rebid the contract; x) He needed to talk to Council in executive session regarding the capital improvement projects, which would impact the budget development. All capital improvement projects were on hold as the estimated costs across the board were coming in extremely high. There needed to be discussion regarding strategies to negotiate better pricing. He checked with the attorney to ensure that the discussion could be done in closed session. He went on to ask for Council's availability on March 23rd or 30th. The majority of Council were available on March 30th. He would check with Councilman Buchholz regarding his availability as well.

MAYOR AND COUNCIL COMMENTS

Councilman Follmer suggested that the notifications for people to move their vehicles for the VDOT street sweeping be firmer to include notice that any vehicles left on Mason Avenue would be towed.

Councilman Grossman commented as follows: i) He asked John Hozey to look into the issue brought up by Ms. Weigand related to trucks; ii) He asked for the cost estimates received for capital projects. John Hozey explained that they would be provided for review at the executive session; iii) He attended VDOT's advertised public hearing on the Rails to Trails project. It was more of a public information meeting rather than a public hearing. There were easels placed around the room with information and members of the public were able to ask questions. VDOT received 767 positive responses regarding the project versus only 41 negative responses. One farmer expressed his concern with spraying his fields with the trail being adjacent to the property. The VDOT survey deadline was March 31st so people could still submit their responses. VDOT would give a presentation at the March Community Transportation Board meeting and a vote would be taken at that time.

Councilman Butta commented as follows: i) He reminded all of the job fair scheduled for March 25th from 11:00 a.m. to 2:00 p.m. at the YMCA. There would be a large number of employers participating, including the school system, hospitality businesses, and others from the Shore; ii) He received questions regarding a timeframe for repairs to Strawberry Street where the underground tank was dug up. John Hozey responded that it was on private property and a contractor was doing the work, but he would get the information and provide it to Council. Katie Nunez added that a VDOT permit had been obtained and she believed the building official could provide the information since he had been in contact with the property owner and contractor.

Councilwoman Holloway commented that Cape Charles Main Street (CCMS) submitted two grants to the Virginia Tourism Corporation, one to AARP, one to T-Mobile, and one to Virginia Main Street for their Downtown Investment Grant. The applications for the Northampton County Infrastructure Grant would be submitted with the next month. CCMS would put out an announcement sharing the information regarding the Northampton County Infrastructure Grant.

Mayor Charney expressed his excitement about the Dock Dogs event. He hoped that it would be an annual event in Cape Charles. More information would be provided soon.

Mayor Charney read the announcements.

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

The Regular Meeting adjourned at 7:22 p.m.

Mayor Charney

Town Clerk

**March 16, 2023 Town Council Regular Meeting
Comments and Information Provided in Writing**

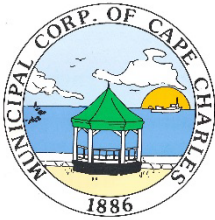
Laura Weigand, Cape Charles resident and business owner

My name is Laura Weigand, I reside at 632 Madison Ave. My wife, Michelle, and I have owned our home since 2016 and moved here full-time over 2 years ago. Since we have moved in, the business located two doors down from our property has had an influx of 53' (High Cube) trucks coming in. I understand they are zoned commercial; however, neither the streets of historic Cape Charles nor their loading dock are built for the additional 13 feet of truck that now come regularly vs. the past use of 40' trucks. This 53' is NOT including the truck cab with sleeper. Take into account that our lots are only 40' in width, so these trucks are longer than 2 residential lots. These trucks must drive over the sidewalk across the street, damaging curbs and landscape to fit into the indoor loading dock. The other not-so-skilled drivers just park in the street to unload, blocking through traffic and access to our driveways. Wendell's has a large parking lot on Fig and Madison that could be used for loading. Their height is also excessive as the trucks have hit lines and taken out our internet before.

I have spoken to the owner of the company, and she stated that the beer companies now use mostly the 53' trucks due to the shortage of drivers since COVID in order to maximize deliveries.

Last month I called VDOT to ask if anything can be done. They said they can absolutely put a limit on the height and length of the trucks entering the historic district with the approval of you, our town council. They would place a sign on Stone Rd, at the intersection of 642 to restrict these High Cube trucks, giving them ample time to be able to take that left and exit town. We ask that you please work with VDOT to put a restriction on these High Cube trucks entering the historic district that cause damage to the town infrastructure and greatly reduce the charming quality of life that we all cherish and value.





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

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Deborah Pocock, Assistant Treasurer Adrian Oei, Planner/Zoning Administrator Katie Nunez and Town Clerk Libby Hume. There was one member of the public in attendance.

Town Manager John Hozey began by thanking Mayor Charney for his efforts to mediate issues between some property owners in the town. Things were being worked out and VDOT will be contacted.

ORDER OF BUSINESS:

A. Capital Improvement Projects & Program:

The discussion of the current capital improvement projects began with a review of the Town facilities options from the April 21, 2022 Town Council Regular Meeting (Please see attached). At that meeting, Council opted for option #5, which was a new building for all functions except the library, which would remain at its current location. The Town Hall and Civic Center buildings would be sold along with the third floor of the library building.

Councilman Grossman stated that, given the cost estimates on the proposed new municipal building, he requested reconsideration of option #1, which was less costly than constructing a new building and the option recommended by staff last year.

John Hozey interjected that the reason option #1 was recommended last year was strictly because it was the cheapest option, not necessarily the best option. Option #5 was the better option. The big issues were the unknowns that could drive up the costs. There were more unknowns in renovating an old building, than constructing a new building. He appreciated Councilman Grossman's comments, adding that this was an important discussion to have. In order to get comparable cost estimates, the same design effort was needed for option #1 which would be a considerable cost.

Project Manager Bob Panek noted that the Town had spent approximately \$250K on the project. The current estimate did not include construction management. Staff also had a list of deficiencies in the existing buildings.

There was much discussion regarding the options, but a general consensus was reached by the majority of Council to continue with option #5.

Council proceeded to review the current capital projects as follows:

John Hozey stated that significant reductions in scope were proposed for all projects including owner furnish/contractor install of some equipment to save on markup, however, this would require additional staff resources to implement. Items already excluded from the general contractor scope included IT wiring and setup, relocation and modification of surveillance system in the park, restrooms, Bay Avenue, etc., and relocation of office furnishings and equipment.

New Municipal Building (at 60% design): Bob Panek reviewed the potential reductions in scope to include: i) change in roofing materials from standing seam to asphalt shingle; ii) reduction of decorative treatments on the exterior of the building; iii) reduction in the quantity of brick veneer; iv) reduction in the amount of ceramic tile and replace with vinyl flooring; v) reduce the amount of asphalt/increase shell paving; vi) eliminate the golf cart path/parking; vii) fence screen for trash receptacles versus masonry (this would also require a zoning amendment); viii) owner furnish/contractor install the generator; ix) change all restroom flush valves from sensor flush to manual.

There was much discussion related to the recommended reductions and some other possibilities. John Hozey stated that staff would make a list of practical items for Council review. Additional items could be the light poles and landscaping.

Vice Mayor Bennett cautioned against about going into crisis mode and making final decisions based on the 60% estimate, adding that costs could go down as well as up. All suggested changes needed to be incorporated prior to putting the project out to bid.

John Hozey recommended holding off on the municipal building until after the sale of the public utility facilities or the Town would have to obtain a bridge loan. Bob Panek would work with HBA for reasonable bid alternates and listing of owner furnished equipment.

Visitors Center & Restroom (at 60% design): Potential reductions include: i) change in roofing materials from standing seam to asphalt shingle; ii) change open air corridor at restrooms to interior corridor to save on insulation and exterior materials in corridor; iii) reduction in the amount of ceramic tile and replace with vinyl flooring; iv) reduce amount of concrete paving, where not required for accessibility, and change to oyster shells; v) switch water supply plumbing from copper to PEX (flexible polyethylene tubing); vi) eliminate the urinals in the unisex restrooms; v) provide only heat and ventilation in the restrooms, no cooling. If cooling is absolutely necessary, change layout to two large restrooms with stalls versus six individual rooms. None of the Town's current public restrooms have air conditioning.

Bob Panek added that the public utilities staff could run the utility pipe which would save labor costs, and the project could be reduced to only build the restroom, which was the original concept, and the visitors center could be added later.

There was much discussion regarding: i) water and sewer connections; ii) the need for separate unisex facilities as well as ADA accessibility; iii) the need for air conditioning since the restrooms would be used primarily during the summer; iv) the possibility of wood framing versus cement blocks; v) keeping the floor as concrete versus installing tile; vi) keeping or eliminating the urinals; vii) possibly having three restrooms with two stalls for men (without urinals), two stalls for women, and one unisex room; viii) elimination of concrete paving in areas not necessary for ADA access, which was about 50% of the paved area; ix) using a local concrete contractor for the work and the fact that no local contractors had ever submitted a bid on a town project; x) the lack of a firm lease on the land from Cananie.

Bob Panek would work with HBA identifying areas that could be included as bid alternates.

Library Renovation (at 50% design): A request for proposals was advertised for the sale of the building and redevelopment of the front mezzanine and third floor. The building would be condominiumized and the library area would either be purchased back or leased. The proposals were due May 1. This project could be delayed and folded into the private redevelopment as part of negotiations to create economies of scale and eliminate project administrative burden.

There was some discussion and a consensus to delay the project and let the developer make the renovations. The Town would then buy the library area back after renovations were completed.

Keck Wells Connection (at 90% design): The only options for reduction would be in materials. The last estimate used HDPE (high density polyethylene) pipe, but PVC could be used. John Hozey recommended moving forward with this project since the project would be funded from the Facility Fees Reserve.

Community Trail, Phase 3 (at 100% design): This was a project tied to VDOT's processes and there were not many options to reduce costs. The proposed invitation to bid contained two bid alternates – south park entrance and pedestrian light poles. These could be withheld from the contract award until additional funding was available. Although materials were commonly available, there was limited competition for small transportation projects on the Eastern Shore. The project was advertised in 2019 but not awarded due to high bids. Readvertisement was significantly delayed by VDOT's lengthy review process. The project would be funded by 80% grant/20% town match.

Inner Harbor Bulkhead Rehabilitation (at 100% design) and Inshore Breakwater Repair & Reinforcement (at 100% design): An application was submitted for funding under the Virginia Port Authority Aid to Local Ports grant which would cover 75% of the cost. The main cost reduction option was to combine these two projects. Combining the projects would delay the work on the inshore breakwater repair until after the summer season. The Town should have notification of the VPA grant funding later in May, but the money would not be available until July 1.

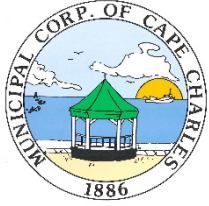
John Hozey thanked everyone for their ideas, and noted that the first budget work session would be scheduled for May 4th.

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

The work session adjourned at 7:51 p.m.

Mayor Charney

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Town Facilities Options		AGENDA DATE April 21, 2022
	SUBJECT/PROPOSAL/REQUEST: Select option to advance to the design and engineering phase		ITEM NUMBER: 7A
	ATTACHMENTS: (1) Summary of Options, (2) Cost Estimates, (3) Estimating Factors, (4) Assessed Values		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

An analysis of alternatives to address the many deficiencies of the current Town facilities housing the administrative, police, library, and council chamber functions has been completed. Four options for renovation of existing buildings and construction of a new building on Cassatt Parkway were presented to Council in the Work Session of March 31, 2022. Council added a fifth option to be considered and requested that the matter be brought back for a decision.

DISCUSSION:

Option 1 – Renovate Municipal building for all administrative functions, new building for police, archives and council chambers, library remains at current location. Sell Civic Center and third floor of Library building.

Option 2 – Renovate Municipal and Civic Center buildings for most administrative and library functions, new building for police, archives, council chambers and some administrative functions. Sell all of Library building.

Option 3 – Renovate Civic Center building for continued use as council chambers, new building for all other functions. Sell Municipal building and all of Library building.

Option 4 – Renovate Library and Civic Center buildings. Library remains at current location. Administrative functions spread among third floor of Library building, Civic Center building and new building. New building for police, archives, council chambers and some administrative functions. Sell Municipal building.

Option 5 – New building for all functions except library. Library remains at current location. Sell Municipal and Civic Center buildings and third floor of Library building.

The attachments contain the estimating factors, assessed values of existing properties to be sold to generate revenue, and **initial** cost estimates for each option. Note that all systems and restrooms at first floor of Library building require renovation if the function remains at that location. Also, 50% of assessed value is assumed for sale of third floor of Library building. This will be refined during negotiations with a developer. Design/engineering/construction admin are placeholder figures only (12%) and will be formally proposed by HBA after selection of preferred option. Note: construction contingency placeholder also included (5%).

RECOMMENDATION:

While discussion and “back of the envelop” calculations during the work session seemed to favor option 5, following development of detailed estimates, Option 1 appears to be the most cost effective. Staff therefore recommends Option 1.

Summary of Town Facilities Options

21-Apr-22

	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Option 5</u>
Renovation	1,450,000	1,418,040	248,040	1,218,040	280,000
Construction	2,255,000	2,645,000	5,120,000	2,705,000	4,565,000
Design/Eng/CA/Cntcy	629,850	690,717	912,567	666,917	823,650
Total	4,334,850	4,753,757	6,280,607	4,589,957	5,668,650
Building Sales	<u>828,050</u>	<u>1,203,500</u>	<u>1,554,200</u>	<u>350,700</u>	<u>1,178,750</u>
Total	3,506,800	3,550,257	4,726,407	4,239,257	4,489,900
Randolph Lot Sales	<u>340,000</u>	<u>340,000</u>	<u>340,000</u>	<u>*</u>	<u>340,000</u>
Total	3,166,800	3,210,257	4,386,407	4,239,257	4,149,900

*Assumes keeping lots for parking if Library third floor is used for Town offices.

Town Facilities Cost Estimates, April 21, 2022

<u>Option 1</u>	<u>Sq. Ft.</u>	<u>\$/sq. ft.</u>	<u>Cost</u>
Municipal Building	5,850	200	\$ 1,170,000
New Building	7,100	300	\$ 2,130,000
Water & Sewer			\$ 125,000
Library First Floor	2,800	100	\$ 280,000
Design/Eng/CA/Contgcy			\$ 629,850
Total			\$ 4,334,850
<u>Divestitures</u>			
Civic Center			\$ 226,300
Library Third Floor			\$ 601,750
Total			\$ 828,050
Net			\$ 3,506,800
Randolph Lots			\$ 340,000
Net			\$ 3,166,800

<u>Option 2</u>			
Municipal Building	5,850	200	\$ 1,170,000
Civic Center	1,378	180	\$ 248,040
New Building	8,400	300	\$ 2,520,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 690,717
Total			\$ 4,753,757
<u>Divestitures</u>			
Library Building			\$ 1,203,500
Net			\$ 3,550,257
Randolph Lots			\$ 340,000
Net			\$ 3,210,257

<u>Option 3</u>			
Civic Center	1,378	180	\$ 248,040
New Building	16,650	300	\$ 4,995,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 912,567
Total			\$ 6,280,607
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Library Building			\$ 1,203,500
Total			\$ 1,554,200
Net			\$ 4,726,407
Randolph Lots			\$ 340,000
Net			\$ 4,386,407

<u>Option 4</u>	<u>Sq. Ft.</u>	<u>\$/sq. ft.</u>	<u>Cost</u>
Library First Floor	2,800	100	\$ 280,000
Library Third Floor	2,760	250	\$ 690,000
Civic Center	1,378	180	\$ 248,040
New Building	8,600	300	\$ 2,580,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 666,917
Total			\$ 4,589,957
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Net			\$ 4,239,257
Randolph Lots*			\$ -
(*needed for parking)			
Net			\$ 4,239,257

<u>Option 5</u>			
Library First Floor	2,800	100	\$ 280,000
New Building	14,800	300	\$ 4,440,000
Water & Sewer			\$ 125,000
Design/Eng/CA/Contgcy			\$ 823,650
Total			\$ 5,668,650
<u>Divestitures</u>			
Municipal Building			\$ 350,700
Library Third Floor			\$ 601,750
Civic Center			\$ 226,300
Total			\$ 1,178,750
Net			\$ 4,489,900
Randolph Lots			\$ 340,000
Net			\$ 4,149,900

Estimating Factors
April 21, 2022

<u>Size</u>	<u>Square Feet</u>
Municipal Bldg. – first floor	2,925
Municipal Bldg. – second floor	2,925
Library Bldg. – first floor & rear mezzanine	2,800
Library Bldg. – third floor & front mezzanine	2,760
Civic Center Bldg.	1,378

<u>Renovation Cost</u>	<u>Per Sq. Ft.</u>
Municipal Bldg.	200 (including elevator)
Library Bldg. – first floor & rear mezzanine	100 (systems, restrooms, etc.)
Library Bldg. – third floor & front mezzanine	250 (including elevator)
Civic Center Bldg.	180

<u>New Construction Cost</u>	
Including site work, parking, stormwater, etc.	300
Water & sewer (700', pump station, etc.)	\$125,000

Assessed Value (2022)

April 21, 2022

<u>Property</u>	<u>Parcel</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Municipal Bldg.	587	150,000	200,700	350,700
Library Bldg.	643	387,500	586,000	973,500
Library paved lots	642B	230,000	0	230,000
Civic Center Bldg.	476	100,000	126,300	226,300
Randolph Lots	644	170,000	0	170,000
	641	170,000	0	170,000

April 6, 2023

Project: New Municipal Building (60% design)

Purpose: Construct new Municipal Building to replace current Municipal Building and Civic Center which are inadequate and substandard in almost every respect.

Scope: Will consolidate legislative, administrative and law enforcement functions in a new building located on an undeveloped Town-owned two-acre parcel on the north side of Cassatt Parkway. Encompasses:

1. 15,800 sf two story building, including a three bay garage
2. Entrance drive, lighted parking lot, storm water management ponds
3. Water and wastewater service connections to Old Cape Charles Road
4. Golf cart and pedestrian access trail from Old Cape Charles Road

Design Firm: HBA

Cost Containment Measures:

1. Consider changes proposed by HBA below, including owner furnished items
2. Pursue moderate redesign, e.g., two bay garage, reduce space for future staff growth
3. Pursue significant redesign, e.g., police and legislative remain at current buildings

Considerations:

Leaving police and/or legislative functions at existing buildings will require additional costs to design and implement improvements to those buildings. It would also forgo revenue of about \$750,000 from divestiture of those properties.

There may be additional opportunities, beyond the emergency generator proposed by HBA, to contract separately for owner furnished items to save general contractor overhead and profit mark ups. Examples: parking lot light poles, landscaping, golf cart/pedestrian access trail. However, this will require additional staff resources to implement, and the items must be carefully chosen to minimize risk of integration into the construction process. It should be noted that certain items are already excluded from the general contractor scope that will require staff implementation: IT wiring and set up, relocation and modification of remote surveillance system (park, restrooms, Bay Avenue), relocation of office furnishings and equipment.

Cape Charles Projects Cost Control Concepts:

General

- Owner Furnish/Contractor Install where possible and practical to save GC markup on equipment
- It is suggested that the project be bid and then engage with the low bidder to propose the most effective VE ideas

Municipal Building

Architectural:

- Change standing seam roofs to asphalt shingle
- Reduce quantity of brackets
- Reduce quantity of brick veneer
- Reduce amount of ceramic tile and switch to LVT

Site:

- Reduce asphalt/increase shell paving
- Eliminate golf cart path/parking
- Fence screen for trash can enclosure vs masonry

PME:

- Owner Furnish/contractor install the generator
- Change all sensor flush valves to manual

April 6, 2023

Project: **Downtown Restroom & Visitors Center (60% design)**

Purpose: Construct a new public restroom and visitors center to replace the current inadequate mobile restroom and porta-potties, and to provide tourist information resources.

Scope: 1,200 sf building (half each restrooms & visitors center), ADA parking spots, ADA sidewalk from Strawberry Street Plaza, water and wastewater connections to Mason Avenue, storm water management pond.

Design Firm: HBA

Cost Containment Measures:

1. Consider changes proposed by HBA below
2. Have Public Utilities staff install water and wastewater connections
3. Return to original concept of only a restroom facility

Considerations:

This building was not included in the original analysis of Town facilities options. It was added to the HBA design scope as a restroom facility, and subsequently expanded to include a visitors center as a less costly approach than converting the rail passenger car.

The cost estimate includes the water and wastewater connections to Mason Avenue, excluding the wastewater grinder pump station. These two lines could be installed by the Public Utilities staff to save contract labor, overhead and profit. Of course, this would be dependent on the availability of staff and displace other work.

Redesign to return to the original restroom only concept will require additional minor architectural and engineering costs. The overall site footprint and stormwater management provisions could be retained for potential future expansion of the building.

Cape Charles Projects Cost Control Concepts

General

- Owner Furnish/Contractor Install where possible and practical to save GC markup on equipment
- It is suggested that the project be bid and then engage with the low bidder to propose the most effective VE ideas

Visitor's Center

Architectural:

- Change standing seam roofs to asphalt shingle
- Change open air corridor at restrooms to interior corridor to save on insulation and exterior materials in corridor
- Reduce amount of ceramic tile and switch to LVT

Site:

- Reduce concrete paving and change to oyster shells where concrete is not required for accessible route

PME:

- Switch to PEX for water supply
- Eliminate urinals
- Provide heat and ventilation in restrooms, no cooling (*alternatively, if cooling is absolutely required, change the layout to two large toilet rooms with stalls so that only two indoor cassettes are needed rather than 6, however this would require some redesign*)

April 6, 2023

Project: **Library Renovation** (50% design)

Purpose: Limited renovation of the first floor and rear mezzanine of the Library Building.

Scope: New HVAC system, new kitchenette/break area, structural repair of beams in rear of building, replace deteriorated sidewalk at rear, update interior restroom.

Design Firm: HBA

Cost Containment Measures:

1. Combine with Downtown Restroom & Visitors Center to create economies of scale

Considerations:

Design has lagged due to availability of structural subconsultant. Inspection now accomplished and work will resume soon.

Original plan included modification of lobby restroom to ADA standards. Removed from scope since ADA restroom would be available at visitors center across the street.

RFP out for sale of building and redevelopment of front mezzanine and third floor. Library area would be retained either as a condominium unit or by long term lease. Proposals due May 1. Could defer library renovation and fold into private redevelopment as part of negotiations to create economies of scale and eliminate project administration burden. Improvements would be delayed (not critical). Risk of a false start if an acceptable redevelopment deal does not come together.

April 6, 2023

Project: **Keck Wells Connection** (90% design)

Purpose: Increase production capacity of Water Treatment Plant (WTP) to meet projected near-term peak demand during summer season. Supply potable water to planned workforce housing development and potential future development on adjacent Town-owned parcel. Need identified by monitoring steadily increasing demand and projections reflected in recent GHD and AES capacity studies.

Scope: Approximately 3,300 linear feet of 8" raw water main from KW1 and KW2 to WTP and 12" finished water main back to well site. Includes well pumps, controls and instrumentation.

Design Firm: GHD

Cost Containment Measures:

1. Allow alternate pipe materials – HDPE or PVC.

Considerations:

Cost estimate has increased substantially since original 2015 estimate.

- Added finished water main
- Jack and bore under new Cassatt Parkway
- Eight years of inflation – 27%. Higher in construction sector due to supply chain issues

Should be funded from Facility Fees Reserve as it increases WTP production capacity.

April 6, 2023

Project: **Community Trail, Phase 3** (100% design)

Purpose: Construct Phase 3 of the Community Trail master plan to improve pedestrian mobility. Also, rationalizes parking on south Peach Street between Mason and Randolph avenues and improves south entrance to Central Park.

Scope: Replace substandard sidewalks and missing sections with new wide sidewalks with pedestrian lighting. Build head-in angle parking median and parallel parking spaces on both sides of street, as well as vehicle turn-around and vendor parking area at south park entrance.

Design Firm: Land Studio

Cost Containment Measures:

1. Cost estimates have been reviewed and updated using most recent VDOT unit pricing data
2. IFB contains two bid alternates, south park entrance and pedestrian light poles, that can be withheld from award to descope project to available funding

Considerations:

Materials are commonly available, but there is limited competition for these small transportation projects on the Eastern Shore.

Project was advertised in 2019 but not awarded due to high bids. Several design changes have since been made removing about \$75,000 of estimated cost.

Readvertisement has been significantly delayed by lengthy and unreasonable VDOT review. Bid package is now awaiting FHWA authorization to advertise for construction.

Federal Transportation Alternatives Program grant funds a substantial portion of the project.

April 6, 2023

Project: Inner Harbor Bulkhead Rehabilitation (100% design)

Purpose: Rehabilitate sections of bulkhead around the inner harbor that have suffered damage from side-to docking of large commercial vessels over the past twenty years. Will prevent localized acute failures and extend service life to about fifty years. Need identified in recent Harbor Capital Asset Evaluation.

Scope: Replace approximately 54% of the king piles and horizontal wales, about 600 linear feet, supporting the vinyl bulkhead around the inner harbor.

Design Firm: Langley & McDonald

Cost Containment Measures:

1. Combine with Inshore Breakwater Repair & Reinforcement project to create economies of scale.

Considerations:

Materials are commonly available, but some minor supply chain issues were experienced during last major repair of the inshore breakwater.

Applied for a VPA Aid to Local Ports grant (75%).

Project can be restructured for execution in two phases, but about \$23,000 of additional mobilization costs will be incurred.

April 6, 2023

Project: Inshore Breakwater Repair & Reinforcement (100% design)

Purpose: Repair suspected pile damage below the mud line caused by a large vessel collision. Improve survivability by installing a new section to dampen reflected energy from "A" Dock and protective dolphins.

Scope: Install nine new pile sets along northern section. Add dogleg spur at north end and four 5-pile dolphins.

Design Firm: Langley & McDonald

Cost Containment Measures:

1. Combine with Inner Harbor Bulkhead Rehabilitation project to create economies of scale

Considerations:

Materials are commonly available, but some minor supply chain issues were experienced during last major repair.

Could be structured as a bid alternate to the bulkhead rehabilitation project. Would create economies of scale and still isolate work to be partially funded by VPA Aid to Local Ports grant.

Would be preferable to accomplish this before the summer hurricane season, but could wait until the fall for execution with the bulkhead rehabilitation project planned for after the busy summer season. The recent interim repairs have held up fairly well through two very intense storms.

February 2023 Treasurer's Report

Page 1 – Cash Position

- This sheet was reworked to better reflect the difference between the unassigned cash and generally and specifically assigned cash. Note that the Virginia Investment Pool 1-3 year fund has been added (new.)
- Total long-term debt at the end of February is \$5,325,148.
- The balance in the utility facility fees reserved account is \$2,922,828.

Page 2 – Revenue vs. Expenditures

- No comments.

Page 3 – Capital Projects

- \$282,496 has been paid to HBA for work done on the plans for the Municipal Center and Library projects, and \$723 for an E & S review of the site as of the end of February.
- \$7,622 was expended on the Keck Well project in February.

Page 4 – Tax Collection Rate

- Real property tax collection is at 99.73% of budget and 97% of what was billed.

Page 5 – Tax Revenue Trends

- Sales and Use Tax has decreased 8% from fiscal year to date February 2022.
- Transient Occupancy Tax is 50% greater than last year.
- Meals tax has increased by 16.6%.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
February 28, 2023

<u>Cash on Hand</u>	<u>1/31/2023</u>	<u>2/28/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$437,484	\$441,143	\$3,659
Atlantic Union Bank Money Market Account	\$661,664	\$476,894	-\$184,770
LGIP Account 1 - Unrestricted	\$106,454	\$106,838	\$384
LGIP Account 2 - Unrestricted	\$308,329	\$309,550	\$1,221
Virginia Investment Pool Liquidity Unassigned	\$2,516,468	\$2,525,612	\$9,144
Virginia Investment Pool 1-3 Year Unassigned	\$1,000,000	\$997,724	-\$2,276
Total Cash On Hand	\$5,030,398	\$4,857,760	-\$172,638

<u>Restricted and Reserved Cash Balances</u>	<u>1/31/2023</u>	<u>2/28/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$10,010	\$10,250	\$240
US Bank - Reserved per VRA Interest Free Loan Requirements	\$259,623	\$260,462	\$839
Wells Fargo 2010 Debt Service pass through account #300	\$26,478	\$2,980	-\$23,499
Wells Fargo 2010 Debt Service pass through account #308	\$145,773	\$858	-\$144,916
Atlantic Union Money Market # ARPA CRF #5847	\$885,168	\$885,508	\$340
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$2,853,998	\$2,922,828	\$68,830
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$105,612	\$105,996	\$384
Total Cash Held in Reserve	\$4,328,258	\$4,230,476	-\$97,781
Total Cash - All Accounts	\$9,358,656	\$9,088,236	-\$270,419

DEBT SERVICE

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

\$5,325,148

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

February 28, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
-						
REVENUE	\$191,943	\$3,119,936	\$3,490,753	\$370,817	\$4,545,819	76.79%
EXPENDITURES	\$203,463	\$2,012,337	\$2,630,224	\$617,887	\$4,545,819	57.86%
NET	(\$11,520)	\$1,107,599	\$860,529	(\$247,070)	\$0	
GENERAL Capital						
REVENUE	\$2,320	\$47,100	\$430,835	\$383,736	\$2,213,543	19.46%
EXPENDITURES	\$85,936	\$36,371	\$356,944	\$320,573	\$2,213,543	16.13%
NET	(\$83,616)	\$10,729	\$73,892	\$63,163	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$222,069	\$222,440	\$371	\$249,571	89.13%
EXPENDITURES	\$0	\$222,069	\$222,440	\$371	\$249,571	89.13%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$0	\$359,480	\$576,253	\$216,773	\$950,727	60.61%
EXPENDITURES	\$0	\$342,875	\$61,460	-\$281,415	\$950,727	6.46%
NET	\$0	\$16,605	\$514,793	\$498,187	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

February 28, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$159,914	\$1,276,942	\$1,372,624	\$95,682	\$2,709,736	50.66%
EXPENDITURES - Operating	\$175,745	\$790,230	\$1,392,613	\$602,383	\$1,692,817	82.27%
NET	(\$15,831)	\$486,712	(\$19,988)	(\$506,701)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$0	\$389,952	\$379,014	-\$10,938	\$466,400	81.26%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$0	\$348,480	\$349,011	\$530	\$1,016,919	34.32%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$41,472	\$30,003	(\$11,469)	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$16,047	\$491,409	\$601,050	\$109,640	\$1,042,545	57.65%
EXPENDITURES - Operating	\$24,964	\$394,691	\$529,453	\$134,762	\$992,438	53.35%
NET	(\$8,917)	\$96,718	\$71,597	(\$25,121)	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$102,954	\$103,499	\$546	\$104,950	98.62%
EXPENDED - Capital Projects, Debt Svc	\$0	\$143,054	\$103,499	-\$39,554	\$196,950	52.55%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$9,346)	\$0	\$9,346	(\$50,107)	
SANITATION						
REVENUE	\$24,103	\$163,257	\$188,161	\$24,904	\$457,258	41.15%
EXPENDITURES	\$23,984	\$133,661	\$336,200	\$202,539	\$457,258	73.53%
NET	\$119	\$29,597	(\$148,039)	(\$177,635)	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
2/28/2023

	FY23 Status or Start Date	Percent of Completion	FY23 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY23 YTD Expended	(Over)/Under Budget
<u>General Capital Fund</u>									
Multi-Use Trails, Phase 3 Construction	<u>Pending</u>	1%	\$ 929,922	\$ 12,070	\$ -	\$ 813	\$ -	\$ 12,883	\$ 917,040
Municipal Space Replacement Planning (ARPA)	<u>In process</u>	51%	\$ 550,000	\$ -	\$ 101,211	\$ 182,008	\$ -	\$ 283,219	\$ 266,781
Library Upgrade & Condo-ization	<u>In process</u>	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Mason Avenue Parking Lot Improvement	<u>Pending</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Mason Avenue Restroom	<u>Pending</u>	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110,000
South Beach Restroom Renovation	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Gator for Public Works Staff	<u>Pending</u>	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,500
Grounds Maintenance Equipment for PW	<u>In process</u>	73%	\$ 33,270	\$ 24,228	\$ -	\$ -	\$ -	\$ 24,228	\$ 9,042
Central Park Game Area for Adults (CCP)	<u>Pending</u>	40%	\$ 29,000	\$ -	\$ 11,614	\$ -	\$ -	\$ 11,614	\$ 17,386
Storage Facility (3 x conexes + roofing)	<u>In process</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,040
Public Trash Can Replacements, late FY22 project	<u>completed</u>	100%	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000	\$ -
subtotal	\$ -		\$ 1,892,732	\$ 61,298	\$ 112,825	\$ 182,820	\$ -	\$ 356,944	\$ 1,535,788
<u>Utility Fund -Water</u>									
Keck Well Connection (Engineering)	<u>Pending</u>	70%	\$ 60,000	\$ 2,286	\$ 32,010	\$ 7,622	\$ -	\$ 41,918	\$ 18,082
<u>Utility Fund - Wastewater</u>									
Sewer Pod Controller Upgrades Phase 2 of 5	<u>Pending</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 74,500	\$ 2,286	\$ 32,010	\$ 7,622	\$ -	\$ 41,918	\$ 32,582
<u>Harbor Fund</u>									
Fuel System-Relocate Emergency Stop Switches	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Fuel Management System Replacement	<u>Pending</u>	0%	\$ 42,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 42,000
Inner Harbor King Pile & Waler Replacement Design	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
subtotal	\$ -		\$ 92,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 92,000
TOTAL	\$ -		\$ 2,059,232	\$ 63,585	\$ 144,835	\$ 190,442	\$ -	\$ 398,862	\$ 1,660,370

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

February 28, 2023

YTD 2022 Real Estate Tax Collections

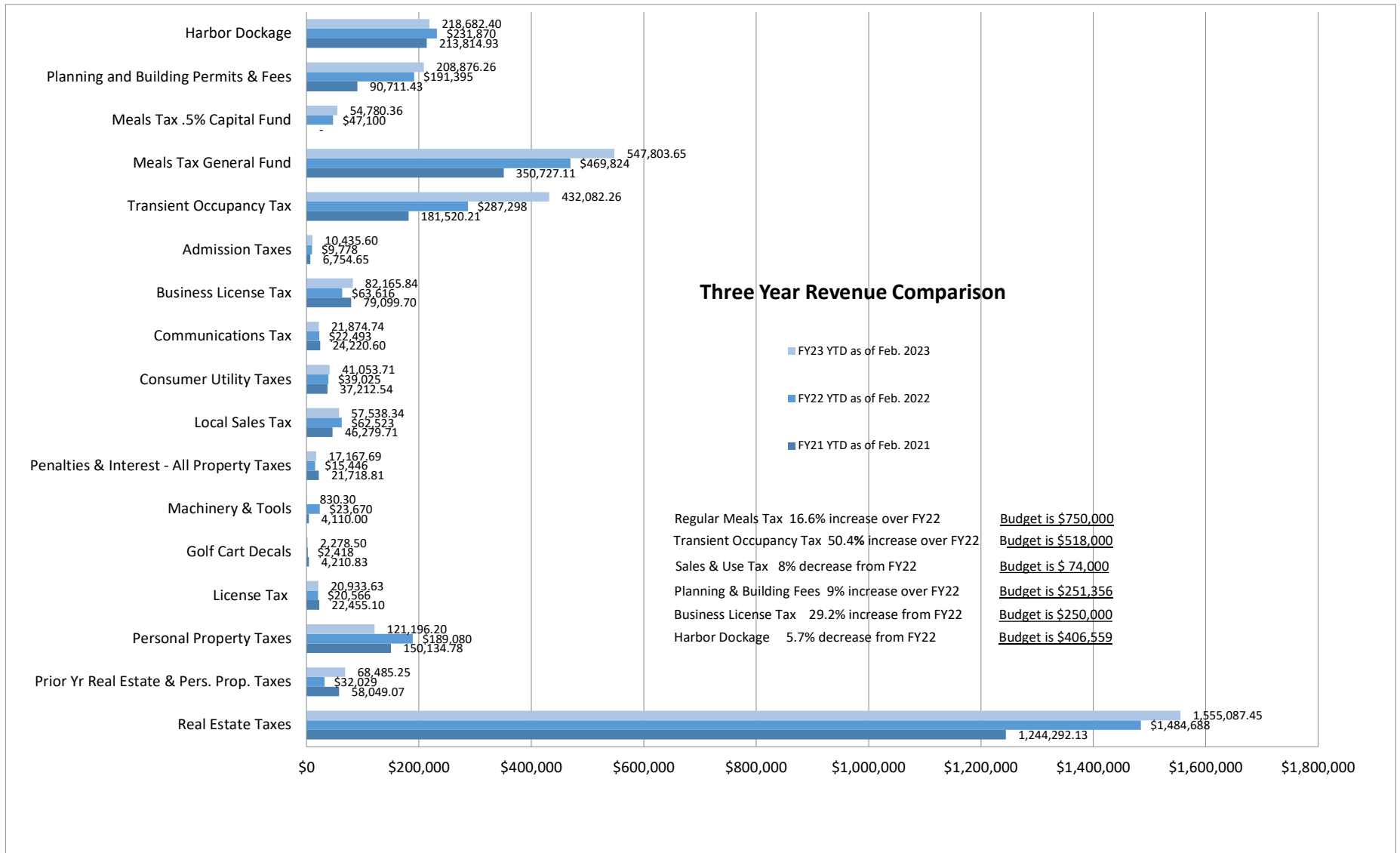
Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,559,242	
Total Tax Billed	1,606,830	
Total Adjustments	(149)	
Total Collected YTD (percent of billed)	<u>1,555,087</u>	97%
Amount Due per Accounts Receivable	51,594	

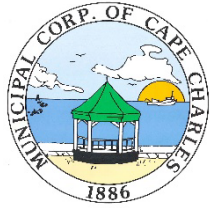
YTD 2022 Personal Property Tax, Machinery and Tools Tax & 2021 License Tax Collections

Total Personal Property Value	23,243,305	
2022 Reduction Due to Proration	(879,146)	
Personal Property Billable Valuation	22,364,159	
2022 PPTRA Valuation Reduction	(9,568,117)	
 2022 Supplemental Assessments	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2022 & 2022 Supplemental	22,364,159	
 Total Budgeted	 140,000	
Total Tax Billed less PPTRA	204,003	
2022 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	7,162	
Total Collected YTD (percent of billed)	<u>142,960</u>	68%
Amount Due per Accounts Receivable	53,880	

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

Total Budgeted	76,462	
Total Collected (percent of budget)	<u>85,653</u>	112%
Amount Due Per Budget	(9,191)	





**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Harbor Development Certificate for Rosenwald School Building Project

AGENDA DATE
April 20, 2023

SUBJECT/PROPOSAL/REQUEST: Harbor Development Certificates for Rosenwald School Building Project at 1500 Old Cape Charles Road

ITEM NUMBER:
8A.i

ATTACHMENTS: [HarborAreaReviewBoardPacket03-28-23122345032123PM1704.pdf \(capecharles.org\)](#)

FOR COUNCIL:
Action (X)
Information ()

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

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Any property within the Harbor District is required to submit a Harbor Development Certificate application that requires review and recommendation from the Harbor Area Review Board based upon the criteria for review contained in CCZO Section 3.9 (I) (3). Then the application is forwarded to Town Council for their review and final action to approve, approve with conditions or deny the Harbor Development Certificate.

The Planning & Zoning Office received an application from the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) for property at 1500 Old Cape Charles Road (Tax Map #83A3-A-14D) which is approximately 8.796 acres within the Harbor District.

A meeting of the Harbor Area Review Board was held on March 28, 2023 to review this application.

AERIAL MAP



PROJECT OVERVIEW:

The intent is to adaptively repurpose the former Rosenwald School as a Recreational, Cultural, and Entertainment Venue, pursuant to Cape Charles Zoning Ordinance Section 3.9 (D) (4) (c), (5) (c),(f), (g). This building was erected in 1929 and has historical significance; however, this building and property is not included in the Town's Historic District. The property owners are pursuing a National Register of Historic Places nomination to the Virginia Department of Historic Resources. However, this property does not fall under the jurisdiction of the Town's Historic District so our review of the project rests solely within the zoning designation of Harbor under Article III of the Town's Zoning Ordinance.

The uses identified to occur within the building are as follows:

Historic Exhibit Area

- Exhibit space for permanent and rotating exhibits
- Museum shop
- Artifact storage for donations and loaned artifacts

Auditorium

- Performing arts
- Film
- Rehearsal Space



Community Kitchen

- For groups and individuals to can, prepare and share foods
- Small-business incubator

Outdoor Venue

- Seasonal performances
- Special events and function space
- Community gathering areas
- Walking trails

Education

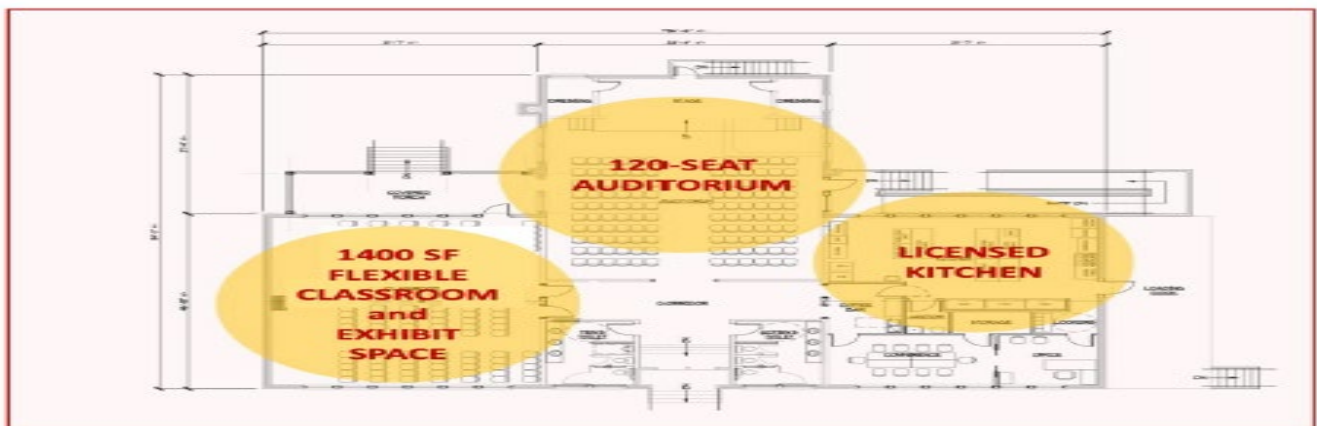
- Workforce training in partnership with Eastern Shore Community College
- Community learning center with a variety of class topics
- Technology hub
- Product and service development space
- Meeting space for community and cultural organizations

ARTIST'S RENDERING of IMPROVEMENTS



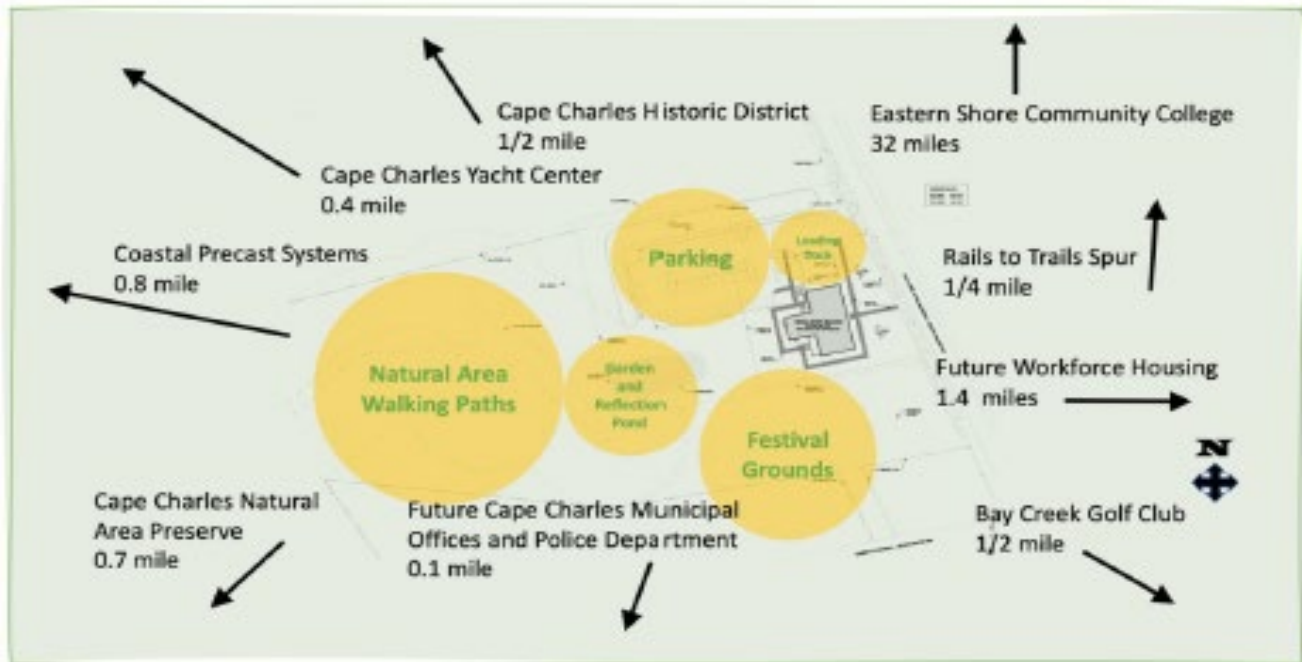


The intent is remove all exterior additions to the original building except for the useful loading dock, which will be screened from street view. Masonry repairs will be made and repointing will occur as needed. Roof will be replaced with either asphalt shingles that closely match the existing or standing seam metal. Will be restoring and reinstalling 21 of the historic windows and the front doors will be restored and a handicap accessible ramp will be built. All work will be done in accordance with the Secretary of the Interior's Standards for the treatment of historic buildings. There will be 81 parking spaces with both asphalt and gravel parking materials; utilities will be underground, on-site dumpster will be enclosed; and will be bringing building interior up to code.



Since this project is receiving its funding from both fundraising efforts as well as applying for various state and federal grants, there are some elements of the project that have not been resolved which include finalized landscaping, lighting and signage with a focus to look at embracing and offering additional opportunities through the exterior spaces in providing elements of the history of the school through signage and art. Additionally, they would like to possibly offer a more connected alternative transportation network with golf cart paths, bike racks, and walking trails but some of those plans are still in development through other projects (Rails to Trails spur, Municipal Building project, etc). The applicant specifically referenced that they will be considering having a MAY DAY Pole on site and some type of art/sculpture, similar to the LOVE sign.

Below is a greater site view as it relates to the Town itself, both existing and potential projects in the pipeline for the Town.



There are full building plans and additional photographs and site renderings contained in the application, including a site plan for the property. There is also a cover letter and an expanded narrative that contains full responses and/or descriptions to address the criteria in the Cape Charles Zoning Ordinance that all applications for a Harbor Development Certificate are to be considered.

The full application packet is attached to this staff report for your review.

Below is the criteria for review that both the Harbor Area Review Board and Town Council are to utilize in their consideration of applications for Harbor Development Certificates.

Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:

- a. Use characteristics of the proposed development.
- b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
- c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
- d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
- e. Inclusion of alleys to enhance vehicular transportation within the development.
- f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
- g. Traffic generation characteristics of the proposed development in relation to street capacity.
- h. Provision of open space to meet the requirements of the district; the location, design, landscaping and other significant characteristics of this public open space, and its relation to existing and planned public and private open space.
- i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
- j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
- k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
- l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
- m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
- n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
- o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
- p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
- q. Adherence to the intent and requirements of the Harbor District

Statement of Intent. The intent of this zoning district is to encourage a vibrant 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 throughout 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. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

RECOMMENDATION FROM THE HARB:

Member Rob Harris motioned that the application for the Rosenwald School Project is sufficient, complete and compliant with the Harbor District Regulations with the exception of their final landscaping, lighting, signage and exterior public art/historic displays and recommends that Town Council favorably consider approval for the issuance of a Harbor Development Certificate based upon the application submitted with the condition that the final landscaping, lighting, signage and exterior public art/historic displays plans are still required to be submitted to the Town for final review and approval and was seconded by Member Herb Thom and the motion was unanimously approved.

TOWN COUNCIL is requested to accept the recommendation from the Harbor Area Review Board and to approve the application as presented for the Rosenwald School Project with the condition from the HARB.

ATTACHMENTS

Item 1: March 28, 2023 Harbor Area Review Board Special Meeting Agenda Packet

Harbor Area Review Board

Special Meeting Agenda

**Cape Charles Civic Center
March 28, 2023 at 5:00 P.M.**

1. Call to Order; Roll Call
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda: None
5. New Business:
 - A. Application Harbor Development Certificate for Rosenwald School Building Project 1500 Old Cape Charles Road, Cape Charles, Va.
6. Adjourn



HARBOR DEVELOPMENT CERTIFICATE APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
tracy.outten@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|--|---|
| ☒ Completed application | ☒ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☒ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☐ Proposed materials list |
| ☒ Proposed site plan or survey (if applicable) | ☐ Payment of fees (\$300 + \$70/acre) |

PROPERTY INFORMATION

Name of Project: Cape Charles Rosenwald School Rehabilitation
Property Address: 1500 OLD CAPE CHARLES RD
Brief Description of Project: Rehab of 8.8 acre-site for Pk, Cultural & Ent. Venue
Zoning District: H Current Use: None Proposed Use: Assembly

OWNER INFORMATION

Name and Company: Cape Charles Rosenwald School Restoration Initiative
Mailing Address: PO BOX 294 Cape Charles, VA 23310
Phone Number: 512.633.6088 Email: info@ccrosenwaldschool.org

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

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

Signature of Applicant: [Signature] Date: March 16, 2023



Application for Zoning Clearance

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to request zoning clearance for all new construction, alteration of existing structures, additions, or demolitions within the Town of Cape Charles.

Date: March 16, 2023 Site Address: 1500 OLD CAPE CHARLES RD

Applicant's name: CCRSRI Phone number: (512) 633-6088

Email: info@ccrosenwaldschool.org Tax Map #: 83A3-A-14D

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

Zoning District if not located in Bay Creek:

☐ R-1 ☐ R-2 ☐ R-3 ☐ CR ☐ C-1 ☐ C-2 ☐ C-3
☐ M-1 ☐ M-2 ☐ GBI ☐ GBI-H1 ☒ Harbor

Zoning District if located in Bay Creek: ☐ Located on Bay Creek property, but not in a current subdivision

Subdivision Name	Zoning Designation	Subdivision Name	Zoning Designation
☐ Bayside Village	PUD Village	☐ Muirfield Village	PUD Village
☐ Bay Vista	PUD R-3	☐ New Quarter	PUD R-2
☐ Fairways	PUD R-3	☐ Plantation Pointe	PUD R-1
☐ Heron Pointe	PUD R-2	☐ The Colony	PUD R-3
☐ Kings Bay	PUD R-2	☐ The Hollies	PUD R-2
☐ Marina Resort	PUD R-2	☐ The Signature	PUD R-2
☐ Marina Village East	PUD R-2		

Work to be done:

Category of work	☐ Residential	☒ Commercial	☐ Industrial
Type of work	☐ New (landscape plan needed)	☒ Renovations	☒ Repairs
(check all that apply)	☒ Demolition	☒ Full	☒ Partial _____ ft ²
	☐ Addition	☐	Accessory structure _____ ft ²
	☐ Fence	☐	Pool (requires a CUP)
	☒ Roof	☐	Solar Panels
	☐ Other (specify)		

Applicant's signature: [Signature]

Zoning Administrator's signature: _____



Cape Charles Rosenwald School Restoration Initiative

**BOARD OF
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Pastor Felton Sessoms
Vice President

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Valentine Evans

William Knight

Mabel Mitchell

Roberta Newman

Dr. Linda Schulz

March 16, 2023

Harbor Area Review Board
Town of Cape Charles
2 Plum Street
Cape Charles, Virginia 23310

Re: Cape Charles Rosenwald School Rehabilitation
1500 Old Cape Charles Road / Tax Parcel 83A3-A-14D

To Whom It May Concern:

The Cape Charles Rosenwald School Restoration Initiative (CCRSRI) is pleased to present our application for a Harbor Development Certificate of Appropriateness for our proposed effort to reestablish the former Cape Charles Elementary School as an active and thriving **Recreational, Cultural, and Entertainment Venue** for our community and beyond. With this submittal comes our best intentions to make this process as thorough and straightforward as possible. We appreciate your service on this Board and Town staff's guidance with our application.

This project is about a nationally recognized landmark structure, built in 1929, which is **one of the only existing historic buildings located within the Harbor District**. In 1912, educator and author Booker T. Washington encouraged Julius Rosenwald, a top executive at Sears, Roebuck & Company, to collaborate with him and the Tuskegee Normal and Industrial Institute (now Tuskegee University). Their project? To improve the quality of public education for African American children in the South. They did this by building schools. Julius Rosenwald and the Rosenwald Fund contributed more than \$4.3 million, while the African American communities served by the schools raised more than \$4.7 million. Twenty years later, their collaboration had produced 4,977 Rosenwald Schools. The Cape Charles Rosenwald School, which opened in 1930, served first through seventh grades in four classrooms.

Keep Learning. Know Better. Together.

For 36 years, the school also served as the heart of Cape Charles' African American community. Whether hosting casual get-togethers or official gatherings - like the annual May Day Festival - this historic building forged an unforgettable legacy in the lives of Cape Charles' Black families, many of whom continue to call the town their home. Decades later, when segregation ended and the Rosenwald Schools eventually closed, many of the buildings fell into disuse or were sold. Because most of the structures were of clapboard construction, fewer than 500 Rosenwald Schools remain standing today.

The Cape Charles Rosenwald School is one of them. Although the school closed in 1966, its construction has stood the test of time. Today, the brick structure endures as a testament to the importance of Rosenwald Schools in our nation's history. The CCRSRI is recipient of a grant from the Virginia Department of Historic Resources to prepare the national register of historic places nomination. This work is being conducted by Hanbury Preservation Consulting and is slated to be complete by the end of the summer. The application will go before the state review board in the fall. **Rosenwald Schools have been designated by the National Trust as among the nation's most endangered historic entities. The Cape Charles school remains on Preservation Virginia's list of the Most Endangered Historical Places.** We are excited to have our building recognized both nationally and statewide.

This significant building had been sitting alone on that stretch of Old Cape Charles Road for decades before the water treatment facility was built. Soon this treasured piece of Cape Charles' history will once again unite a remarkable community - one that today is inclusive, diverse, and open to everyone. With the restoration of Cape Charles Rosenwald School, the iconic building will host classes and community gatherings as it did in the past. But as a modern-day community center, it will also **contribute to the Cape Charles economy** in exciting new ways:

Historic Exhibit Area

- Exhibit space for permanent and rotating exhibits
- Museum shop
- Artifact storage for donations and loaned artifacts

Auditorium

- Performing arts
- Film
- Rehearsal space

Community Kitchen

- For groups and individuals to can, prepare and share foods
- Small-business incubator

Education

- Workforce training in partnership with Eastern Shore Community College
- Community learning center with a variety of class topics
- Technology hub
- Product and service development space
- Meeting space for community and cultural organizations

Outdoor Venue

- Seasonal performances
- Special event and function space
- Community gathering area
- Walking trails

Our plan is to restore the original exterior of the school while bringing the building up to code. We will remove all exterior additions to the original building except for the useful loading dock, which will be screened from the street view. Masonry repairs will be made where insensitive openings have been made, and bricks will be repointed as needed. The roof will be replaced with either asphalt shingles that closely match the existing or standing seam metal. We have approximately 21 of the historic windows to restore and reinstall, mostly along the front of the building. New windows will be built to match the historic where necessary and placed along the rear elevation. The historic front doors will be restored. A handicap accessible ramp will be built. **All work will be done in accordance with the Secretary of the Interior's Standards for the treatment of historic buildings.** We have worked with historians from Preservation Virginia and alumni of the school to ensure that we are respectful of important historic features.

The Initiative plans **to follow the guidelines specified for the district regarding multimodal transportation goals and utilities.** We will provide 81 surface parking spaces. A combination of both asphalt and gravel areas are proposed. Of course, utilities will be underground, and the on-site dumpster area will be enclosed. Please see both the architectural site plan and the civil engineering set (currently being reviewed by Virginia Department of Environmental Quality, Virginia Department of Transportation, and an independent Erosion and Sedimentation Control reviewer) for details, calculations, and proposed infrastructure and utility locations.

It is important to discuss that while CCRSRI has raised enough money to begin a significant portion of the work, we need to continue to raise money to complete the project. We ask for understanding regarding the timeline to finalizing landscaping, lighting, and signage. While baseline walkway and lighting design, such as for the parking lot, have been completed and shown, we continue to explore ways of interpreting the history of the school through signage and art. We

would like to reserve the right to revisit with the review board once that plan is complete. We do want to install bicycle racks. We do want to have public walking trails behind the school. We do want to find a way to connect with the proposed Rails to Trails spur. There is an existing golf cart path running along the front of the school, and it will continue through what is now CCRSRI property to connect to the proposed new Town Municipal Building. Please note that we will be **providing more than adequate open space – approximately 6.6 acres out of our total 8.796-acre parcel.**

Between this letter and our submitted drawings, we have attempted to address all of the requirements for review. We hope you agree that many of the criteria developed for new construction projects do not apply to this historic site. We are an all-volunteer group working to push this project forward. We have 6 Elementary School alumni actively advising our approach and many others urging us on. Our architect and civil engineer have provided their services pro bono. Please forgive accidental omissions. They are not intentional. We hope to answer any additional questions you might have and look forward to seeing you at the meeting on Tuesday, March 28th at 5:00 pm.

Respectfully,



Beth Walker
Project Manager and Assistant Secretary
The Cape Charles Rosenwald School Restoration Initiative

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School - View from the Southeast (Courtesy of The Patina Group)



Cape Charles Elementary School - View from the North (Courtesy of The Patina Group)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School - View from the North (Courtesy of The Patina Group)



Cape Charles Elementary School – Aerial View from the East (Courtesy of Dr. M. Potter Henderson)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – View from the Southwest (Courtesy of The Patina Group)



Cape Charles Elementary School – Interior View of Southern Classroom (Courtesy of B. Walker)



Cape Charles Elementary School – Interior View of the Front Entry Facing East (Courtesy of The Patina Group)



Cape Charles Elementary School – Interior View of Small Classroom Facing West (Courtesy of The Patina Group)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – Interior View of the Auditorium Facing West (Courtesy of The Patina Group)



Cape Charles Elementary School – Architect's Rendering of the Auditorium Facing West (Courtesy of The Patina Group)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – Architect's Rendering of the School and Grounds - View from the Northeast (Courtesy of The Patina Group)



Cape Charles Elementary School – Architect's Rendering of the School and Grounds - View from the Northwest (Courtesy of The Patina Group)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – Historic Photo Circa 1929 - View from the Southeast (Photographer Unknown)



Cape Charles Elementary School – Historic Photo Circa 1929 - View from the Northeast (Photographer Unknown)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – Historic Photo Circa 2011 - Dedication of Virginia Historic Marker
View from the West (Photographer Unknown)

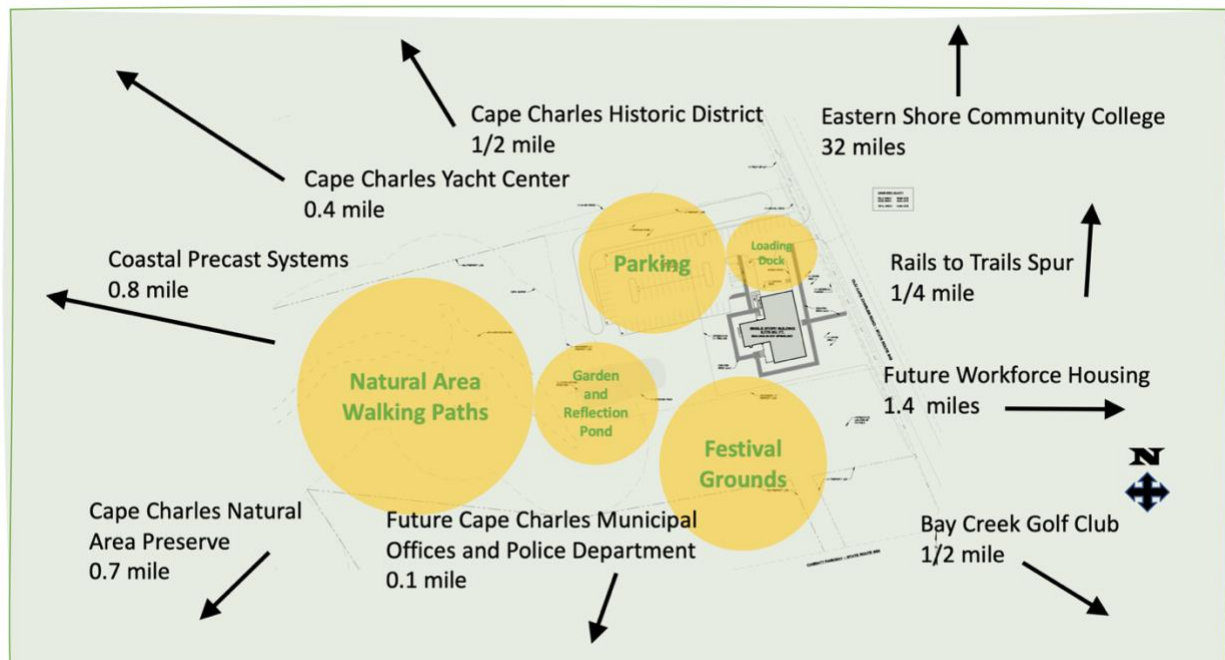


Cape Charles Elementary School – October 2021 – Umoja (Unity) Day
View from the East (Courtesy Jahiem Fisher)

CAPE CHARLES ELEMENTARY SCHOOL – A ROSENWALD SCHOOL



Cape Charles Elementary School – Schematic Floor Plan (Courtesy of The Patina Group)



Cape Charles Elementary School – Schematic Site Plan (Courtesy of B. Walker)

ADDENDUM TO LETTER OF INTENT

CAPE CHARLE ROSENWALD SCHOOL

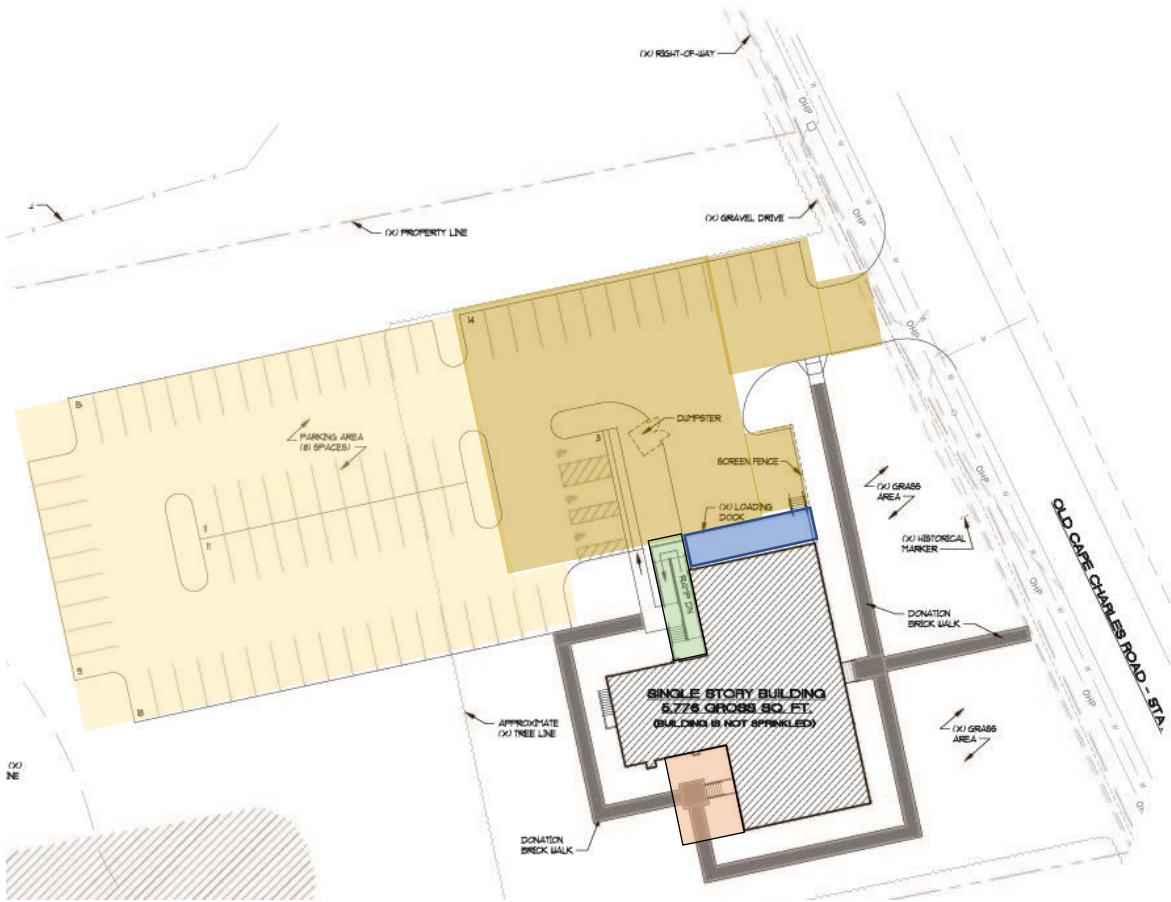
EXISTING SITE PLAN – PARTIAL/NOT TO SCALE



-  Loading Dock to Remain
-  Ramp to be removed / ADA ramp to be built at same location (approximately 550 SF of impervious cover – no significant change to existing footprint will occur)
-  Grade level mechanical room (never conditioned space) to be demolished / Patio to be built in same footprint (approximately 600 SF of impervious cover – no significant change to existing footprint will occur)

CAPE CHARLES ROSENWALD SCHOOL

PROPOSED SITE PLAN – PARTIAL/NOT TO SCALE



Paved Parking Area



ADA ramp



Gravel Parking Area (proposed)



Patio



Loading Dock



Memorial Brick Sidewalk



Loading Dock to Remain
Top courses will be rebuilt with
CMU, Pad will be concrete.
Commercial door will be
replaced with historic style door.

Ramp to be removed /
ADA ramp to be built at
same location. Garage
door will be replaced
with historic style doors.



Grade level mechanical room to be
demolished / Patio to be installed
in same footprint.



- Existing windows and doors to be restored and reused. New windows will be reconstructed to match original where needed and used in the rear.
- Roof to be replaced with either shingles to match originals as closely as possible or standing seam metal.
- Memorial brick walkways to be installed according to site plan above.

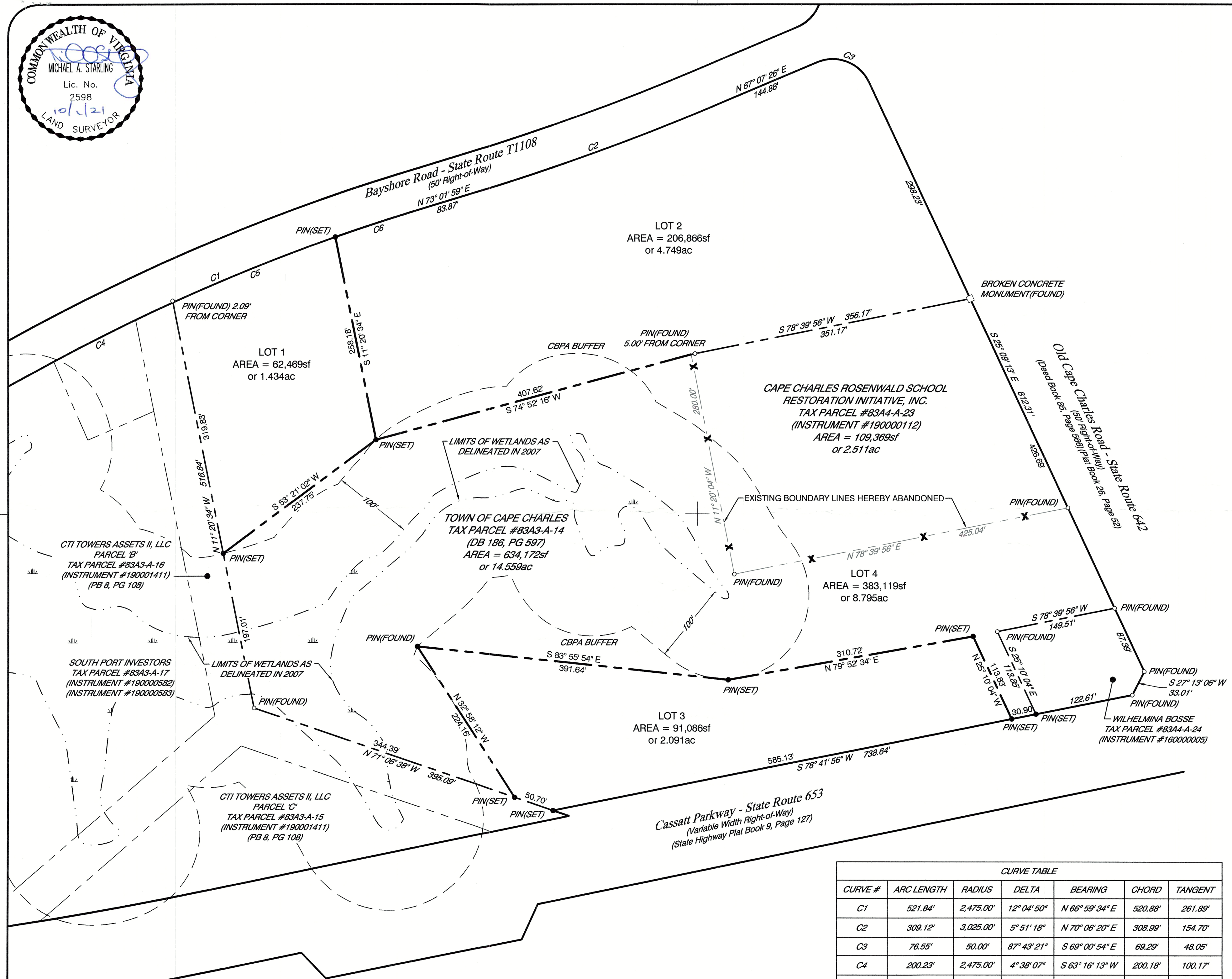


Existing Exterior Materials:

- Brick
- Concrete
- Asbestos roof shingles
- Concrete infill and wood covering at window openings – Over half of the historic windows are reusable.

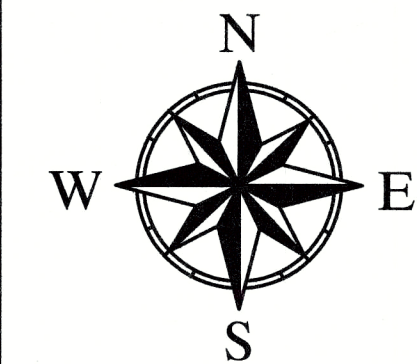
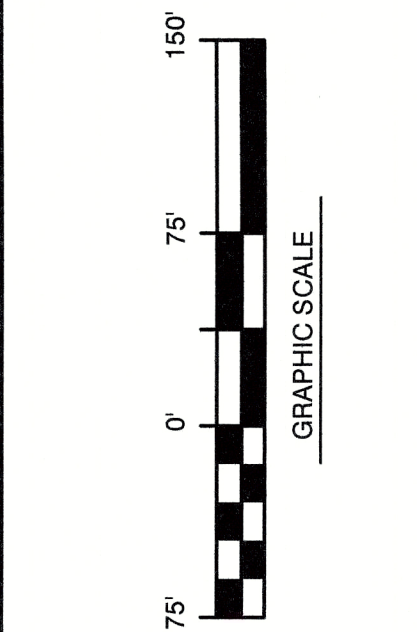
New Exterior Materials List:

- Walkways, Patio, Steps, and Ramp will be a combination of brick and concrete.
- Reconstructed windows in rear of building to match historic wood windows we have – new windows may be built with more durable material – TBD
- Historic wood and glass doors to be restored and reused. New doors to be designed in similar style, fabricated with durable materials.
- Roofing will either be standing seam metal or architectural shingles that closely match existing fish scale/diamond pattern shingles.
- ADA Ramp will have simple vinyl or composite railing.
- Parking lot will be asphalt in front and gravel in rear/overflow, if allowed.
- Loading dock area screening fence will be vinyl - landscaped facing Old Cape Charles Rd.
- Masonry enclosure of dumpster pad with vinyl gate.



SEE SHEET 1 OF 2 FOR NOTES AND CERTIFICATIONS

CURVE TABLE						
CURVE #	ARC LENGTH	RADIUS	DELTA	BEARING	CHORD	TANGENT
C1	521.84'	2,475.00'	12° 04' 50"	N 66° 59' 34" E	520.88'	261.89'
C2	309.12'	3,025.00'	5° 51' 18"	N 70° 06' 20" E	308.99'	154.70'
C3	76.55'	50.00'	87° 43' 21"	S 69° 00' 54" E	69.29'	48.05'
C4	200.23'	2,475.00'	4° 38' 07"	S 63° 16' 13" W	200.18'	100.17'
C5	218.69'	2,475.00'	5° 03' 46"	N 68° 07' 09" E	218.62'	109.42'
C6	102.92'	2,475.00'	2° 22' 57"	N 71° 50' 30" E	102.91'	51.47'



Shoreline Surveyors
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 789-3960 FAX (757) 789-3962
SCALE: 1" = 75'
DRAWN: MAS
FIELD BOOK: 50, PAGE 1
JOB #21065
SHEET 2 OF 2

SUBDIVISION & BOUNDARY LINE ADJUSTMENT PLAT
OF
**Cape Charles
Wastewater Treatment Plant**
&
Cape Charles Rosenwald School
TAX PARCELS #83A4-A-14 & #83A4-A-23
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR
Town of Cape Charles
SEPTEMBER 10, 2021

FLOOR PLAN KEY NOTES

- 1

ALIGN FACE OF NEW WALL WITH FACE OF EXISTING ATTIC WALL ABOVE.
- 2

PATCH AND REPAIR EXISTING INTERIOR WALL TO MATCH EXISTING WALL CONSTRUCTION AND THICKNESS.
- 3

HI-LOW E.W.C. WITH BOTTLE FILLER. SEE SHEET A4.0 FOR TYPICAL ACCESSIBILITY CLEARANCES AT PLUMBING FIXTURES.
- 4

NEW DOOR OPENING IN EXISTING WALL. SEE DOOR SCHEDULE ON A4.0.
- 5

PROVIDE AND INSTALL COUNTY APPROVED KNOX BOX.
- 6

PROVIDE AND INSTALL 12"x24"H MOLDED RUBBER DOCK BUMPER GUARDS AT 48" O.C.
- 7

FURNISH AND INSTALL BRICK SIDEWALK. SEE CIVIL DRAWINGS FOR FULL EXTENT OF NEW WALKS, CURB, AND PAVING.
- 8

INFILL EXISTING CMU AND BRICK WALL OPENING FOR NEW DOOR OPENING. SEE DOOR SCHEDULE FOR NEW DOOR AND FRAME.
- 9

WHERE EXISTING SILL IS BELOW TOP OF WAINSCOT, RETURN WAINSCOT IN JAMB TO FACE OF WINDOW TRIM.
- 10

RIP DOOR TRIM AS REQUIRED TO FIT TO CORNER OF ROOM.
- 11

REPLACE EXISTING METAL DOOR SILL EDGE WITH NEW GALVANIZED EDGE TO MATCH EXISTING.
- 12

RESTORE FRAMING AT EXISTING DOOR AND TRANSOM ROUGH OPENING FOR NEW DOOR AND TRANSOM. SEE DOOR SCHEDULE.
- 13

EXISTING ROUGH OPENING RE-USED FOR NEW DOOR AND TRANSOM.
- 14

RESTORE FRAMING AT EXISTING DOOR AND TRANSOM ROUGH OPENING FOR NEW CASED OPENING AND TRANSOM. SEE DOOR SCHEDULE.
- 15

EXISTING ROUGH OPENING RE-USED FOR NEW CASED OPENING AND TRANSOM.
- 16

REPLACE EXISTING BULLNOSE STOOL AND APRON WITH NEW BULLNOSE STOOL AND APRON FOR NEW WALL THICKNESS. MATCH EXISTING TRIM PROFILES.
- 17

NEW WINDOWS AND FRAMES IN EXISTING MASONRY OPENING. SEE WINDOW TYPES ON SHEET A4.1.
- 18

SALVAGED WINDOW SASHES IN NEW FRAMES IN EXISTING MASONRY OPENING. SEE WINDOW TYPES ON SHEET A4.1.
- 19

RESTORE CONCRETE WINDOW SILL AND PATCH AND REPAIR MASONRY WALL BELOW TO MATCH EXISTING.
- 20

EXISTING PROSCENIUM ARCH ABOVE. RE-INSTALL RESTORED TRACK AND NEW CURTAINS TO MATCH EXISTING BI-PARTING CURTAINS WITH VALANCE. VERIFY TRAVELER CURTAIN AND VALANCE COLOR, MATERIAL, TRIM, 15% BOX FLEATS, AND SCHOOL LOGO WITH OWNER.
- 21

NEW STAGE APRON ALIGNED WITH EXISTING STAGE FLOOR. SEE DETAIL XX/A5.0.
- 22

SEE COFFEE BAR MILLWORK ELEVATION XX/A4.0.
- 23

SOFFIT AT STEEL BEAM ABOVE. SEE REFLECTED CEILING PLAN ON SHEET A1.2.
- 24

MULTIPLE TIER METAL LOCKERS BY OWNER.
- 25

EXISTING STEEL COLUMN SUPPORTING EXISTING STEEL ROOF TRUSS ABOVE IN ATTIC.
- 26

EXISTING STEEL COLUMN SUPPORTING EXISTING 12" STEEL BEAM ABOVE AT CEILING JOISTS.

- 27

NEW STEEL COLUMN SUPPORTING NEW STEEL BEAM AT CEILING JOISTS ABOVE. SEE STRUCTURAL DRAWINGS.
- 28

PAIRED PANEL OPERABLE PARTITION, STC 52 (MIN), 9'-4" HIGH (ALIGN WITH TOP OF DOOR 102A AND 102B TRANSOMS).
- 29

CLEAN, PREP, AND REPAIR/RESURFACE EXISTING CONCRETE STEPS AS REQUIRED.
- 30

SET CASED OPENING 105A WITH MINIMUM SHIM SPACE AT THIS JAMB OF RESTORED EXISTING ROUGH OPENING.
- 31

CENTER PARTITION ON WINDOW MULLION.
- 32

4" DIAMETER GALVANIZED DOWNSPOUT INTO 5'-6" TALL CAST IRON BOOT DAYLIGHTING AT GRADE ONTO CONCRETE SPLASH BLOCK.
- 33

CONCRETE PORCH, STEPS, AND HANDICAP RAMP, SEE ENLARGED PLAN XX/A3.1.
- 34

CONCRETE STEPS, SEE STRUCTURAL DRAWINGS AND DETAIL XX/A3.1.
- 35

1 1/2" DIA PIPE GUARDRAIL, SEE ELEVATIONS XX/A3.1.
- 36

1 1/2" DIA PIPE HANDRAIL, SEE ELEVATION XX/A3.1.
- 37

CONCRETE PORCH AND STEPS, SEE ENLARGED PLAN XX/A3.1.

GENERAL FLOOR PLAN NOTES

- 1

SEE SHEETS A0.0 - A0.3 FOR DEMOLITION AND ROOF RESTORATION (PREVIOUSLY ISSUED UNDER SEPARATE COVER).
- 2

ITEMS ON FLOOR PLAN DENOTED BY EX. ARE 'EXISTING'.
- 3

SEE SHEET A1.0 FOR BASEMENT FLOOR PLAN AND CRAWL SPACE.
- 4

SEE SHEET A1.2 AND ELECTRICAL AND MECHANICAL DRAWINGS FOR REFLECTED CEILING INFO.
- 5

SEE SHEET A2.0 FOR BUILDING ELEVATIONS SHOWING EXTENT OF EXTERIOR PAINT.
- 6

SEE SHEET A4.0 FOR FINISH SCHEDULE AND ENLARGED TOILET PLAN, TOILET ACCESSORY SPECS, AND ACCESSORY/FIXTURE MOUNTING HEIGHTS AND CLEARANCES.
- 7

SEE SHEET A4.1 FOR WINDOW SCHEDULE, TYPES, AND DETAILS.
- 8

SEE SHEET A4.2 FOR DOOR SCHEDULE, TYPES, AND DETAILS.
- 9

SEE DETAIL XX/A5.0 FOR TYPICAL FRAMING AT OPENINGS.
- 10

KITCHEN EQUIPMENT AND FURNISHINGS BY OWNER. SEE PLUMBING, MECHANICAL, AND ELECTRICAL DRAWINGS FOR CONNECTIONS.



FLOOR PLAN
Cape Charles Rosenwald School Restoration Initiative
1200 Old Cape Charles Road, Cape Charles, VA 23310

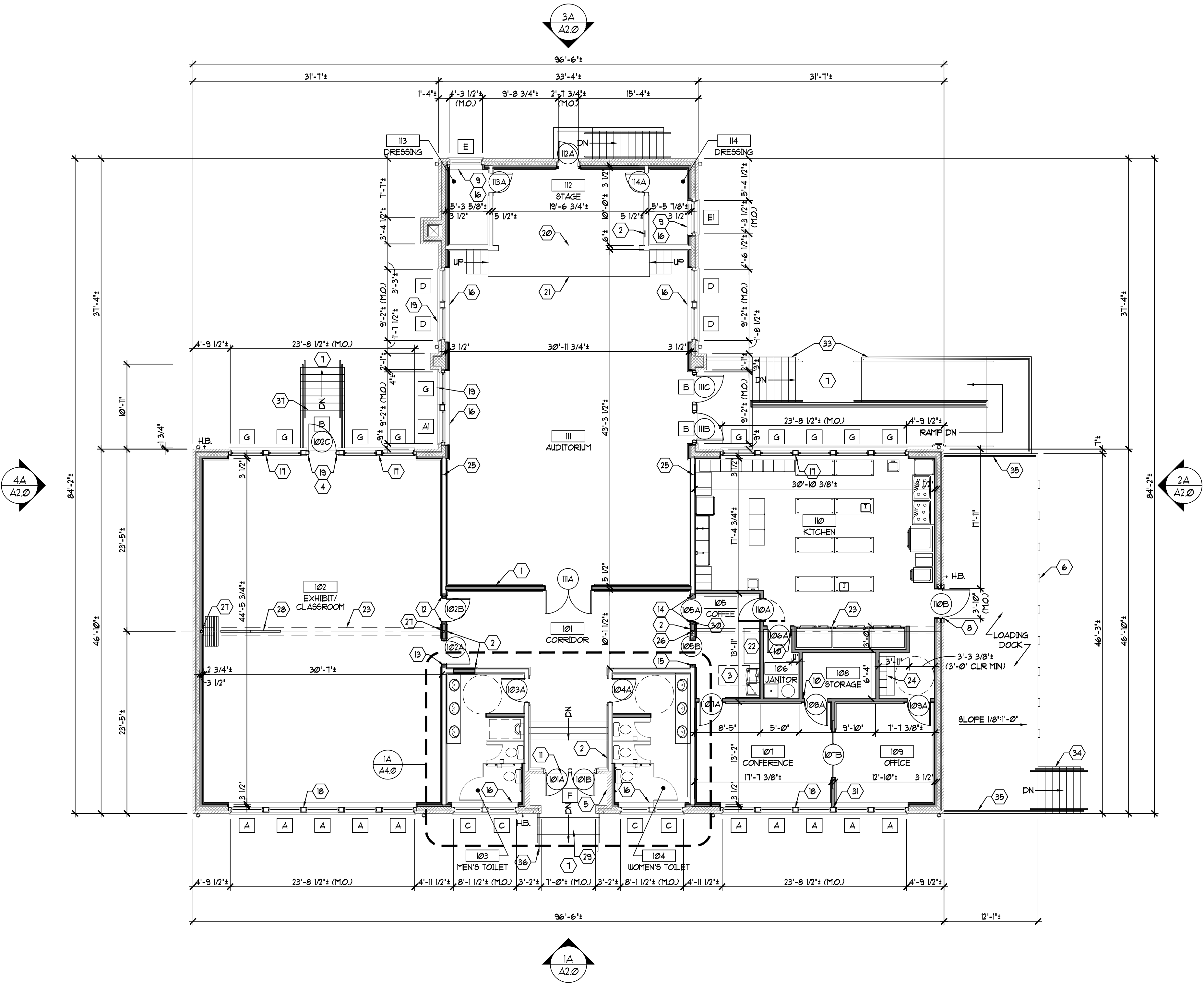
THE PATINA GROUP
5127 Dorin Hill Court
Glen Allen Va, 23059
804-385-2263

03/15/2023

CJM

1/8" = 1'-0"

A1.1



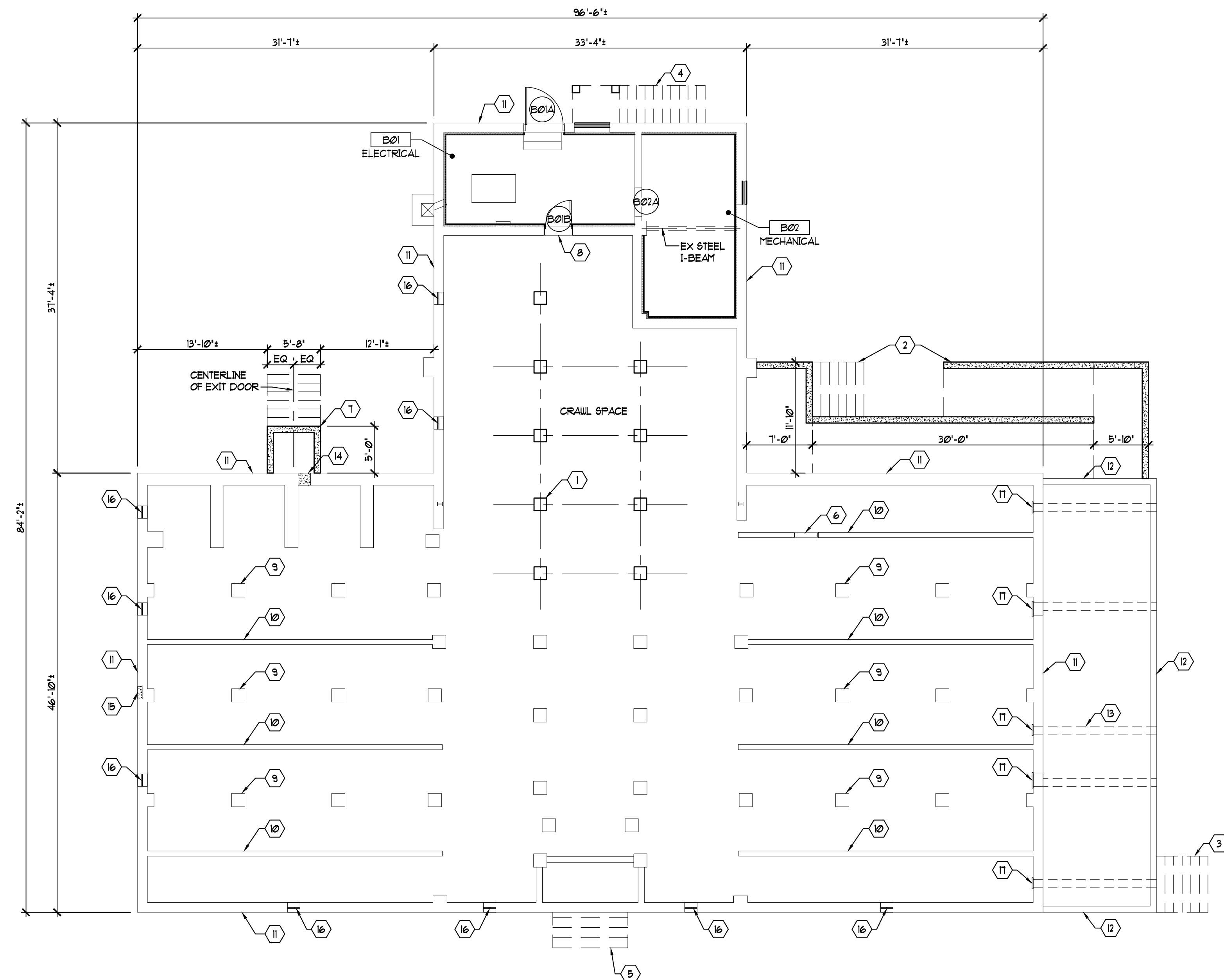
FLOOR PLAN

1/8" = 1'-0"

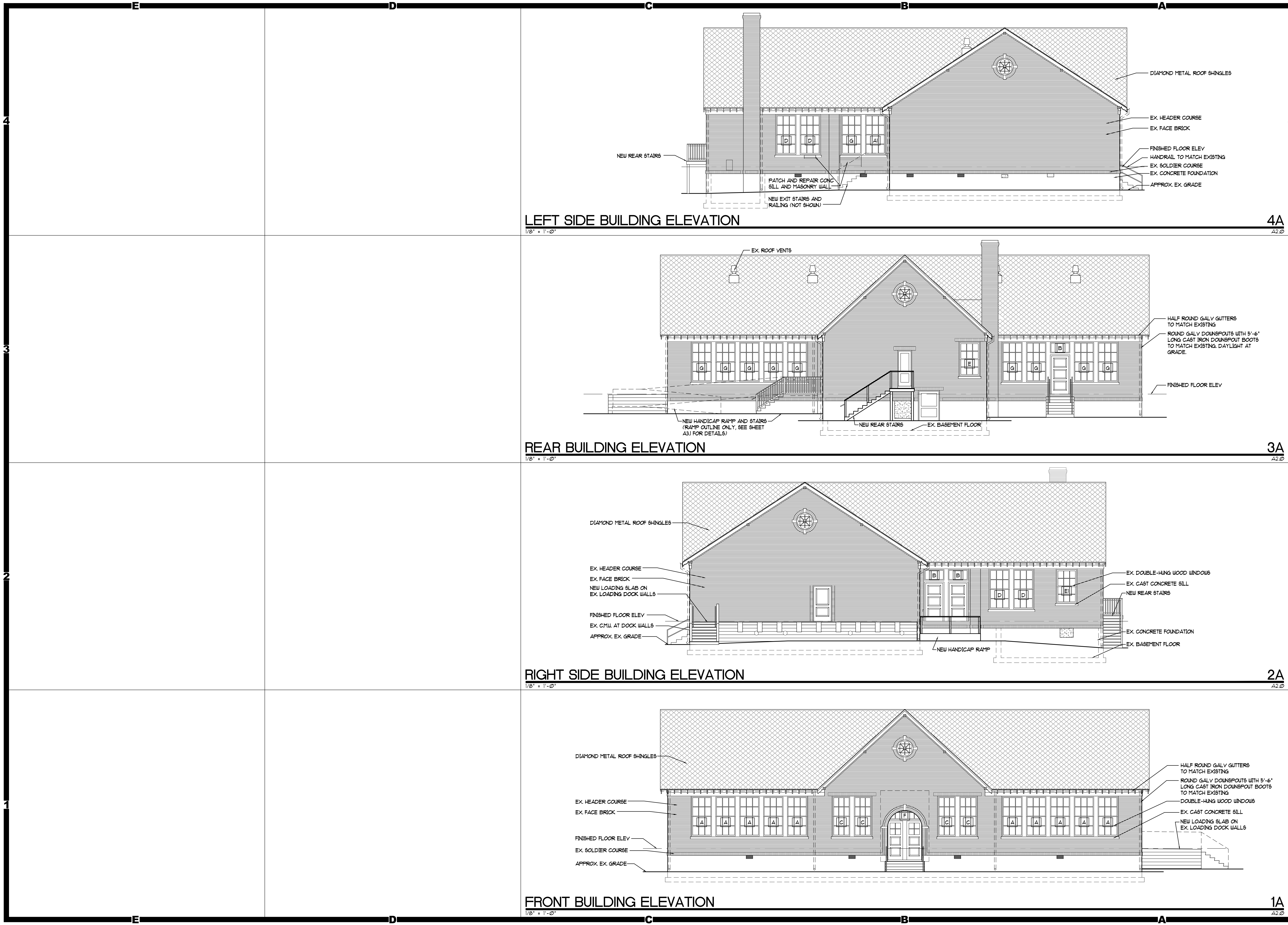
A1.1

- (1) PIERS SHOWN IN AUDITORIUM CRAWL SPACE ARE ESTIMATED. AFTER REMOVAL OF EXISTING FILL, PROVIDE AS-BUILT OF EXISTING PIERS AND FOOTINGS. SEE DEMOLITION AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFO.
- (2) CONCRETE PORCH, STEPS, AND HANDICAP RAMP, SEE ENLARGED PLAN XX/A3.1.
- (3) CONCRETE STEPS, SEE STRUCTURAL DRAWINGS AND DETAIL XX/A3.1
- (4) WOOD STEPS ABOVE, SEE DETAIL XX/A3.1
- (5) EXISTING CONCRETE STEPS AT FRONT ENTRY, SEE FLOOR PLAN 1A/ALL
- (6) NEW 2'-6" X 2'-6" ACCESS OPENING IN EXISTING CONCRETE WALL.
- (7) CONCRETE PORCH AND STEPS, SEE ENLARGED PLAN XX/A3.1.
- (8) NEW 3'-0" X 3'-0" OPENING FOR NEW ACCESS PANEL IN EXISTING CONCRETE WALL.
- (9) EXISTING CONCRETE PIER TYP., UNLESS NOTED OTHERWISE, 3'-5" HIGH.
- (10) EXISTING CONCRETE WALL TYP., 4'-0"± HIGH.
- (11) EXISTING CONCRETE FOUNDATION WALL TYP.
- (12) EXISTING 8" CMU, LOADING DOCK WALL.
- (13) EXISTING 10" DIA. IRON PIPES TO CRAWL SPACE VENT.
- (14) INFILL EXISTING 8"x16" VENT OPENING WITH CONCRETE TO MATCH FOUNDATION WALL.
- (15) INFILL EXISTING 8"x16" RECESS WITH CONCRETE TO MATCH FOUNDATION WALL.
- (16) PROVIDE AND INSTALL FOUNDATION VENT (BLACK) WITH INSECT SCREEN IN EXISTING 8"x16" OPENING. RECESS 5" FROM EXTERIOR FACE OF WALL.
- (17) PROVIDE AND INSTALL 1/4"x1/4" WIRE MESH AND INSECT SCREEN AT INSIDE FACE OF FOUNDATION WALL TO FULLY COVER EXISTING VENT OPENING.

1. SEE SHEETS A40 AND A43 FOR DEMOLITION AND ROOF RESTORATION (PREVIOUSLY ISSUED UNDER SEPARATE COVER).
2. ITEMS ON FLOOR PLAN DENOTED BY EX. ARE 'EXISTING'.
3. SEE SHEET A10 FOR BASEMENT FLOOR PLAN AND CRAWL SPACE.
4. SEE SHEET A12 AND ELECTRICAL AND MECHANICAL DRAWINGS FOR REFLECTED CEILING INFO.
5. SEE SHEET A20 FOR BUILDING ELEVATIONS SHOWING EXTENT OF EXTERIOR PAINT.
6. SEE SHEET A40 FOR FINISH SCHEDULE AND ENLARGED TOILET PLAN, TOILET ACCESSORY SPECS, AND ACCESSORY/FIXTURE MOUNTING HEIGHTS AND CLEARANCES.
7. SEE SHEET A41 FOR WINDOW SCHEDULE, TYPES, AND DETAILS.
8. SEE SHEET A42 FOR DOOR SCHEDULE, TYPES, AND DETAILS.


$$1/8' = 1' - \emptyset$$

BASEMENT AND CRAWL SPACE PLAN
Cape Charles Rosenwald School Restoration Initiative
1200 Old Cape Charles Road, Cape Charles, VA 23310



1
2
3
4
5

COMMONWEALTH OF VIRGINIA
J. Kevin Humphrey
JOHN K. HUMPHREY
Lic. No. 0401009144
November 1, 2022
ARCHITECT

BUILDING ELEVATIONS

Cape Charles Rosenwald School Restoration Initiative
1200 Old Cape Charles Road, Cape Charles, VA 23310

THE
PATINA
GROUP

5127 Dorin Hill Court
Glen Allen Va, 23059
804-385-2263

03/15/2023

CJM

1/8" = 1'-0"

A2.0

A2.0



AUDITORIUM INTERIOR



FRONT ELEVATION



FRONT 3-D VIEW



REAR 3-D VIEW

PRELIMINARY
(NOT FOR CONSTRUCTION)

BUILDING RENDERINGS
 Cape Charles Rosenwald School Restoration Initiative
 1200 Old Cape Charles Road, Cape Charles, VA 23310

THE PATINA GROUP

5127 Dorin Hill Court
 Glen Allen Va, 23059
 804-385-2263

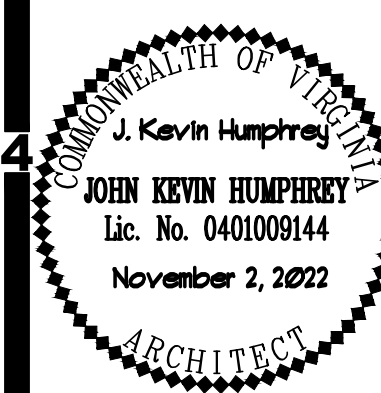
03/15/2023
 CUM
 1/8" = 1'-0"

CAPE CHARLES ROSENWALD SCHOOL

RESTORATION INITIATIVE

1200 OLD CAPE CHARLES ROAD, CAPE CHARLES, VA 23310

PHASE TWO - NEW WORK AND RENOVATION



ABBREVIATIONS, LEGENDS, INDEX

Cape Charles Rosenwald School Restoration Initiative

1200 Old Cape Charles Road, Cape Charles, VA 23310

ABBREVIATIONS

AFB	Above Finished Floor	CF	Cubic Foot (Feet)	FF	Finish Floor	JAN	Janitor	OFF	Opposite	RD	Roof Drain	UC	Undercounter, Undercut
AD	Access Door	CFM	Cubic Foot per Minute	FIN	Finished	JT	Joint	OFF H	Opposite Hand	RFG	Roofing	UNFN	Unfinished
AC	Acoustical	CY	Cubic Yard	FO	Finished Opening	JT B	Joint Backer	OD	Outside Diameter	RM	Room	UNO	Unless Noted Otherwise
ACP	Acoustical Ceiling Panel	CYL	Cylinder	FA	Fire Alarm	JBT	Joint	OVFL	Overflow	RO	Rough Opening	VC	Valve Cabinet
AUC	Acoustical Wall Covering			FE	Fire Extinguisher	JCT	Junction	OH	Overhead	RB	Rubber, Rubber Base	VB	Vapor Barrier, Vinyl Base
ADJ	Adjustable	DP	Dampproofing	FEC	Fire Extinguisher Cabinet	KP	Kick Plate	OFCI	Owner Furnished, Contractor Installed	SND	Sanitary Napkin Dispenser	VNR	Veneer
A/C	Air Conditioning	DEG	Degree	FHC	Fire Hose Cabinet	KIT	Kitchen			SNR	Sanitary Napkin Receptacle	VF	Vent Pipe, Vapor Proof
ALT	Alternate	DEMO	Demolition	FRTW	Fire Retardant Treated Wood	KO	Knockout			SCHD	Schedule	VTR	Vent Thru Roof
AL	Aluminum	D	Depth							SHT	Sheet	VF	Verify in Field
AB	Anchor Bolt	DET	Detail	FLASH	Flashing	LAM	Laminate, Laminated			SV	Sheet Vinyl	VERT	Vertical
APPROX	Approximate	DIA	Diameter	FLR	Floor	LAM GL	Laminated Glass			SHUR	Shower	VEST	Vestibule
ARCH	Architectural	DIF	Diffuser	FLD	Floor Drain	LAV	Lavatory			SHM	Similar	VIN	Vinyl
AP	Armor Plate	DIM	Dimension	FLUOR	Fluorescent	LH	Left Hand			SD	Soap Dispenser	VCT	Vinyl Composition Tile
#	At	DISP	Dispenser	FT	Foot, Feet	L	Length			SC	Solid Core	VUC	Vinyl Wall Covering
		DIV	Division	FTG	Footing	LB	Pound			SECT	Section		
BSMT	Basement	DBL	Double	FDN	Foundation	LBF	Pounds-Force			SS	Service Sink, Stainless Steel		
BRG	Bearing	DN	Down	FURN	Furniture	LN	Linear			SV	Sheet Vinyl		
BM	Bench Mark, Beam	DSP	Downspout	FUR	Furred	LLV	Long Leg Vertical			SHUR	Shower		
BLK	Block	DR	Door, Drain	GALV	Galvanized	LVR	Louver			SP	Single Ply Membrane		
BLKG	Blocking	EA	Each	GEN	General	MFR	Manufacturer			STL	Steel		
BOT	Bottom	EUC	Electric Water Cooler	GC	General Contractor	MAS	Masonry			STN	Stone		
BRK	Brick	ELEC	Electrical	GNV	Glass or Glazing	MO	Masonry Opening			STRCT	Structural		
BC	Brick Courses(ing)	ELEV	Elevator, Elevation	GB	Globe Neck Ventilator	MATL	Material			SUSP	Suspended		
BLDG	Building	EMER	Emergency	GND	Grate Bar	MAX	Maximum			SYG	System		
BUR	Built Up Roofing	ENGR	Engineer(ing)	GYP	Gypsum	MECH	Mechanical			TEL	Telephone		
		EQ	Equal	GYP BD	Gypsum Board	MEMB	Membrane			TEMP	Tempered, Temporary		
CPT	Carpet	EQU	Equipment			MET	Metal			TEMP GL	Tempered Glass		
CIP	Cast In Place	EQIP	Equipment			MEZZ	Mezzanine			TERR	Terrazzo		
CI	Cast Iron	EPDM	Ethylene Propylene Diene Monomer (Roof Membrane)			MM	Millimeter			THK	Thick		
CB	Catch Basin	EXIST	Existing			HDW	Hardware			TU5	Thru-Wall Scupper		
CLG	Ceiling	EXP	Expansion			HGT	Height			TLT	Toilet		
CTR	Center	EXP A	Expansion Anchor			H	High			TTD	Toilet Tissue Dispenser		
C	Centerline	EXT	Exterior			HC	Hollow Core			TOC	Top of Curb		
CT	Ceramic Tile	EXTS	Exterior Insulation and Finish System			HM	Hollow Metal			TOM	Top of Masonry		
CHAN	Channel	FUC	Fabric Wall Covering			HORIZ	Horizontal			TOBL	Top of Slab		
CV	Catch Valve	FOF	Face of Finish			HB	Hose Bibb			TOG	Top of Groove		
CO	Clean Out	FOF	Face of Stud			HR	Hour			TG	Tongue & Groove		
CLR	Clear	F	Fahrenheit			IN	Inch			TB	Tread		
CLR WG	Clear Wire Glass	FV	Field Verified			INSUL	Insulation			TD	Trench Drain		
CLO	Closet					INT	Interior			TYP	Typical		
COL	Column												
COMP	Composition												
CONC	Concrete												
CMU	Concrete Masonry Unit												
CONT	Continuous												
CJ	Control Joint												
CG	Corner Guard												
CORR	Corridor												

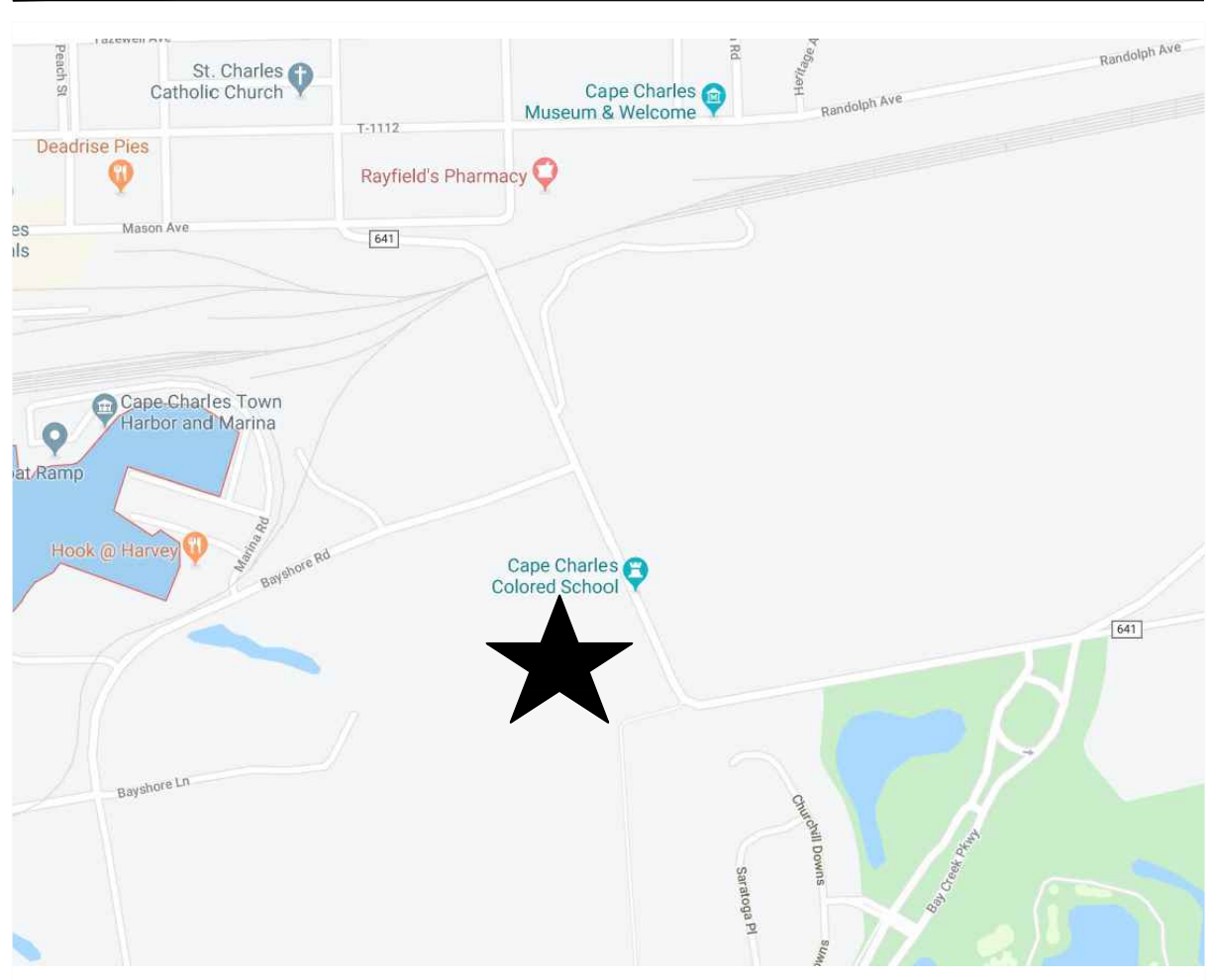
GENERAL NOTES

- ALL WORK PERFORMED SHALL BE IN COMPLIANCE WITH LATEST STATE & LOCAL CODES.
- GENERAL CONTRACTOR TO PROVIDE ALL PERMITS, LABOR & MATERIALS NECESSARY TO PERFORM ALL WORK AS DIRECTED ON DRAWINGS. THESE DRAWINGS ARE DIAGNOSTIC. ACTUAL FIELD CONDITIONS WILL HAVE TO BE VERIFIED BY THE GENERAL CONTRACTOR. ALL BIDDERS ARE OBLIGATED TO VISIT THE JOB SITE, PRIOR TO BIDDING & REPORT CONFLICTS TO THE ARCHITECT.
- THE GENERAL CONTRACTOR SHALL COORDINATE ALL DEMOLITION AND RESTORATION WORK WITH THE HAZARDOUS MATERIALS REPORT (UNDER SEPARATE COVER) AND MITIGATION VENDOR.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD MEASURING CONDITIONS PRIOR TO THE BEGINNING OF WORK AND DURING PROGRESS OF WORK TO VERIFY ALL CRITICAL DIMENSIONS. PROJECT MANAGER TO APPROVE ALL FIELD CHANGES PRIOR TO IMPLEMENTATION.
- PROJECT MANAGER SHALL BE NOTIFIED WHEN FIELD CONDITIONS NECESSITATE CHANGES. ANY DEVIATION FROM DIMENSIONS INDICATED ON DRAWINGS IS TO BE APPROVED BY PROJECT MANAGER.
- VERTICAL DIMENSIONS ARE FROM "FLOOR LINE" WHICH IS TOP OF FINISHED FLOORING, UNLESS OTHERWISE NOTED.
- DIMENSIONS FOR EXISTING CONSTRUCTION ARE FROM FACE OF EXISTING FINISHED SURFACE. ACTUAL PARTITION AND WALL THICKNESSES OR ACTUAL STUD THICKNESSES ARE USED. IF ANY DIMENSIONS DIFFER FROM DIMENSIONS SHOWN CONTACT THE PROJECT MANAGER.

SHEET INDEX

CS1.0	COVER SHEET, ABBREVIATIONS, LEGENDS, INDEX
CS2.0	CODE NOTES AND PLANS
CS3.0	ARCHITECTURAL SITE PLAN
STRUCTURAL	
A0.0	DEMOLITION - BASEMENT AND FOUNDATION PLAN, ATTIC PLAN *
A01	DEMOLITION - FLOOR PLAN, REFLECTED CEILING PLAN *
A02	DEMOLITION - EXTERIOR ELEVATIONS *
A03	ROOF RESTORATION - PLAN, NOTES, DETAILS *
A1.0	BASEMENT AND CRAWL SPACE PLAN AND NOTES
A11	FLOOR PLAN AND NOTES
A12	REFLECTED CEILING PLAN, ATTIC PLAN
A2.0	BUILDING ELEVATIONS
A3.0	BUILDING SECTIONS, WALL SECTIONS
A31	PORCH AND STAIR PLANS, SECTIONS, AND DETAILS
A4.0	FINISH SCHEDULE AND ENLARGED TOILET PLAN
A41	WINDOW SCHEDULE, DETAILS, AND NOTES
A42	DOOR SCHEDULE, DETAILS, AND NOTES
A5.0	DETAILS AND SECTIONS
MECHANICAL	
M01	
M02	
M21	
M41	
PLUMBING	
P01	
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P22	
ELECTRICAL	
E01	
E02	
E03	
E04	
E05	
E21	
E22	
E6.1	
* ISSUED UNDER SEPARATE COVER ON 08/26/2022. CIVIL DRAWINGS ALSO ISSUED UNDER SEPARATE COVER ON *****	

VICINITY MAP



MATERIAL LEGEND

	CONCRETE MASONRY (CMU)
	BRICK
	POROUS FILL
	STEEL
	PLYWOOD
	FINISH WOOD
	WOOD FRAMING / LUMBER
	DRYWALL / PLASTER / SAND
	CONCRETE
	BATT INSULATION

SYMBOL LEGEND

	PATCH & REPAIR OR DEMOLITION NOTE		ELEVATION NUMBER
	DOOR NUMBER		ELEVATION TAG
	ROOM NUMBER		SHEET NUMBER
	WALL TYPE		DETAIL NUMBER
	PLAN/KEY NOTE		SHEET NUMBER
	WINDOW TYPE		DETAIL OR ENLARGED PLAN TAG
			DETAIL NUMBER
			SECTION CUT
			SHEET NUMBER



5127 Dorin Hill Court
Glen Allen Va, 23059
804-385-2263

11/02/2022
CJM

CS1.0

GENERAL NOTES

SPACE RESERVED TO MOVE GENERAL NOTES FROM CS1.0 IN CASE SHEET INDEX NEEDS TWO COLUMNS

CODE PLAN LEGEND

- (FE) - FIRE EXTINGUISHER
- — — - TRAVEL DISTANCE
- ▭ - FLOOR AREA
- ▨ - ASSEMBLY (AUDITORIUM/EXHIBIT/CLASSROOM/CONFERENCE/FOYER)
- ▧ - BUSINESS
- ▩ - KITCHEN
- ▤ - STORAGE/MECHANICAL
- - 2 HOUR RATED EXTERIOR BEARING WALL

CODE DATA

GENERAL:
APPLICABLE CODE: 2018 VIRGINIA EXISTING BUILDING CODE, LEVEL 2 ALTERATION

EXISTING BUILDING INFORMATION:
BUILDING AREA: BASEMENT FLOOR AREA 411 SQ. FT.
FIRST FLOOR AREA 5,354 SQ. FT.
TOTAL FLOOR AREA 5,765 SQ. FT.
TABULAR AREA ALLOWED BY TABLE 506.2 = 38,000 SQ. FT.

BUILDING HEIGHT: 12'-0" V. EAVE
28'-6" V. TOP OF ROOF (ONE STORY) < ALLOWED 75'-0" (THREE STORIES)

FIRE PROTECTION: SPRINKLERED

OCCUPANCY CLASSIFICATION:
ORIGINAL USE: E (EDUCATIONAL)
PROPOSED USE: A-3 (ASSEMBLY)

TYPE OF CONSTRUCTION: TYPE 3-B

FIRE RESISTANT RATING FOR BUILDING ELEMENTS REQUIRED (TABLE 602):
STRUCTURAL FRAME: 0 HOURS
BEARING WALLS (INTERIOR): 0 HOURS
BEARING WALLS (EXTERIOR): 2 HOURS
NONBEARING WALLS (INTERIOR): 0 HOURS
NONBEARING WALLS (EXTERIOR): 0 HOURS
FLOOR CONSTRUCTION: 0 HOURS
ROOF CONSTRUCTION: 0 HOURS

DESIGN OCCUPANT LOAD: FOR PURPOSES OF EXIT REQUIREMENTS AND PLUMBING FIXTURE REQUIREMENTS.

AUDITORIUM	1264 SQ. FT. / 15 SQ. FT. PER PERSON	85 PERSONS
EXHIBIT/CLASSROOM	1388 SQ. FT. / 15 SQ. FT. PER PERSON	93 PERSONS
CONFERENCE ROOM	239 SQ. FT. / 15 SQ. FT. PER PERSON	16 PERSONS
CORRIDOR	566 SQ. FT. / 15 SQ. FT. PER PERSON	38 PERSONS
OFFICE/TOILETS	511 SQ. FT. / 120 SQ. FT. PER PERSON	4 PERSONS
KITCHEN	130 SQ. FT. / 120 SQ. FT. PER PERSON	4 PERSONS
STORAGE/MECHANICAL	509 SQ. FT. / 300 SQ. FT. PER PERSON	2 PERSONS
TOTAL DESIGN OCC. LOAD		242 PERSONS

REQUIRED EXITS = 2 (5 PROVIDED)

COMMON PATH OF TRAVEL = LESS THAN OR EQUAL TO 75 FEET

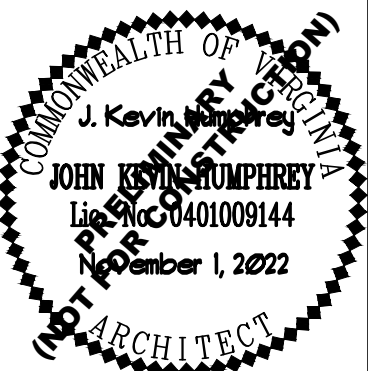
EXIT ACCESS TRAVEL DISTANCE (TABLE 107.12) = LESS THAN OR EQUAL TO 250 FEET

CODE NARRATIVE:
THE PROJECT CONSISTS OF RESTORATION AND ALTERATIONS OF AN EXISTING SCHOOL WITH FOUR CLASSROOMS AND AN AUDITORIUM INTO A MULTI-PURPOSE ASSEMBLY BUILDING CONSISTING OF AN AUDITORIUM, EXHIBIT AND CLASSROOM SPACE, COMMERCIAL KITCHEN, AND OFFICE.

EXTERIOR RESTORATION AND ALTERATIONS INCLUDE RESTORED ROOFING, RESTORED STAGE ACCESS STAIR, RESTORED WINDOWS, COVERED PORCH ADDITION, REAR ENTRANCE PORCH AND HANDICAP RAMP ADDITION.

INTERIOR RESTORATION AND ALTERATIONS INCLUDE RESTORED WALL FINISHES, RESTORED FLOORING AND FLOOR STRUCTURE, AND ALTERATION OF TWO EXISTING CLASSROOMS INTO COMMERCIAL KITCHEN, CONFERENCE ROOM, AND OFFICE.

THE MECHANICAL, PLUMBING, ELECTRICAL, AND FIRE PROTECTION SYSTEMS ARE ALL NEW FROM UTILITY CONNECTION TO SITE AND THROUGHOUT THE BUILDING.



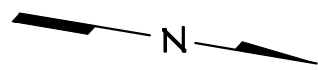
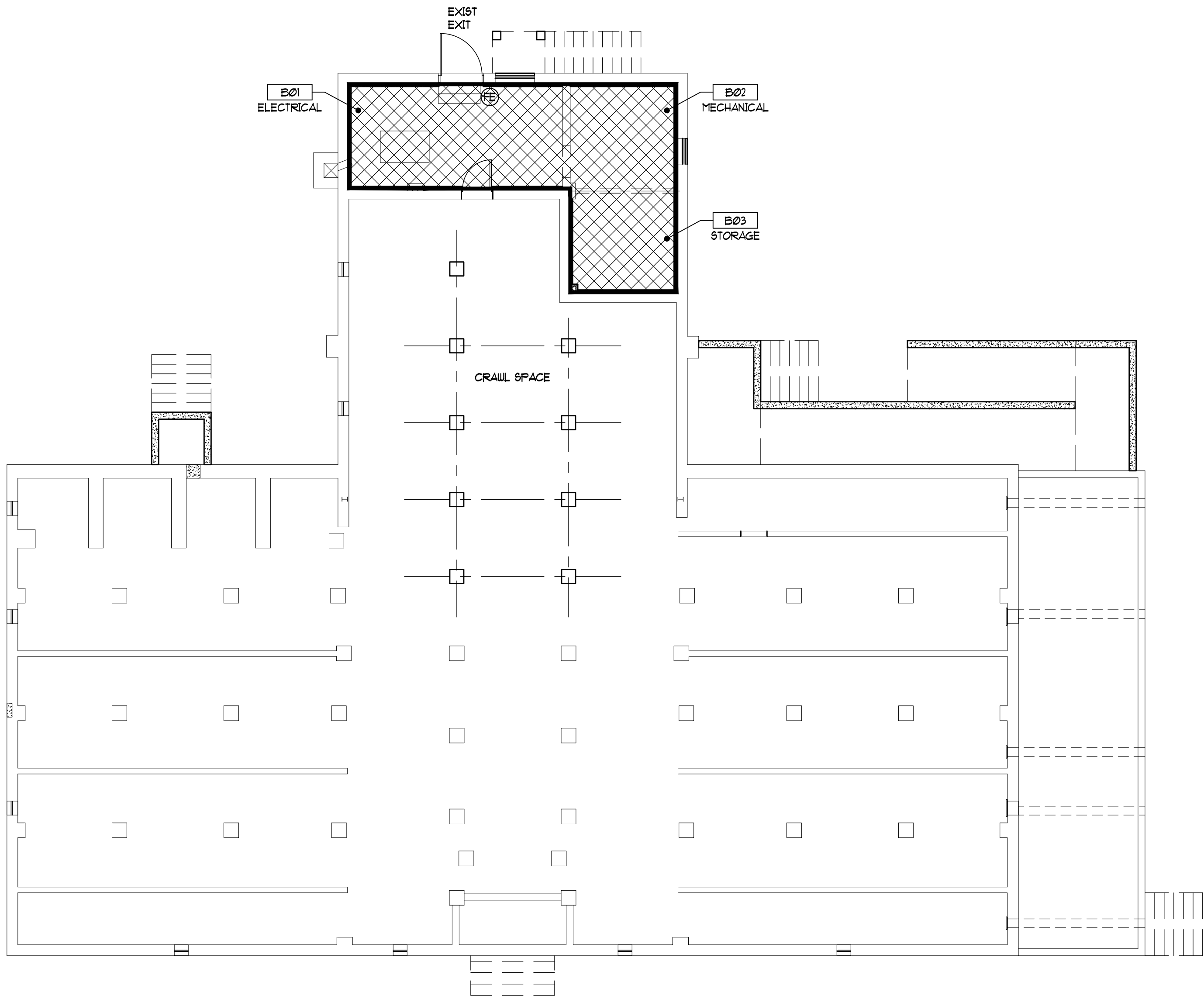
CODE NOTES AND PLANS
Cape Charles Rosenwald School Restoration Initiative
1200 Old Cape Charles Road, Cape Charles, VA 23310

THE PATINA GROUP

5127 Dorin Hill Court
Glen Allen Va, 23059
804-385-2263

03/15/2023
CJM
VARIES

CS2.0

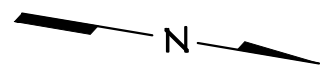
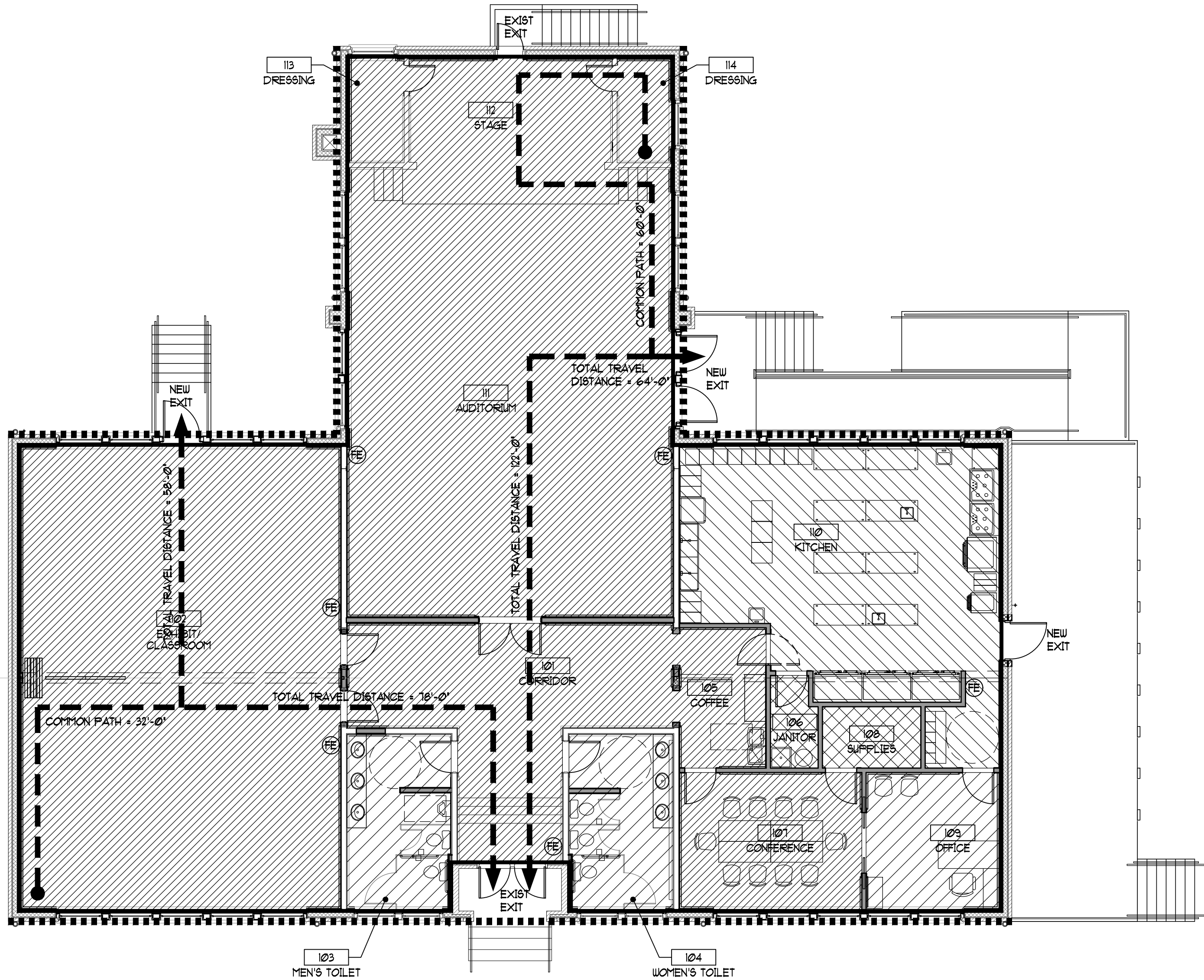


CODE PLAN - BASEMENT AND CRAWL SPACE

1/8" = 1'-0"

1D

CS2.0

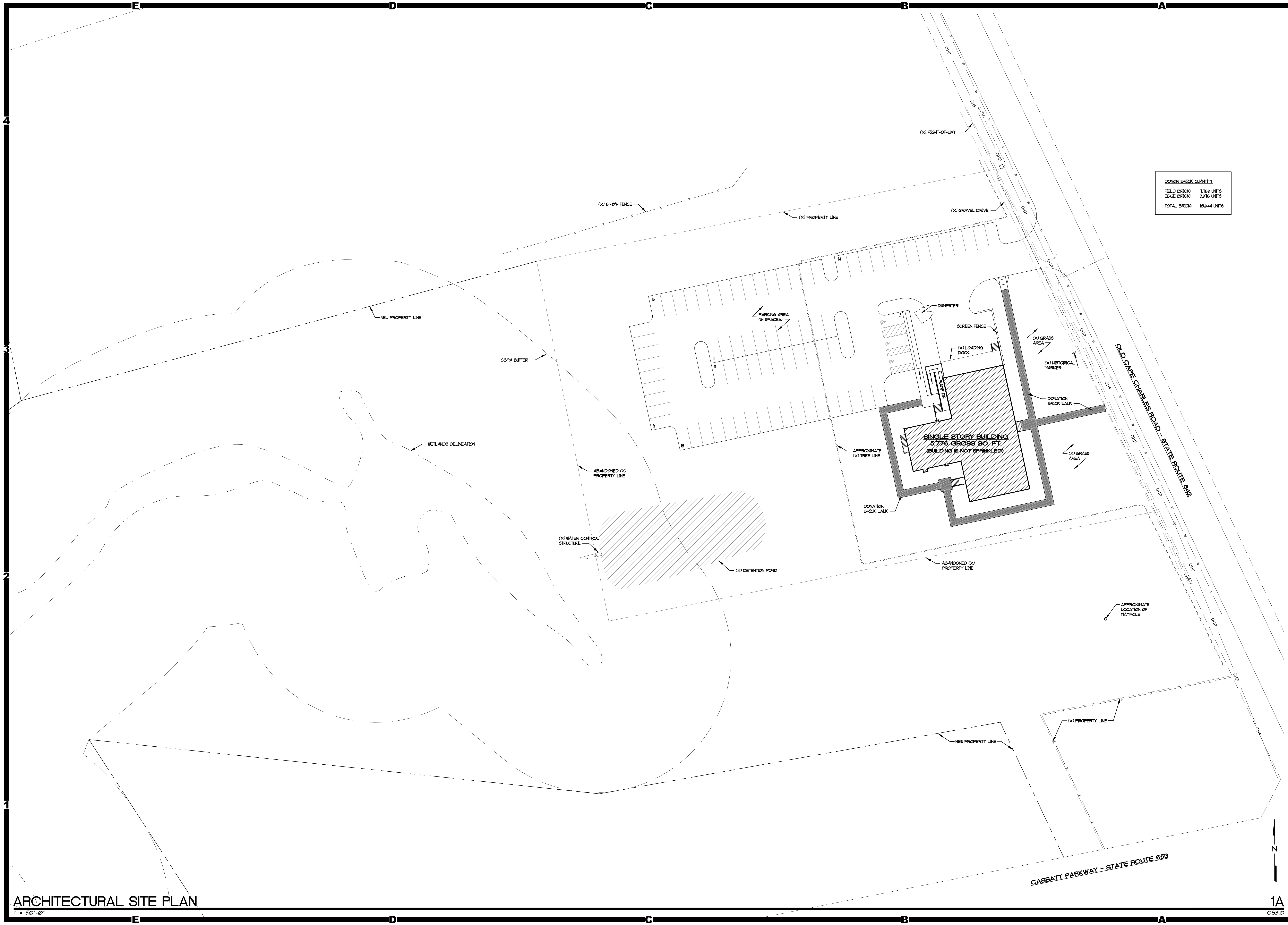


CODE PLAN - FIRST FLOOR

1/8" = 1'-0"

1A

CS2.0



DONOR BRICK QUANTITY	
FIELD BRICK	1,168 UNITS
EDGE BRICK	1,876 UNITS
TOTAL BRICK	10,644 UNITS

PRELIMINARY
(NOT FOR CONSTRUCTION)

ARCHITECTURAL SITE PLAN

Cape Charles Rosenwald School Restoration Initiative
1200 Old Cape Charles Road, Cape Charles, VA 23310



5127 Dorin Hill Court
Glen Allen Va, 23059
804-385-2263

03/15/2023
CJM
1" = 30'-0"

CS3.0

 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Development Certificate for Cape Marine Services, LLC – Golf Cart Rentals & Sales		AGENDA DATE April 20, 2023
	SUBJECT/PROPOSAL/REQUEST: Harbor Development Certificates for Cape Marine Services, LLC – Golf Cart Rentals & Sales at 6 Mason Avenue		ITEM NUMBER: 8A.ii
	ATTACHMENTS: HarborAreaReviewBoardPacket04-10-23102707040523AM1704.pdf (capecharles.org)		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Any property within the Harbor District is required to submit a Harbor Development Certificate application that requires review and recommendation from the Harbor Area Review Board based upon the criteria for review contained in CCZO Section 3.9 (I) (3). Then the application is forwarded to Town Council for their review and final action to approve, approve with conditions or deny the Harbor Development Certificate.

PROJECT OVERVIEW

The Planning & Zoning Office received an application from Cape Marine Services, LLC (property owner) for Posh, Inc. dba Moke America Virginia Beach (tenant) to lease 640 square feet of the property at 6 Mason Avenue (Tax Map #83A3-A-5A) in the northeast corner to operate a Bicycle, Moped and Street Legal Golf Cart Sales and Rentals Retail Service Establishment under 2,500 square feet pursuant to Cape Charles Zoning Ordinance Section 3.9 (D)(7)(b). The intent is to utilize the existing concrete pad in this corner of the property to be covered with an existing canvas tent larger than the size of the pad

A meeting of the Harbor Area Review Board was held on April 10, 2023 to review this application.

AERIAL MAP



The staff report provided to the HARB was incorrect regarding the size of the existing concrete pad located in the northeast pad. It is not a 16' x 16' pad but rather a 20' x 16' pad, as affirmed by the applicant representative, William "Smitty" Dize. Also in the staff report, it was mentioned that this pad will be covered by an existing tent which is larger than the pad itself (40' x 16'). During the HARB meeting, two members of the Board reported that there was no existing tent covering this pad when they visited the site earlier in the day of the HARB meeting.

Mr. Dize stated that the entire area was to be 16' x 40' fronting Mason Avenue. The pad has been at that location for years and a tent has covered the space. He assured the Board that there would not be an addition to the existing concrete pad and there would be no signs or lighting. The lease would be for one year.

Vice-Chair Steve Bennett asked how the business would work since there would be no person manning the operations. There was also a concern for security since there would be no lighting or person manning the operation.

Member Bill Ashworth mentioned that the rentals would be placed online, and they would be rented from Pearl Market where Posh, Inc. is currently running their business.

Mr. Dize explained that he would not be managing the operation and that it would just be a holding area for the golf carts so they wouldn't have to be transported daily to and from Pearl Market.

Member Herb Thom mentioned that only the land would be leased, and security was not the concern of the Board.

Members Rob Harris and Bill Ashworth both mentioned that there was, at present, no tent on the property. There was concern about how the area would look with a new tent and what it would do to the view shed. This was also a concern of Vice Chair Steve Bennett.

It was explained that it is acceptable to use the space for the golf carts per the Zoning Ordinance Section 3.9 (D) (7) (b). This is a by-right use, and any tent would have to be secured to the ground.

Vice Chair Steve Bennett asked about the duration of the lease and Mr. Dize explained that it would only be for one year. Member Herb Thom stated that security is the concern of the lessee and not the Town and it should be stipulated that the Town is in "no fault" since there is no security. (x) Rob Harris recommended that the business owner appear before the Town Council to explain how the business is going to work and how it is going to look. (xi) Herb Thom expressed a concern about a shed being built on the property to house the business. Smitty Dize assured the Board that no shed will be placed on the property.

ZONING REVIEW

In the staff report to the HARB, it was noted that the last approved Site Plan for this property was on February 9, 2022 by the Planning & Zoning Office which was for the addition of a concrete pad and ramp at the southeast corner of the property to support a clam loading and unloading operation. As part of that review, the property owner was informed that all land disturbance on the property was being calculated and would be cumulatively considered as property development and usage occurs and as long as that land disturbance total remains below 2,500 square feet then they will be exempt from addressing stormwater compliance. However, once that cumulative disturbance is greater than 2,500 square feet then the property owner will be required to fully address and implement stormwater measures in compliance with Cape Charles Zoning Ordinance Section 4.6.

[PLEASE NOTE: The land disturbance totals have been updated to reflect the correct size of the concrete pad in the northeast corner]

So, from the 2/9/2022 Site Plan approval, there was 1,600 square feet of land disturbance. At that time, there was no 20 x 16 square foot concrete pad in the northeast corner of the property so that square footage (320 sq. ft) will be added to the running cumulative total of land disturbance which now totals 1,920 sq. ft which is still below the 2,500 sq. ft. threshold before stormwater compliance will be required.

This lot is also included within the Chesapeake Bay Preservation Act (CBPA) Overlay District (CC Zoning Ordinance Article VII) but have been mapped and identified as an Intensely Developed Area (IDA). Regarding this application, they are in conformance with the requirements of CCZO Article VII and the state requirements regarding IDAs of the CBPA. However, information has been included on these components of the local and state law as information since the property owner is approaching the threshold where they will need to comply with all requirements re land disturbance, activities allowed on a property that is identified as an IDA but sits within the Resource Protection Area (RPA) of the CBPA.

Below is the criteria for review that both the Harbor Area Review Board and Town Council are to utilize in their consideration of applications for Harbor Development Certificates.

Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:

- a. Use characteristics of the proposed development.
- b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
- c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
- d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
- e. Inclusion of alleys to enhance vehicular transportation within the development.
- f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
- g. Traffic generation characteristics of the proposed development in relation to street capacity.
- h. Provision of open space to meet the requirements of the district; the location, design, landscaping and other significant characteristics of this public open space, and its relation to existing and planned public and private open space.
- i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
- j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
- k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
- l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
- m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
- n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
- o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
- p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
- q. Adherence to the intent and requirements of the Harbor District

Statement of Intent. The intent of this zoning district is to encourage a vibrant 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 throughout 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. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

RECOMMENDATION FROM THE HARB:

Vice Chair Steve Bennett motioned to recommend approval to the Town Council of this application for a one year Harbor Development Certificate through April 30, 2024, and to waive the second review meeting and to recommended that the tenant attend and speak to the Town Council to discuss whether there would be a tent covering the leased space (40' x 16') and concrete pad and how it would affect the view shed to the Harbor. The motion was seconded by Member Herb Thom and the motion was approved by unanimous vote.

Staff is prepared to assist Town Council in the development of any motion, if needed, regarding this application for a Harbor Development Certificate after hearing from the property owner and the proposed tenant. At a minimum, staff would encourage Town Council to set a one-year expiration date on such Certificate, in keeping with the recommendation from the HARB.

ATTACHMENTS

Item 1: April 10, 2023 Harbor Area Review Board Special Meeting Agenda Packet

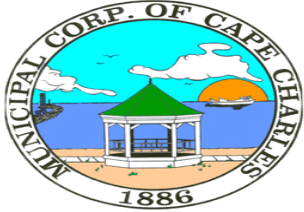
Harbor Area Review Board

Special Meeting Agenda

Cape Charles Civic Center

April 10, 2023 at 5:30 P.M.

1. Call to Order; Roll Call
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda:
 - A. Acceptance of Agenda as presented
 - B. Approval of Minutes: None
5. New Business:
 - A. Application for a Harbor Development Certificate from Cape Marine Services LLC to lease 40 ft. x 16 ft (640 square feet) in the northeast corner fronting Mason Avenue at 6 Mason Avenue to Posh, Inc. dba Moke America Virginia Beach for a Bicycle, Moped and Street Legal Golf Cart Sales and Rentals Retail Service Establishment, pursuant to Cape Charles Zoning Ordinance Section 3.9 (D) (7) (b)
6. Adjourn



HARBOR AREA REVIEW BOARD STAFF REPORT

Meeting Date: April 10, 2023

Item #: 5A – Cape Marine Services, LLC – 40 ft x 16 ft. for Golf Cart Rentals & Sales

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

Date: April 4, 2023

APPLICANT: Cape Marine Services, LLC (property owner) Posh, Inc. dba Moke America Virginia Beach (tenant)

SITE ADDRESS: 6 Mason Avenue

TAX MAP: 83A3-A-5A

LOT SIZE: 43,522 square feet

(Adjacent Lot owned by same party – that lot is 7.4 acres)

DATE APPLICATION RECEIVED: March 29, 2023

HARB APPLICATION MTG: April 10, 2023

TOWN COUNCIL MTG: April 20, 2023

TYPE OF APPLICATION: Harbor Development Certificate

WORK TO BE PERFORMED: Use existing 16 x 16 concrete pad in northeast corner of property and cover with tent for total coverage of 40 ft. x 16 ft (640 sq. ft)

CURRENT ZONING: Harbor District

PROPOSED ZONING USES: CCZO Section 3.9 (D) (7) (b) - By-Right Use for Bicycle, Moped and Street Legal Golf Cart Sales and Rentals Retail Service Establishment under 2,500 square feet

Proposed Development: William S. Dize, Jr. is representing John Kemp & Cape Marine Services, LLC and has applied for a Harbor Development Certificate for 640 square feet in the northeast corner of 6 Mason Avenue, Tax Map #83A3-A-5A. Said parcel is owned by Cape Marine Services, LLC. They are seeking to lease the area shown on map below beneath the yellow area to Posh, Inc. dba Moke America Virginia Beach to operate a Bicycle, Moped and Street Legal Golf Cart Sales and Rentals Retail Service Establishment under 2,500 square feet pursuant to Cape Charles Zoning Ordinance Section 3.9 (D) (7) (b)

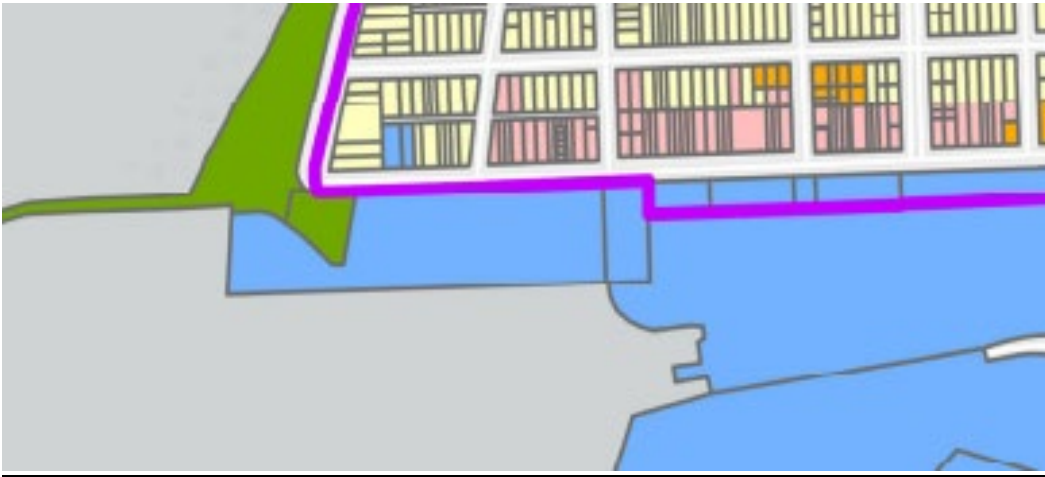
AERIAL VIEW OF TOTAL MAP



ZONING DISTRICT:

This parcel is zoned Harbor District and is in the Chesapeake Bay Preservation Act Overlay District.

Excerpt of Town Zoning Map



SITE CONSIDERATION:

Cape Services Marine owns both parcels outlined in the map above and is continuing to evaluate and determine best uses for this property; however, while that work is underway, they are also still welcoming and working on short-term business opportunities, such as this one. A small, 16 ft. x 16 ft. concrete pad was placed in the northeast corner of the property sometime in the last 2 years (without zoning clearance) and has a tent that is slightly larger covering it (40 ft. x 16 ft.). This is a low-impact proposed use on a fractional portion of the property. There will be a limited number of golf carts stored since the assigned lease space is 640 sq. ft., no additional lighting being proposed, no signage relative to this business, and no additional security or fencing requirements. The applicant is indicating that no electricity will be needed to support this leased space and there will be no staffing at this location but rather it will serve as a staging area/pick-up location area for the company.

STAFF ANALYSIS

ZONING COMPLIANCE

The proposed use is a use allowed by right and is being proposed fully as an outdoor retail service establishment, limited to 640 square feet and covered by a canvas tent that must be secured and anchored to the ground, it is within the height requirements and meets the frontage, lot depth and lot area requirements of the zoning district and meets the 25% Open Space requirement.

If any utilities are required to service this leased space, then they will need to be included in a modification application to the Town and will need to be installed underground, pursuant to CCZO Section 3.9 (H).

The Planning and Zoning Office last approved a Site Plan for this property on February 9, 2022 with the addition of concrete pad and ramp at the southeast corner of the property to support a clam loading and unloading operation. As part of that review, the property owner was informed that all land disturbance on the property was being calculated and would be cumulatively considered as property development and usage occurs and as long as that land disturbance total remains below 2,500 square feet then they will be exempt from addressing stormwater compliance. However, once that cumulative disturbance is greater than 2,500 square

feet then the property owner will be required to fully address and implement stormwater measures in compliance with Cape Charles Zoning Ordinance Section 4.6.

So, from the 2/9/2022 Site Plan approval, there was 1,600 square feet of land disturbance. At that time, there was no 16 x 16 square foot concrete pad in the northeast corner of the property so that square footage (256 sq. ft) will be added to the running cumulative total of land disturbance which now totals 1,856 sq. ft which is still below the 2,500 sq. ft. threshold before stormwater compliance will be required.

This lot is also included within the Chesapeake Bay Preservation Act (CBPA) Overlay District (CC Zoning Ordinance Article VII) but have been mapped and identified as an Intensely Developed Area (IDA). Regarding this application, they are in conformance with the requirements of CCZO Article VII and the state requirements regarding IDAs of the CBPA. However, I have included some information on these components of the local and state law as information since the property owner is approaching the threshold where they will need to comply with all requirements re land disturbance, activities allowed on a property that is identified as an IDA but sits within the Resource Protection Area (RPA) of the CBPA.

Any property within the Harbor District is required to submit a Harbor Development Certificate application that requires review and recommendation from the Harbor Area Review Board based upon the criteria for review contained in CCZO Section 3.9 (1) (3). Said criteria is fully listed and contained below.

Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:

- a. Use characteristics of the proposed development.
- b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
- c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
- d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
- e. Inclusion of alleys to enhance vehicular transportation within the development.
- f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
- g. Traffic generation characteristics of the proposed development in relation to street capacity.
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- i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
- j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
- k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
- l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
- m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
- n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
- o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
- p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
- q. Adherence to the intent and requirements of the Harbor District

Statement of Intent. The intent of this zoning district is to encourage a vibrant 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 throughout 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. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

The applicant has included within their application a response for each criteria requirement and the HARB is requested to review the responses submitted to determine if you find them sufficient to pass all of the criteria to achieve favorable approval by the Harbor Area Review Board to recommend a Harbor Development Certificate and Certificate of Approval to Town Council.

STAFF RECOMMENDATION:

Staff is requesting the HARB to review the application material submitted by the applicant and determine if this is in compliance and consistent with the intent of the Harbor District. *Staff is recommending waiver of the second review meeting as outlined in the Ordinance and is recommending to the HARB to determine that the application is sufficient, complete, and compliant with the Harbor District regulations and that the HARB would recommend favorable consideration of this application to the Town Council for the issuance of a Harbor Development Certificate.*

Attachments:

Attachment 1: Harbor Development Certificate Application

Attachment 2: Owner Affidavit

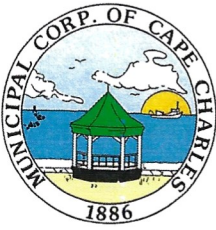
Attachment 3: Letter of Site Plan Approval 2022-02-09

Attachment 4: CBPA Map for Town of Cape Charles

Attachment 5: CBPA: Intensely Developed Areas – Designation

Attachment 6: CBPA: Intensely Developed Areas – Performance Criteria

Attachment 7: CBPA: Resource Protection Area Development Activities Guidance Sheet



HARBOR DEVELOPMENT CERTIFICATE APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|--|--|
| ☒ Completed application | ☐ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☐ Proposed materials list |
| ☒ Proposed site plan or survey (if applicable) | ☐ Payment of fees (\$300 + \$70/acre) |

PROPERTY INFORMATION

Name of Project: Golf Cart Sales & Rentals
Property Address: Tax Map 83A3-A-5, Cape Charles, VA 23310
Brief Description of Project: Golf Carts Rentals
Zoning District: Hwh Current Use: None Proposed Use: Golf Cart Rentals

OWNER INFORMATION

Name and Company: John Kemp / Cape Marine Services LLC
Mailing Address: 3611 Roland Ave Baltimore, MD 21211
Phone Number: _____ Email: JohnKemp@RoyalParks.com

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: William S. Dize JR.
Mailing Address: 1011 Buystore Rd, Cape Charles, VA 23310
Phone Number: 757-693-0098 Email: wdize@oasismarinas.com

CERTIFICATION OF APPLICANT

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

Signature of Applicant: [Signature] Date: 3-29-23



Cape Charles Yacht Center

Application for Harbor Certificate for Golf carts on Tax map # 83A3-A-5

Purpose:

Allow for use of a 40x16 portion of the Northeast corner for parking golf carts. Posh Inc. DBA as Moke America Virginia Beach, has a business license with the town to rent carts. (See attached map)

Criteria from Article III Section 3:

- a. Use 40 x 16 (460 Sq/ft) of the northeast property to rent and/or sell golf carts. No actual business will be taking place on the property and no signage will be erected. This is solely for the convenience of Posh Inc. and the customer.
- b. NA
- c. Loading and unloading of golf carts from a flatbed will be done on the property so no street area will be required.
- d. Golf carts will be moved in and out from the opening on the east side of the property that accesses the easement road to the rail yard.
- e. NA
- f. See item "C"
- g. NA
- h. No building will be constructed so the property will remain open space.
- i. NA
- j. NA
- k. NA
- l. NA
- m. NA
- n. NA
- o. NA
- p. NA
- q. NA

We thank you for your time and would like to request that Town Council consider reducing the \$750 application fee as there are no detailed building or construction plans to review.

A handwritten signature in black ink, appearing to read 'WDize Jr.', with a stylized flourish at the end.

William S. Dize Jr.

General Manager

Cape Charles Yacht Center

757-693-0098

wdize@oasismarinas.com

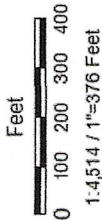
Northampton County, Virginia

Legend

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



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



Title: Proposed Golf Cart area

Date: 3/29/2023

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



Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes

Violations

Fee

Decision

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: 0 Mason Ave

Subject Property Tax Map #: 83A3-A-5

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

State of _____, County of _____

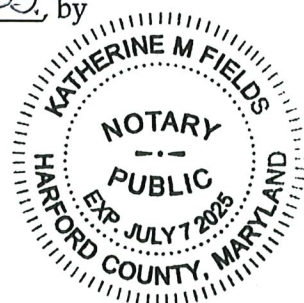
The foregoing instrument was acknowledged before me this 10 day of JANUARY, 20 23, by Katherine M. Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/7/2025

Seal





Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes

Violations

Fee

Decision

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: _____

Subject Property Tax Map #: 90-8-1A2

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

State of _____, County of _____

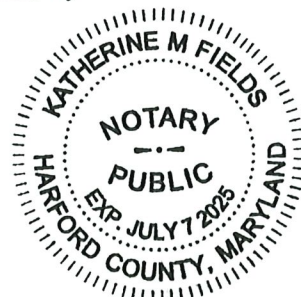
The foregoing instrument was acknowledged before me this 10 day of JANUARY, 2023, by Katherine Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/7/2026

Seal





Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24
planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: 1011B Bayshore Rd

Subject Property Tax Map #: 83A3- A-20

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

State of _____, County of _____

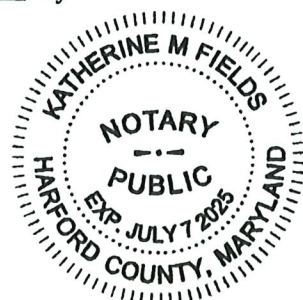
The foregoing instrument was acknowledged before me this 10 day of January, 2023, by Katherine Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/7/2025

Seal





Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: 1011B Bayshore Rd

Subject Property Tax Map #: 83A3- A-19

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

State of _____, County of _____

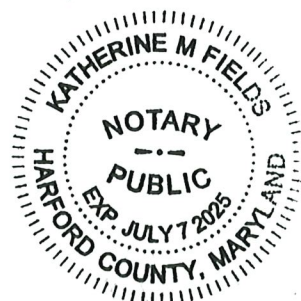
The foregoing instrument was acknowledged before me this 10 day of January, 2023, by Katherine Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/7/2025

Seal





Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24
planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: 1011 Bayshore Rd

Subject Property Tax Map #: 83A3- A-12

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

State of _____, County of _____

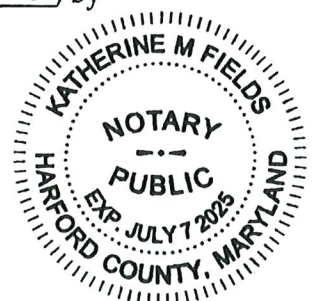
The foregoing instrument was acknowledged before me this 10 day of JANUARY, 2023, by
Katherine Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/1/2025

Seal





Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24
planningtech@capecharles.org

Revised 9/2022	
Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: 1270 Bayshore Rd

Subject Property Tax Map #: 83A3- A-17

Owner Information

Owner's name: _____

Mailing address: _____

Phone number: _____ Email: _____

I hereby give authority to the following representatives to act on my behalf on the following matter:

Representative Information

Name: William S. Dize Jr

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

Phone number: 757-693-0098 Email: wdize@oasismarinas.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☐ to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 1/10/23

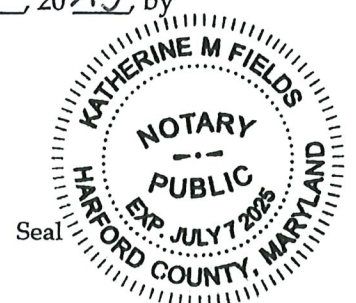
State of _____, County of _____

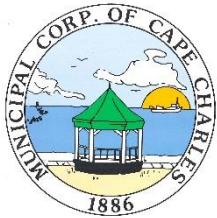
The foregoing instrument was acknowledged before me this 10 day of JANUARY, 2023, by
Katherine Fields (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: _____

My commission expires: 7/7/2025





Municipal Corp. of
Cape Charles

February 9, 2022

Cape Charles RF, LLC and Cape Marine Services, LLC
c/o Mr. John Kemp
3611 Roland Avenue
Baltimore, MD 21211

**RE: SITE PLAN dated 12/9/2021 to construct an offloading ramp @ 6 Mason Avenue
(Tax Map #83A3-A-5 and 83A3-A-5A)**

Dear Mr. Kemp:

The Planning & Zoning Department has received an application dated 12/9/2021, submitted on your behalf by Mr. R. Neville Reynolds, for a seafood offloading ramp on a portion of the property located at 6 Mason Avenue.

This site plan application, as submitted and dated 12/9/2021, is approved administratively pursuant to Cape Charles Zoning Ordinance Section 9.16 (7) and does not require Harbor Area Review Board approval; this zoning ordinance section states that "Certain Minor Actions are Exempted from Review by the Harbor Area Review Board" and specifically Item # 7 includes the Construction of Off-street Loading area and off-street parking areas containing five spaces or less in a commercial or industrial district. Additional required submittals were provided to my office by e-mail on 2/9/2022 to complete the application submittal – these submittals provided the response plan for any spills of contaminants, specifically oil spills, since it was indicated that supplying of fuel would occur by fuel truck and this lot is located in the Chesapeake Bay Preservation Act (CBPA) Resource Protection Area (RPA) as an Intensely Developed Area (IDA) and these plans are essential to ensuring that you have developed a plan to limit and remedy any environmental impacts to the Chesapeake Bay. This letter, including all referenced application components, along with the Certificate of Appropriateness – Administrative Approval, comprise the full approval record.

Said site plan approval is based upon the following understanding and accompanying documentation which comprise the elements of the site plan:

- 1) Construct an elevated loading platform over an existing concrete or gravel area and you have supplied historic photos and affirmation by your engineer regarding the existing concrete or gravel in this area of the parcel on the eastern side of the lot adjacent to the harbor; said new elevated loading platform is to allow for the relocation of where offloading of clam boats had been occurring on the property (in the center of the property adjacent to the existing concrete platform) to this new

location on the far east portion of the property adjacent to the harbor bulkhead area;
and

- 2) To expand the existing gravel drive on the east side of the property to serve as the primary access ingress/egress to the new elevated loading platform which will require adding approximately 1,600 sq. ft. of gravel to widen this drive; and
- 3) Install down-lighting as shown on the plan.

Since the proposed land disturbance will not exceed 2,500 square feet, a land disturbance permit is not required for this work.

However, it is noted that any further development or modification to the site will require the submission of a site plan and will require the inclusion of this initial 1,600 sq. ft as "Disturbed Land" in any calculations to determine the thresholds associated with full site plan review and any Storm Water Management and Land Disturbance permits to be required.

As indicated in our conversations concerning this application, the current location of clam offloading on the property (near the center of the property where the existing concrete pad is located) will no longer occur at this location on the property, including the trucks parking and facing directly onto Mason Avenue and idling with lights on. All of this use will be relocated to the far east side of the property as depicted on this approved site plan.

Additionally, it is our understanding that you will continue conversations with the owners of the former railroad property to see if the trucks receiving and carrying the clam loads can be redirected off of Mason Avenue and possibly utilize railroad property that is more advantageous and adjacent/in close proximity to your property to give a different travel route other than Mason Avenue and you will apprise Town Manager John Hozey regarding the results of these conversations.

You have the right to appeal this decision of the Zoning Administrator to the Harbor Area Review Board, pursuant to Cape Charles Zoning Ordinance Section 9.15 within 30 days of the date of this decision. The application to appeal is included as an attachment and the fee to file said appeal is \$750.00

Please let me know if you have any questions.

Sincerely,

Katie H. Nunez

Katie H. Nunez
Interim Planning/Zoning Administrator

Cc: R. Neville Reynolds, Senior Principal at VHB
Jeb Brady, Code Official
John Hozey, Town Manager
Harbor Area Review Board

Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310

(757) 331-3259

Fax (757) 331-4820

Attachments:

Certificate of Appropriateness – Administrative Approval

Application dated 12/9/2021, including Site Plan and old Plat Exhibit

Supplemental Information re: Spill Plan from Pep-Up re: Fuel Deliveries

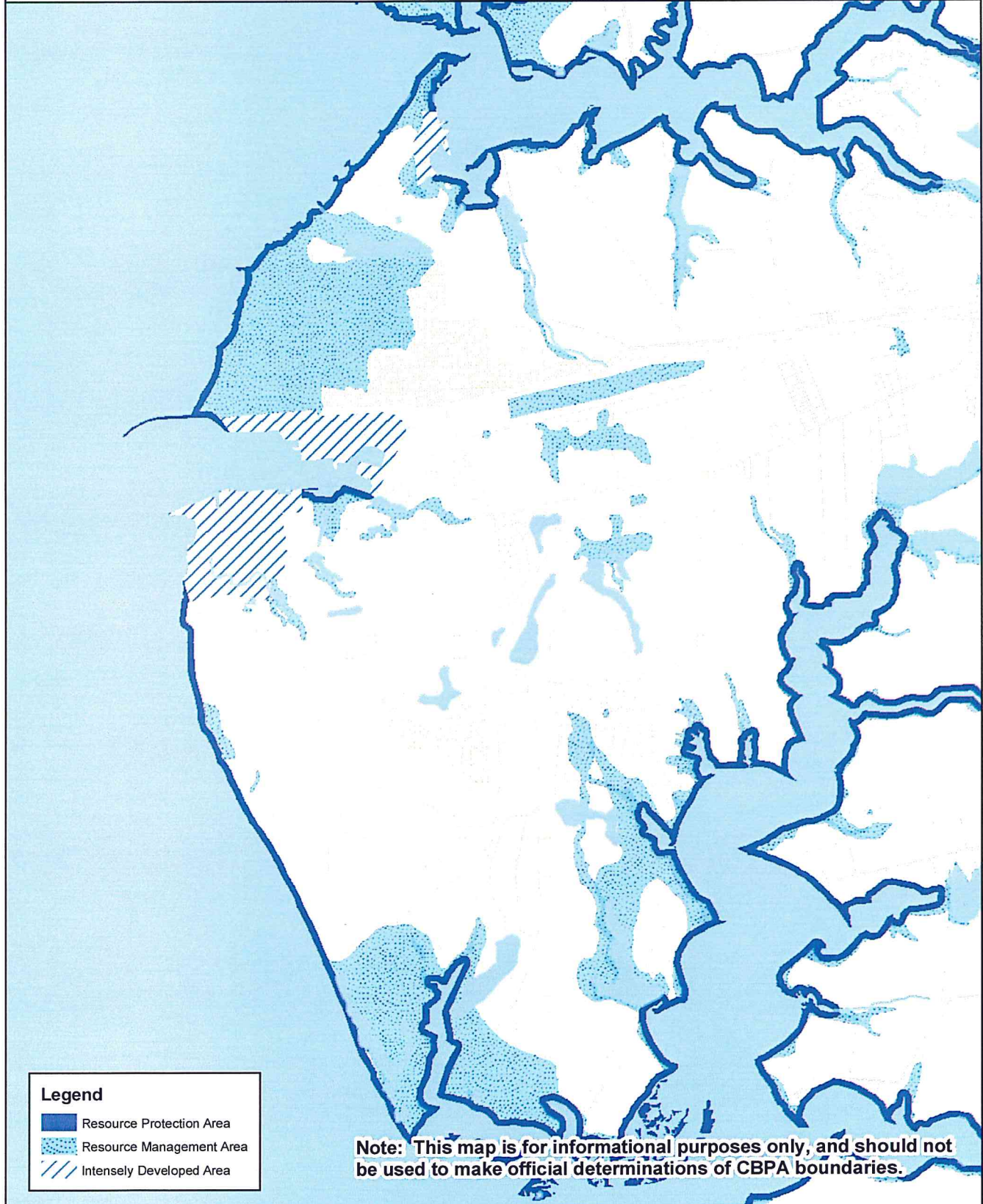
3 Historic Photos of Property

Cape Charles Zoning Ordinance Article IX, Section 9.14

Appeal of Zoning Administrator Decision Application

Map 8 - Chesapeake Bay Preservation Areas

0 0.1 0.2 0.4 Miles



Part IV. Land Use and Development Performance Criteria

9VAC25-830-120. Purpose.

A. The purpose of this part is to achieve the goals of the Act and 9VAC25-830-50 by establishing criteria to implement the following objectives: prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice, achieve a 10% reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more water quality best management practices, and achieve a 40% reduction in nonpoint source pollution from agricultural and silvicultural uses.

B. In order to achieve these goals and objectives, the criteria in this part establish performance standards to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, maximize rainwater infiltration, and ensure the long-term performance of the measures employed.

C. The criteria in this part become mandatory upon the local program adoption date. They are supplemental to the various planning and zoning concepts employed by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas.

D. Local governments shall incorporate the criteria in this part into their comprehensive plans, zoning ordinances and subdivision ordinances, and may incorporate the criteria in this part into such other ordinances and regulations as may be appropriate, in accordance with §§ 62.1-44.15:74 and 62.1-44.15:76 of the Act and Parts V (9VAC25-830-160 et seq.), VI (9VAC25-830-180 et seq.), and VII (9VAC25-830-200 et seq.) of this chapter. The criteria may be employed in conjunction with other planning and zoning concepts to protect the quality of state waters.

Statutory Authority

§§ 62.1-44.15:69 and 62.1-44.15:72 of the Code of Virginia.

Historical Notes

Former 4VAC50-90-120 and 9VAC10-20-110 derived from VR173-02-01 § 4.1, eff. September 1, 1989; amended, Virginia Register Volume 6, Issue 1, eff. October 1, 1989; Volume 7, Issue 5, eff. December 9, 1991; Volume 7, Issue 24, eff. October 1, 1991; Volume 18, Issue 9, eff. March 1, 2002; amended and renumbered, Virginia Register Volume 29, Issue 4, eff. November 21, 2012; amended and renumbered, Virginia Register Volume 30, Issue 2, eff. October 23, 2013.

Part III. Chesapeake Bay Preservation Area Designation Criteria

9VAC25-830-100. Intensely Developed Areas.

A. At their option, local governments may designate Intensely Developed Areas as an overlay of Chesapeake Bay Preservation Areas within their jurisdictions. For the purposes of this chapter, Intensely Developed Areas shall serve as redevelopment areas in which development is concentrated as of the local program adoption date. Areas so designated shall comply with the performance criteria for redevelopment in Part IV (9VAC25-830-120 et seq.) of this chapter.

B. Local governments exercising this option shall examine the pattern of residential, commercial, industrial and institutional development within Chesapeake Bay Preservation Areas. Areas of existing development and infill sites where little of the natural environment remains may be designated as Intensely Developed Areas provided at least one of the following conditions existed at the time the local program was originally adopted:

1. Development has severely altered the natural state of the area such that it has more than 50% impervious surface;
2. Public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and served the area by the original local program adoption date. This condition does not include areas planned for public sewer and water or constructed stormwater drainage systems; or
3. Housing density is equal to or greater than four dwelling units per acre.

Statutory Authority

§§ 62.1-44.15:69 and 62.1-44.15:72 of the Code of Virginia.

Historical Notes

Former 4VAC50-90-100 and 9VAC10-20-100 derived from VR173-02-01 § 3.4, eff. September 1, 1989; amended, Virginia Register Volume 6, Issue 1, eff. October 1, 1989; Volume 7, Issue 5, eff. December 9, 1991; Volume 7, Issue 24, eff. October 1, 1991; Volume 18, Issue 9, eff. March 1, 2002; amended and renumbered, Virginia Register Volume 29, Issue 4, eff. November 21, 2012; amended and renumbered, Virginia Register Volume 30, Issue 2, eff. October 23, 2013.



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

www.deq.virginia.gov

Andrew R. Wheeler
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Guidance Memorandum

Subject: GM22-2007 Board Guidance Document: Resource Protection Area- Onsite Buffer Area Delineation

To: DEQ Division of Water Planning Staff

From: Jutta Schneider, Water Planning Division Director *Jutta Schneider*

Date: February 3, 2022

Copies: Director of Central Operations, Director of Regional Operations, Water Permitting Division Director, Enforcement Division Director, Regional Directors, Deputy Regional Directors

Summary: As a result of actions by the 2013 General Assembly, certain water quality programs previously administered by the Virginia Department of Conservation and Recreation (DCR) are now administered by the Department of Environmental Quality (DEQ). The following guidance document associated with the implementation of the Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations has been updated solely to correct typographical errors and update website links, to reflect the change in program administration from DCR to DEQ, and to reflect current regulatory and statutory authorities (Va. Code §62.1-44.15:67 et seq. and 9VAC25-830 et seq.), and does not include substantive updates or revisions.

New Guidance Number and Title	Replaces Previous Guidance Number and Title
GM22-2007 Board Guidance Document: Resource Protection Areas: Permitted Development Activities	DCR-CBLAB-020 Board Guidance Document: Resource Protection Areas: Permitted Development Activities

Electronic Copy:

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality (<https://townhall.virginia.gov/l/gdocs.cfm?agencynumber=440>);
- The Department's website at: <https://www.deq.virginia.gov/water/chesapeake-bay/chesapeake-bay-preservation-act/local-program-regulations-guidance>

Contact Information:

Please contact Justin Williams, Director, Office of Watersheds and Local Government Assistance Programs, (804) 659-1125, Justin.Williams@deq.virginia.gov with any questions regarding the application of this guidance.

Certification:

As required by Subsection B of § 2.2-4002.1 of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in § 2.2-4101 of the Code of Virginia.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Effective Date: 3-31-2022

Initials: JW



Resource Protection Areas: Permitted Development Activities

Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations

Revised September 19, 2005, June 15, 2009; June 21, 2010, February 2022

Purpose:

This document provides guidance on those sections of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) related to development and redevelopment activities permitted within Resource Protection Areas (RPAs) and those activities that are otherwise exempt from the Regulations.

Regulations:

- Section 9 VAC 25-830-140 sets out the performance criteria for Resource Protection Areas (RPAs), and permits the following uses by right: water dependent uses; redevelopment as defined by the Regulations; development or redevelopment within a designated Intensely Developed Area (IDA); a new use established on a nonconforming lot; a street or driveway crossing approved by the locality pursuant to the Regulations; or a flood control or stormwater management facility serving multiple development projects or a significant portion of a watershed, consistent with certain conditions.
- Section 9 VAC 25-830-140(1)(a) requires a Water Quality Impact Assessment to be submitted for any land disturbing activity within an RPA, including the buffer component.
- Section 9 VAC 25-830-140(1)(b) sets out the criteria that must be met for new or expanded water dependent facilities to be allowed in the RPA. These criteria include the following: that it does not conflict with the local comprehensive plan; that it complies with all performance criteria; that any non-water dependent component is located outside of the RPA; and; that access is provided with the minimum disturbance necessary.
- Section 9 VAC 25-830-140(1)(c) requires stormwater management and erosion and sediment control requirements to be applied for redevelopment activities both within and outside of IDAs, and also contains criteria for no net increase of imperviousness and no further encroachment into the RPA.
- Section 9 VAC 25-830-150 (B) exempts the construction of public utilities, railroads, public roads and appurtenant facilities from the Regulations, consistent with certain conditions.

Discussion:

Water Dependent Facilities

Certain uses are permitted by-right within the RPA. Water dependent facilities, i.e., facilities that by their very nature require that they be located adjacent to the water, are among these facilities. Some examples of water dependent facilities that are permitted to be located within the RPA include the water dependent portion of marinas, aquacultural facilities that require fresh flows of water, beaches, docks and piers as well as stream and wetland restoration projects that have been permitted by state and federal agencies such as DEQ and USCOE.

Development of these facilities requires that a Water Quality Impact Assessment (WQIA) be submitted for review and approval prior to beginning construction activity and that the conditions in 9 VAC 25-830-140(1)(b) be satisfied.

Redevelopment Within RPAs That Are Not IDAs

Redevelopment activities are also permitted to occur within the RPA. **A Water Quality Impact Assessment must be reviewed and approved before development activities may begin.** The *Chesapeake Bay Preservation Area Designation and Management Regulations* define **redevelopment** to mean “the process of developing land that has previously been developed.” Under the traditional view of redevelopment, old, dilapidated, or outdated structures and impervious areas are demolished or removed and reconstructed.

The intent of the Regulations is to allow redevelopment within RPAs so that areas where existing development is concentrated may be renovated while improving the quality of stormwater runoff. If redevelopment increases the amount of impervious surface in the RPA, or reduces the width of an existing buffer area, water quality degradation may occur. The definition of redevelopment, then, generally dictates that redevelopment occur in approximately the same physical location as the previous development. This is a particularly important point when considering sites where the previous development occurred only on a portion of a site. Placing structures outside of the RPA, even on redevelopment sites, should be encouraged. For the purposes of the Bay Act program, the following conditions must be present in order for a project to be considered “redevelopment:”

- The lot or parcel has been previously developed;
- The new structures and/or impervious areas are approximately in the same physical location as the previously existing structures and/or impervious areas;
- The proposed amount of impervious surface is no greater than the original development;
- RPA features are not further encroached upon.

For the purposes of the Bay Act program, redevelopment is ~~not~~ **defined as follows:**

Figure 1 - No Further Expansion into RPA

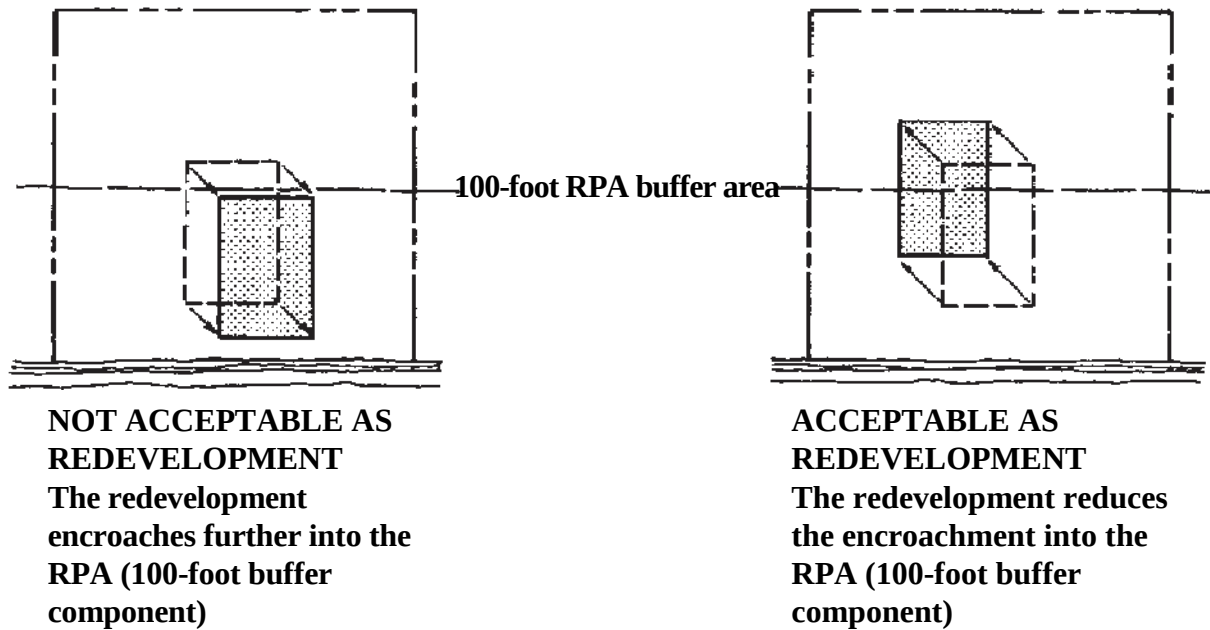


Figure 2 - No-Increase of Impervious Surface in RPA

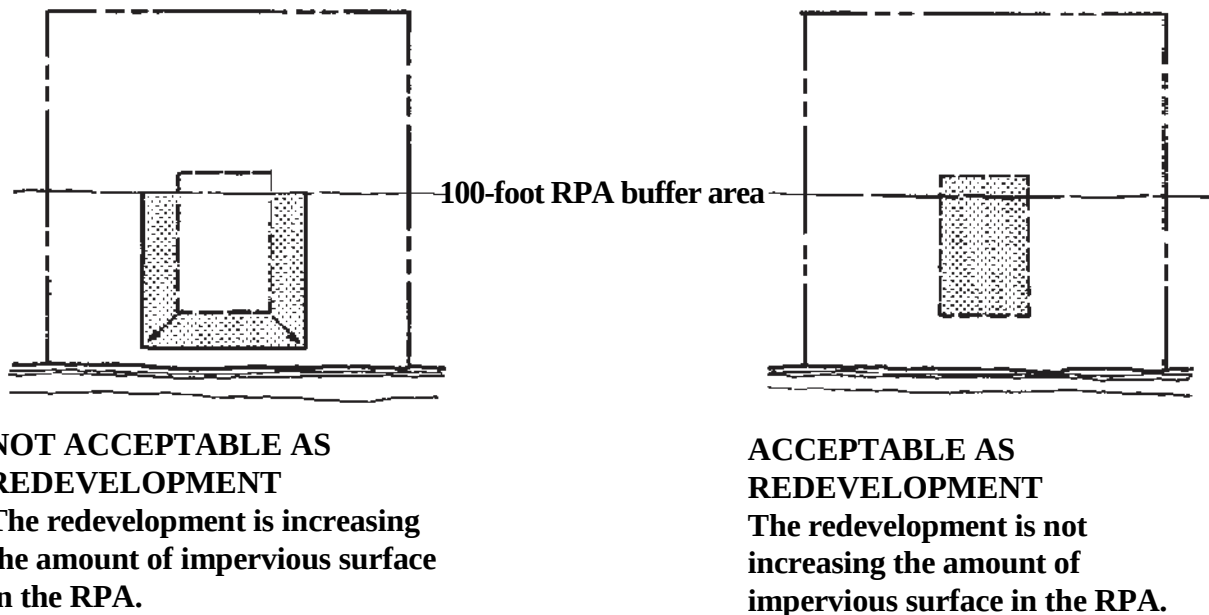
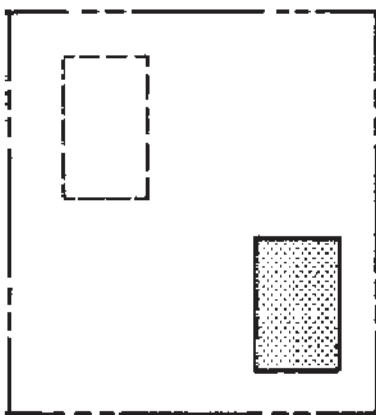
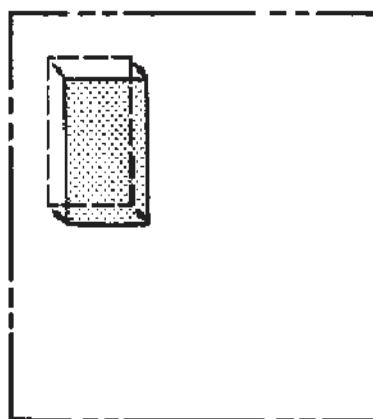


Figure 3 - Redevelopment in Same General Location



**NOT ACCEPTABLE AS
REDEVELOPMENT**
The redevelopment is not in the
same general location as the
existing development



**ACCEPTABLE AS
REDEVELOPMENT**
The redevelopment is in the same
general location as the existing
development

- **New construction** on a previously undeveloped parcel;
- **Additions or expansions** to existing structures
- **Replacement** of a structure lost by casualty. (However, it is possible that other local ordinances may allow the replacement of such structures.)
- **Relocation** of an existing structure to a previously undeveloped portion of a site.

Development or Redevelopment within an Intensely Developed Area

Intensely Developed Areas (IDAs) are redevelopment areas, identified by a local government and approved by the Chesapeake Bay Local Assistance Board, that meet the criteria found in 9 VAC 25-830-100(B). Development or redevelopment within IDAs is permitted provided that it conforms to applicable erosion and sediment control and stormwater management requirements. A WQIA must be submitted for land disturbance within the RPA portion of an IDA overlay.

Development on a Nonconforming Lot of Record

Nonconforming lots [i.e., lots that either (1) were approved by the locality and recorded before October 1, 1989 and that do not have sufficient land outside of the RPA on which to construct a principal dwelling, or (2) lots with insufficient land area outside the full 100 foot RPA that were recorded between October 1, 1989 and March 1, 2002 in those localities that had buffer equivalency language written into their local Chesapeake Bay Preservation Ordinances] may be improved with a principal structure and necessary utilities within the landward 50 feet of the RPA buffer provided that certain requirements are met. For guidance on development on nonconforming lots of record, please refer to the guidance entitled *Nonconforming Structures and Uses* and *Resource Protection Area: Buffer Area Encroachments*, posted on the Department's web site.

Stormwater or Flood Control Facilities

Flood control and stormwater management facilities that drain or treat water from multiple development projects may be permitted in the RPA provided that certain criteria are met. Consistent with 9 VAC 25-830 140(1)(e)(iii) of the Regulations, the local government must first develop a regional stormwater management program that is consistent with the water quality protection provisions of the *Virginia Stormwater Management Regulations* (9 VAC 25-870 *et seq.*) This local program must then be reviewed and approved as a Phase I program modification by the Department. The local government must establish through an analysis of a Water Quality Impact Assessment that the location of the facility within the RPA is the optimum location and that the size of the facility is the minimum necessary to provide flood control, stormwater treatment, or both. All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies (such as the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission), and continued maintenance of the facility is required to assure that the facility continues to function as designed. For a more detailed discussion of the stormwater management requirements contained within the Chesapeake Bay Designation and Management Regulations, please refer to the *Stormwater Management Requirements* guidance, posted on the Department's web site.

Exemptions

Water wells, passive recreation sites (e.g., trails, paths, and other linear, minimally intrusive uses, but not ball fields and similar facilities), and historic or archeological sites are all permitted within the Resource Protection Area provided that the development of such sites is reviewed and approved by the local government, and any land disturbance in excess of 2,500 square feet complies with the erosion and sediment control requirements. Public utilities (including electric lines, natural gas lines, fiber-optic cables, and telephone transmission lines), public roads, railroads, and structures customarily accessory to these uses are permitted within the RPA provided that minimal criteria are met. These exemptions are based on

the premise that the agencies responsible for their construction have water quality protection requirements equal in effectiveness to the Chesapeake Bay Preservation Act Regulations. The installation of these facilities must conform to both the Erosion and Sediment Control Law (§62.1-44.15:51 *et seq.* of the Code of Virginia) and the Stormwater

Management Act (§62.1-44.15.15:68 *et seq.* of the Code of Virginia) and must be constructed according to an erosion and sediment control plan and a stormwater management plan approved by the Department of Environmental Quality. The construction of public roads is further conditioned on the minimization of the encroachment into the RPA and a minimization of water quality impacts.

The construction, installation, and maintenance of water, sewer, natural gas, underground telecommunication and cable television lines owned or permitted by a local government or regional service authority is permitted within the RPA provided that the encroachment is the minimum necessary, no more land is disturbed than is necessary to accommodate the installation, all applicable state and federal permits for the installation are obtained, the installation takes place in a manner that protects water quality, and any land disturbance exceeding an area of 2,500 square feet complies with the erosion and sediment control requirements contained in the Regulations.

Conclusions:

- Water dependent facilities are permitted by right within the RPA. They must conform to erosion and sediment control requirements, must (1) be constructed according to an approved Plan of development, (2) be justified through a Water Quality Impact Assessment, and (3) meet other conditions of 9 VAC 25-830-140(1)(b).
- Redevelopment activities are permitted within the RPA, provided that a Water Quality Impact Assessment (WQIA) is reviewed and approved, a Plan of Development is followed and the project complies with applicable erosion and sediment control and stormwater management requirements.
- Encroachments into the landward 50 foot portion of the RPA buffer are permitted by-right on lots recorded prior to October 1, 1989 **only when there is not sufficient land area outside the buffer for the principal structure and the required utilities.** A Water Quality Impact Assessment must show that the encroachment is the minimum necessary to afford relief, and, where practicable, a vegetated area equal in size to the encroachment and equal in ability to provide water quality benefits must be established elsewhere on the site.
- Encroachments into the landward 50 foot portion of the RPA buffer are permitted by-right on lots recorded between October 1, 1989 and March 1, 2002 **in those localities whose Chesapeake Bay Preservation Ordinances contained buffer equivalency language**, provided that the lot was legally created, that any conditions or mitigation required by a previous exception are met, and that any previously required Best Management Practices (BMPs) are functioning effectively (and will be reestablished or repaired if required). These criteria are in addition to the two criteria required for pre-1989 lots described above.

- Flood control and stormwater management facilities that drain or treat water from multiple development projects may be permitted in the RPA provided that they are part of a local regional stormwater management program that has been reviewed and approved as a Phase 1 program modification by the ~~Chesapeake Bay Local Assistance Board~~ Department and is consistent with the water quality protection provisions of the *Virginia Stormwater Management Regulations* (9 VAC 25-870 *et seq.*). Public utilities, public roads, railroads, and structures accessory to these uses are permitted within the RPA provided that the installation conforms to both the Erosion and Sediment Control Law (§62.1-44.15:51 *et seq.* of the Code of Virginia) and the Stormwater Management Act (§62.1-44.14:68 *et seq.* of the Code of Virginia) and the facilities are constructed according to an erosion and sediment control plan and a stormwater management plan approved by the Department of Conservation and Recreation. The construction of public roads is further conditioned on the minimization of the encroachment into the RPA and a minimization of water quality impacts.
- Certain public utilities may be located within the RPA provided that specific conditions are met.
- The General Performance Criteria apply to **any** development occurring within a Chesapeake Bay Preservation Area, including exempted activities and uses that are permitted by right. Localities are to insure compliance with the criteria through a review of a Water Quality Impact Assessment, which are is required for **all** development activities (excluding exempted uses) within a RPA

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appointments of Wetlands and Coastal Dune Board Members		AGENDA DATE: April 20, 2023
	SUBJECT/PROPOSAL/REQUEST: Appoint three members to the Wetlands and Coastal Dune Board		ITEM NUMBER: 8B
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Wetlands and Coastal Dune Board reviews applications for certain activities in wetlands and dune areas. The Board meets as needed and consists of five members each serving five-year terms.

DISCUSSION:

Currently, there are three vacant positions on the Wetlands Board, which have been advertised in the Cape Charles Gazette and on Facebook. As a result of these notices, as well as word of mouth, three applications have been received from citizens expressing their interest in serving on this board.

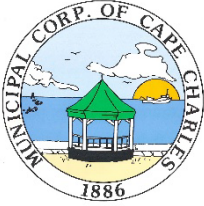
The applicants are:

- Patricia James who has experience with nature conservancy and wildlife habitats.
- Elizabeth Pruitt is an environmental consultant with experience working with regulatory agencies such as the US Fish & Wildlife Service, National Marine Fisheries Service, the Army Corps of Engineers, and State Coastal Zone regulatory agencies.
- William Robertson is a retired Navy Captain with experience with environmentally sensitive areas and is a Virginia Master Naturalist.

The applications were provided to the Mayor and Town Council for review. It was agreed that with three open positions on the board and three well-qualified applicants, appointments could be made without the need for interviews.

RECOMMENDATION:

Staff recommends, if deemed appropriate, that Council appoint Ms. Patricia James, Ms. Elizabeth Pruitt, and Mr. Robertson to the Wetlands and Coastal Dune Board.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution 20230420 – Approval of Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		AGENDA DATE April 20, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		ITEM NUMBER: 3A & 8C
	ATTACHMENTS: Resolution 20230420; Amendment #3 to Agreement between Brown & Root and the Town of Cape Charles dated March 13, 1990		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

As a part of the annexation of property into the Town of Cape Charles in 1991, several agreements were entered into by various parties, for various purposes. One such agreement was between Brown & Root (owner and potential developer of the annexed properties – now Bay Creek South, LLC) and the Town of Cape Charles, dated March 13, 1990. This agreement laid out certain obligations for both parties subsequent to an annexation. One such obligation dealt with the provision of future water and sewer capacity. The agreement obligated the developer to financially contribute to future expansions of these systems, once the current permitted capacity was reached, in an amount to be determined at a later date, but in proportion to the impacts of the developer's activities. This agreement was previously amended twice. This third amendment will seek to resolve the lingering obligation associated with impacts of the ongoing development.

ITEM SPECIFICS:

Attempting to determine the developer's liability under this agreement is a complex undertaking. Data needed to be gathered regarding expected growth, not just by the developer, but townwide. Projections needed to be made regarding required utility capacity over time, and those projections needed to be compared to anticipated growth rates.

To assist in this process, two engineering studies were put into the field in 2022. Those results helped identify when future additional capacity might be needed. However, despite this data driven approach and professional analysis, some reasonable assumptions were also required. Note that assumptions are just that, a good faith effort to estimate something that hasn't happened yet. So despite our best efforts, should any of these assumptions turn out to be incorrect, the future model could be skewed. Therefore, this liability cannot be calculated down to an exact dollar amount, but rather needed to be negotiated in a way that balances assumptions equitably.

Based on this approach, it was determined that if the developer were to pay an ongoing impact fee of \$3000 per lot for all their remaining properties, that would reasonably cover the developer's portion of the liability associated under this agreement. This impact fee would be paid by the developer at the closing of all future property sales. The fee would be deducted from the sellers proceeds of the sale. This payment method allows payment over time which eases the financial burden to the developer, while providing a long-term general fund revenue source to the Town. The exact amount of revenue derived per year is obviously dependent on the number of properties sold that year, but as an example; if 50 lots were sold, the town would receive \$150,000 that year.

RECOMMENDATION:

Staff recommends Council consider input from the public hearing, and then if deemed in the best interest of the Town, adopt Resolution 20230420.

TOWN OF CAPE CHARLES, VIRGINIA

RESOLUTION 20230420

**AUTHORIZATION OF THIRD AMENDMENT TO AGREEMENT
OF MARCH 13, 1990, RELATED TO ANNEXATION**

WHEREAS, Brown & Root I, Inc. (“Brown and Root”), entered into an Agreement dated March 13, 1990, in contemplation of the annexation of certain property owned by Brown & Root (the “Agreement”); and

WHEREAS, Brown & Root and the Town agreed on a first amendment of the Agreement on November 25, 1991 (the “First Amendment to Agreement”); and

WHEREAS, the property was annexed by the Town; and

WHEREAS, Brown & Root and the Town agreed on a second amendment of the Agreement on July 14, 1992 (the “Second Amendment to Agreement”); and

WHEREAS, Bay Creek South, LLC, Bay Creek Development, LLC and Bay Creek Resort, LLC (collectively the “Developer”) are successors in interest to Bay Creek LLC which was a successor in interest to Brown & Root; and

WHEREAS, the Town has previously expended funds to upgrade its water and wastewater facilities, including the water and wastewater plants (the “Facilities”), and further upgrades to increase capacity and comply with laws and regulations will be required; and

WHEREAS, the Town is in the process of entering into a franchise with the Virginia-American Water Company to operate the Town’s water and wastewater Facilities (the “Franchise Agreement”); and

WHEREAS, the Parties have been working cooperatively to comply with the Agreement, as amended; and

WHEREAS, the Parties desire to further amend the Agreement to account for changed circumstances; and

WHEREAS, the Town held a public hearing regarding the proposed Third Amendment to Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby finds that it is in the public interest to enter the Third Amendment to Agreement;

BE IT FURTHER RESOLVED that the Town Council hereby authorizes Town Manager to enter into the Third Amendment to Agreement with the Developer, in substantial conformance with the draft attached hereto as Exhibit A, and

BE IT FURTHER RESOLVED that the Town Council hereby authorizes the Town Manager, or his designee, to execute such documents that are necessary to affect the intent of the Resolution and institute procedures as necessary to implement the terms of the Third Amendment to Agreement.

Adopted this 20th day of April 2023

TOWN OF CAPE CHARLES

By: _____
Mayor

ATTEST:

Town Clerk

ATTACHMENT: Exhibit A, Third Amendment to Agreement

THIRD AMENDMENT TO AGREEMENT OF MARCH 13, 1990

THIS THIRD AMENDMENT TO AGREEMENT is made this ___ day of April 2023, by and between Bay Creek South, LLC, Bay Creek Development, LLC and Bay Creek Resort, LLC (collectively the “Developer”), and the Town of Cape Charles (the “Town”) (jointly the “Parties”).

WHEREAS, Brown & Root I, Inc. (“Brown and Root”), entered into an Agreement dated March 13, 1990, in contemplation of the annexation of certain property owned by Brown & Root (the “Agreement”);

WHEREAS, Brown & Root and the Town agreed on a first amendment of the Agreement on November 25, 1991 (the “First Amendment to Agreement”);

WHEREAS, the property was annexed by the Town;

WHEREAS, Brown & Root and the Town agreed on a second amendment of the Agreement on July 14, 1992 (the “Second Amendment to Agreement”);

WHEREAS, Bay Creek South, LLC, Bay Creek Development, LLC and Bay Creek Resort, LLC are successors in interest to Bay Creek LLC which was a successor in interest to Brown & Root;

WHEREAS, the Town has previously expended funds to upgrade its water and wastewater facilities, including the water and wastewater plants (the “Facilities”), and further upgrades to increase capacity and comply with laws and regulations will be required;

WHEREAS, the Town is in the process of entering into a franchise with the Virginia-American Water Company to operate the Town’s water and wastewater Facilities (the “Franchise Agreement”);

WHEREAS, the Parties have been working cooperatively to comply with the Agreement, as amended;

WHEREAS, the Parties desire to further amend the Agreement to account for changed circumstances;

WHEREAS, the Town finds that it is in the public interest to enter this Third Amendment to Agreement;

WHEREAS, the Town Council approved this Third Amendment to Agreement by Resolution dated April ___, 2023;

WHEREAS, the Town Council authorized the Town Manager to enter into this Third Amendment to Agreement, and to adopt and institute procedures as necessary to implement the terms of the Third Amendment to Agreement;

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual promises and recitals contained herein which form a part hereof, the Parties agree to amend and modify the provisions of the Agreement and First Amendment to Agreement as follows:

1. Paragraph 10 of the Agreement is further amended by adding paragraph 10 (e):

e. In satisfaction of its obligations under paragraph 10 related to expansions and improvements to the Town's Facilities, when the Franchise Agreement goes into effect and utilities are charged at standard tariff rates approved by the Virginia State Corporation Commission (the "Tariff"), the Developer shall also pay a municipal impact fee to the Town as each lot owned by the Developer is conveyed to a third party. The impact fee shall be \$3000 per lot. The fee will be disbursed to the Town at the conveyance of each lot to a third-party, and payment of the fee will be a condition precedent to granting a building permit for the lot.
2. So long as the Tariff is in effect, compliance with the Tariff and the payment of the impact fees will satisfy the remaining obligations of the Developer to the Town for expansions and improvements to the Town's Facilities under paragraph 10 of the Agreement as previously and herein amended. Notwithstanding the forgoing, Developer will continue to be responsible to construct the necessary physical improvements within its property to accommodate the water and sewer services and to dedicate such improvements to the Town or its successors.
3. The Parties further agree that the provision of water and wastewater services through the Franchise Agreement fulfills the Town's obligations under paragraph 10 of the Agreement, as previously and herein amended.
4. Except as modified herein all the other terms and conditions of the Agreement, First Amendment of Agreement, and Second Amendment of Agreement, are ratified, and incorporated herein by reference.
5. This amendment becomes effective when the Franchise Agreement goes into effect.

IN WITNESS HEREOF, and intending to be legal bound hereby, the Parties have signed this Third Amendment to Agreement under seal effective the day and year first above written, and that it may be executed in one or more counterparts, each of which shall be deemed to be an original.

[Signatures on following pages]

THE TOWN OF CAPE CHARLES, a Virginia Municipal Corporation

By: _____
John Hozey, Town Manager

_____ Date

COMMONWEALTH OF VIRGINIA)
_____) SS
COUNTY OF NORTHAMPTON)

On this ____ day of April 2023, before me, the undersigned Notary Public, personally appeared John Hozey, Town Manager of the Town of Cape Charles, a Virginia Municipal Corporation and known to be an authorized agent of the Town that executed the foregoing Agreement and acknowledged the Agreement to be the free and voluntary act and deed of the Town, by authority of a Resolution passed by the Town Council, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Agreement in fact executed the Agreement on behalf of the Town.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek South, LLC, a Virginia Limited Liability Company

By: _____
Date _____
Name: _____
Title: _____

COMMONWEALTH OF Virginia)
_____) SS
COUNTY OF NORTHAMPTON)

On this ____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek South, LLC , a Virginia Limited Liability Company and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or he is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek Development, LLC, a Virginia Limited Liability Company

By: _____
Name: _____
Title: _____
Date _____

COMMONWEALTH OF Virginia)
_____) SS
COUNTY OF NORTHAMPTON)

On this ____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek Development, LLC, a Virginia Limited Liability Company, and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or he is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____

Bay Creek Resort, LLC, a Virginia Limited Liability Company

By: _____
Name: _____
Title: _____
Date _____

COMMONWEALTH OF Virginia)
_____) SS
COUNTY OF NORTHAMPTON)

On this ____ day of April, 2023, before me, the undersigned Notary Public, personally appeared _____, _____ of the Bay Creek Resort, LLC , a Virginia Limited Liability Company, and known to be an authorized agent of the company that executed the foregoing Agreement, and acknowledged the Agreement to be the free and voluntary act and deed of the company, by authority of its Articles and Bylaws or Operating Agreement as applicable, for the uses and purposes therein mentioned, and on oath stated that he or he is authorized to execute this Agreement in fact executed the Agreement for the company.

Notary Public _____

My Commission Expires _____

Registration Number _____

 TOWN OF CAPE CHARLES	AGENDA TITLE: Grounds Maintenance Service Contract Award for Maintenance of Beds, Pots & Mulching		AGENDA DATE: April 20, 2023
	SUBJECT/PROPOSAL/REQUEST: Award contract for the Grounds Maintenance Services for the maintenance of beds, pots and mulching		ITEM NUMBER: 8D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Lockwood/Libby Hume	REVIEWED By: John Hozey, Town Manager	

BACKGROUND:

Staff published an Invitation for Bids (IFB) for Grounds Maintenance Service on March 23, 2023. Proposals were due and opened on April 13, 2023. Browder-Hite was the sole bidder. The Public Works Manager has reviewed the bid proposal.

ITEM SPECIFICS:

Browder-Hite has been the Town's grounds maintenance contractor for the past 15 years and has performed the duties of the ground maintenance contractor in a professionally responsible and responsive manner.

The current bid package contains 3 parts and includes watering, pruning, and weeding from April to November, and mulching with undyed hardwood mulch twice yearly in the spring and fall.

Base Bid (Town properties): \$584.86 per week for 35 weeks = \$20,470.10

- 3 beds at the beach bathroom and flagpole
- 7 pots on Bay Avenue
- 1 bed at the Route 13 sign
- 2 beds at the Fig Street/Randolph Avenue sign
- 8 beds around the municipal building
- 4 pots and 11 beds in Strawberry Street Plaza
- 2 beds in the North Peach Street median

Bid Alternate #1 (Business District): \$391.43 per week for 35 weeks = \$13,700.05

- 31 beds on Mason Avenue
- 2 beds on South Peach Street
- 2 pots and 5 beds on Strawberry Street
- 10 beds on Pine Street
- 2 pots and 1 bed at the WW II Memorial

Bid Alternate #2 (Harbor): \$271.29 per week for 35 weeks = \$9,495.15

- 2 pots and 7 beds in the Harbor Area – East Harbor Park, Bath House, Harbor Master Office, Shanty Parking Lot

We also currently have a separate contract in place with Browder-Hite for grounds maintenance of Central Park for \$17,130 annually (not part of this bid). The total cost for all areas, including Central Park, would be \$60,795.30 annually.

RECOMMENDATION:

Staff requests that Council review the above information and, if deemed appropriate, award the base bid and both alternates of the Grounds Maintenance Service Contract to Browder-Hite.