



TOWN COUNCIL

Public Hearings & Special Meeting

February 6, 2025
Cape Charles Civic Center
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearings (3 minutes per speaker)
 - A. [FY 2025 Mid-Year Budget Amendment](#)
 - B. [Conditional Use Permit 2025-01 – 133 Mason Avenue](#)
4. Close Public Hearings
5. Public Comments for Topics Not Subject to Tonight's Public Hearings (3 minutes per speaker)
6. Order of Business
 - *A. [FY 2025 Mid-Year Budget Amendment](#)
 - *B. [Conditional Use Permit 2025-01 – 133 Mason Avenue](#)
 - *C. [Employment Contract for New Town Manager](#)
7. Town Manager Comments
8. Mayor & Council Comments (5 minutes per speaker)
9. Adjournment

**NOTICE OF PUBLIC HEARING
MUNICIPAL CORPORATION OF CAPE CHARLES
FISCAL YEAR 2025 PROPOSED BUDGET AMENDMENT**

Pursuant to the Code of Virginia Section 15.2-2507, the Municipal Corporation of Cape Charles Town Council will hear public comments on the following proposed amendments to its Fiscal Year 2025 Town Budget on February 6, 2025, at 6:00 pm, at the Cape Charles Civic Center, 500 Tazewell Avenue, to receive verbal and written comments on all proposed disbursements. Written comments can be submitted prior to the hearing via email to clerk@capecharles.org, or placed in the external drop box at Town Hall. The proposed budget amendment will be discussed and brought to a vote during the special meeting immediately following the public hearing. Budget amendment details may be viewed on the Town's website, www.capecharles.org, under Agendas and Minutes/Town Council.

Request for budget appropriation increase for FY 2025 in the following amounts:		
Fund	Revenue	Expenditures
General	\$ 353,497.98	\$ 353,497.98
Capital	\$ 336,324.80	\$ 336,324.80
Harbor	\$ 2,711.00	\$ 2,711.00
	\$ 693,533.78	\$ 692,533.78

*Ad submitted to Eastern Shore Post – 01/17/2025
Ad to run 01/24/2025*

TOWN OF CAPE CHARLES
Conditional Use Permit Application –
Planning Commission & Town Council Public Hearings

A Conditional Use Permit (CUP) 2025-01 application from Jon Dempster at 109 Mason Avenue (Tax Map #83A3-2-1-62) has been received in the Planning Department. This property is in the Commercial-1 Zoning District and is seeking to locate a fence of 6 feet in height to serve as screening for 3 propane tanks proposed to be located to the left of the handicapped access door, facing Mason Avenue.

The Public Hearings on this application will be held at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, VA to receive comment on this application as follows:

- Cape Charles Planning Commission on Tuesday, February 4th, 2025, at 6:00 p.m.
- Cape Charles Town Council on Thursday, February 6, 2025 at 6:00 p.m.

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post – Tuesday, January 21, 2025

AD TO RUN: Friday, January 24th and January 31st, 2025



Planning Commission Staff Report

Meeting Date: February 4th, 2025

Item #:

Prepared By: Jack Steinmayer, Zoning Compliance Officer

Prepared On: January 29th, 2025

Applicant: Jon Dempster

Type of Application: Conditional Use Permit (2025 – 01)

Address: 133 Mason Avenue (correct address, wrong in ad, tax map # is correct)

Tax Map: #83A3-2-1-62

Lot Size: 3,726 sq. ft.

Zoning Ordinance: 4.1 (G) (3)

Current Zoning: Commercial-1 (C-1)

Date Received: January 16th, 2025

Date Deemed Complete: January 16th, 2025

Legal Deadline: (90 days from complete application – directory; not mandatory):
April 16th, 2025

Narrative of Proposal:

The applicant (Jon Dempster) is seeking to obtain a Conditional Use Permit (CUP) for the installation of a fence that is 6 feet in height to serve as screening for 3 above-ground propane tanks proposed to be located to the left of the handicapped access door, facing Mason Avenue.

The applicant let the Planning Department know that after finalizing the purchase of Kelly's Pub, he reached out to a different propane vendor – not the one that oversaw the current tank – to assess the safety and feasibility about retaining the singular underground tank that was installed in 2006. After meeting with the new vendor, it was determined the best course of action would be to abandon the tank in its current location (underneath the patio off to the left of the entrance) to minimize the risk of leaks or any other issues that may occur if the new vendor attempted to remove the old tank.

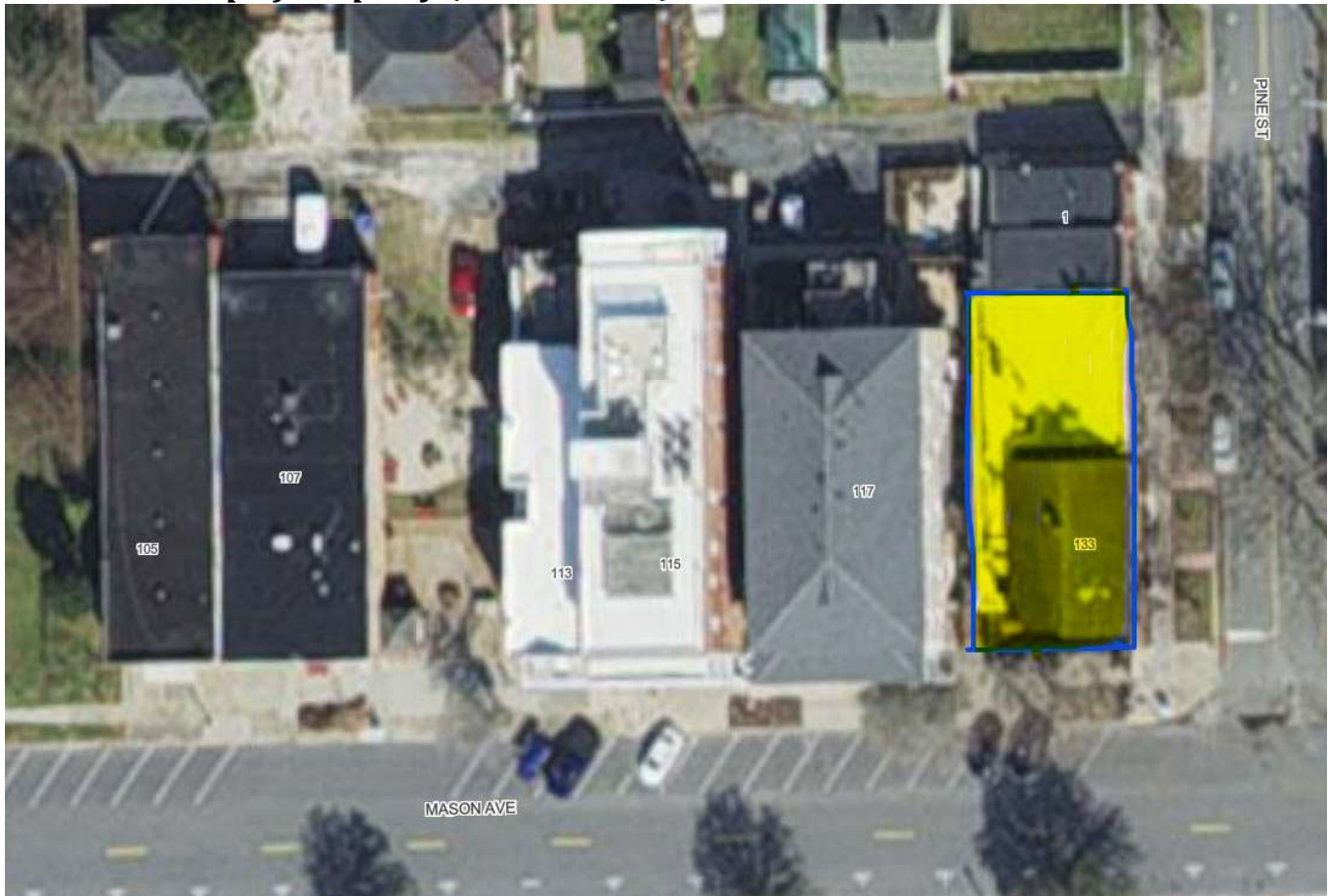
Because of the decision to abandon the propane tank in its current location, the applicant only had two other possible locations for the propane tanks.

One of the possible locations was in the back of the building next to the sidewalk that runs along 1 Pine Street. However, after making the necessary outreach with the adjacent property owner it was clear that the location did not have the necessary space required for the easement that would be required for the placement of the propane tanks.

After the denial, the only location available for the placement of the propane tanks is the one included within the Conditional Use Application to the left of the handicapped access door, facing Mason Avenue.

Until the necessary zoning clearance has been received this application cannot go to the Historic District Review Board (HDRB) for clarification on the design, style, or material type for the fence. A zoning determination must come first and only through the Conditional Use Permit is that allowed.

Aerial Map of Property (outlined in blue)



Ordinance Requirements:

The Cape Charles Zoning Ordinance Section 4.1 (G) (3) states that, *Fences in the commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.2 (G) (1) and (2). In commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature and security requirements of the business.*

The Cape Charles Zoning Ordinance Section 4.3 states that, *Conditional Use Permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this ordinance in the specific districts provided by Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:*

- 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.*
- 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*
- 3. Be in conflict with the purpose of the comprehensive plan of the town.*

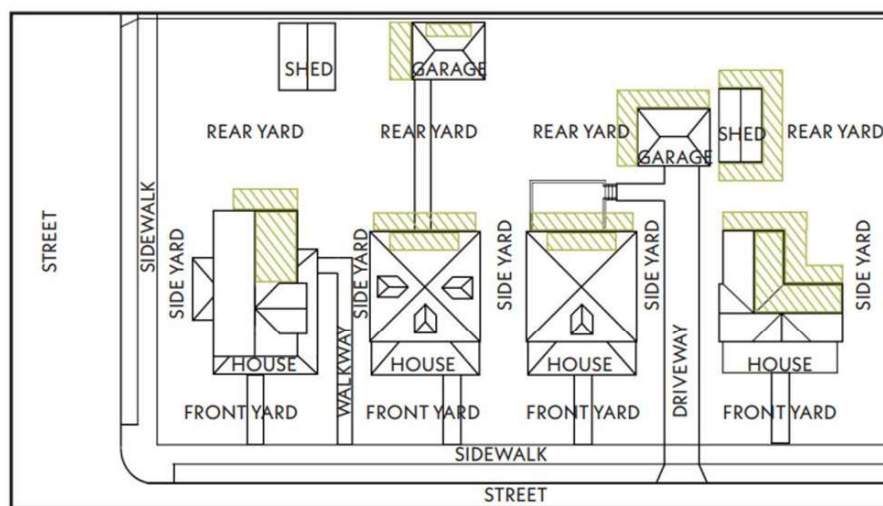
In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. The applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If the applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective of this date, thirty (30) days after Town Council approval, unless Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of the time is approved by Town Council for good cause shown before the expiration of the conditional use permit.

Not only would the applicant have to follow the Cape Charles Zoning Ordinance requirements but, due to its location within the Historic District, the applicant would also need to adhere to the Cape Charles Historic District Design Guidelines.

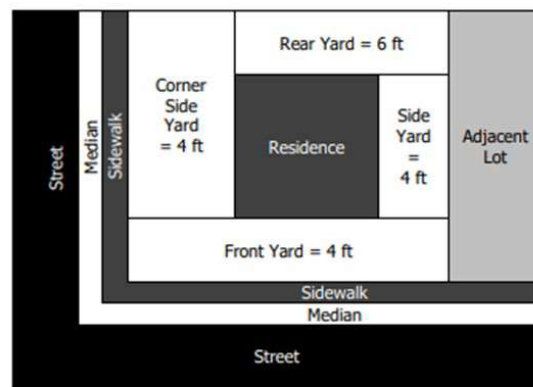
Adherence to the Cape Charles Historic District Design Guidelines in this case would mean that all new appurtenances should be placed at the rear of the building and out of view from the public right-of-way which include but are not limited to; fuel tanks, as outlined in Section 9.4 (1). However, as explained in the narrative of proposal, the applicant would be unable to place the fuel tanks and fencing in the back of the building due to a lack of space.

Furthermore, once a decision has been made on this Conditional Use Permit application by the Planning Commission, these guidelines will be utilized when this item is referred to the HDRB.



Due to the inability to place the propane tanks at the rear of the property, the only remaining place that is viable for the business would be in the front off to the left of the handicap entrance.

This would require fencing to limit the visibility of the propane tanks. Pursuant to the Cape Charles Zoning Ordinance Section 4.1 (G) (3), fences within both the commercial and industrial zones are allowed only if they comply with the residential fencing requirements, which are as follows:



Maximum fence heights for corner lots
 Rear Yard – Not to exceed 6 feet
 Side Yard – Not to exceed 4 feet
 Corner Side Yard – Not to exceed 4 feet
 Front yard – Not to exceed 4 feet

Furthermore, in commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences, which this application is asking for.

Staff Analysis:

The application presented to the Planning Commission by Jon Demster for the installation of a non-conforming (6 foot) fence within the Commercial-1 (C-1) District has demonstrated consistency with the requirements of the Cape Charles Zoning Ordinance and has shown an adherence in the application to meet the Cape Charles Historic District Design Guidelines.

Due to the circumstances surrounding the inability to place the propane tanks at the rear of the building and out of the public right-of-way, Mr. Dempster's application has provided the town with best course of action pertaining to this matter. While the placement of the tanks will require the removal of the seating area that has historically been there it is the only location that works in this instance.

By approving the conditional use permit application as presented, it will allow Mr. Dempster to complete renovations on the property and when ready provide the location the propane required to conduct business activities. Without approval of the fence to block the view of the propane tanks, the applicant will be unable to utilize the location as a restaurant.

Recommendation to the Planning Commission:

I am recommending that the Planning Commission recommend to the Town Council to approve the application for a conditional use permit for the installation of a non-conforming (6 foot) fence within the Commercial-1 (C-1) District. For all the reasons contained in this staff report.

Depending upon comments heard during the public hearing there may be other factors that the Planning Commission should consider in their development of the motion.

Attachments:

Attachment 1 – Conditional Use Permit Application (2025-01)



Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 03/2023	
Taxes	<u>Paid JM</u>
Violations	<u>—</u>
<u>check</u> Fee #1601	<u>\$600</u>
Decision	

Budget Code: LANDF 100-3100-1050

PART 1: APPLICATION NOTES

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

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

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

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

Owner signature: 

Date: 01/16/2025

PART 2: PROPERTY INFORMATION

Property Address: 133 Mason Ave.

Tax Map #: 83-A3-2-1-62

Zoning District: Historic

Current use: Restaurant

Proposed use: Restaurant

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

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

PART 4: APPLICANT INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? Mixed Use Commercial and Residential. This is a commercial property, formerly known as "Kelly's Gingernut Pub"

2. How would this proposed use fit in with the neighborhood?

The existing propane tank, located under the sidewalk in the front of the building, is 20 years old and in danger of a potentially hazardous leak underground. Updated code changes since its installation, prohibit it being replaced in the same location. Due to the hardship of not having any property boundaries beyond the building, I am requesting a CUP in order to place 3 above ground tanks, that will be fenced in with commercial fencing, to the left of the front door as shown on the submitted site plan.

SEE ATTACHED LETTER

3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. There will be no noise or odor effects from this use.

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

Number of residential floors _____ Number of residential units per floor _____

Number of parking spaces on premises _____ Number of parking spaces on street _____ deeded off-site _____

Amenities provided _____

C. Description of Use

Days of Operation _____ Number of full-time staff? _____ Part-time? _____

Hours of Operation _____ If foodservice, will there be alcohol sales on premises? _____

Hours of Delivery _____

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

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

Applicant's signature: [Signature]

Date: 1/16/25

Zoning Administrator's signature: _____

Date: _____



Certificate of Appropriateness Application

Fence

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 05/2023

Taxes	✓ paid JM
Violations	—
check Fee #1002	\$ 75
Decision	

Budget Code: HISTF 100-3100-1100

PART 1: APPLICATION NOTES

A Certificate of Appropriateness (COA) is required for all applications for zoning clearances and permits involving any new construction, including accessory structures, within the Cape Charles Historic District Overlay. A pre-application meeting is available upon request prior to submitting this application. * *The applicant is responsible for confirming and obtaining all necessary building permits after approvals.*

The following documents must be submitted to the Town for review before this application can be reviewed. In addition to these documents, the COA application and requested supporting information must be deemed complete prior to being evaluated.

- | | | |
|--|--|--|
| ☒ Site Plan | ☒ Zoning Clearance Application | |
| ☒ Photos of existing lot | ☒ Survey | ☒ Photos of proposed materials |
| ☐ Owner Permission Affidavit | ☒ Payment of Fee | ☐ Tree Permit Application |

Owner signature:

Date:

PART 2: PROPERTY INFORMATION

Property Address: 133 Mason Ave

Tax Map #: 83-A3-2-1-62

Is there an active Certificate of Appropriateness on this property? ☐ No ☐ Yes _____ Date

Zoning District: Historic

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H, Cape Charles, VA 23310

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 4: APPLICANT INFORMATION

☒ Check here if the applicant is the owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H, Cape Charles, VA 23310

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 5: PROJECT INFORMATION

SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES

Type of work: ☒ New ☐ Repair % of structure ____ ☐ Replace In kind ____ ☐ Different in style or material ____

Location (include survey showing location, setbacks, and height)

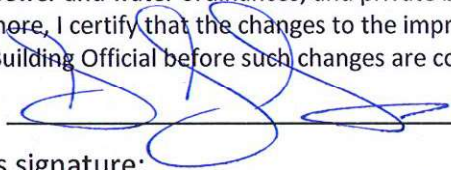
Material: Wood

Existing Condition ☐ Original ☐ Not Original ☐ Not Sure

Height: 6'

Describe the style: Wooden Vertical Fence with ornamental lattice top

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.

Applicant's signature: 

Date: 01/16/25

Zoning Administrator's signature: _____

Date: _____

Zoning Ordinance Article VIII Section: _____

January 16, 2025

To Whom It May Concern,

In addition to our application I wanted to submit this letter in order to detail the necessity of our request and further explain some details.

As a result of purchasing the property at 133 Mason Ave, formerly known as "Kelly's Gingernut Pub" we have reached out to propane companies in order to assess the safety of the unground tank that was installed in 2006.

After receiving a professional opinion from the director of safety at Sharp Energy that the current underground tank could be at risk of underground leaks due to age, we began looking for an alternate location to add propane for the business.

Not only due to the underground nature of the tank, it is also no longer up to code in terms of proximity to our own, and our neighbors, buildings.

As a result, we have met with town staff to try and find the best, and most safe remedy. By allowing the above ground tanks to be placed in front of the building in series, we would have enough propane to conduct business.

Additionally we would like to fence in the tanks with an attractive wooden fence that is 6 foot tall, although that is taller than the 4 foot allowed in historic, we are trying to prevent view from the street of the tanks. This height will block the view and allow access in order to fill and maintain them.

We greatly appreciate your consideration on this manner.

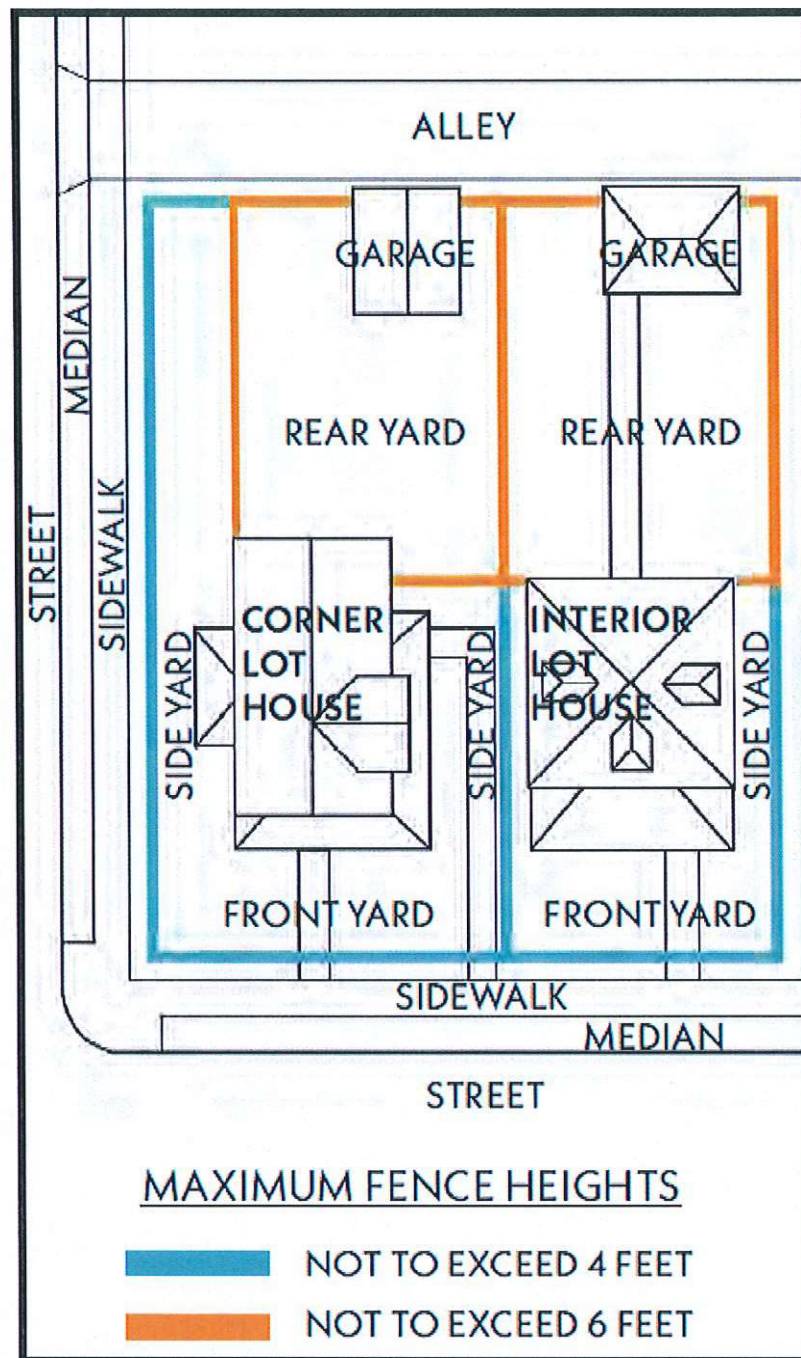
Sincerely yours,

A handwritten signature in blue ink, appearing to be 'Jon Dempster', with a stylized, cursive script.

Jon Dempster

Example
of
fence





The above diagram shows the locations for maximum fence heights at a corner lot (left) and an interior lot (right). Fences should also be inset 2 feet from any sidewalk, alley, or public right-of-way. Per Cape Charles Zoning Ordinance Section 4.2 (G).

NOTE:
 1. This parcel of land is owned by
Orning Wings, Inc.
 2. U.B. 225 Pg. 521
 3. Map 83A3 Parcel (2) Bk. 1-62
 4. GEND

Set pin except as noted
 Property lines
 Survey traverse line
 (not a property line)
 Centerline of ditch
 Fenceline
 Electric lines
 Woodlines
 N/F
 Fd.
 C.M.
 Now or Formerly
 Found
 Concrete Markers

Plot References

See "Map of the Town of Cape Charles"
 D.B. 15 Pgs. 143-145.

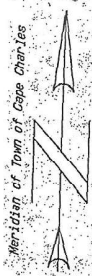
See plot of "Sea Cottage Addition
 to Town of Cape Charles"
 D.B. 65 Pg. 183.

Location of underground telephone
 is unknown.

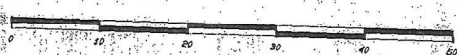
This survey has been prepared without
 the benefit of a title report and does
 not therefore necessarily indicate all
 encumbrances on the property.

CLERK'S NOTE
 Copy of this plat is
 attached to and made a part
 of the instrument recorded
 in Deed Book 2109, Page 278

Approved for
 recordation
Richard Barton
James Manager



COAST GUARD
200 ft
200 ft



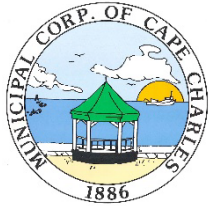
GRANVILLE F. HOGG LAND SURVEYORS P.O. Box 591, Eastville, Virginia 23347 PLAT OF SURVEY

This parcel of land was surveyed at the request
James E. Faix
 Located in the Town of Cape Charles
 Capeville District, Northampton County, Virginia
 Dwg. By: N.H. Scale 1"=10'
 Date: September 12, 1989 Job No.: 24989-082

Mason Avenue
 (70' wide)

Pine Street (70' wide)





**TOWN OF
CAPE CHARLES**

AGENDA TITLE: FY 2025 Mid-Year Budget Amendment

AGENDA DATE
February 6, 2025

SUBJECT/PROPOSAL/REQUEST: Approval of FY 2025
Mid-Year Budget Amendment

ITEM NUMBER:
6A

ATTACHMENTS: Public Notice and Summary of Changes

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Midway through the fiscal year all budgeted revenue and expenditure accounts are analyzed and the year-end totals estimated. This analysis provides opportunities for making adjustments to the budget that can account for unanticipated impacts or changes to original assumptions. A Town Council work session was held on January 16, 2025 to review all proposed adjustments.

ITEM SPECIFICS:

As required, an advertisement for tonight's public hearing was placed in the local paper for the proposed budget amendments, listing the new appropriations being requested. Attachment A is the ad that was posted, and Attachment B is the detailed listing of the account changes.

RECOMMENDATION:

Staff recommends Council review the attached funding requests, and if acceptable; vote to adopt the budget amendment as listed for the remainder of FY25.

**NOTICE OF PUBLIC HEARING
MUNICIPAL CORPORATION OF CAPE CHARLES
FISCAL YEAR 2025 PROPOSED BUDGET AMENDMENT**

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Harbor	\$ 2,711.00	\$ 2,711.00
	\$ 693,533.78	\$ 692,533.78

*Ad submitted to Eastern Shore Post – 01/17/2025
Ad to run 01/24/2025*

FY2025 Mid-Year Budget Adjustment
01/16/25

		Budget	YTD as of 12/10/24	Projected	Change	Notes			
	GF Revenue								
	100-3010-2024 Real Property Tax 2024	\$ 1,491,535.62	\$ 1,426,925.63	\$ 1,591,536.00	\$ 100,000.38	Difference between original budget and final county assessment			
	100-3090-1000 Bay Creek Impact Fees	\$ 60,000.00	\$ 87,000.00	\$ 120,000.00	\$ 60,000.00				
	100-3100-1600 Rental Inspections	\$ 18,000.00	\$ 3,350.00	\$ 27,000.00	\$ 9,000.00	Added Bay Creek inspections			
	100-3300-1750 Dividends & Interest on Investments	\$ 285,101.00	\$ 293,370.00	\$ 469,960.60	\$ 184,859.60	Adjusts for original conservative estimate, lower interest rates in 2025, and balanacing mechanism for the budget			
	100-3800-5000 Grant - Litter Prevention Grant (DEQ)	\$ 2,200.00	\$ 2,551.41	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount			
	General Fund Revenue Total				\$ 353,497.98				
	GF Expenses								
	Town Clerk								
	100-4112-2000 FICA Expense	\$ 5,204.46	\$ 2,187.85	\$ 5,300.00	\$ 95.54				
	100-4112-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 4,613.16	\$ 1,947.45	\$ 4,700.00	\$ 86.84				
	100-4112-2230 Worker's Comp	\$ 40.43	\$ 24.30	\$ 60.00	\$ 19.57				
	100-4112-2300 Health Insurance	\$ -	\$ 30.00	\$ 100.00	\$ 100.00				
	100-4112-2310 Dental Insurance	\$ 626.22	\$ 309.06	\$ 800.00	\$ 173.78				
	100-4112-3030 Lease - Storage	\$ 4,800.00	\$ 1,669.00	\$ 5,181.00	\$ 381.00	Bay Storage rental increased to \$439/month			
	100-4112-5240 Books & Subscriptions	\$ 13,050.00	\$ 424.98	\$ 21,050.00	\$ 8,000.00	Increased costs for Town Code & Zoning Ordinance Supplemental Recodifications			
	Clerk Total				\$ 8,856.73				
	Town Manager								
	100-4121-1000 Regular Salaries & Wages Town Manager	\$ 168,331.11	\$ 61,060.11	\$ 132,504.00	\$ (35,827.11)	Old TM Assist. separated 8/15/24			
	100-4121-1200 PT Salaries & Wages TM	\$ 46,586.70	\$ 13,682.64	\$ 66,355.00	\$ 19,768.30	New TM Assist. moved to part-time			
	100-4121-2230 Worker's Comp	\$ 861.66	\$ 687.89	\$ 1,652.00	\$ 790.34				
	100-4121-2350 Relocations Assistance	\$ 5,000.00	\$ 1,000.00	\$ 9,000.00	\$ 4,000.00				
	100-4121-3410 Professional Services	\$ 50,000.00	\$ 24,255.00	\$ 75,000.00	\$ 25,000.00				
	100-4121-4080 Grant Exp - Sail 250	\$ -	\$ -	\$ 19,800.00	\$ 19,800.00	Tall Ships event. Add'll expense of \$10,200 expected in FY26			
	100-4121-6050 Uniforms Expense	\$ 1,000.00	\$ 531.73	\$ 1,500.00	\$ 500.00				
	100-4121-6100 Recreation Programs & Events	\$ 54,000.00	\$ 66,763.46	\$ 79,000.00	\$ 25,000.00				
	100-4121-7000 Water & Sewer Expense TM	\$ 1,408.56	\$ 1,365.23	\$ 3,000.00	\$ 1,591.44				
	100-4121-8510 Transfer to Harbor Fund	\$ 198,523.00	\$ -	\$ 263,234.00	\$ 64,711.00				
	Town Manager Total				\$ 125,333.97				
	Finance								
	100-4124-1000 Regular Salaries & Wages Finance	\$ 321,416.03	\$ 137,601.31	\$ 351,751.20	\$ 30,335.17	True up for hiring of new Treasurer & expand role of Finance Clerk II to BPOL & STR Licensing Specialist			
	100-4124-2000 FICA Expense	\$ 24,588.59	\$ 10,109.14	\$ 30,310.00	\$ 5,721.41				
	100-4124-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 21,791.98	\$ 11,281.61	\$ 28,000.00	\$ 6,208.02				
	100-4124-2230 Worker's Comp	\$ 181.32	\$ 110.25	\$ 285.00	\$ 103.68				
	100-4124-2310 Dental Insurance	\$ 1,507.38	\$ 819.39	\$ 2,000.00	\$ 492.62				
	100-4124-5260 Employee Testing & Certification	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00	CPFO certification for Assist. Treas.			
	100-4124-6000 Office Supplies	\$ 5,429.00	\$ 1,808.19	\$ 8,830.00	\$ 3,401.00	Locked cabinet for sensitive documents			
	Finance Total				\$ 47,461.90				
	Police								
	100-4310-2230 Worker's Comp	\$ 15,571.41	\$ 12,305.29	\$ 29,535.00	\$ 13,963.59	New rates received after the original budget			
	100-4310-3025 Repair Main & Inspect Contracted Svcs	\$ -	\$ -	\$ 500.00	\$ 500.00	New Police printer/copier repair/overage			
	100-4310-5110 Lease, Office Equipment	\$ -	\$ -	\$ 350.00	\$ 350.00	New Police printer/copier base lease			
	100-4310-5205 Travel-Mileage, Parking & Tolls - Pol. Acad	\$ -	\$ -	\$ 1,800.00	\$ 1,800.00	Bridge toll for 5 days a week x 18.5 weeks			
	100-4310-5210 Travel-Lodging & Meals	\$ 2,500.00	\$ 13.42	\$ 8,100.00	\$ 5,600.00	Lunch & occasional lodging for 2 officers @ police academy			
	100-4310-5230 Education	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 1,500.00	Academy dues increased			
	100-4310-6050 Uniforms Expense	\$ 6,000.00	\$ 2,426.82	\$ 7,000.00	\$ 1,000.00	Academy uniforms/PT uniforms/Black leather boots			
	100-4310-6175 Vehicles & Powered Equipment Fuel	\$ 25,000.00	\$ 6,827.60	\$ 26,800.00	\$ 1,800.00	Could be fine with budget already but want to be on safe side			
	Police Total				\$ 26,513.59				

FY2025 Mid-Year Budget Adjustment
01/16/25

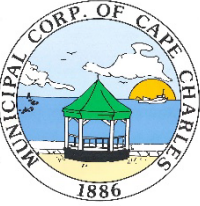
		Budget	YTD as of 12/10/24	Projected	Change				
	Code Enforcement								
	100-4340-1000 Regular Salaries & Wages Code	\$ 115,081.77	\$ 50,470.55	\$ 122,416.00	\$ 7,334.23	New STR employee 50% to Code 50% to Planning			
	100-4340-2000 FICA Expense	\$ 10,819.24	\$ 3,787.80	\$ 14,486.00	\$ 3,666.76	New STR employee 50% to Code 50% to Planning			
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 9,588.80	\$ 3,294.00	\$ 13,255.00	\$ 3,666.20	New STR employee 50% to Code 50% to Planning			
	100-4340-2230 Worker's Comp	\$ 500.77	\$ 369.16	\$ 950.00	\$ 449.23				
	100-4340-2310 Dental Insurance	\$ 602.95	\$ 297.96	\$ 750.00	\$ 147.05				
	100-4340-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning			
	Code Enforcement Total				\$ 21,013.47				
	Public Works								
	100-4430-2000 FICA Expense	\$ 20,652.98	\$ 9,522.83	\$ 24,000.00	\$ 3,347.02				
	100-4430-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 18,304.59	\$ 8,704.84	\$ 21,000.00	\$ 2,695.41				
	100-4430-2230 Worker's Comp	\$ 6,416.32	\$ 3,646.34	\$ 8,754.00	\$ 2,337.68				
	100-4430-2310 Dental Insurance	\$ 1,808.86	\$ 943.36	\$ 2,300.00	\$ 491.14				
	100-4430-6000 Office Supplies	\$ 1,000.00	\$ 868.44	\$ 2,000.00	\$ 1,000.00				
	100-4430-6025 Janitorial & Kitchen Supplies	\$ 7,200.00	\$ 4,356.26	\$ 8,700.00	\$ 1,500.00				
	100-4430-6075 Hand Tools & Light Equipment	\$ 1,500.00	\$ 1,333.89	\$ 2,500.00	\$ 1,000.00				
	100-4430-6235 Repair & Maintenance Supplies Business District	\$ 5,000.00	\$ 3,787.91	\$ 15,000.00	\$ 10,000.00	Increased cost of electrical upgrade			
	Public Works Total				\$ 22,371.25				
	Information Technology								
	100-4127-6150 Computer, Software & Electronics	\$ 46,705.00	\$ 15,007.89	\$ 112,955.00	\$ 66,250.00	Increases for approved building and zoning software; plus new STR software & subscription & STR computers.			
	Information Technology Total				\$ 66,250.00				
	Library								
	100-4730-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 8,480.43	\$ 4,164.44	\$ 10,000.00	\$ 1,519.57				
	100-4730-2300 Health Insurance	\$ 21,539.40	\$ 9,993.84	\$ 25,000.00	\$ 3,460.60				
	100-4730-2310 Dental Insurance	\$ 904.43	\$ 446.94	\$ 1,100.00	\$ 195.57				
	100-4730-3005 Programs & Event Performers	\$ -	\$ -	\$ 750.00	\$ 750.00	Town-wide Read			
	100-4730-3025 Repair Maint & Inspect Contracted Svcs	\$ 1,200.00	\$ 1,010.61	\$ 2,400.00	\$ 1,200.00	Overage for main library copier/printer. This printer is available to the public & usage has increased over the years.			
	100-4730-2230 Worker's Comp	\$ 58.25	\$ 34.72	\$ 90.00	\$ 31.75				
	100-4730-4090 Grant Exp - DEQ Litter Grant - Library	\$ 2,200.00	\$ -	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount			
	Library Total				\$ 6,795.49				
	Planning								
	100-4811-1000 Regular Salaries & Wages Planning	\$ 182,597.04	\$ 69,618.90	\$ 189,930.00	\$ 7,332.96	New STR employee 50% to Code 50% to Planning			
	100-4811-1200 PT Salaries & Wages Planning	\$ -	\$ 1,450.00	\$ 3,700.00	\$ 3,700.00	Compensation for boards - more meetings than anticipated & corrects original board pay			
	100-4340-2000 FICA Expense	\$ 16,798.74	\$ 5,371.09	\$ 20,465.00	\$ 3,666.26	New STR employee 50% to Code 50% to Planning			
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 17,834.61	\$ 6,747.30	\$ 21,501.00	\$ 3,666.39	New STR employee 50% to Code 50% to Planning			
	100-4811-2230 Worker's Comp	\$ 93.76	\$ 147.84	\$ 357.00	\$ 263.24				
	100-4811-2310 Dental Insurance	\$ 602.95	\$ 372.45	\$ 900.00	\$ 297.05				
	100-4811-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning			
	Planning Total				\$ 24,675.90				
	General Fund Expenses Total				\$ 349,272.30				
	General Fund Revenue Less Expenditures				\$ 4,225.68	Increased revenue over expenditures corrects clerical error in original budget adoption			

01/16/25

Capital Fund Revenue Less Expenditures	
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FY2025 Mid-Year Budget Adjustment
01/16/25

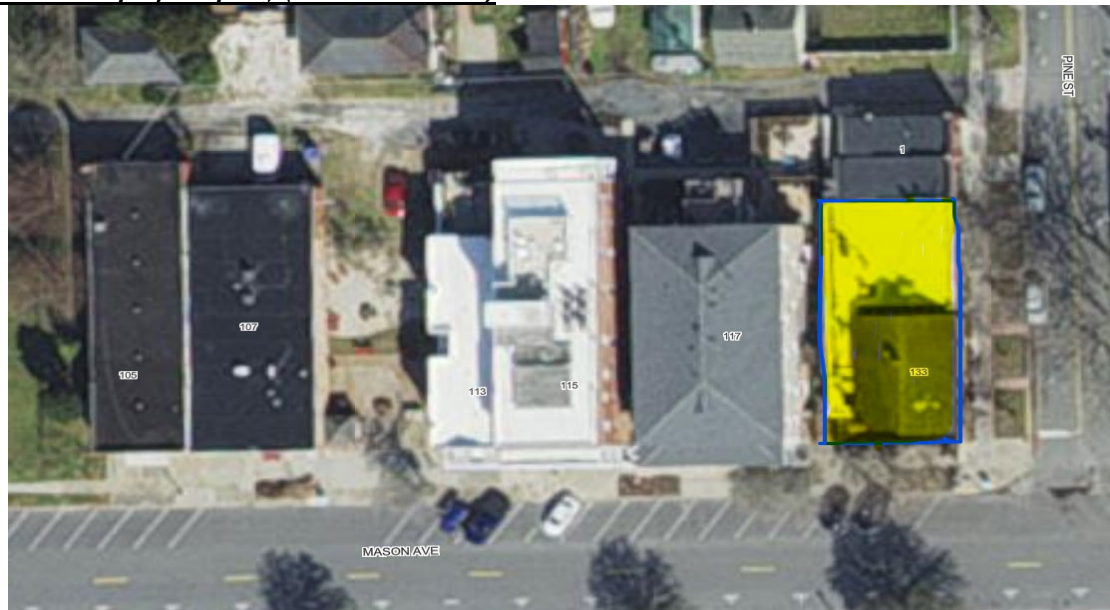
	Budget	YTD as of 12/10/24	Projected	Change				
	Harbor Fund Revenue							
	510-3150-1000 Harbor Fuel Sales	\$ 400,000.00	\$ 187,175.96	\$ 350,000.00	\$ (50,000.00)	Drop in expected fuel prices over original budget		
	510-3150-1100 All Miscellaneous Sales	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00			
	510-3150-2000 Dockage Fees	\$ 350,000.00	\$ 123,135.30	\$ 340,000.00	\$ (10,000.00)			
	510-3150-2200 Lease - Seaplane Operation	\$ -	\$ -	\$ 4,000.00	\$ 4,000.00			
	510-3650-1000 Credit 1%/Debit\$0.25 Card Fee Rev	\$ 17,500.00	\$ -	\$ 6,500.00	\$ (11,000.00)			
	510-3950-2110 Transfer from General Fund	\$ 198,523.00	\$ -	\$ 263,234.00	\$ 64,711.00	Will re-assess rates next year to reduce operational subsidy (currently \$144,850)		
	Harbor Fund Revenue Total				\$ 2,711.00			
	Harbor Fund Expenses							
	510-4713-1000 Regular Salaries & Wages Harbor	\$ -	\$ -	\$ 108,000.00	\$ 108,000.00	Wages & benefits for new harbor employees		
	510-4713-2000 FICA Expense	\$ -	\$ -	\$ 9,130.00	\$ 9,130.00	Wages & benefits for new harbor employees		
	510-4713-2100 SUI Expense	\$ -	\$ -	\$ 20.00	\$ 20.00	Wages & benefits for new harbor employees		
	510-4713-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ -	\$ -	\$ 8,090.00	\$ 8,090.00	Wages & benefits for new harbor employees		
	510-4713-2210 Life Insurance	\$ -	\$ -	\$ 1,600.00	\$ 1,600.00	Wages & benefits for new harbor employees		
	510-4713-2220 Disability Insurance, LTD & STD	\$ -	\$ -	\$ 930.00	\$ 930.00	Wages & benefits for new harbor employees		
	510-4713-2230 Worker's Comp	\$ -	\$ -	\$ 70.00	\$ 70.00	Wages & benefits for new harbor employees		
	510-4713-2300 Health Insurance	\$ -	\$ -	\$ 13,140.00	\$ 13,140.00	Wages & benefits for new harbor employees		
	510-4713-2301 Health Reimb Acct Exp	\$ -	\$ -	\$ 1,600.00	\$ 1,600.00	Wages & benefits for new harbor employees		
	510-4713-2302 Wellness Health Incentive Exp	\$ -	\$ -	\$ 540.00	\$ 540.00	Wages & benefits for new harbor employees		
	510-4713-2310 Dental Insurance	\$ -	\$ -	\$ 560.00	\$ 560.00	Wages & benefits for new harbor employees		
	100-4713-3040 Grounds Maintenance	\$ -	\$ -	\$ 3,500.00	\$ 3,500.00			
	510-4713-3415 Management Services Exp - CC Marine Services	\$ 308,000.00	\$ 102,016.12	\$ 147,000.00	\$ (161,000.00)	Contract ended 12/31/24 - YTD as of 12/23/24 plus \$14,215 (Nov Bill)		
	510-4713-4230 Marketing	\$ -	\$ -	\$ 3,000.00	\$ 3,000.00			
	510-4713-5040 Phone Service	\$ -	\$ -	\$ 2,110.00	\$ 2,110.00	Includes max cell phone reimbursement for 2x ees x7 months		
	510-4713-5110 Lease, Office Equipment	\$ -	\$ -	\$ 800.00	\$ 800.00	Printer		
	510-4713-5300 Insurance, Property & Gen. Liability	\$ 36,276.00	\$ 25,736.19	\$ 51,276.00	\$ 15,000.00			
	510-4713-6000 Office Supplies	\$ -	\$ -	\$ 500.00	\$ 500.00			
	510-4713-6050 Uniforms Expense	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00			
	510-4713-6075 Hand Tools & Small Equipment	\$ -	\$ -	\$ 2,500.00	\$ 2,500.00			
	510-4713-6080 Safety Equipment	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00			
	510-4713-6100 Program & Event Supplies & Awards	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00			
	510-4713-6150 Computer, Software & Electronics	\$ 900.00	\$ -	\$ 10,000.00	\$ 9,100.00	Dockwa (hrbr. mgmt. software) & Quickbooks		
	510-4713-6225 Repair & Maintenance Supplies Harbor	\$ 50,000.00	\$ 11,638.82	\$ 70,000.00	\$ 20,000.00	Re-branding & deferred maintenance from CCMS		
	510-4713-6226 Anchor Pile Replacement	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -			
	510-4713-6227 Bathhouse Lighting Upgrade	\$ 10,000.00	\$ -	\$ 13,000.00	\$ 3,000.00			
	510-4713-6400 COGS - Fuel for Resale	\$ 319,479.00	\$ 167,166.27	\$ 270,000.00	\$ (49,479.00)			
	510-4713-6410 COGS - Retail Sales	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00			
	Harbor Fund Expenses Total				\$ 2,711.00			
	Harbor Fund Revenue Less Expenditures				\$ -			

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit Application 2025-01 for 133 Mason Avenue		AGENDA DATE February 6, 2025
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit Application at 133 Mason Avenue for a 6 ft High Fence in the Front of the property		ITEM NUMBER: 6B
	ATTACHMENTS: (1) Legal Ad (2) CUP Application and Staff Report from Planning Commission Public Hearing on 2-4-2025		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning Director & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

The Town Council is requested to hold a public hearing on Conditional Use Permit (CUP) 2025-01 application from Jon Dempster at 133 Mason Avenue (Tax Map #83A3-2-1-62) for a six foot tall fence to be located at the front of this property as screening for 3 propane tanks; said tanks and fence would be located to the left of the handicapped access door which faces Mason Avenue.

A public hearing was held by the Planning Commission on February 4, 2025 on the conditional use permit application submitted by Jon Dempster for 133 Mason Avenue (Tax Map #83A3-2-1-62) for a six foot tall fence to be located at the front of his property as screening for 3 propane tanks which will be located to the left of the handicapped access door. This property is located in the Commercial-1 (C-1) Zoning District as well as the Historic District Overlay.

Aerial Map of Property (outlined in blue)



BACKGROUND:

The applicant let the Planning Department know that after finalizing the purchase of Kelly's Pub, he reached out to a different propane vendor – not the one that oversaw the current tank – to assess the safety and feasibility about retaining the singular underground tank that was installed in 2006. After meeting with the new vendor, it was determined the best course of action would be to abandon the tank in its current location (underneath the patio off to the left of the entrance) to minimize the risk of leaks or any other issues that may occur if the new vendor attempted to remove the old tank.

After the denial, the only location available for the placement of the propane tanks is the one included within the Conditional Use Application to the left of the handicapped access door, facing Mason Avenue.

in parcel of land is owned by
Wingings Wings, Inc.
U.S.D. 265, Pg. 201
Map 2343 Parcel 27-28, 1-52

Set pin points as noted
Property lines
Survey boundary lines
Set a property line
Center line of section
Fence line
Electric lines
Municipalities
Main
Line or Boundary
Found
Geographic Markers

Plot References
See "Map of the Town of Cape Charles"
D.S. 41 Pgs. 143-145.
See plot of "Sea Cottage Addition
to Town of Cape Charles"
D.S. 60 Pg. 149.
Location of underground telephone
is unknown.

This survey has been prepared without
the benefit of a title report and does
not constitute an opinion as to all
encumbrances on the property.

CURRER'S NOTE
Copy of this plat is
pushed to and made a part
of the instrument recorded
Deed Book 243 Page 27B

Approved for
recording
James E. Faix
Surveyor

GRANVILLE F. HOGG
LAND SURVEYORS
P.O. Box 538, Cape Charles, Virginia 22524
PLAT OF SURVEY
This parcel of land was surveyed at the request
JAMES E. FAIX
Located in the Town of Cape Charles,
Cape Charles District, Northampton County, Virginia.
Dep. By G.H. Scale 1"=10'
Date: September 10, 1990 L&S No. 2459A-DAY

CONDITONAL USE PERMIT APPLICATION REQUEST

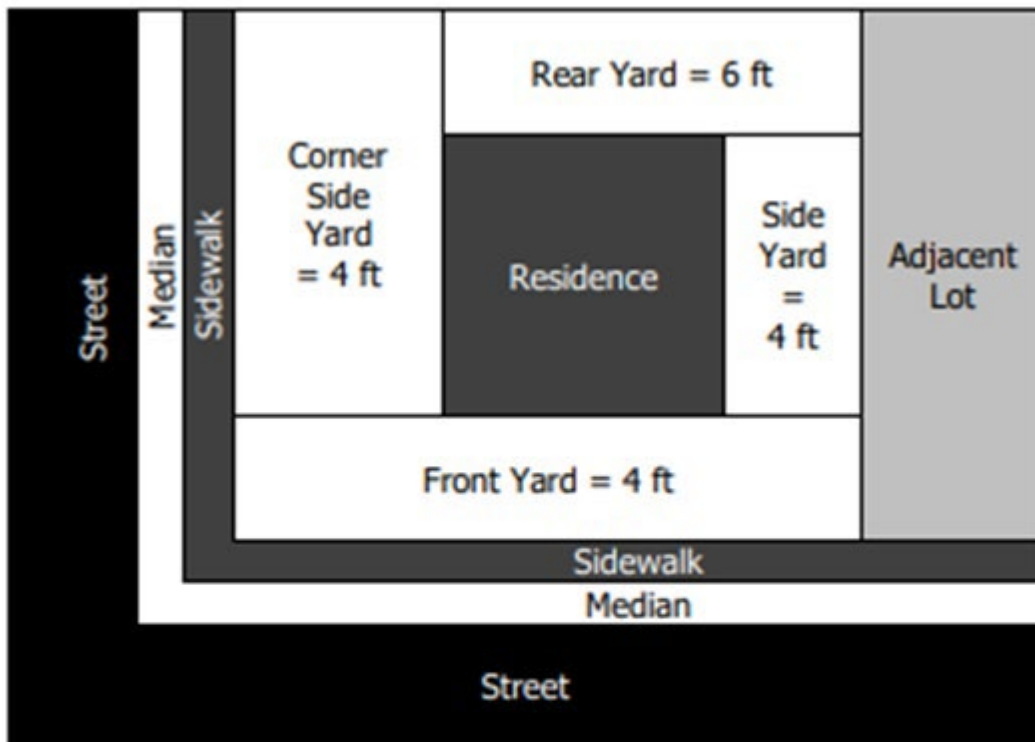
The applicant is seeking to construct a six foot high fence to screen 3 propane tanks that will be placed at the front of the property to the left of the handicapped access door that faces Mason Avenue. The fence will effectively screen the tanks from public view but will allow for access by the vendor for the tanks to service and fill the tanks as needed.

ORDINANCE REQUIREMENTS:

The Cape Charles Zoning Ordinance Section 4.1 (G) (3) states the following:

*Fences in the commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.2 (G) (1) and (2). **In commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences.** Applicants shall demonstrate that the proposed fencing is consistent with the nature and security requirements of the business.*

RESIDENTIAL FENCING REGULATIONS



Maximum fence heights for corner lots
Rear Yard – Not to exceed 6 feet
Side Yard – Not to exceed 4 feet
Corner Side Yard – Not to exceed 4 feet
Front yard – Not to exceed 4 feet

Please note that, until the necessary zoning clearance has been achieved, then the applicant is not advanced to the Historic District Review Board for their review of the application based solely on the issues within their purview of design, style, or material type for the fence. A zoning clearance approval must come first for a fence this tall due to the proposed location on the property. Zoning approval can not be issued directly by me as a by-right use; the only means of approval for this request is through a Conditional Use Permit. It is anticipated that this matter will be on the agenda of the Historic District Review Board on February 18, 2025, if affirmative action is achieved on this application by the Town Council.

PLANNING COMMISSION PUBLIC HEARING:

Jon Dempster stated at this public hearing that he did consider removing the existing underground tank and replacing it with another underground tank but that was not permissible under the current building code which requires greater separation distances between an underground tank and a building. He had nothing further to add to the Staff Report that was presented.

Planning & Zoning Compliance Officer Jack Steinmeyer reported that only one comment was received indirectly through the "Report a Concern" on the Town website. It was from Chuck Little of 8 Randolph Avenue and said: "It appears that Special Use Permit 2025-01 is requesting a 6 foot high wooden fence to hide the view of propane tanks from the street, but there is no indication of the height of the propane tanks. Here, too, is a link to a type of fence that would be more in keeping with the view of the historic commercial district. <https://www.getitbuiltbuilding.co.uk/wp-content/uploads/2019/09/Brickwork-Previous-1.png> What becomes of the abandoned tank?".

My response provided to this Report of Concern was: "The height of the propane tank(s) proposed at 133 Mason Avenue, is just under 55 inches with an addition 2 to 3 inches with a slab, if required by the vendor. The inground tank will be abandoned in place, per the building code. This entails removal of all existing propane from the tank, then a hole will be cut into the tank so that any water that may come into the tank will be able to drain out and the tank will be filled with either concrete or sand. I will share your comments regarding the look and materials for a fence option with the Historic District Review Board, when this is on their agenda on February 18, 2025. The Planning Commission and Town Council are only deciding on the whether the fence height of 6 ft will be authorized at the location presented (front of the property)." This information was also provided to the Planning Commission at the public hearing as well.

The public hearing was closed at 6:12 p.m.

PLANNING COMMISSION DISCUSSION at their meeting on 9/3/2026

There was no discussion by the Planning Commission on this application.

PLANNING COMMISSION RECOMMENDATION: *Commissioner Smith motioned to recommend to the Town Council to approve CUP2025-01 application for a conditional use permit for the installation of a nonconforming (6 foot) fence within the Commercial-1 (C-1) District at the location shown on the site plan based upon the reasons contained in the staff report. This was seconded by Commissioner Wright and was approved unanimously.*

TOWN COUNCIL ACTION: Town Council is requested to hold their public hearing on CUP2025-01. Following their public hearing, the Town Council is requested to review the application and consider the recommendation from the Planning Commission and vote to approve the application, as recommended by the Planning Commission, and staff has provided a proposed motion for your consideration:

To approve CUP2025-01 application for a conditional use permit at 133 Mason Avenue for the installation of a nonconforming (6 foot) fence within the Commercial-1 (C-1) District at the location shown on the site plan based upon the reasons contained in the staff report.

ATTACHMENTS

- 1) Legal Ad
- 2) CUP Application and Staff Report from Planning Commission Public Hearing on February 4, 2025

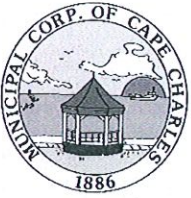
TOWN OF CAPE CHARLES
Conditional Use Permit Application –
Planning Commission & Town Council Public Hearings

A Conditional Use Permit (CUP) 2025-01 application from Jon Dempster at 133 Mason Avenue (Tax Map #83A3-2-1-62) has been received in the Planning Department. This property is in the Commercial-1 Zoning District and is seeking to locate a fence of 6 feet in height to serve as screening for 3 propane tanks proposed to be located to the left of the handicapped access door, facing Mason Avenue.

The Public Hearings on this application will be held at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, VA to receive comment on this application as follows:

- Cape Charles Planning Commission on Tuesday, February 4th, 2025, at 6:00 p.m.
- Cape Charles Town Council on Thursday, February 6, 2025, at 6:00 p.m.

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.



Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 03/2023

Taxes

Paid
JM

Violations

check
Fee #1601

\$600

Decision

Budget Code: LANDF 100-3100-1050

PART 1: APPLICATION NOTES

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

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

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

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

Owner signature:

Date: 01/16/2025

PART 2: PROPERTY INFORMATION

Property Address: 133 Mason Ave.

Tax Map #: 83-A3-2-1-62

Zoning District: Historic

Current use: Restaurant

Proposed use: Restaurant

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

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

PART 4: APPLICANT INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? Mixed Use Commercial and Residential. This is a commercial property, formerly known as "Kelly's Gingernut Pub"

2. How would this proposed use fit in with the neighborhood? _____

The existing propane tank, located under the sidewalk in the front of the building, is 20 years old and in danger of a potentially hazardous leak underground. Updated code changes since its installation, prohibit it being replaced in the same location. Due to the hardship of not having any property boundaries beyond the building, I am requesting a CUP in order to place 3 above ground tanks, that will be fenced in with commercial fencing, to the left of the front door as shown on the submitted site plan.

SEE ATTACHED LETTER

3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. There will be no noise or odor effects from this use.

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

Number of residential floors _____

Number of residential units per floor _____

Number of parking spaces on premises _____

Number of parking spaces on street _____ deeded off-site _____

Amenities provided _____

C. Description of Use

Days of Operation _____

Number of full-time staff? _____ Part-time? _____

Hours of Operation _____

If foodservice, will there be alcohol sales on premises? _____

Hours of Delivery _____

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

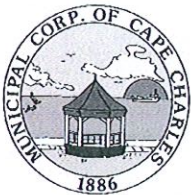
I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water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

Applicant's signature: [Signature]

Date: 1/16/25

Zoning Administrator's signature: _____

Date: _____



Certificate of Appropriateness Application

Fence

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 05/2023

Taxes	✓ paid JM
Violations	—
check Fee #1002	\$ 75
Decision	

Budget Code: HISTF 100-3100-1100

PART 1: APPLICATION NOTES

A Certificate of Appropriateness (COA) is required for all applications for zoning clearances and permits involving any new construction, including accessory structures, within the Cape Charles Historic District Overlay. A pre-application meeting is available upon request prior to submitting this application. * *The applicant is responsible for confirming and obtaining all necessary building permits after approvals.*

The following documents must be submitted to the Town for review before this application can be reviewed. In addition to these documents, the COA application and requested supporting information must be deemed complete prior to being evaluated.

- | | | |
|--|--|--|
| ☒ Site Plan | ☒ Zoning Clearance Application | |
| ☒ Photos of existing lot | ☒ Survey | ☒ Photos of proposed materials |
| ☐ Owner Permission Affidavit | ☒ Payment of Fee | ☐ Tree Permit Application |

Owner signature:

Date:

PART 2: PROPERTY INFORMATION

Property Address: 133 Mason Ave

Tax Map #: 83-A3-2-1-62

Is there an active Certificate of Appropriateness on this property? ☐ No ☐ Yes _____ Date

Zoning District: Historic

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H, Cape Charles, VA 23310

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 4: APPLICANT INFORMATION

☒ Check here if the applicant is the owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company: Front Street Pub, LLC

Mailing Address: 109 Mason Ave. Suite H, Cape Charles, VA 23310

Phone Number: 508-284-3318

Email: jondempster@yahoo.com

PART 5: PROJECT INFORMATION

SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES

Type of work: ☒ New ☐ Repair % of structure ____ ☐ Replace In kind ____ ☐ Different in style or material ____

Location (include survey showing location, setbacks, and height)

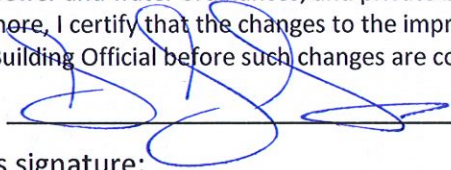
Material: Wood

Existing Condition ☐ Original ☐ Not Original ☐ Not Sure

Height: 6'

Describe the style: Wooden Vertical Fence with ornamental lattice top

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.

Applicant's signature: 

Date: 01/16/25

Zoning Administrator's signature: _____

Date: _____

Zoning Ordinance Article VIII Section: _____

January 16, 2025

To Whom It May Concern,

In addition to our application I wanted to submit this letter in order to detail the necessity of our request and further explain some details.

As a result of purchasing the property at 133 Mason Ave, formerly known as "Kelly's Gingernut Pub" we have reached out to propane companies in order to assess the safety of the unground tank that was installed in 2006.

After receiving a professional opinion from the director of safety at Sharp Energy that the current underground tank could be at risk of underground leaks due to age, we began looking for an alternate location to add propane for the business.

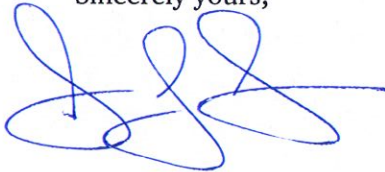
Not only due to the underground nature of the tank, it is also no longer up to code in terms of proximity to our own, and our neighbors, buildings.

As a result, we have met with town staff to try and find the best, and most safe remedy. By allowing the above ground tanks to be placed in front of the building in series, we would have enough propane to conduct business.

Additionally we would like to fence in the tanks with an attractive wooden fence that is 6 foot tall, although that is taller than the 4 foot allowed in historic, we are trying to prevent view from the street of the tanks. This height will block the view and allow access in order to fill and maintain them.

We greatly appreciate your consideration on this manner.

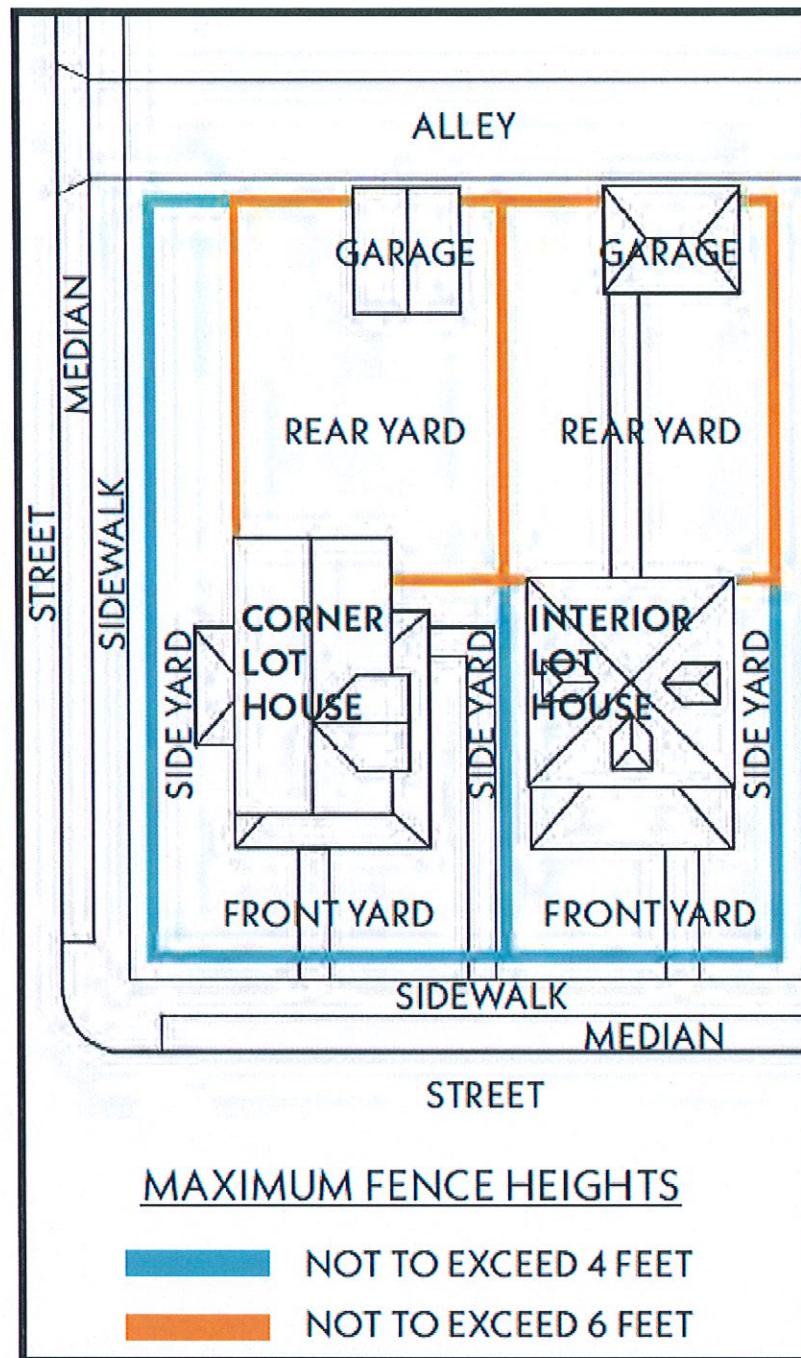
Sincerely yours,

A handwritten signature in blue ink, appearing to be "Jon Dempster", with a stylized, cursive script.

Jon Dempster

Example
of
fence





The above diagram shows the locations for maximum fence heights at a corner lot (left) and an interior lot (right). Fences should also be inset 2 feet from any sidewalk, alley, or public right-of-way. Per Cape Charles Zoning Ordinance Section 4.2 (G).

NOTE:
This parcel of land is owned by
Morning Wings, Inc.
D.B. 225 Pg. 521
X Map 83A3 Parcel (2) Blk. 1-62
END

Set pin except as noted
Property lines
Survey traverse line
(not a property line)
Centerline of ditch
Fence line
Electric lines
Woodslines
Marsh
Now or Formerly
Found
Concrete Marker

Plat References

See "Map of the Town of Cape Charles"
D.B. 41 Pgs. 143-145.
See plat of "Sea Cottage Addition
to Town of Cape Charles"
D.B. 65 Pg. 183.

Location of underground telephone
is unknown.

This survey has been prepared without
the benefit of a title report and does
not therefore necessarily indicate all
encumbrances on the property.

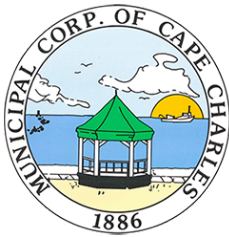


CLERK'S NOTE
Copy of this plat is
attached to and made a part
of the instrument recorded
in Deed Book 269 page 278

Approved for
recording
Richard Barton
Town Manager

COMMONWEALTH OF VIRGINIA
GRANVILLE F. HOGG
Certificate No. 1193
LAND SURVEYOR

GRANVILLE F. HOGG
LAND SURVEYORS
P.O. Box 591, Eastville, Virginia 23347
PLAT OF SURVEY
This parcel of land was surveyed at the request
James E. Faix
Located in the Town of Cape Charles
Capeville District, Northampton County, Virginia
Dwg. By: N.H. Scale 1"=10'
Date: September 12, 1989 Job No.: 24989-082



Planning Commission Staff Report

Meeting Date: February 4th, 2025

Item #:

Prepared By: Jack Steinmayer, Zoning Compliance Officer

Prepared On: January 29th, 2025

Applicant: Jon Dempster

Type of Application: Conditional Use Permit (2025 – 01)

Address: 133 Mason Avenue (correct address, wrong in ad, tax map # is correct)

Tax Map: #83A3-2-1-62

Lot Size: 3,726 sq. ft.

Zoning Ordinance: 4.1 (G) (3)

Current Zoning: Commercial-1 (C-1)

Date Received: January 16th, 2025

Date Deemed Complete: January 16th, 2025

Legal Deadline: (90 days from complete application – directory; not mandatory):
April 16th, 2025

Narrative of Proposal:

The applicant (Jon Dempster) is seeking to obtain a Conditional Use Permit (CUP) for the installation of a fence that is 6 feet in height to serve as screening for 3 above-ground propane tanks proposed to be located to the left of the handicapped access door, facing Mason Avenue.

The applicant let the Planning Department know that after finalizing the purchase of Kelly's Pub, he reached out to a different propane vendor – not the one that oversaw the current tank – to assess the safety and feasibility about retaining the singular underground tank that was installed in 2006. After meeting with the new vendor, it was determined the best course of action would be to abandon the tank in its current location (underneath the patio off to the left of the entrance) to minimize the risk of leaks or any other issues that may occur if the new vendor attempted to remove the old tank.

Because of the decision to abandon the propane tank in its current location, the applicant only had two other possible locations for the propane tanks.

One of the possible locations was in the back of the building next to the sidewalk that runs along 1 Pine Street. However, after making the necessary outreach with the adjacent property owner it was clear that the location did not have the necessary space required for the easement that would be required for the placement of the propane tanks.

After the denial, the only location available for the placement of the propane tanks is the one included within the Conditional Use Application to the left of the handicapped access door, facing Mason Avenue.

Until the necessary zoning clearance has been received this application cannot go to the Historic District Review Board (HDRB) for clarification on the design, style, or material type for the fence. A zoning determination must come first and only through the Conditional Use Permit is that allowed.

Aerial Map of Property (outlined in blue)



Ordinance Requirements:

The Cape Charles Zoning Ordinance Section 4.1 (G) (3) states that,
Fences in the commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.2 (G) (1) and (2). In commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature and security requirements of the business.

The Cape Charles Zoning Ordinance Section 4.3 states that,
Conditional Use Permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this ordinance in the specific districts provided by Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

- 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.*
- 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*
- 3. Be in conflict with the purpose of the comprehensive plan of the town.*

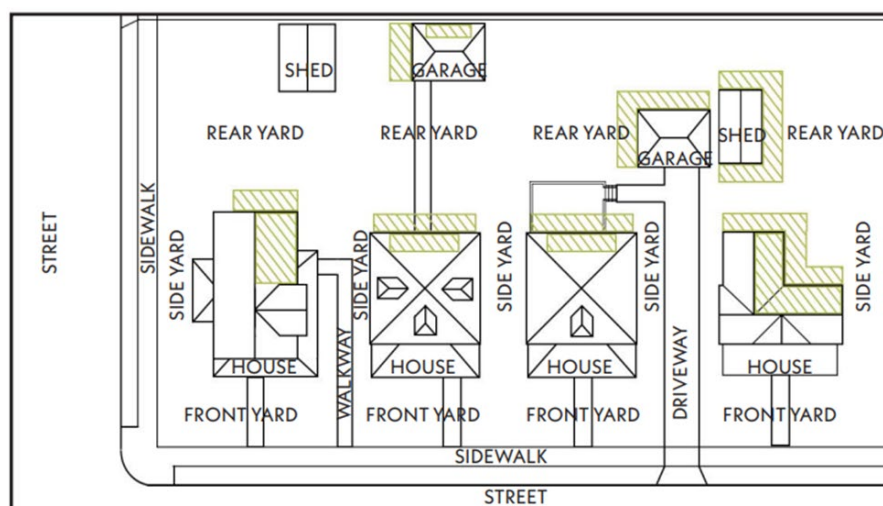
In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. The applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If the applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective of this date, thirty (30) days after Town Council approval, unless Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of the time is approved by Town Council for good cause shown before the expiration of the conditional use permit.

Not only would the applicant have to follow the Cape Charles Zoning Ordinance requirements but, due to its location within the Historic District, the applicant would also need to adhere to the Cape Charles Historic District Design Guidelines.

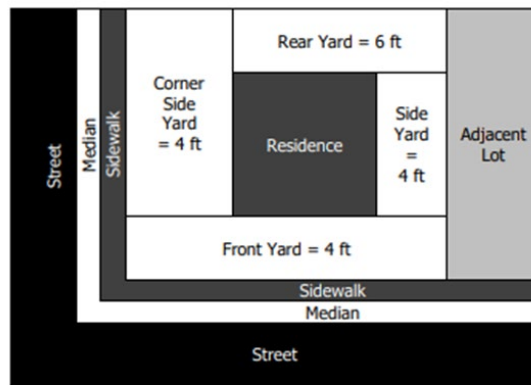
Adherence to the Cape Charles Historic District Design Guidelines in this case would mean that all new appurtenances should be placed at the rear of the building and out of view from the public right-of-way which include but are not limited to; fuel tanks, as outlined in Section 9.4 (1). However, as explained in the narrative of proposal, the applicant would be unable to place the fuel tanks and fencing in the back of the building due to a lack of space.

Furthermore, once a decision has been made on this Conditional Use Permit application by the Planning Commission, these guidelines will be utilized when this item is referred to the HDRB.



Due to the inability to place the propane tanks at the rear of the property, the only remaining place that is viable for the business would be in the front off to the left of the handicap entrance.

This would require fencing to limit the visibility of the propane tanks. Pursuant to the Cape Charles Zoning Ordinance Section 4.1 (G) (3), fences within both the commercial and industrial zones are allowed only if they comply with the residential fencing requirements, which are as follows:



Maximum fence heights for corner lots
 Rear Yard – Not to exceed 6 feet
 Side Yard – Not to exceed 4 feet
 Corner Side Yard – Not to exceed 4 feet
 Front yard – Not to exceed 4 feet

Furthermore, in commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences, which this application is asking for.

Staff Analysis:

The application presented to the Planning Commission by Jon Demster for the installation of a non-conforming (6 foot) fence within the Commercial-1 (C-1) District has demonstrated consistency with the requirements of the Cape Charles Zoning Ordinance and has shown an adherence in the application to meet the Cape Charles Historic District Design Guidelines.

Due to the circumstances surrounding the inability to place the propane tanks at the rear of the building and out of the public right-of-way, Mr. Dempster's application has provided the town with best course of action pertaining to this matter. While the placement of the tanks will require the removal of the seating area that has historically been there it is the only location that works in this instance.

By approving the conditional use permit application as presented, it will allow Mr. Dempster to complete renovations on the property and when ready provide the location the propane required to conduct business activities. Without approval of the fence to block the view of the propane tanks, the applicant will be unable to utilize the location as a restaurant.

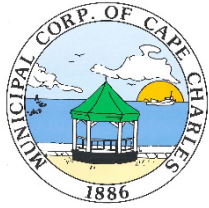
Recommendation to the Planning Commission:

I am recommending that the Planning Commission recommend to the Town Council to approve the application for a conditional use permit for the installation of a non-conforming (6 foot) fence within the Commercial-1 (C-1) District. For all the reasons contained in this staff report.

Depending upon comments heard during the public hearing there may be other factors that the Planning Commission should consider in their development of the motion.

Attachments:

Attachment 1 – Conditional Use Permit Application (2025-01)



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Employment Contract for New Town Manager

AGENDA DATE
February 6, 2025

SUBJECT/PROPOSAL/REQUEST: Approval of
Employment Contract for New Town Manager

ITEM NUMBER:
6C

ATTACHMENTS: Employment Contract for New Town Manager

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Last year the current town manager announced his intention to retire in May of 2025. As a result, the Town hired a recruitment consultant to conduct a nationwide search for a replacement. Over thirty applications were received, which were initially culled to ten for additional review/scrutiny. From those, four were recommended to the Town Council for a potential interview. The Town Council selected two for in-person interviews, which took place on January 8 & 9th.

ITEM SPECIFICS:

Upon careful consideration of all the information received before, during, and following the interviews, and after significant due diligence, the Town Council offered the position of our next town manager to Dicran (Rick) Keuroglan. Following the successful negotiations of contract terms, Mr. Keuroglan enthusiastically accepted the position. His term will begin approximately one month before the current manager departs, to allow for a meaningful overlap and a smooth transition.

RECOMMENDATION:

Staff recommends approval of the employment contract with Dicran Keuroglan to serve as Cape Charles' next town manager.



EMPLOYMENT AGREEMENT

This Employment Agreement (“Agreement”) is made between **Dicran Keuroglian** (“Town Manager”) and the **Town of Cape Charles**, Virginia, a municipal corporation (“Town”), as of April 15, 2025 (“Commencement Date”). For and in consideration of the mutual promises and commitments set forth below, the parties agree as follows:

1. Term. This Agreement commences as of the Commencement Date and continues until April 15, 2028, unless terminated earlier, or extended pursuant to Section 6 of this Agreement.
2. Position and Duties. The Town Manager shall be employed by the Town and shall devote his best efforts to his duties as Town Manager. The Town Manager is expected to have a typical work week of 40 hours. The Town Manager shall serve as the executive officer of the Town and be responsible to the Town Council for the proper administration of the Town government. The Town Manager shall comply with the Town Charter, Town Code, the laws of the Commonwealth of Virginia, all other applicable federal, state, and local laws, and all lawful directives of the Town Council. The Town Manager’s duties shall include, but not be limited to, the following:
 - 2.1. Attend all meetings of the Town Council, with the right to speak but not to vote;
 - 2.2. Keep the Town Council advised of the financial condition and the future needs of the Town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable;
 - 2.3. Prepare and submit the annual budget and five-year capital improvement plan to the Town Council and be responsible for their administration after their adoption by the Town Council;
 - 2.4. Present adequate financial and activity reports as required by the Town Council;
 - 2.5. Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Town Council;
 - 2.6. Facilitate and maintain strategic planning documents, as well as other long-range planning documents as may be required by the Town Council;
 - 2.7. Appoint, manage, and supervise all employees of the Town, even those appointed by the Town Council, exercise discretion to remove any employees (except those appointed by the Town Council) as the Town Manager deems appropriate, and report all appointments and removals to the Town Council;
 - 2.8. Conduct and manage the Town’s business and affairs;
 - 2.9. Develop and recommend personnel policies and other policies and revisions to the Town Council for its approval;
 - 2.10. Administer, enforce, and comply with the Town’s personnel policies and other policies;
 - 2.11. Act as signatory, together with the Town Treasurer, and Clerk, to countersign warrants and checks for the Town;
 - 2.12. Perform such other duties as may be prescribed by the Town Charter, Town Code, or the laws of the Commonwealth; and
 - 2.13. Perform such other duties as may be directed by the Town Council.

3. Conflicts of Interest. The Town Manager shall avoid any conflict or appearance of conflict between his personal interests and those of the Town. Should any of his personal interests, or those of his spouse or immediate family, be affected by or stand to be affected by any Town business, the Town Manager shall make a full disclosure of all relevant circumstances to the Town Council in writing. The Town Manager shall not have any outside employment or other business activities without written consent of the Town Council. This section supplements and does not limit the application and requirements of the State & Local Government Conflict of Interests Act; Virginia Public Procurement Act, Article 6 - Ethics in Public Contracting; or other laws and regulations related to public employee ethics and conflicts of interest.
4. Confidentiality. The Town Manager shall maintain the confidentiality of all Town business that is not authorized for public disclosure (e.g., personnel matters, internal investigations, etc.), in accordance with applicable law.
5. Compensation.
 - 5.1. Salary. The Town shall pay the Town Manager an annual salary of \$120,000, less all taxes and other withholdings required by law, in biweekly installments. The Town Council may adjust the Town Manager's salary from time to time based on the Town Manager's performance and the Town's operating budget. The Town Manager will also receive any cost-of-living adjustments (COLA) that may be provided to all other Town employees.
 - 5.2. Vacation. The Town Manager shall be entitled to vacation leave of 144 hours per year, applied in equal portions over 26 pay periods. The Town Manager may carry over unused vacation from year to year. In the event of employment termination, whether voluntary or involuntary, the Town shall compensate the Town Manager for his unused, accrued vacation up to a maximum of 248 hours.
 - 5.3. Sick Leave. The Town Manager shall be entitled to 4 hours of sick leave per pay period, which will accrue pursuant to the Town's personnel policies. The Town Manager may carry over unused sick leave from year to year. In the event of employment termination, whether voluntary or involuntary, any unused sick leave will be deemed forfeited and will not be paid. The Town Manager shall be eligible for all sick leave provisions pursuant to the Town's personnel policies.
 - 5.4. Holidays. The Town Manager shall be entitled to the paid holidays set forth in the Town's personnel policies.
 - 5.5. Health and Life Insurance; Other Employee Benefits. The Town Manager shall remain eligible to participate in the group health insurance and life insurance plans and other employee benefit plans offered by the Town pursuant to those plans' terms. The Town shall pay the full premiums for the Town Manager and the Town Manager's spouse's coverage in the health and life insurance plans. The Town Manager shall be responsible for the premiums for his and his spouse's participation in any other employee benefit plan, as well as for the premiums for any other dependent's (if any) for coverage under the health insurance, life insurance, or any other employee benefit plan.
 - 5.6. Signing Bonus and Relocation Assistance. The Town shall offer the Town Manager a one-time signing bonus of \$10,000; and shall reimburse the Town Manager for up to \$8000 of bona-fide relocation expenses upon submission of documentation suitable to the Town. Reimbursement claims must be submitted within 9 months of commencement date, or this provision is forfeited. The Town Manager agrees to the following stipulation regarding the signing bonus and relocation assistance:

- 5.6.1. If the Town Manager voluntarily resigns his employment without the consent of the Town Council within the first 12 months of employment, the Town Manager will reimburse the Town for 100% of the bonus and all relocation funds paid by the Town.
 - 5.6.2. If the Town Manager voluntarily resigns his employment without the consent of the Town Council 13 to 24 months following commencement of employment, the Town Manager will reimburse the Town 50% of the bonus and any relocation funds paid by the Town.
 - 5.6.3. If the Town Manager maintains employment beyond 24 months, or if termination occurs at any time due to the Town terminating employment without cause, the Town Manager will not be required to reimburse the Town for any of the bonus or relocation funds paid by the Town.
 - 5.7. Membership Dues, Meetings, and Education. The Town shall pay for the Town Manager's professional dues and attendance at professional meetings, including reasonable travel costs, for such associations and organizations as the Town Council determines are necessary and desirable for the good of the Town. Further, the Town shall pay for the Town Manager's attendance, including reasonable travel costs, at courses and seminars that the Town Council determines are necessary and desirable for the Town Manager's professional development and the good of the Town. All expenses under this subsection 5.7 must be within the approved Town Manager's budget.
 - 5.8. Bonding. The Town shall bear the full cost of and fidelity or other bond requirements of the Manager under any law, ordinance or policy.
 - 5.9. Cell Phone. The Town shall provide the Town Manager either:
 - 5.9.1. A cell phone for use in Town business. The Town shall pay all costs related to the Town Manager's business use of the cell phone; however, the Town Manager is responsible for any costs related to his personal use of the cell phone. The Town Manager understands that the cell phone is the Town's property and that the Town Council or their representative has the right to review all data and communications on the cell phone, and that official communications may be subject to disclosure under the Virginia Freedom of Information Act.
 - 5.9.2. A stipend not to exceed the actual cost per month to compensate the Town Manager for use of his personal cell phone while conducting Town business. The Town Manager is responsible for all costs associated with this phone. The Town Manager understands that the Town Council or their representative has the right to review all business-related data and communications on the cell phone, and that official communications may be subject to disclosure under the Virginia Freedom of Information Act. Every effort shall be made to avoid access or extraction of personal information.
6. Termination.
- 6.1. Without Cause. Either party may terminate this Agreement and the Town Manager's employment without cause upon a minimum of 30 days' written notice to the other.
 - 6.2. For Cause. The Town may terminate this Agreement and the Town Manager's employment immediately for "Cause," defined as any of the following: (a) the Town Manager's breach of any provision of this Agreement; (b) the Town Manager's willful violation of the Town Charter or Code or flagrant disregard for Town policies; (c) the Town Manager's poor performance, if the Town gives notice of the poor performance in writing and the Town Manager fails to address it within 15 days; (d) the Town Manager's gross negligence or willful misconduct in the performance of his duties; (e) the Town Manager's commission of any act of fraud or dishonesty with respect to the

- Town; (f) the Town Manager's conviction of a felony or a crime involving moral turpitude; or (g) the Town Manager acting outside the scope of his authority.
- 6.3. This Agreement shall terminate automatically upon the Town Manager's death.
- 6.4. This Agreement may be extended in writing by mutual consent.
7. Severance Pay. The Town will offer the Town Manager severance pay equal to three (3) months of his then current salary plus health insurance, less all taxes and other withholdings required by law ("Severance Pay"), if the Town terminates the Town Manager's employment without cause. If offered, Severance Pay will be contingent upon the Town Manager executing a severance agreement and general release in a form presented by the Town. The Town will not offer or pay the Town Manager any severance pay in the event that the Town terminates the Town Manager's employment for cause or the Town Manager voluntarily resigns his employment without the consent of the Town Council.
8. Return of Town Property. Upon termination of employment with the Town, whether such termination is voluntary or involuntary, the Town Manager will deliver immediately to the Town all Town property, documents, records, and information, including but not limited to keys, cell phones or electronic devices, computers, documents, and other work products, whether in paper or electronic format.
9. Indemnification. The Town shall defend, hold harmless, and indemnify the Town Manager against any and all liability, loss, or claim arising out of or caused by the performance of the Town Manager's duties while employed by the Town. This indemnification shall survive this agreement. No indemnification is available if the Town Manager exceeded the scope of his authority under this Agreement or for any act in violation of criminal law.
10. Alternative Dispute Resolution.
- 10.1. Agreement to Mediate and Arbitrate. The parties agree to submit all Covered Claims (defined below) first to non-binding mediation and then, if mediation is unsuccessful, to final and binding arbitration administered by the American Arbitration Association ("AAA") under its Employment Arbitration Rules and Mediation Procedures. Mediation and arbitration shall be held in Northampton County, Virginia, unless the parties agree otherwise. The arbitrator shall have the authority to decide arbitrability. Judgment upon the arbitrator's award may be entered in any court having jurisdiction thereof. The parties agree that final and binding arbitration is the only forum for the Covered Claims and waive their right to a trial before a judge or jury on the Covered Claims.
- 10.2. Covered Claims. The "Covered Claims" include all common-law and statutory claims arising out of or relating to the Town Manager's employment or termination of employment that the Town Manager has or may have at any time against the Town, the Town Council, the Town's employees, or the Town's agents. The Covered Claims include, but are not limited to, claims for or based on: breach of contract; unpaid wages; wrongful termination; violation of public policy; violation of federal, state, or municipal constitutions, statutes, ordinances, regulations, charter, or code; violation of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Uniformed Services Employment and Reemployment Rights Act, the Virginia Human Rights Act; tort; and all other federal, state, and local employment laws.
- 10.3. Exclusions from Agreement. The Covered Claims under this Agreement do not include any claim that cannot be required to be arbitrated as a matter of law.

- 10.4. Confidentiality of Proceedings. All mediation and arbitration proceedings are confidential, unless applicable law provides otherwise. The mediator and arbitrator shall maintain the confidentiality of the proceedings to the extent permitted by law. The arbitrator shall have the authority to make appropriate rulings to safeguard that confidentiality.
- 10.5. Waiver of Class and Collective Claims. The parties agree that any Covered Claim shall be mediated and arbitrated on an individual basis only and not on a class, collective, or representative basis.
11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia without regard to its choice of law rules.
12. Severability. If any term, provision, or part of this Agreement be declared void or invalid, the validity of the remaining terms, provisions, or parts shall not be affected.
13. Entire Agreement; Amendments. This Agreement contains the entire agreement of the parties with respect to the matters contained herein and supersedes and replaces all prior written or oral agreements or understandings in respect thereof. No change, modification, or waiver of any provision of this Agreement shall be valid unless in writing and signed by both parties. The Agreement shall not be construed against either party as drafter.
14. Headings. The headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.
15. Counterparts. This Agreement may be executed in any number of counterparts, including by electronic transmission, each of which shall be an original, but such counterparts shall together constitute one and the same instrument.

The undersigned agree to the foregoing terms:

Dicran Keuroglian

Date

Adam Charney
Mayor, Town of Cape Charles

Date



TOWN COUNCIL

Work Session

February 6, 2025

Cape Charles Civic Center

Immediately Following the Special Meeting

1. Call to Order:
 - A. Roll Call

2. Items for Discussion:
 - A. Review 2024 Community Strategic Plan Surveys

3. Adjournment



Town of Cape Charles Community Survey 2024

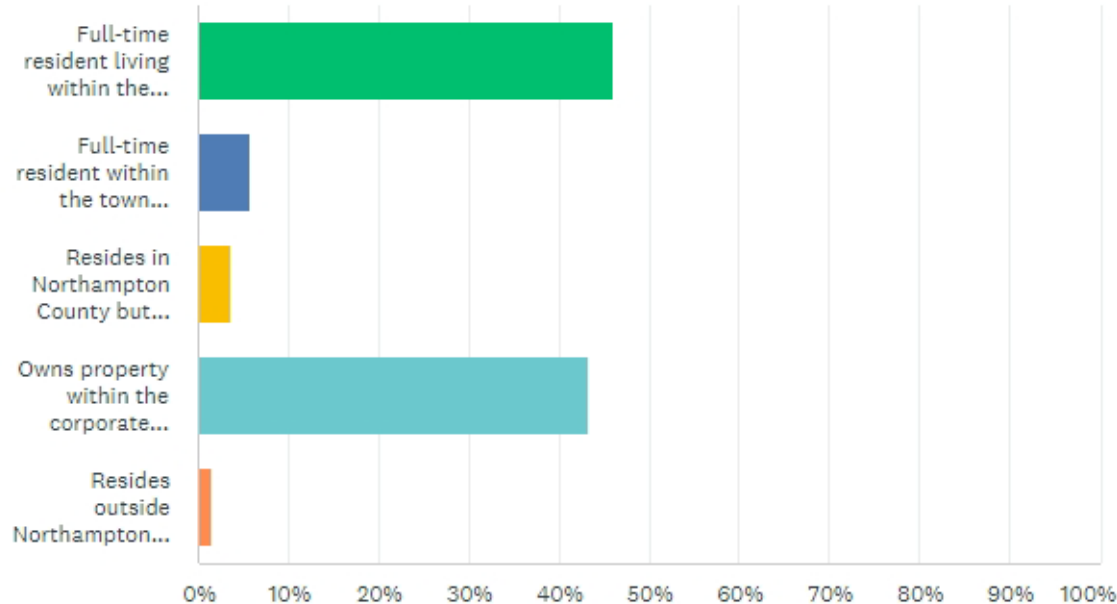
Results and Analysis

Overview

**The Following is all data collected
from 449 surveys contacted, 335
surveys submitted**

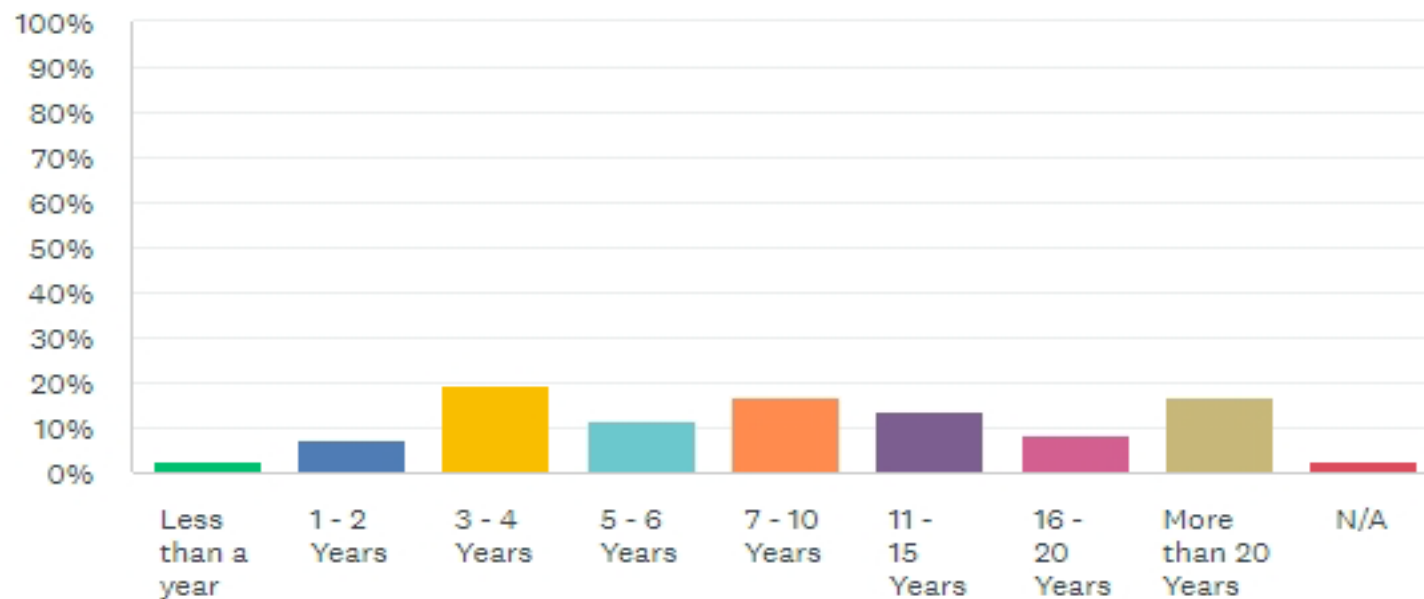
- 197 responses were submitted by Survey Monkey online
- 138 responses were submitted via paper and data was then entered onto Survey Monkey

Q1: Please choose the closest one that applies to you:



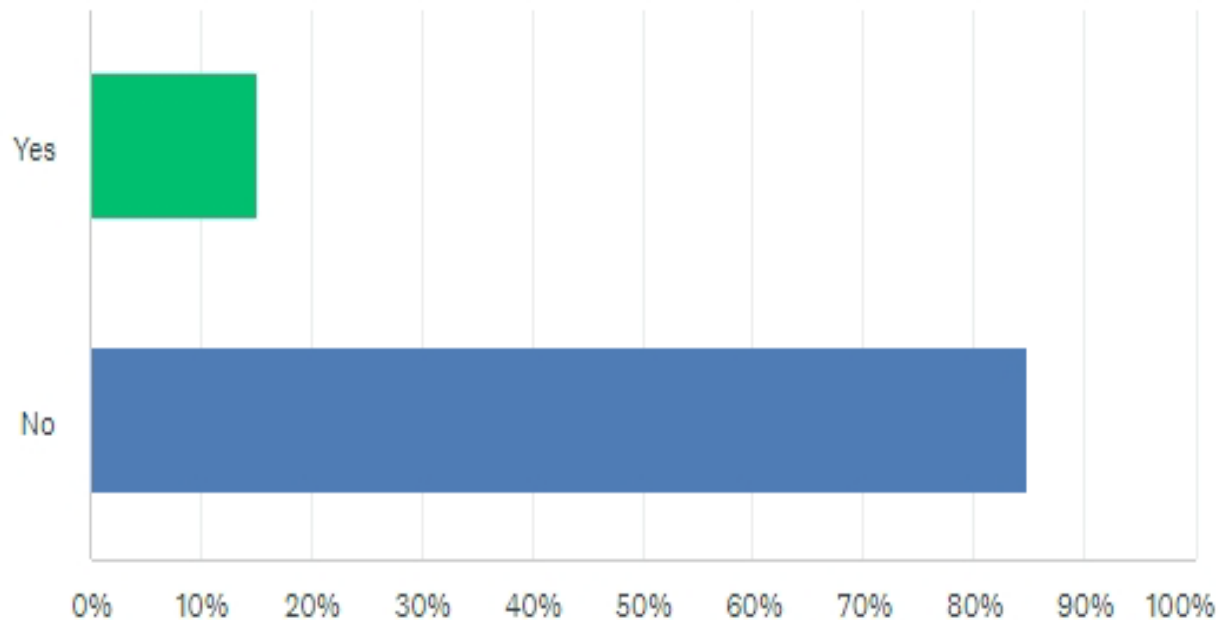
ANSWER CHOICES	RESPONSES
Full-time resident living within the corporate limits of Cape Charles.	45.97% 154
Full-time resident within the town limits, who also owns additional property within the town limits.	5.67% 19
Resides in Northampton County but outside the corporate limits of Cape Charles.	3.58% 12
Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town.	43.28% 145
Resides outside Northampton County but a frequent visitor to Cape Charles.	1.49% 5
TOTAL	335

Q2: How long have you lived or owned property in Cape Charles?



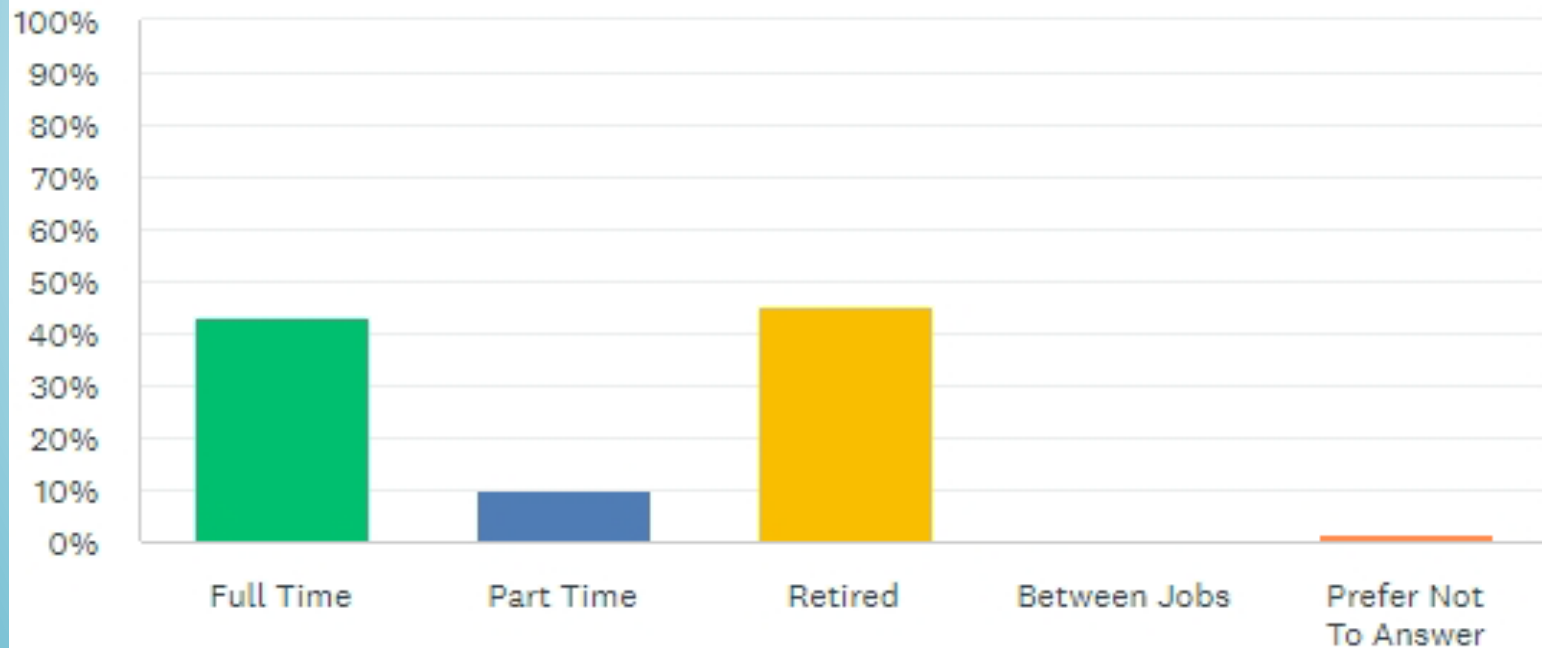
ANSWER CHOICES	RESPONSES	
Less than a year	2.69%	9
1 - 2 Years	7.46%	25
3 - 4 Years	19.70%	66
5 - 6 Years	11.34%	38
7 - 10 Years	17.01%	57
11 - 15 Years	13.73%	46
16 - 20 Years	8.66%	29
More than 20 Years	17.01%	57
N/A	2.39%	8
TOTAL		335

3: Do you own a business in Cape Charles?



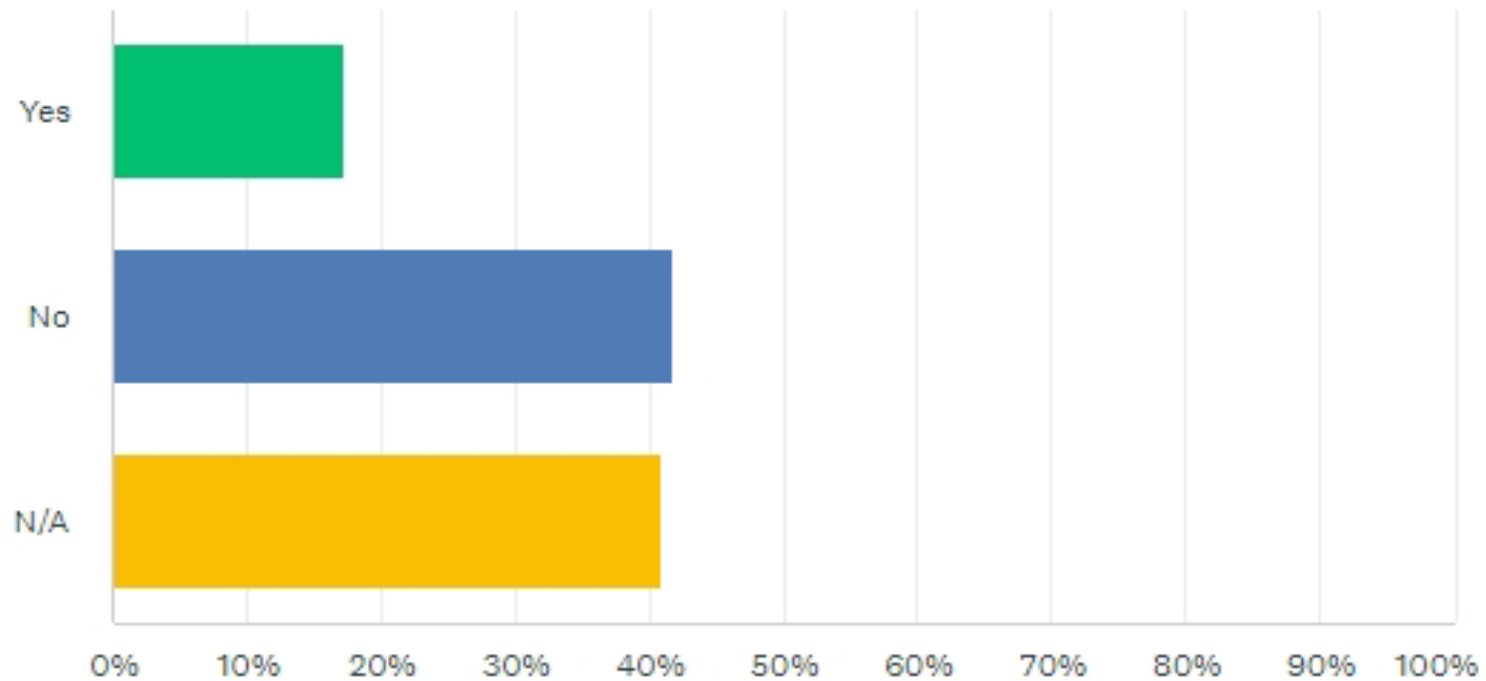
ANSWER CHOICES	RESPONSES	
▼ Yes	15.22%	51
▼ No	84.78%	284
TOTAL		335

Q4: Are you employed? Select the closest that applies:



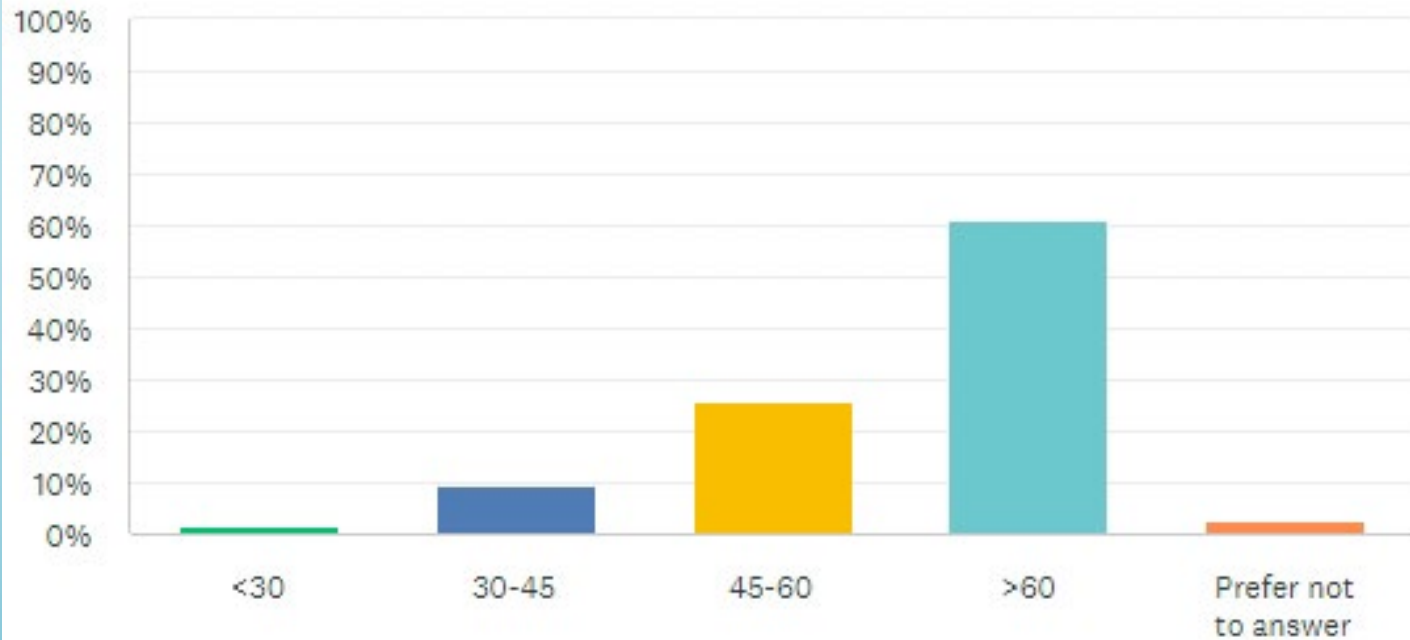
ANSWER CHOICES	RESPONSES	
Full Time	42.99%	144
Part Time	9.85%	33
Retired	45.07%	151
Between Jobs	0.30%	1
Prefer Not To Answer	1.79%	6
TOTAL		335

Q5: Is your employment based primarily from your home?



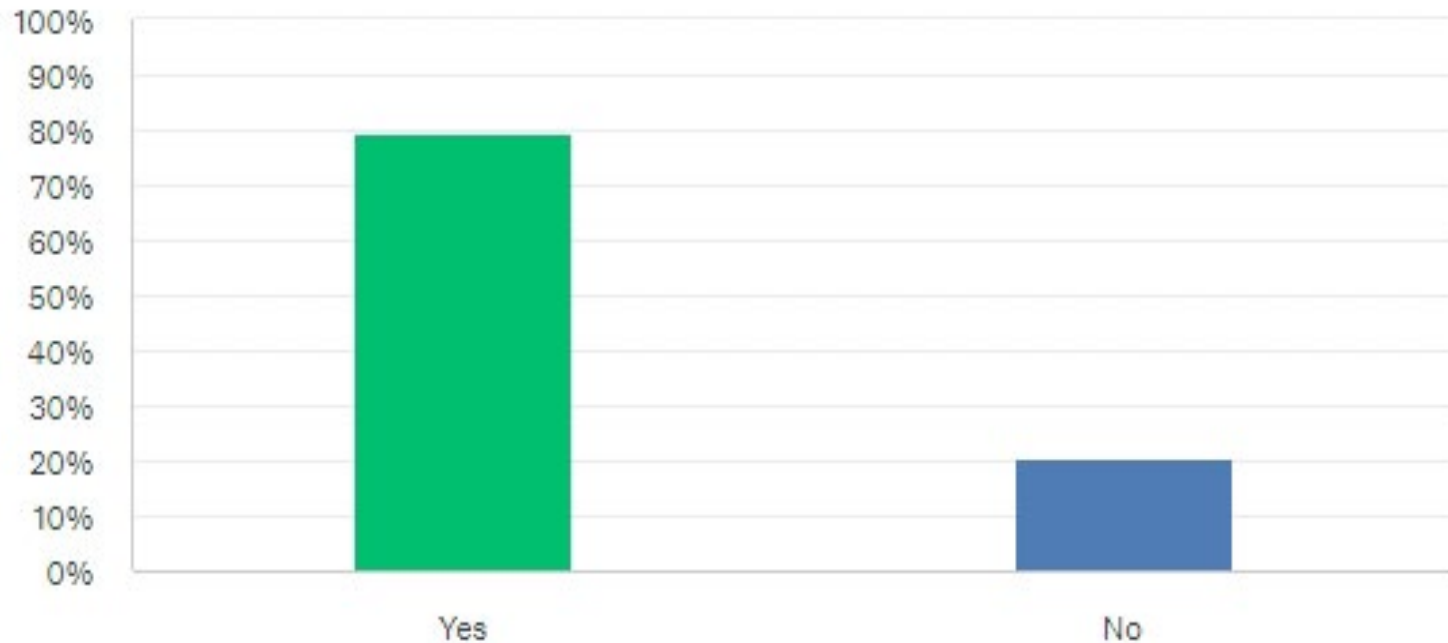
ANSWER CHOICES	RESPONSES	
▼ Yes	17.31%	58
▼ No	41.79%	140
▼ N/A	40.90%	137
TOTAL		335

Q6: What is your age?



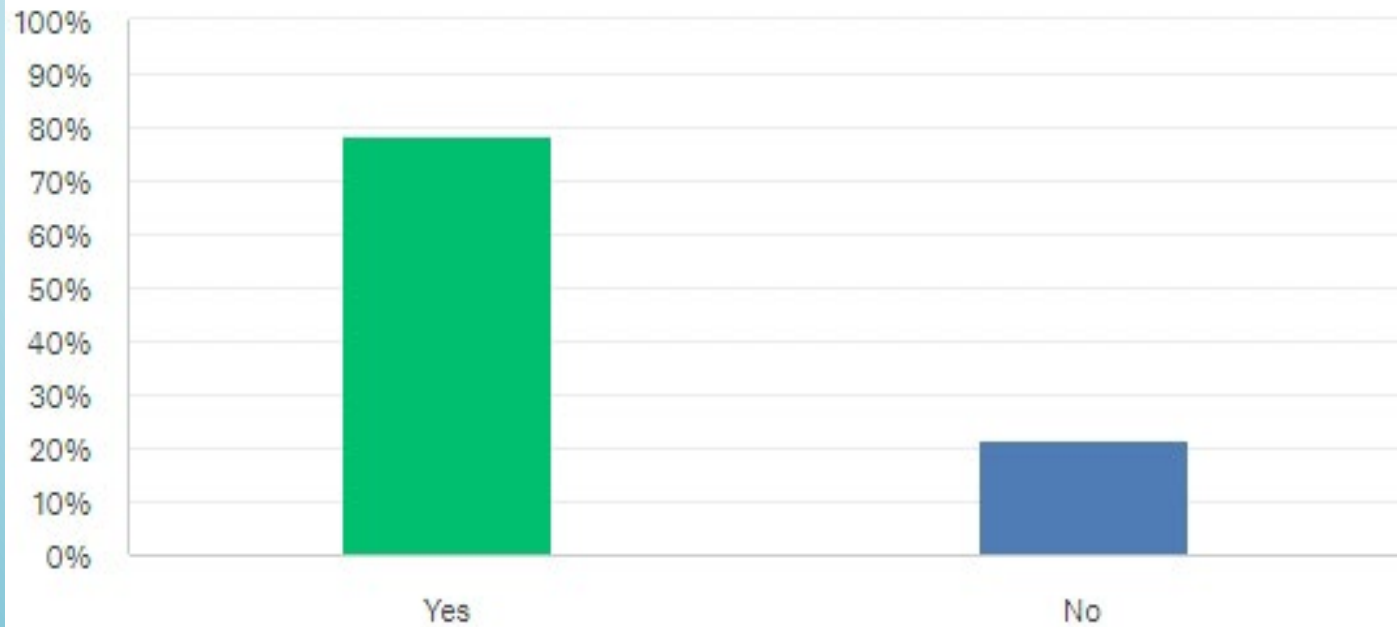
ANSWER CHOICES	RESPONSES
<30	1.49% 5
30-45	9.25% 31
45-60	25.67% 86
>60	61.19% 205
Prefer not to answer	2.39% 8
TOTAL	335

Q7: Do you think Town public services are appropriate for a community of our size?



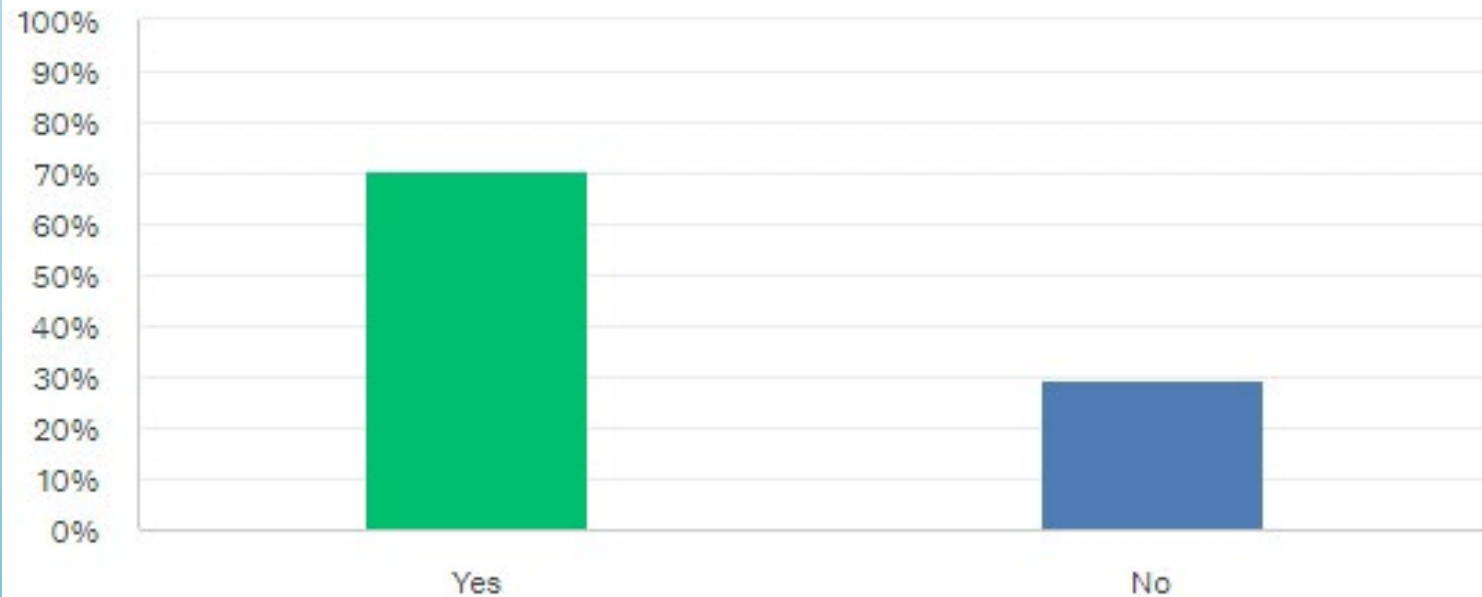
ANSWER CHOICES	RESPONSES
▼ Yes	79.70% 267
▼ No	20.30% 68
TOTAL	335

Q8: Are you satisfied with the quality of Town public services?



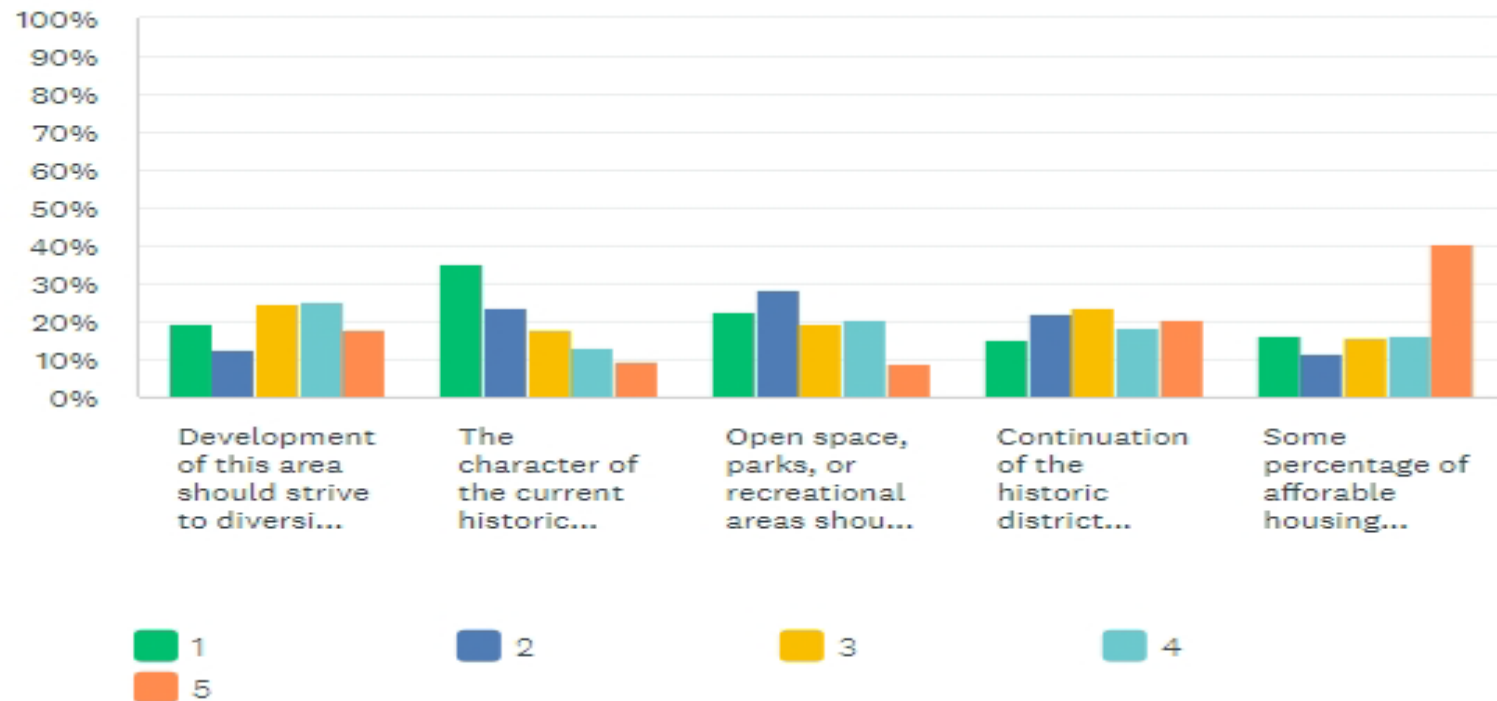
ANSWER CHOICES	RESPONSES	
Yes	78.21%	262
No	21.79%	73
TOTAL		335

Q9: Do you feel the Town has maintained or improved its small-town character in recent years?



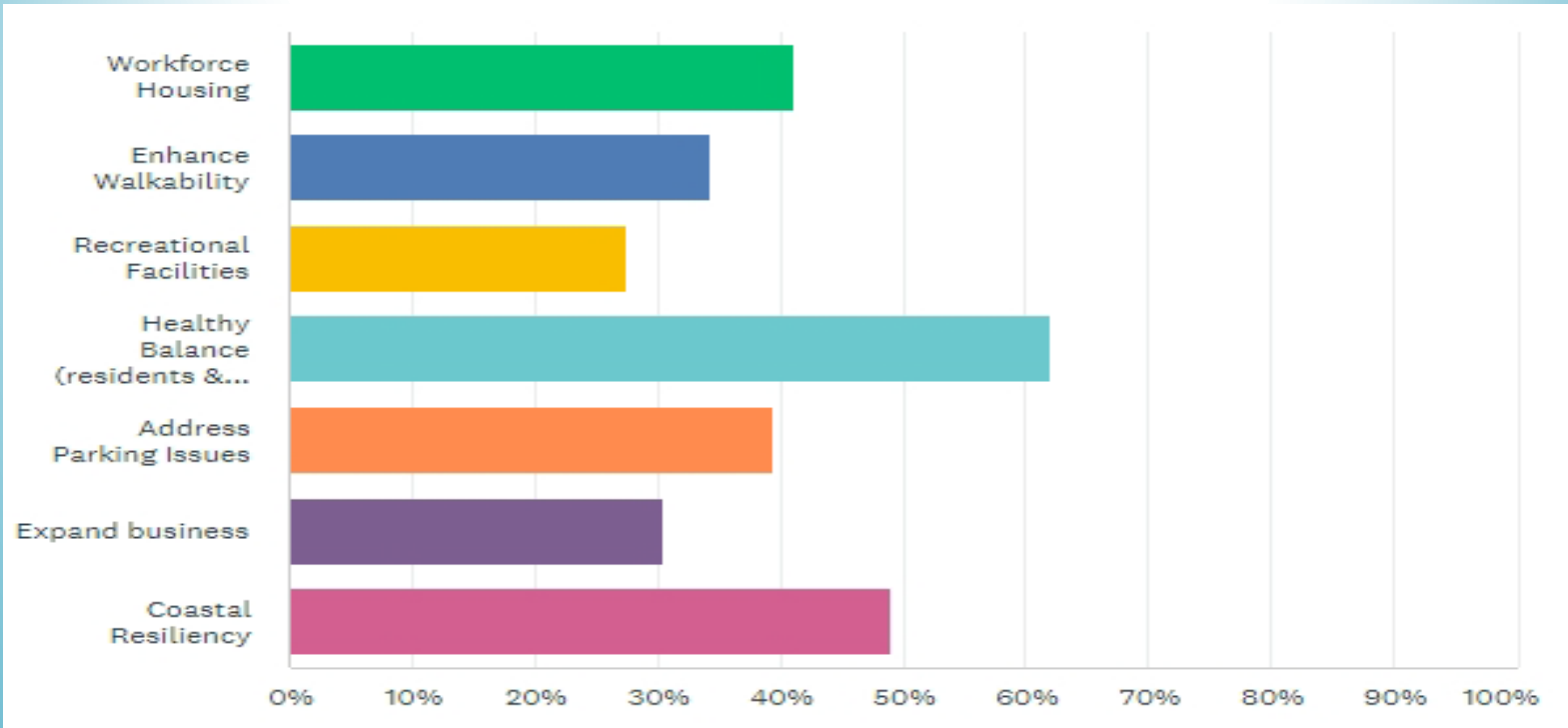
ANSWER CHOICES	RESPONSES	
Yes	70.75%	237
No	29.25%	98
TOTAL		335

Q10: The currently vacant railroad property north & east of the harbor has captured the imagination of residents for many years. The issues surrounding clear title to this property that have hampered development are now close to being resolved. As a result, formal planning to guide potential development in this area is ripe for discussion. Please rank the following statements in order of importance from 1 to 5 (with 1 being the highest importance and 5 being the lowest).



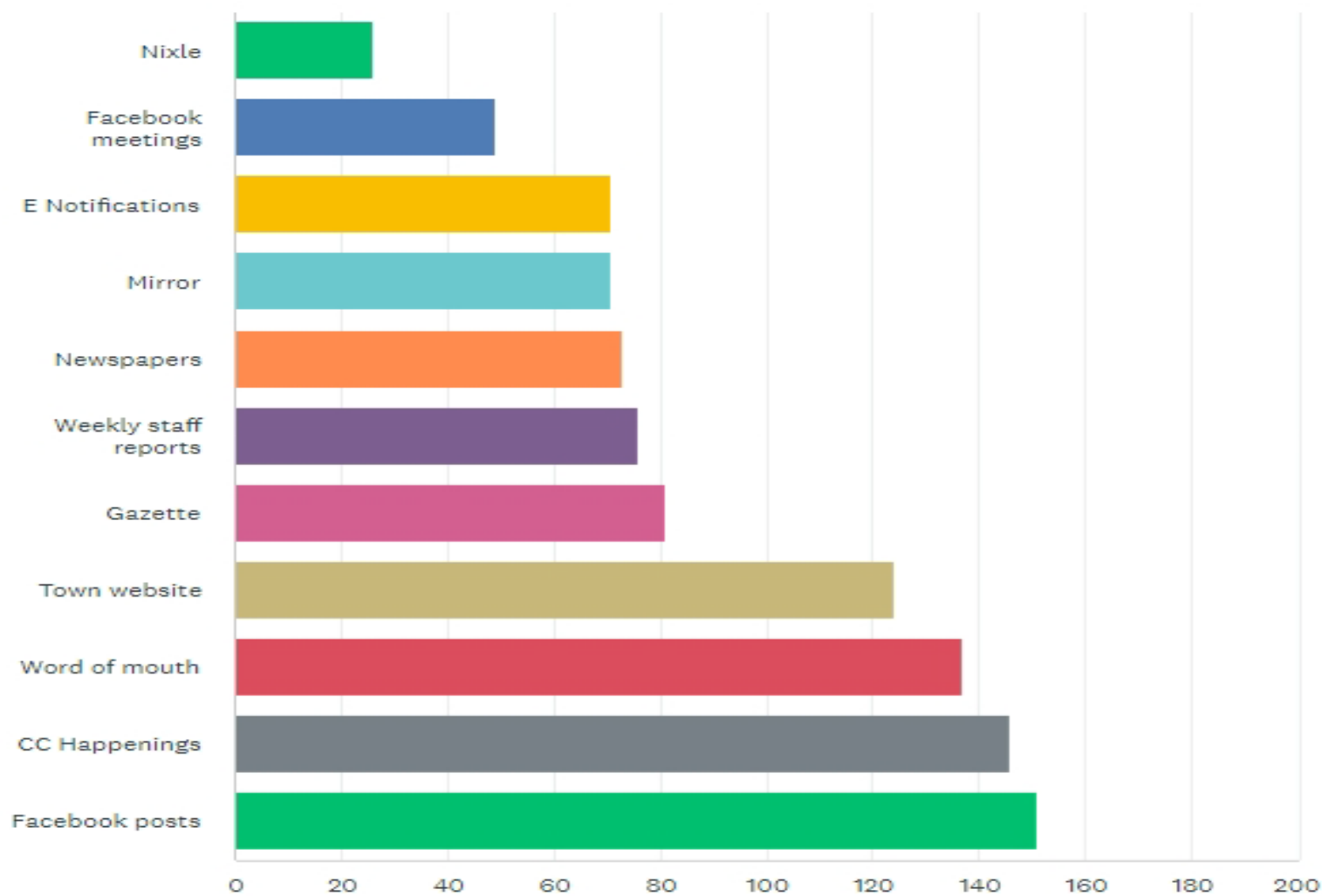
	1	2	3	4	5	TOTAL
Development of this area should strive to diversify our economy beyond tourism as much as possible (though it should not detract from existing tourism).	19.57% 54	12.68% 35	24.64% 68	25.36% 70	17.75% 49	276
The character of the current historic district and Mason Avenue should be replicated into this area where appropriate.	35.25% 98	23.74% 66	17.99% 50	13.31% 37	9.71% 27	278
Open space, parks, or recreational areas should be included.	22.86% 64	28.57% 80	19.29% 54	20.36% 57	8.93% 25	280
Continuation of the historic district street pattern into the harbor area should be considered.	15.14% 43	22.18% 63	23.94% 68	18.31% 52	20.42% 58	284
Some percentage of affordable housing options should be factored into planning parameters.	16.22% 48	11.49% 34	15.54% 46	16.22% 48	40.54% 120	296

Q11: In reference to our Comprehensive Plan (which can be found on the Cape Charles website under Forms & Publications/Planning & Zoning), please indicate with objectives should be focused on in 2025 (mark your top three choices).



ANSWER CHOICES	RESPONSES	
▼ Workforce Housing	41.19%	138
▼ Enhance Walkability	34.33%	115
▼ Recreational Facilities	27.46%	92
▼ Healthy Balance (residents & tourists)	62.09%	208
▼ Address Parking Issues	39.40%	132
▼ Expand business	30.45%	102
▼ Coastal Resiliency	48.96%	164
Total Respondents: 335		

Q12: What tools do you use to stay in touch with town happenings? (Results shown in total uses).



12: Continued

	1	TOTAL
▼ Nixle	100.00% 26	26
▼ Facebook meetings	100.00% 49	49
▼ E Notifications	100.00% 71	71
▼ Mirror	100.00% 71	71
▼ Newspapers	100.00% 73	73
▼ Weekly staff reports	100.00% 76	76
▼ Gazette	100.00% 81	81
▼ Town website	100.00% 124	124
▼ Word of mouth	100.00% 137	137
▼ CC Happenings	100.00% 146	146
▼ Facebook posts	100.00% 151	151