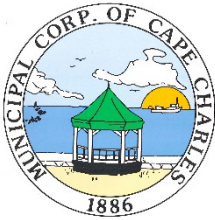




TOWN COUNCIL
Regular Meeting
March 16, 2023
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Recognition of Visitors / Presentations / Recognitions
 - A. Employees Celebrating Significant Anniversaries
 - i. Juana Diaz – 5 years
 - ii. Thomas Lynch – 5 years
 - iii. Ricardo Finley – 5 years
 - B. National Library Week Proclamation
4. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of January 31, 2023 Financial Report](#)
6. Unfinished Business:
 - *A. None
7. New Business:
 - *A. [Harbor Development Certificates:](#)
 - i. Downtown Restrooms/Visitor Center
 - ii. Rail Car Restoration
 - iii. New Municipal Building
 - *B. [IT Support Contract Amendment and Extension](#)
 - *C. [USDA Rural Development Grant/Loan for Purchase of Police Vehicle & Public Works Equipment](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - April 1, 2023 – Community Yard Sale
 - April 6, 2023 – Town Council Work Session
 - April 8, 2023 – [Easter Egg Hunt in Central Park](#)
 - April 20, 2023 – Town Council Regular Meeting
 - April 21, 2023 – [16th Annual Blessing of the Fleet](#)
11. Adjournment



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
February 9, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer participated by teleconference from Minocqua, WI. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There was one member of the public in attendance.

ORDER OF BUSINESS:

A. *Discussion of 2023 Community Strategic Plan*

Town Manager John Hozey stated the following: i) He hoped Council had the opportunity to review the community survey comments and the recently adopted Comprehensive Plan in preparation for tonight's discussion; ii) He included a summary of Comprehensive Plan objectives and strategies in tonight's meeting packet to assist with the discussion; iii) In drafting the 2023 strategic plan update, he began with the 2021 strategic plan. The values and vision were the same as well as the goals. He cross-referenced the objectives and strategies from the Comprehensive Plan with the goals in the strategic plan, with his notes marked in red, in an attempt to identify whether there were items in the Comprehensive Plan that were not captured in the strategic plan. Councilman Grossman suggested including the Comprehensive Plan Objectives & Strategies document as an appendix to the strategic plan; iv) In the strategic plan objectives, he highlighted the items that were in progress or completed; v) The narratives were updated; vi) The goals were not listed in priority order, and he stressed the importance of having a metric to measure success/completion.

Council proceeded to review and discuss each of the goals, along with their objectives, updating each item as appropriate based on the survey comments and current practice.

B. *Discussion of 2023 Town Priorities:*

John Hozey continued to provide an overview of the Town Priorities as follows: i) He changed the title to Ongoing Town Priorities and noted that this was a list of multi-year priorities in the introductory sentence; ii) As suggested during the previous Town Priority discussion, the listing was divided into two sections: current projects still in progress and requiring additional time to complete; and new items to begin as soon as time/resources became available. Councilwoman Holloway suggested that language also be added stating that the items were worked on simultaneously; iii) The new items were listed in the order as reflected in the community survey, using every respondent's first choice as a basis for ranking their priority.

There was much discussion and several of the new items were reprioritized. A new item, #17, was added related to coastal resiliency.

John Hozey would update the 2023 Community Strategic Plan and Ongoing Town Priorities as discussed and provide them to Council for review. The documents would then be posted on the website to provide the public an opportunity to review them prior to the March 2, 2023 public input session.

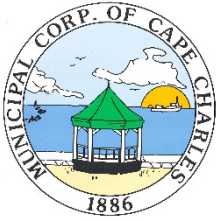
Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The Public Hearing & Special Meeting adjourned at 9:10 p.m.

Mayor Charney

Town Clerk

DRAFT



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
February 9, 2023
Immediately Following the Special Meeting

At 9:14 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance. Also, in attendance was Town Manager John Hozey.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 6: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Annexation Agreement Negotiations with Preserve Communities, and Town Manager Evaluation, Contract Negotiation, and Associated Matters

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

Council went into executive session at 9:16 p.m.

The open portion of the meeting resumed at 10:24 p.m. There were no members of the public waiting to return to the meeting.

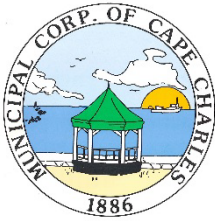
Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed,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

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

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

Mayor Charney

Town Clerk



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

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance. Also, in attendance were Town Manager John Hozey, Police Chief Jim Pruitt, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There was one member of the public physically in attendance, and 14 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

There were no visitors, presentations nor any recognitions this evening.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Susan Hudson, resident of Cape Charles

Ms. Hudson stated that she served on a committee that was formed to work on the short-term rental issues in Bay Creek, which were similar to those being experienced by the Town. She felt it would be a good idea to have a representative from their committee work with the Town regarding the issues. She was unsure whether the Planning Commission would be tasked with developing regulations or whether a committee would be formed. Bay Creek was part of Cape Charles and it would be a good idea to work together since the issues were the same, such as parking, overloading the water and wastewater systems, noise levels, too many people staying in a house, etc. There were some concerned full-time residents who bought into Bay Creek for the residential community. She feared for Cape Charles, as well as for Bay Creek, that what happened in Nantucket would happen here. Corporations bought properties and developed them for short term rentals, with no residents or owners living on Nantucket. She had seen some evidence of this happening here and wanted to know Council's thoughts regarding these issues.

Town Manager John Hozey asked Ms. Hudson for her contact information so he could reach out to her.

Town Clerk Libby Hume read emails from Ms. Julie Jones and Mr. Sam Jones into the record. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. January 19, 2023 Town Council Public Hearing & Regular Meeting
 - ii. February 2, 2023 Public Information Meeting re: 2022 Community Strategic Plan Survey Results Presentation
- C. Approval of December 31, 2022 Financial Report

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to approve the consent agenda items as presented.

Councilman Grossman moved that the minutes from the January 19, 2023 Public Hearing & Regular Meeting be pulled out for discussion. Councilwoman Holloway seconded the motion.

Councilman Grossman noted the item regarding the Library Material Reconsideration Procedure, adding that during discussion, Vice Mayor Bennett asked whether the procedure was needed or not since the Cape Charles Library's procedure should not be different from the other libraries in the Eastern Shore Public Library system. His motion was to approve the policy as written, not the reconsideration procedure.

John Hozey informed Council that Councilman Grossman had notified him of this error so he and the town clerk reviewed the video of the meeting, and he respectfully had to disagree with Councilman Grossman. Two items were brought to Council last month, a Development Policy and Reconsideration Procedure, but both were referred to as policies during discussion. The Development Policy was never discussed as there was nothing controversial about that, and it was included in the agenda materials for reference only. The Reconsideration Procedure that was approved by the Library Board was the item of discussion. He had made a suggestion to amend the Board-approved procedure related to the number of people needed to challenge a book. There was debate amongst Council and Council disagreed with his proposed amendment preferring to accept the procedure as written for consistency with the other libraries. The only thing discussed was the Reconsideration Procedure and the minutes showed approval of the Reconsideration Procedure. Councilman Grossman's motion just said "policy," but not which one. The only discussion occurring during the meeting was about the Reconsideration Procedure and the proposed amendment. The intent of the agenda item was to approve the Reconsideration Procedure.

Councilman Grossman stated that when he made the motion, his intent was to approve the policy, not the procedure since the procedure would have been different from the other libraries in the system. The vast majority of the conversation was about the procedure and Council agreed it was not what they wanted, so he moved to formally adopt the policy, but was not sure how the others understood it.

John Hozey explained that the policy was already in place and not up for discussion and reiterated that it was included in the materials for information only. Had the Council accepted his recommendation to amend the procedure provided by the Library Board, it would have been different from the other libraries but since Council rejected his amendment, the procedure was now consistent with the other libraries. Councilman Grossman referenced the word "policy" in his motion, as both documents were referred to as a policy during discussion, but he did not state which one he was referring to. He asked the intent of the Council members when they voted. Were they voting on the Development Policy or Reconsideration Procedure?

Vice Mayor Bennett, Councilman Butta and Councilwoman Holloway stated that they voted to approve the procedure for consistency with the other libraries.

John Hozey stated that Council's vote was to approve the procedure for consistency with the library system. He hoped that tonight's minutes would clear up the issue.

Councilman Grossman expressed his satisfaction with the outcome after tonight's discussion clarifying the issue, adding that the minutes would stand as written

The motion to approve the consent agenda items as presented was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Short Term Rental Resolution:*

John Hozey stated that this item was deferred from February 2nd due to not having a quorum for that meeting. Although both the House and Senate bills had been tabled to committee for this session, those committees could report back, and the bills could come back in another form next year. He suggested moving forward with adopting a resolution as a statement of supporting local control. When he initially drafted the resolution, he intentionally wrote it using some aggressive language to get the attention of the legislators, however, since there was no longer any urgency in the matter, Vice Mayor Bennett contacted him suggesting several amendments to the language. He was supportive of Vice Mayor Bennett's amendments and felt that it would still show, for the record, the Town's support of local control. If the legislation was brought back, another, stronger worded resolution could be adopted.

Vice Mayor Bennett reviewed his recommended amendments striking four words from the original resolution. (Please see attached.)

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to amend Resolution 20230216, striking the four words as described. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to adopt Resolution 20230216 Opposing Potential Legislation to Restrict a Locality's Ability to Manage Short Term Rentals as amended. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

Councilman Grossman requested that copies of this resolution, along with the resolution adopted by the Northampton County Board of Supervisors, be forwarded to the Virginia Municipal League (VML) for their records. John Hozey added that he would also send the resolution to our state representatives.

Councilman Butta suggested Council giving the town manager the authority to act on behalf of the Town Council in urgent legislative matters as recommended by the VML if in opposition to any potential legislation resulting in loss of local control. John Hozey stated that he considered adding this issue to the agenda, but due to the fact that the legislative session was almost over, he opted to wait until the next session to bring up the subject.

B. *Virginia Port Authority Aid to Local Ports Grant Request:*

John Hozey stated that the Town had utilized Virginia Port Authority (VPA) Aid to Local Ports (ALP) grants over the years to make improvements at the Harbor. ALP grant would pay up to 75% of the cost for capital projects, although he was not anticipating being granted that full amount. Rehabilitation of the inner harbor bulkhead, identified as a high priority in the evaluation of harbor capital assets prepared by Langley & McDonald, presented an opportunity for a new ALP grant request. This project was included in the approved Capital Asset Management Program (CAMP). The project could be done in two phases, but there were substantial cost savings if done at the same time. Staff's recommendation was to submit the grant for the maximum of 75% which amounted to \$228.7K. The cost for this project would be included in the Fiscal Year (FY) 2024 budget. John Hozey also noted that additional funding would be needed for the repair and reinforcement of the inshore breakwater that was significantly damaged during the storm in December. Langley & McDonald was preparing a design and cost estimate for this work, which would be substantial, possibly in the range of \$100-120K. It was preferable to accomplish this work during the current fiscal year before the start of the 2023 hurricane season. Funding recommendations would be forwarded to Council after the estimates were received.

The VPA required a letter signed by the Mayor by March 1st to request a new grant. The grant requests were typically considered in May with approved funding becoming available July 1st.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to authorize the Mayor to request a Virginia Port Authority Aid to Local Ports grant in the amount of \$228.7K for the rehabilitation of the inner harbor bulkhead. The motion was approved by unanimous vote.

C. *Budget Amendment Request for Purchase of Public Works Utility Vehicle and Equipment:*

John Hozey stated that a public works gator and tractor attachments were originally budgeted in FY 2023 to be purchased with USDA Rural Development funds. The funds were removed during the FY 2023 mid-year budget review because of the unavailability of the equipment due to supply chain issues. Since then, Public Works Manager John Lockwood was able to locate a supplier for a different brand of utility vehicle and tractor equipment for grounds maintenance for a lesser cost. The equipment included a utility vehicle, heavy duty 60" cutter, box blade, and 72" finish mower for a total of \$33,775. If the application was approved, the USDA Rural Development grant/loan would fund these purchases with an \$11,821 grant and five-year loan of \$21,954. In order to complete the purchase, the FY 2023 General Capital Budget Revenue and Expenditure lines each needed to be increased by \$33,775. The amount requested was below the threshold required for a public hearing for a budget amendment.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to amend the FY 2023 General Capital Budget increasing the Revenue and Expenditure lines by \$33,775 in order to purchase the equipment as outlined in the staff report. The motion was approved by unanimous vote.

D. *Town Manager Contract Renewal:*

John Hozey stated that his current employment agreement was a three-year agreement commencing on March 9, 2020 and expiring on March 9, 2023. The Town Council conducted his performance evaluation on February 9, 2023, and requested that a renewal employment agreement be brought forward for consideration this evening. The agreement presented this evening outlines the discussion from last week's meeting.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to approve the new Town Manager Employment Agreement as presented. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) Every year around this time, the public works crew holds beach week bringing in equipment to rebuild the beach. This year's beach week was scheduled for March 13 through 18 as the tides would be the most favorable. Notices would go out and he asked that Council help spread the word. Currently there were no plans to close the beach, but if things got to the point of becoming unsafe, the beach would be closed to the public for several hours, typically in the mornings. Last year, there were irresponsible people getting in the path of the heavy equipment. Signs would be posted at the beach entrances and notices would be placed on the website and Facebook. Councilwoman Holloway asked whether a Nixle advisory could be issued. John Hozey stated his hesitancy in utilizing the Nixle system for non-urgent messages. He would check with the public works department before determining whether a Nixle message would be warranted; ii) At last week's work session, parking was discussed as one of the priority projects. He briefed Council that the Town had an ordinance on the books that we were authorized to enforce. He wanted to notify Council that staff was moving forward with enforcement. Public awareness notices, which were provided to Council for review earlier this evening, would be included in the utility bills next week. Staff also ran the license plates for all boats, trailers, campers, etc. currently stored on the Town street, and letters would be mailed directly to the owners providing them with information on several potential storage facilities. The intent was to ease into the process to provide ample time for

the owners to relocate their boats, trailers, campers, etc. May 1 was the targeted date to begin enforcement, which provides everyone with over two months' notice. Notices would also be published in the Gazette and posted on Facebook. Mayor Charney asked that Council also be provided with a copy of the letter going to the owners; iii) In case Council received any questions or complaints regarding the noise coming from the southside of the harbor an echoing throughout the Town, he wanted to inform everyone that the noise was not from Coastal Precast nor Cape Charles Yacht Center. Large rip rap boulders were brought to the property between Coastal Precast and the Yacht Center and were being loaded into dump trucks and transported out of town. He contacted the owner of the property who was very responsive and cooperative about the situation. The property owner would contact the job foreman to possibly mitigate some of the noise. It was expected to take about three to four weeks to remove all the boulders; iv) The updated strategic plan and priorities list was emailed to Council yesterday for their final review in hopes that the documents could be published prior to the weekend to give the public a full two weeks to review before the March 2nd public input session. To date, he had heard back from two of the Council. If he did not hear back from everyone by tomorrow (Friday), he would assume that there were no further changes and get the documents published.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman stated that the County's budget preparations were ongoing. He provided Council with information related to the projected revenue so Council would be aware of what was happening at the County level regarding tax rates and assessments. The Board of Supervisors were holding a work session on February 28th to review the proposed budget – both revenue and expenditures together.

Councilwoman Holloway asked how the Cape Charles Day information was being communicated to the residents, especially related to the clean up teams and areas to be covered, adding that she felt that last year's system worked well. John Hozey responded that last year, the Mayor tasked Council to form their own teams, which did not go as planned. Some teams had more members than others. For this year, he suggested that everyone wanting to participate meet at the beach pavilion at 10:00 a.m. Once everyone was gathered, they would be divided into teams and provided with trash bags, and equipment. The areas to work would be decided at that time. Spruce-up Cape Charles would be from 10:00 a.m. until noon. Councilwoman Holloway suggested that designated areas be mapped out prior to the event, along with things needing to be done. Councilman Butta agreed, adding that the public works department could provide suggestions and areas needing attention. Councilwoman Holloway stated that since the public works staff kept the Town so clean, that was why some of the participants ended up pruning trees and shrubs. The participants felt that they had a purpose and were invigorated by being able to make a difference.

Mayor Charney, Vice Mayor Bennett, nor Councilmen Buchholz and Butta had any additional comments.

Mayor Charney read the announcements.

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

The Regular Meeting adjourned at 7:24 p.m.

Mayor Charney

Town Clerk

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

Julie Jones, Cape Charles resident

To: Mayor Charney, Councilwoman Holloway, Councilman Butta, Councilman Follmer, Councilman Grossman, Councilman Buchholz, Vice Mayor Bennet, Town Manager Hozey:

My husband and I purchased our home at 538 Monroe Avenue, in 2015.

At that time, there was only one long term rental in our block, which includes 12 homes on the south side.

The quiet, residential nature of our block was so appealing, that even though we had never owned an historic home before, or lived in a town, we were smitten.

In addition to the beautiful homes, we are blessed to have neighbors, both full-time and part-time, who know each other and look out for each other.

Many people called this "Mayberry:" quiet, beautiful, safe.

Then, about 4 years ago, some folks from Northern Virginia purchased one of the homes in our block. They invested about a year in sweat equity, to return the home to its original beauty.

Then they listed it on VRBO.

For \$4,000 per week.

The first summer was not bad.

Most of their guests were extended family units, who were quiet, respectful, and appreciative of our little paradise.

I guess \$4k is not a lot to pay for a week of paradise.

But last summer, things were different.

I caught a child, unsupervised, running his bike through my neighbor's flower garden.

Another group had 5 elementary school age kids who were recklessly riding their bikes, jumping the curb into the street, without looking for traffic. Up and down the boardwalk. Also unsupervised.

In September, a group of 9 women rented the house for about 4 days.

Nearly all 9 women drove separately, and took up all the street parking for 6 lots, in addition to 3 golf carts.

So much for peace and quiet.

Now the house next door has been sold, also to someone from Northern Virginia, and just hit VRBO before Christmas. And it appears it is already rented for the whole summer.

Currently, in the 500 block of Monroe Avenue, there is a total of 29 homes, counting the 4 duplexes as 2 homes each.

10 homes are definitely short-term rentals, another one sold last fall and it is rumored that the new owner intends to make it a short term rental.

So we are looking at 1/3 of the homes in our block being short term rentals.

There used to be young families living in those duplexes.

There were state troopers living in those duplexes.

There were Hispanic workers living in those duplexes.

Aren't these the very people who now need affordable/workforce housing?

That's how it was when we bought our home in 2015, diverse, but all of those duplexes are now short term rentals.

And with the exception of only one or two weeks, those short-term rentals have been sitting empty since Labor Day.

The vision statement of the Town of Cape Charles states:

Preserve our historical, natural, and cultural resources, while fostering a sense of community that enhances well-being and prosperity, now and for generations to come

How are you fostering a sense of community, when one third of the homes in one block of Monroe Avenue are short term rentals?

The people who live in the 500 block of Monroe know each other's names, the names of our kids and grandkids, the names of our dogs and cats.

If we notice something doesn't look right at a neighbor's home, we pick up the phone and call, or knock on their door, because that's what a sense of community means.

It is not cheap to maintain an old house.

We and our neighbors take great pride in keeping our historic homes repaired and painted, and our yards beautified with gardens and trees.

Because Cape Charles is a town, we pay taxes to both the town and Northampton County.

This past year, the tax assessment for our home, from Northampton County increased 72%.

We pay dearly for this sweet little piece of paradise, where we enjoy hosting family and friends and little grandchildren, but it is worth it to us.

What we do not appreciate is people who do not live here, are not part of our community, but who are making a huge profit selling the beauty, peace, quiet and safety which we cherish, and for which we pay dearly.

The only people who benefit from short term rentals are people interested in getting rich at the expense of small communities like ours.

I do not know how you fix this problem.

At the very least, while you are figuring this out, PLEASE put a moratorium on any additional short-term rentals.

Ultimately, you need to determine how many short-term rentals are acceptable, without further impacting the quality of life for those of us who call this little town "home."

It can be done.

It has been done in other places.

Please do this sooner rather than later, before we lose this sense of community.

Thank you for your service to Cape Charles and its people.

UPDATED 1:42 p.m. Re: PLEASE do something about the proliferation of short-term rentals in our town

I just heard that our neighbor, George, **who has been renting his cottage at 520 Monroe Avenue for 32 years**, has been given until **April 1** to move out, because the owner plans to sell it.

George is in his 60s.

He works on and off with watermen in Oyster, I think.

He also cuts the grass of many of our neighbors, plus he also cuts and edges grass along the sidewalk in our block, in our alley.

He maintains the yard of his home.

He painted the cute old barn red.

He watches out for everyone's home.

Where is George going to live?

Are you really ok with this?

Someone who has been a contributing member of this town for 32 years now has to find another place to live, so we can add another short-term rental to our already overcrowded block?

Seriously?

You are ok with this?

Search your hearts, because George is just the most recent victim, but not the last.

Sam Jones, Cape Charles resident:

Mr. Mayor, Town Council and Town Manager:

My name is Sam Jones, and my wife and I live at 538 Monroe Avenue. Thank you for the opportunity to speak and for your service to the community.

First, I fully support the Town's resolution opposing the Senate Bill and similar legislation that removes the authority of the Town to govern short-term rentals. The variety of Virginia's cities, counties and towns preclude the one size fits all model proposed in this legislation.

Second, I support the Town Council and Town Manager giving a high priority to development of Town specific rules and regulations regarding short-term rentals. As you do so please consider the balance between the number of full-time residential/non-rental properties and the number of short-term rentals allowed. Specifically, consider placing a moratorium on issuing any new short-term rental licenses until your work is complete. One of your primary goals is to maintain the quality and character of Cape Charles. Limiting the number of short-term rentals will ensure that you have full-time citizens to serve on your boards and commissions and maintain the volunteer base needed for the many events that contribute to the character of our town. While issues of trash, parking and noise are important, an appropriate balance between full-time residents and short-term rentals is the overarching issue.

Finally, I just learned of a Cape Charles citizen who, after renting a house for over 30 years, must vacate the house this spring so it can be renovated and likely turned into a short-term rental. It is a shame since this just the type of worker the Town hopes to support with its workforce housing initiative.

Thank you.

Item #7A – Resolution 20230216 as amended by Council:

**TOWN OF CAPE CHARLES, VIRGINIA
RESOLUTION 20230216
OPPOSING POTENTIAL LEGISLATION TO RESTRICT A LOCALITY'S
ABILITY TO MANAGE SHORT TERM RENTALS**

WHEREAS, the Mayor and Town Council of Cape Charles are committed to protecting the quality of life and property rights of all town citizens; and

WHEREAS, short-term rentals, while being an important part of the Cape Charles economy, continue to grow in number, impacting traditional lifestyles, and are creating a ~~significant~~ lack of much needed affordable, long-term rental units and workforce housing; and

WHEREAS, the Virginia General Assembly is currently considering legislation - Senate Bill 1391 and House Bill 2271, which would significantly curtail the locality's ability to regulate by ordinance any short-term rental property managed by a Virginia realtor, while providing ~~unethical targeted~~ economic advantages to such realtors; and

WHEREAS, the argument that the state licensure process for realtors provides localities with improved protections is tantamount to saying that local building code officials no longer need to inspect work done by state licensed contractors, an unsupportable notion; and

WHEREAS, the circumstances, impacts, and benefits surrounding short term rental units are distinctly different for each community throughout the Commonwealth; and

WHEREAS, a statewide, one-size-fits-all solution to such a uniquely local issue, is not only a ~~severe~~ disservice to all constituents, but fundamentally erodes the very concept of local self-governance; and

WHEREAS, the Town of Cape Charles believes the enactment of such legislation could violate the property rights of Cape Charles citizens and effectively eliminate the Town's ability to manage this important housing option for its residents, which is currently allowed through the Town's Comprehensive Plan and Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Cape Charles opposes SB 1391, HB 2271, or any other similar legislation.

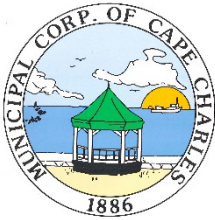
Adopted this 16th day of February 2023.

TOWN OF CAPE CHARLES

By: _____
Mayor

ATTEST:

Town Clerk



DRAFT
TOWN COUNCIL
Public Input Session & Special Meeting
Cape Charles Civic Center
March 2, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Human Resources Manager Jodi Outland, Special Assistant to the Town Manager Julie Pruitt, Planner/Zoning Administrator Katie Nunez and Town Clerk Libby Hume. There were 5 members of the public physically in attendance and 17 viewers on Facebook.

PUBLIC INPUT SESSION RE: 2023 COMMUNITY STRATEGIC PLAN:

Town Manager John Hozey explained that the public input portion of this meeting would be more informal than a regular public comment period. Members of the public and the Mayor and Council would be able to ask questions and have discussion regarding the draft strategic plan. The agenda contained links to the 2022 Community Survey, and data from the survey were used to draft the strategic plan. There were two appendices included in the plan. Appendix A was the Cape Charles Comprehensive Plan Summary of Objectives and Strategies, and appendix B was the Ongoing Town Priorities List that was discussed by Council at their February 9th work session.

Mayor Charney opened the floor to the public.

Mr. Phil Goetkin began by stating that the strategic plan was an excellent document which would help with decision making. He was in attendance this evening to express his support for the plan and to elevate the priority for the Town's natural resources, tree canopy and natural and designed landscapes. It was really good to see Environmental Stewardship listed as one of our community values (page 3), planning for coastal resiliency, and protecting and improving public green/open space infrastructure as goals (page 4), but there were no objectives listed to support the goal to protect and improve public green/open space (page 7). He suggested the addition of the following language: "Protect and improve the tree canopy and other designed or natural landscapes in public spaces." Mr. Goetkin continued to state that it was fantastic that almost all of the items listed under Environment on Appendix A (page 11) related to the tree canopy or designed and natural landscapes. Coastal resiliency was listed as item 16 on Appendix B – Town Priorities (page 12), but there was no mention of protection of green space, and he hoped that this would be added in the near future, if it couldn't be added now. He suggested inclusion of a priority to protect and improve the tree canopy and other natural and designed landscapes. The strategic plan mentioned green space, etc. but they were not shown in the priority list. He felt that this needed a higher priority in the short run and not just a vague distant dream. The tree canopy needed to be included as a goal with the development of a tree planting plan, improved tree maintenance, reduction of non-native species to reduce reliance on certain trees, to reach the goal. Crepe myrtles were beautiful trees but served no benefits for the environment or protecting habitat. The Tree Advisory Board met with John Hozey and would be making some proposals to include funding in the budget for natural resources, tree canopy and design and natural landscapes.

John Hozey commented that the strategic plan had more general objectives, with the specific ones being in Appendix B. In the current budget, all items of this nature were grouped together in the Public Works budget, but he intended to include funding and break out each item in the budget for easier tracking.

Mr. Sam Jones thanked John Hozey and Council for the work done on the plan adding that he had several thoughts. i) A request for proposals (RFP) was out for the development of the library. The document outlined the development of the library building and allowed for the potential for the developer to purchase the building and lease the first floor back to the Town. He encouraged the Town not to sell the first floor since control would be lost, even if the Town were to lease it back. ii) Short-term rentals had been mentioned several times with the idea of bringing members of the groups and public together to form a committee to review the issues. He suggested a moratorium on new short-term rental properties until the committee work was completed. A balance was needed and the issues of trash, noise, parking, and the overall character of the Town needed to be addressed; iii) Under the goal of retaining the small-town character of the Town, one of the objectives listed was "Develop volleyball/basketball courts." The word "develop" was a strong word and he advised Council to consider whether that was the right term.

John Hozey responded as follows: i) The requirement of the RFP was for the developer to condominiumize the building so the Town could retain ownership of the library portion. An option was to offer the Town to lease back the space, but it was not our first choice; ii) Regarding short-term rentals, there was no legal avenue for the Town to put a moratorium on new short-term rentals. John Hozey invited Mr. Jones to meet with him if he had any ideas; iii) The volleyball/basketball courts were one of the objectives in the strategic plan but was not on the priority list. It was of interest in the 2021 survey, and was discussed but was not an item for implementation at this time.

Mr. Jon Dempster expressed his concern about the variety of housing options for the workforce. He felt that The Shanty had contributed a lot to the growth of Cape Charles. When he opened The Shanty in 2012, over 60% of his staff lived in Cape Charles, now only 3 of 54 employees could afford to live in town. With wanting more businesses and tax revenue, the Town had pushed the working people out of town. The Shanty had been operating with about 75% less seating now than in 2017 due to staffing issues. There was no housing in town and there was no middle class left in this town. He asked what the Town was doing about this issue.

John Hozey responded that the Town was actively working on the issue and Town Priority #7 was to work with developers/agencies to facilitate workforce housing. The Town was fortunate to be working with a developer on a 60-unit workforce housing project. If this first phase was successful, the developer may replicate the project for another phase. The necessary zoning issues were resolved, and the next step was the utilities. The Town was moving forward with the water infrastructure with the connection of the Keck Wells and there were plans to also include infrastructure to bring the treated water back. He was meeting with the Northampton County administrator next week to discuss funding for the sewage portion of the project. Mr. Marine's project included a variety of units to accommodate multiple needs. The Kiptopeke Inn was another option.

Mr. Dempster stated that the Kiptopeke Inn was not feasible at \$1,150 per month. A lot of the seasonal employees did not have transportation. When The Shanty first opened, many of the employees bicycled or walked to work. The Town was promoted as a destination and the visitors' expected service was not what they would receive, and this issue kept him awake at night.

Councilwoman Holloway added that the county was working with Star Transit to provide transportation from the Kiptopeke Inn.

Mr. Dempster stated that the area had a need for seasonal workforce housing. Many employees were laid off in October so would not be able to pay their rent in the off-months. He had arrangements for 7 workers coming down from Vermont. He had rented a home and was paying rent on it to house these employees. He lost \$20K per month in January and February to keep his staff working so he would have staff during the season. He did not believe the planned workforce units were the answer to this issue. The Town had become a seasonal resort town and seasonal resort staff came here from

other areas. They did not need year-round housing, and he was not the only business in Town in this situation.

Vice Mayor Bennett stated that he had heard Mr. Dempster's problems adding that ideas for good solutions were needed.

Councilman Follmer stated that Cape Charles was a small town, and when he looked at the accomplishments made during the last year with the Town's limited staff, it was very impressive. Staff did not have the bandwidth to do it all. Cape Charles had been discovered and the amount of work increased. He saw this as a circular conversation with no resolutions. We need to look at other communities to see what worked there. Councilman Grossman had taken on the project of researching other localities. The tourism market might change overnight, but the Town could not react and resolve matters that quickly. The Town/Cape Charles Main Street did not promote the summer season but worked to bring in needed business in the off-season. This issue was not going to be resolved overnight.

Town Clerk Libby Hume read an email from Ms. Bonnie Moore as follows:

"The updated strategic plan looks great. I am especially excited to see recycling and sidewalk connectedness on it – both would be wonderful additions in Cape Charles. The tree canopy, high quality drinking water and Rails to Trails sound great, too. Keep up the great work."

Mr. Kevin McGovern asked if there were any plans in the future to work on the roads in Town. Some had a heavy crown and hurricane ditches. They were inconsistent and he did not think they were at a proper pitch. He understood that Cape Charles was an old town, but he had seen plans on agendas related to sidewalks, etc. but nothing related to the roads. Was it up to VDOT to do something? The top of Fig Street and Jefferson Avenue were technically below grade. Jefferson Avenue might have been raised at one time for drainage issues but now, the houses there were below the level of the road and did not meet the code for drainage and something needed to be done, even if it was done one street at a time.

John Hozey responded that yes, roads were VDOT's responsibility, as well as the sidewalks. This would be an enormous project. The Town had pursued sidewalks with VDOT with success. VDOT spent over \$1M upgrading the sidewalks in town, but there was only so much we could squeeze out of them at one time.

Councilman Grossman added that the VDOT funding issue also needed to be addressed. VDOT had a strategic plan and a grading system. He had seen various roads that were prone to flooding being redone but there was a process. He did not have much hope of approaching VDOT with a Town plan of this magnitude.

There were no more questions or comments from the public in attendance.

ORDER OF BUSINESS:

A. 2023 Community Strategic Plan & Priorities:

Town Manager John Hozey stated that it was discussed at the February 9th work session to add the Comprehensive Plan Summary of Objectives and Strategies as an appendix to the strategic plan. He also included the ongoing town priorities as Appendix B so everything was included in one document. John Hozey went on to state that about 90% of work done by staff went unnoticed and some were very time consuming, but were not included on the list of priorities as they were part of the job. It was important for the public and Council to be reminded of the amount of work for staff. Items 13 (update of municipal code) and 14 (updated of Accawmacke Plantation PUD) were part of the job since the Town could not operate without a working municipal code nor zoning actions. His recommendation was to remove these two items from the list of ongoing town priorities since he was already working with the clerk on #13 and with Katie Nunez on #14.

There was some discussion regarding inclusion of Mr. Goetkin's comments and suggestions and the appropriate sections were identified.

Motion made by Councilman Butta, seconded by Vice Mayor Bennett, to adopt the 2023 Community Strategic Plan.

Motion made by Councilwoman Holloway, seconded by Councilman Butta, to amend the strategic plan goals/objectives (page 7), adding under "To protect and improve public green/open space infrastructure" as item B, Mr. Goetkin's suggested language stating "Protect and improve tree canopy and other designed or natural landscapes in public spaces." The motion was approved by unanimous vote.

Councilman Buchholz stated that the Town priorities would be reviewed in about six months and Council could discuss Mr. Goetkin's second request related to the addition of the protection of green space to the list of priorities.

Motion made by Vice Mayor Bennett, second by Councilman Buchholz, to delete items 13 and 14 from Appendix B. The motion was approved by unanimous vote.

With no other discussion, Mayor Charney asked for a vote on the original motion to adopt the 2023 Community Strategic Plan.

The motion was approved by unanimous vote.

B. 2023-2024 Employee Health Insurance Presentation & Renewal:

Human Resources Manager Jodi Outland presented the 2023-2024 Employee Health Insurance Benefit Package. (Please see attached.)

Jodi Outland informed Council that she received another 69-page document outlining medical coverage details through The Local Choice, but she had not had the opportunity to review the information. The Local Choice program was not an option at this time since the Town's current medical insurance would expire March 31st, and The Local Choice program had an effective date of July 1 or October 1. Upon review of the information, is she felt that The Local Choice was a better option for the Town, she would be back to present the information to Council over the next few months.

John Hozey thanked Jodi Outland for her hard work in researching various plans, especially the new Wellness Program, which he strongly supported and encouraged. If our employees were healthy, the Town would get a return in our investment by increasing morale and productivity of the employees and potentially reducing the number of insurance claims and sick days. He asked Council to review the Wellness Program and offer any suggestions since this was a new program which could be updated as we went forward.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to approve the 2023-2024 medical benefit packet and wellness program as outlined. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey announced that Saturday, March 4th, was Cape Charles Day. The plan was for anyone interested in assisting with the spruce up of the Town to meet at the beachfront at 10:00 a.m. A map of the suggested areas would be distributed, and teams could be chosen. The Mayor and Council members would be the team leaders. Public Works provided hand tools and trash bags, as we had snacks and water for everyone as well. Afterwards, everyone was invited to Central Park for hot dogs, sausages, chips and cookies along with a meet and greet with the Mayor and Council members. Staff would also be on hand to answer any questions and provide information on a variety of items.

He asked the Council to wear their Town shirts and apologized that shirts had not yet been ordered for the Mayor and Councilman Butta.

Councilwoman Holloway suggested that if the Council members had not shared the Cape Charles Day event on Facebook yet, to please do so to get the word out. Many forgot about the shredder truck which was also part of Cape Charles Day. It was another service provided and a great way to clean house.

MAYOR & COUNCIL COMMENTS

Councilman Follmer commented as follows: i) He thanked Jodi Outland and expressed his amazement at the magic she did every year with the premiums. What began with a 48% increase in premiums had been reduced to 20%; ii) He thanked staff for the work on the new use of Town facility forms which was long overdue. The new form and manual were very well done; iii) Regarding the demolition by neglect issues, he thanked staff for working to resolve the first case and asked for an update on the other properties, and the prioritization of properties to be done next. He received a lot of questions regarding this issue and appreciated the great job done on the first property.

Vice Mayor Bennett stated that he had chosen a week without a Council meeting to go out of town on vacation, but did not think about it being Cape Charles Day week. He would be leaving Saturday morning and apologized that he would not be able to participate.

Councilman Butta stated that the Northampton County Job Fair was scheduled for March 25th at the YMCA from 11:00 a.m. until 2:00 p.m. There was still time to get a table. Last year there were about 40 employers, and he was hoping to expand the numbers. It was a good place to find employees. Interested businesses should contact Cape Charles Main Street to sign up.

Councilwoman Holloway commented as follows: i) A Rail to Trail public hearing was scheduled for March 13th from 4:00 to 6:00 p.m. at the Eastern Shore Community College. She encouraged everyone to attend to learn more about this project; ii) The Community Yard Sale was scheduled for April 1st and the merchants on Mason Avenue and Strawberry Street would also be having sidewalk sales; iii) The weekend of April 21st was a big weekend with the Blessing of the Fleet on April 21st. The Cape Charles Main Street Love Run would be on April 22nd and included 5K and 10K run/walks. The Eastern Shore Garden Tour was also on April 22nd, and the Blessing of the Worms would be on April 23rd.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adjourn the Town Council Public Input Session & Special Meeting. The motion was approved by unanimous vote.

The Public Input Session & Special Meeting adjourned at 8:06 p.m.

Mayor Charney

Town Clerk

March 2, 2023 Town Council Public Input Session & Special Meeting Comments and Information Provided in Writing

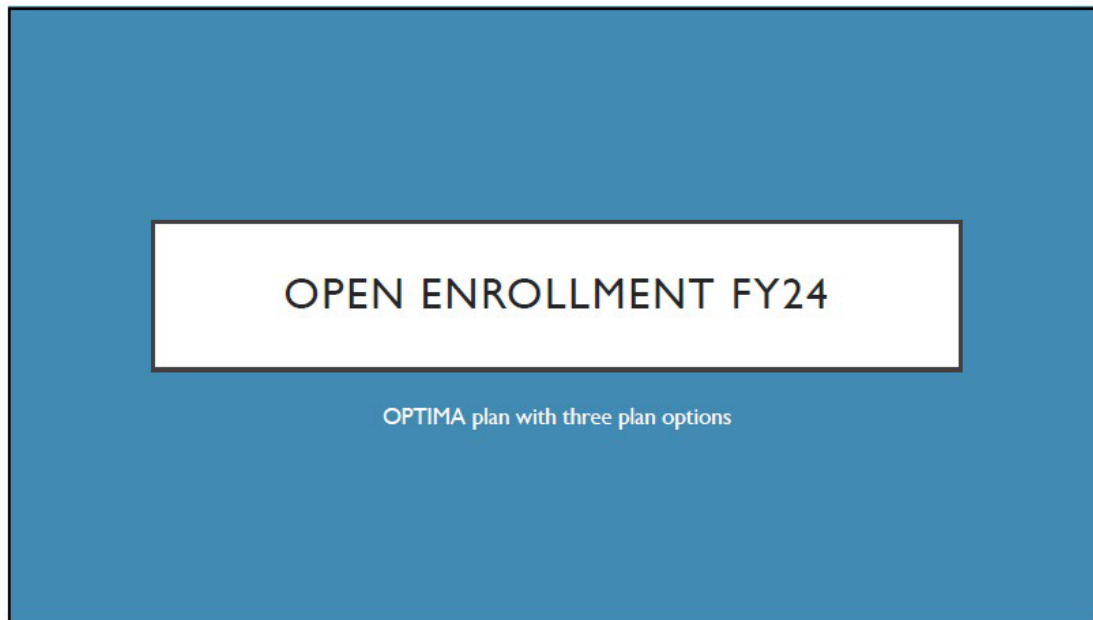
Bonnie Moore, resident

Subject: Comments on Community Strategic Plan

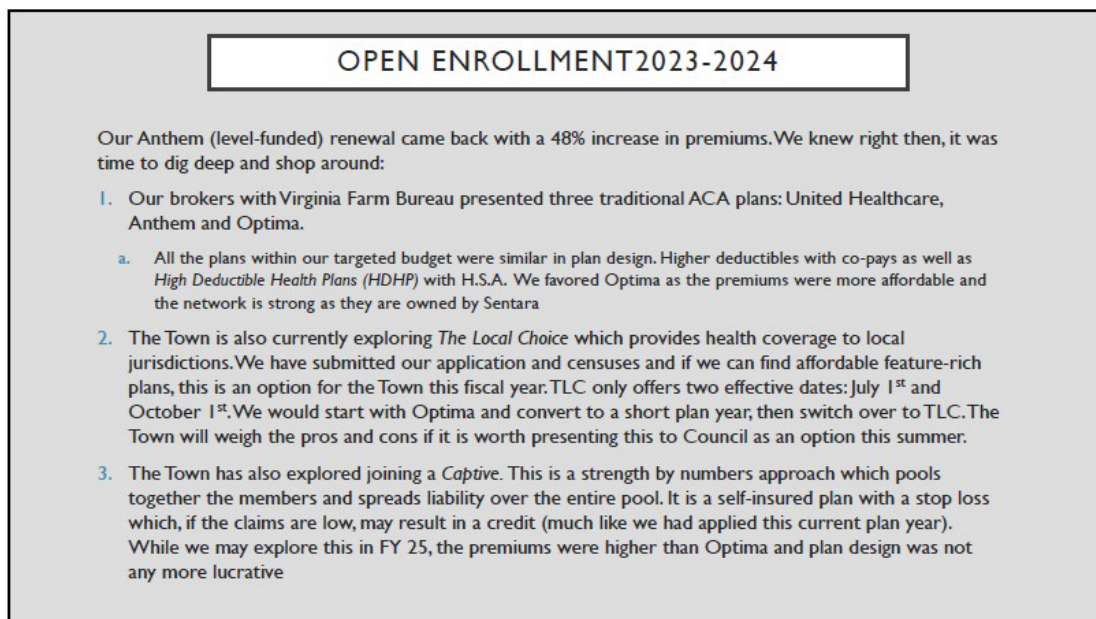
The updated strategic plan looks great. I am especially excited to see recycling and sidewalk connectedness on it - both would be wonderful additions in Cape Charles. The tree canopy, high quality drinking water and Rails to Trails sound great, too. Keep up the great work :)

Thank you,
Bonnie Moore

2023-2024 Employee Health Insurance Presentation



1



2

HISTORY- MEDICAL PLANS

Plan Year	TOWN Covered Portion	PLANS OFFERED Deductible/monthly cost	DEPENDENTS	Actual Cost
2022-2023	\$595.00 monthly	a. 500/\$835.15 b. 2,500/\$556.32 c. 4,000/\$515.24	Allow for only a 5-7% increase for dependent premiums from FY22 to FY23.	\$199,183 w/ subsidy
2021-2022	\$549.62/ monthly	a. 500/\$549.62 b. 2,500/\$484.25 c. 4,000/\$450.28	\$100 subsidy per month for dependents	\$170,276 w/ subsidy
2020-2021	\$677.15/ monthly	a. 1,500/\$877.15 b. 3,500/\$589.81	\$100 subsidy per month for dependents	\$218,659 w/subsidy
2019-2020	\$600.00/ monthly	a. 1,500/\$519.53 b. 3,500/\$457.28	use difference in actual premium i.e. \$600-\$519.53= 80.47	\$164,778

3

CHALLENGES TO FIND THE WIN-WIN

- The plans that the Town is presenting for FY 24 do differ significantly from what has always been the norm. In order to contain costs for both the Town and the employees, moving to plans with higher deductibles was inevitable in this current climate of such large increases. Offering a "High Deductible Health Plan" (HDHP) that has the option of the H.S.A. (Health Savings Account) is a plan we have considered in the past, but had yet to implement.
- The challenge for our group is the significantly higher out of pocket costs for health care, coupled with higher premiums/payroll deductions.
- Another challenge is, how can we reduce our history of high claims which would help the Town find affordable health plans in the future?

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POPULAR DESIGN

- Across the board, employers offering plans with high deductibles, whether or not a traditional HDHP plan, reduces the costs to employee's pocketbooks by setting up a Health Savings/Reimbursement Account which puts money into an account specifically to be used for medical expenses. (Much like the FSA). These are tax-free funds that can help employees pay for expenses while meeting the high deductible.
- As a matter of fact, much of our plan design and cost sharing approach is directly contrived from what other public sector employers are offering. The Town did a large survey in real time to gather data on what is being offered and how costs are being shared between employee and employer. Our proposal is based on these findings.

5

PREMIUM COST SHARE

*TOWN PAYS 90% of the SINGLE- EMPLOYEE ONLY RATE. In addition, TOWN PAYS 40% of the EMPLOYEE'S DEPENDENT COSTS

	PREMIUM	EMPLOYEE PAYS	EMPLOYER PAYS	EMPLOYER-MONTHLY per employee	EMPLOYER-FOR DEPENDENTS	EMPLOYEE-MONTHLY	BIWEEKLY DEDUCTION	PLAN DESIGN
PLAN 1								
single	613.84	10%	90%	\$552.46	\$0.00	\$61.38	\$28.33	4K deductible
* Plus Spouse	1227.69	60%	40%	\$552.46	270.09	405.14	\$186.99	8650 OOP
* Plus child(ren)	1196.99	60%	40%	\$552.46	257.81	386.72	\$178.49	40/80 co pays
* Family	1810.84	60%	40%	\$552.46	503.35	755.03	\$348.48	20% co-ins.
PLAN 2								
single	\$622.66	10%	90%	\$560.39	\$0.00	\$62.27	\$28.74	3K deductible 8,800 OOP
* Plus Spouse	\$1,245.32	60%	40%	\$560.39	\$273.97	\$410.96	\$189.67	35 (& 70 after Ded)
* Plus child(ren)	\$1,214.18	60%	40%	\$560.39	\$261.51	\$392.27	\$181.05	25% co-insur
* Family	\$1,836.85	60%	40%	\$560.39	\$510.58	\$765.87	\$353.48	
PLAN 3								
single	650.08	10%	90%	\$585.07	\$0.00	\$65.01	\$30.00	4K deductible HDHP
* Plus Spouse	1300.16	60%	40%	\$585.07	\$286.04	\$429.05	\$198.02	6900 OOP
* Plus child(ren)	1267.65	60%	40%	\$585.07	\$273.03	\$409.55	\$189.02	0% co-insur after DED
* Family	1917.74	60%	40%	\$585.07	\$533.07	\$799.60	\$369.05	H.S.A. comp.

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PROPOSED FY 24 OPTIMA PLANS

Plan Year	TOWN Covered Portion	PLANS OFFERED Deductible/monthly cost	H.R.A Town Contribution	Actual Town Cost for Optima
2023-2024	90% of employee monthly premium, as an average: \$566 40% of dependent share. On average \$311	a. 4000/40/20% b. 3000/35/25% c. 4000/0% (HDHP)	SINGLE: \$750/year SINGLE plus one or More: \$1,200/year	Premiums: \$224,427 Premiums + HRA funding: \$253,377

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H.S.A OR H.R.A.

- A Health Savings Account (H.S.A.) is an independent savings account owned wholly by the employee that the employer AND the employee may contribute towards. If an employee leaves the organization, the H.S.A. stays with the employee. H.S.A.s are strictly regulated by the IRS and may prohibit employees from participating in other benefits. You must be enrolled in a High Deductible Health Plan (Plan 3) in order to enroll.
- A Health Reimbursement Account (H.R.A.) is an employer-only funded account that also rolls over year to year (unlike an FSA) but is not portable to the employee. It's plan design is very flexible to the needs of the employer. It does not matter what plan you are enrolled in. Offering an FSA alongside allows employees to contribute pre-tax dollars on their own as they see the need for.

8

THE TOWN PROPOSES THE HEALTH REIMBURSEMENT ACCOUNT(HRA)

- The Town recommends that in order to offset employee's out of pocket costs with the new higher deductible plans, that an HRA is implemented. This way ALL employees enrolled in the health plan can receive equal employer contributions depending on two variables: (SINGLE/SINGLE plus 1 or more)



9

WHAT IS A HEALTH REIMBURSEMENT ACCOUNT (HRA)?

HRAs provide a tax-free, employer-funded amount of money for health care expenses.

- HRAs are a way to pay for out-of-pocket health care expenses while working to meet your plan deductible.

VOLUNTARY HEALTH PLAN

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TOTAL COST COMPARISON FY23 TO FY24

YEAR	Annual Cost to Town	HRA includes waivers (FY 24) FSA for Waivers (FY 23)	Town paid Dental, Vision, Medicare stipend	TOTAL
FY 2024 Optima	\$224,427 includes subsidy	28,950 \$750/SINGLE \$1200/Single plus dependents	\$24,608	\$277,985
FY 2023 Anthem	\$202,895 employees received subsidy, however, most was covered by a credit.	\$2,000	\$25,160	\$230,055

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NEW FOR 2023-2024

- NEW: The Town will pay 90% of the employee-only premium for whichever plan they choose (cost difference among the three plans is not significant). Previously the Town has offered one plan that is covered at 100%. This is very far and few between among organizations today. The average pre-tax payroll deduction will be \$28.00
- The Town will reduce the stipend granted to employees covered by Medicare from \$420 per month to \$355
- The Town will increase the amount provided (this year through an HRA, past years through an FSA) from \$500 to \$750 annually to non-Medicare employees who waive the insurance.
- An employer subsidy is NOT new, but this year it will be the same across all dependent tiers, 40%. In past years it has ranged from 11.5% to 49%
- NEW: The Town will fund a Health Care Reimbursement Account (HRA) for employees covered by a Town plan, to help defray deductible costs. This will roll over year to year but is not portable, it belongs to the Town
- The Town will implement a Wellness Incentive Plan that will encourage wellness and preventative care, an investment in future plan years by reducing claims

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WELLNESS INCENTIVE PROGRAM

- In referring to appendix C, you will find a rough draft of our Wellness & Health Incentive Program. We encourage ideas and feedback! Employees who would participate would need to complete 8 of the 28 "activities" or benchmarks, from either the Wellness Activities category or the Health/Preventative Care category.
- Staff developed this as a "fun" way to encourage overall health of employees and in turn, reduce claims. By reducing claims, it will result in lower premiums in future plan years. It also helps to reduce sick time, increases productivity and is a morale booster.
- ALL regular employees may participate. Employees not enrolled in one of the Optima plans will receive a small award, such as a day off or a gift card (TBD). Employees on a plan will receive a contribution to their HRA equal to 50% of the employee-only payroll deduction paid in the plan year

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SUMMARY: TOTAL COST

OPTIMA (AVG) Monthly cost to Town	2023-2024			
MEDICAL-OPTIMA	\$224,427.49			
DENTAL-DELTA	\$11,828.64			
MEDICARE	\$12,780.00			
HRA	\$28,950.00	\$750/SINGLE &	&1,200/SINGLE +	
TOTAL	\$277,986.13			
current plan year 2022-2023	\$230,055.00			
difference, including the addition of an HRA	\$47,931.13			
% increase	20.80%			
Wellness & Health Incentive Plan	\$7,520			
TOTAL including WHIP	\$285,506.13			

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DRAFT

January 2023 Treasurer's Report

Page 1 – Cash Position

- Debt service payments were made on the 2010 VML VACo and the Pinnacle Public Finance A and B bonds. Total of all payments was \$305,428.
- Total long-term debt at the end of January is \$5,325,148.
- The balance in the utility facility fees reserved account is \$2,853,998.

Page 2 – Revenue vs. Expenditures

- General Fund – Six percent of core revenue from the general fund was transferred to the capital fund, per FY2023 budget.
- Sanitation Fund – As budgeted, \$160,224 was transferred from the sanitation fund balance to the capital fund for FY2023 projects.

Page 3 – Capital Projects

- A payment of \$42,887 was made to HBA for work on the Municipal Center and Library project.

Page 4 – Tax Collection Rate

- Real property tax collection is at 99% of budget, 96% of what was billed.

Page 5 – Tax Revenue Trends

- The decrease in harbor dockage over last year is likely due to a change in accounting method. The end of the fiscal year will bring the two methods into alignment and will be a better gauge of performance.

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

<u>Cash on Hand</u>	<u>12/31/2022</u>	<u>1/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$490,801	\$437,484	-\$53,317
Atlantic Union Bank Money Market Account	\$831,325	\$661,664	-\$169,661
LGIP Account 1 - Unrestricted	\$106,045	\$106,454	\$408
LGIP Account 2 - Unrestricted	\$307,032	\$308,329	\$1,297
Total Cash On Hand	\$1,735,203	\$1,513,931	-\$221,272

<u>Restricted and Reserved Cash Balances</u>	<u>12/31/2022</u>	<u>1/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$9,890	\$10,010	\$120
US Bank - Reserved per VRA Interest Free Loan Requirements	\$258,834	\$259,623	\$788
Wells Fargo 2010 Debt Service pass through account #300	\$2,947	\$2,947	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$771	\$771	\$0
Atlantic Union Money Market # ARPA CRF #5847	\$884,792	\$885,168	\$376
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$2,774,161	\$2,853,998	\$79,836
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$105,206	\$105,612	\$406
Virginia Investment Pool Liquidity Unassigned	\$2,506,788	\$2,516,468	\$9,680
Total Cash Held in Reserve	\$6,584,984	\$6,676,191	\$91,207
Total Cash - All Accounts	\$8,320,187	\$8,190,122	-\$130,065

DEBT SERVICE

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

\$5,325,148

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

January 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
-						
REVENUE	\$248,232	\$2,957,261	\$3,298,798	\$341,537	\$4,030,694	81.84%
EXPENDITURES	\$588,777	\$1,783,889	\$2,425,978	\$642,089	\$4,030,694	60.19%
NET	(\$340,546)	\$1,173,372	\$872,820	(\$300,552)	\$0	
GENERAL Capital						
REVENUE	\$379,822	\$45,868	\$428,515	\$382,648	\$1,950,314	21.97%
EXPENDITURES	\$42,887	\$6,724	\$217,010	\$210,286	\$1,950,314	11.13%
NET	\$336,935	\$39,143	\$211,505	\$172,362	\$0	
GENERAL Debt Service						
REVENUE	\$117,942	\$222,069	\$222,440	\$371	\$249,571	89.13%
EXPENDITURES	\$117,942	\$222,069	\$222,440	\$371	\$249,571	89.13%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$8,982	\$357,179	\$576,253	\$219,073	\$919,350	62.68%
EXPENDITURES	\$0	\$333,529	\$61,460	-\$272,069	\$919,350	6.69%
NET	\$8,982	\$23,650	\$514,793	\$491,143	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

January 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$185,243	\$764,624	\$1,212,710	\$448,087	\$2,137,020	56.75%
EXPENDITURES - Operating	\$71,107	\$419,437	\$830,749	\$411,312	\$1,120,101	74.17%
NET	\$114,136	\$345,187	\$381,962	\$36,775	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$348,480	\$0	-\$348,480	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$58,300	\$283,952	\$379,014	\$95,062	\$466,400	81.26%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$239,786	\$632,433	\$728,025	\$95,592	\$1,016,919	71.59%
TOWN CONTRIB. & PENDING GRANTS	(\$181,486)	\$0	(\$349,011)	(\$349,011)	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$13,859	\$474,467	\$585,003	\$110,536	\$1,007,545	58.06%
EXPENDITURES - Operating	\$16,353	\$385,971	\$504,489	\$118,518	\$957,438	52.69%
NET	(\$2,494)	\$88,496	\$80,514	(\$7,983)	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$70,674	\$102,954	\$103,499	\$546	\$104,950	98.62%
EXPENDED - Capital Projects, Debt Svc	\$70,674	\$143,054	\$103,499	-\$39,554	\$196,950	52.55%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$9,346)	\$0	\$9,346	(\$50,107)	
SANITATION						
REVENUE	\$24,063	\$144,100	\$164,058	\$19,957	\$442,253	37.10%
EXPENDITURES	\$184,152	\$112,651	\$312,215	\$199,565	\$442,253	70.60%
NET	(\$160,089)	\$31,449	(\$148,158)	(\$179,607)	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
1/31/2023

	FY23 Status or Start Date	Percent of Completion	FY23 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY23 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Pending</u>	1%	\$ 929,922	\$ 12,070	\$ -	\$ -	\$ -	12,070	\$ 917,852
Municipal Space Replacement Planning (ARPA)	<u>In process</u>	26%	\$ 550,000	\$ -	\$ 101,211	\$ 42,887	\$ -	144,098	\$ 405,902
Library Upgrade & Condo-ization	<u>In process</u>	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	-	\$ 34,000
Mason Avenue Parking Lot Improvement	<u>Pending</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	-	\$ 20,000
Mason Avenue Restroom	<u>Pending</u>	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	-	\$ 110,000
South Beach Restroom Renovation	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	-	\$ 40,000
Gator for Public Works Staff	<u>Pending</u>	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	-	\$ 26,500
Grounds Maintenance Equipment for PW	<u>In process</u>	73%	\$ 33,270	\$ 24,228	\$ -	\$ -	\$ -	24,228	\$ 9,042
Central Park Game Area for Adults (CCP)	<u>Pending</u>	40%	\$ 29,000	\$ -	\$ 11,614	\$ -	\$ -	11,614	\$ 17,386
Storage Facility (3 x conexes + roofing)	<u>In process</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	-	\$ 20,000
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	-	\$ 75,040
Public Trash Can Replacements, late FY22 project	<u>completed</u>	100%	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	25,000	\$ -
subtotal	\$ -		\$ 1,892,732	\$ 61,298	\$ 112,825	\$ 42,887	\$ -	217,010	\$ 1,675,722
Utility Fund -Water									
Keck Well Connection (Engineering)	<u>Pending</u>	0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	-	\$ 60,000
Utility Fund - Wastewater									
Sewer Pod Controller Upgrades Phase 2 of 5	<u>Pending</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	-	\$ 14,500
subtotal	\$ -		\$ 74,500	\$ -	\$ -	\$ -	\$ -	-	\$ 74,500
Harbor Fund									
Fuel System-Relocate Emergency Stop Switches	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	-	\$ 10,000
Fuel Management System Replacement	<u>Pending</u>	0%	\$ 42,000	\$ -	\$ -	\$ -	\$ -	-	\$ 42,000
Inner Harbor King Pile & Waler Replacement Design	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	-	\$ 40,000
subtotal	\$ -		\$ 92,000	\$ -	\$ -	\$ -	\$ -	-	\$ 92,000
TOTAL	\$ -		\$ 2,059,232	\$ 61,298	\$ 112,825	\$ 42,887	\$ -	217,010	\$ 1,842,222

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

January 31, 2023

YTD 2022 Real Estate Tax Collections

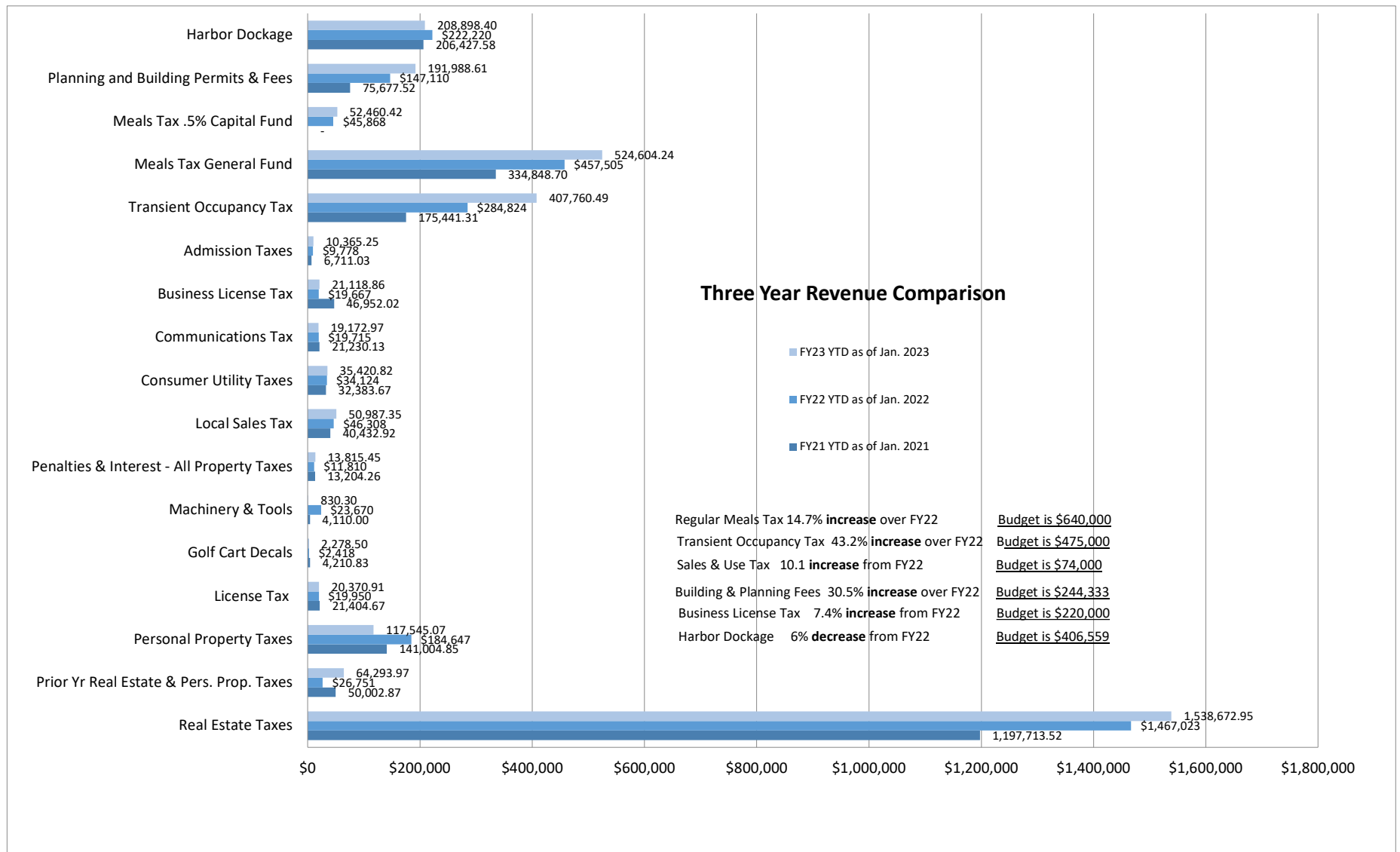
Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,559,242	
Total Tax Billed	1,606,830	
Total Adjustments	(121)	
Total Collected YTD (percent of billed)	<u>1,538,673</u>	96%
Amount Due per Accounts Receivable	68,036	

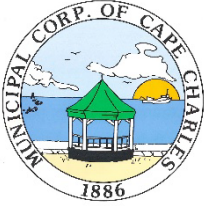
YTD 2022 Personal Property Tax, Machinery and Tools Tax & 2021 License Tax Collections

Total Personal Property Value	23,243,305	
2022 Reduction Due to Proration	(879,146)	
Personal Property Billable Valuation	22,364,159	
2022 PPTRA Valuation Reduction	(9,568,117)	
 2022 Supplemental Assessments	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2022 & 2022 Supplemental	22,364,159	
 Total Budgeted	 140,000	
Total Tax Billed less PPTRA	204,003	
2022 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	(39,284)	
Total Collected YTD (percent of billed)	<u>117,545</u>	71%
Amount Due per Accounts Receivable	125,742	

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

Total Budgeted	76,462	
Total Collected (percent of budget)	<u>78,109</u>	102%
Amount Due Per Budget	(1,647)	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Development Certificates		AGENDA DATE March 16, 2023
	SUBJECT/PROPOSAL/REQUEST: Harbor Development Certificates for Visitor Center/Public Bathrooms off Mason Avenue; Rail Car Exterior Renovations; and Municipal Building		ITEM NUMBER: 7A
	ATTACHMENTS: February 22, 2023 Joint HARB and HDRB Agenda Packet		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator		REVIEWED BY: John Hozey, Town Manager

BACKGROUND:

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

The Planning & Zoning Office received three applications within the Harbor District from the Town of Cape Charles. Two of those applications also are located in the Historic Overlay District and they are Items 1 & 2 below:

1. Tax Map #83A3-A-9: Construct a 1,337 sq. ft. building for public restrooms and visitor center on a portion of the lot which the Town is leasing out of the total 42.15 acre lot owned by Canonie Atlantic Railroad
2. Tax Map #83A3-A-9: Perform exterior renovation work on the decommissioned rail car located on a portion of the lot which the Town is leasing out of the total 42.15 acre lot owned by Canonie Atlantic Railroad.

AERIAL VIEW OF TOTAL MAP



3. Tax Map #83A3-4-14C: construct a 15,494 sq. ft. Municipal Building on lot owned by the Town .

AERIAL VIEW OF TOTAL MAP



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

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

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

Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

ITEM SPECIFICS:

A meeting of the Harbor Area Review Board was held jointly with the Historic District Review Board on February 22, 2023 to review all applications and provide a recommendation to Town Council. All supporting materials, including site plans, applications and narrative letters are included in the Attachment (agenda packet that went to the HDRB and HARB).

APPLICATION #1: DOWNTOWN RESTROOM and VISITORS CENTER PROJECT

John Hozey, Town Manager, on behalf of the Cape Charles Town Council, submitted an application to the Harbor Area Review Board and the Historic District Review Board to construct a 1,337 sq. ft. Downtown Restroom and Visitors Center building on Tax Map #83A3-A-9. Said parcel is owned by Canonie Atlantic Company. The Town has been leasing a portion of this property as a municipal parking lot and the Rail Car was purchased by Cape Charles Main Street and placed on a portion of this property. Currently, the Town is finalizing negotiations on an amendment to the parking lot lease for approximately 60' x 22' to place this municipal building and service on this property to provide public bathroom services at the mid-way point on Mason Avenue, just off of Strawberry Plaza, and the middle portion of the Harbor area and to allocate a portion of the building to serve as a visitor center. Half of the building will house 5 unisex restrooms which will include hand washing stations within the confines of each stall and will also provide a custodian's room with mop sink and storage room. The other half of the building will serve as a visitor's center.



Bob Panek, Project Manager, explained the visitor center objectives, logistics and layout. He also explained the site plan, visitor accesses, placement of trash receptacles, and parking. David Howgill expressed a concern regarding the paving of the parking lot and Bob Panek assured him that only the ADA parking spaces would be paved. The remainder of the parking area would be gravel. John Hozey explained the reasoning for the placement of the train car and visitor center to maintain the view shed to the harbor and that the train was moved out of the view shed for that reason. HARB and HDRB Member Herb Thom expressed concern regarding the signage on the building. Signs would be placed on Strawberry Street and on the plaza. Katie Nunez explained that the inside of the visitors center will be restrooms and a museum. HARB Member Steve Bennett asked about the square footage of the building. Bob Panek replied that the square footage would be 1337 square feet. Also, the doors will have locking capability. A member of the public asked if there would be bicycle parking and the Town will provide an area for bike parking and golf carts will have access and identified parking for the golf cart.

HARB Member Shannon Smith mentioned that signage will be compliant and that there is an ongoing issue with parking being clearly defined for the public.

Katie Nunez stated that there will be additional signs provided on Mason for the public to know where public restrooms are available.

Town Manager Hozey noted that the Port-a-potty will be leaving and that the timeframe for construction of this building will begin in late spring or early summer and hope to be completed by the end of the summer 2023. He confirmed that the restrooms will be connected to town water and sewer and the estimated cost will be approximately \$400,000 at \$300 per square foot. He also stated that the visitors center will be manned by Cape Charles Main Street.

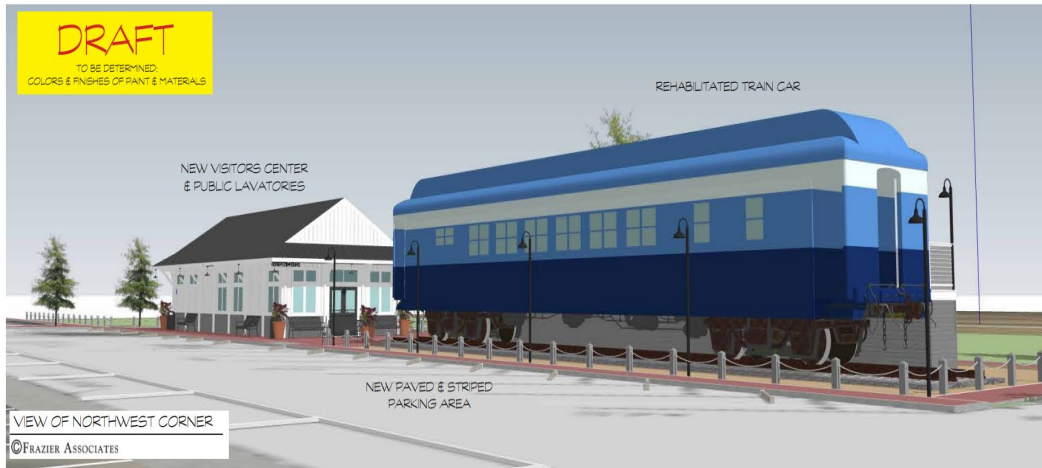
APPLICATION #2: RAIL CAR RESTORATION

Cape Charles Main Street was able to secure one of the decommissioned rail cars from the Canonic Atlantic LLC as they wound down rail operations on the Eastern Shore with the intent of placing this rail car within the downtown area for the intent and purpose of an adaptive re-use, possibly as a visitors' center. As the project has continued to evolve with the evaluation of the condition of the rail car and the work entailed to repurpose it, Cape Charles Main Street has moved away from the rail car serving as the visitor center but focused on it serving as a visual draw to tourists and to use it as the anchor for an exhibit to walk around with appropriate signage and graphics placed both on the rail car itself and through placed signage around the exterior of the rail car, creating a walking trail. Said rail car is placed adjacent to the area that has been earmarked by the Town to construct a visitor's center and public restrooms building.

The applicant is looking to move forward with the metal work that needs to occur on the rail car which is detailed as follows:

Townsend Garage Inc., hereafter referred to as TGI Welding would needle gun, grind, and prep surfaces to laminate 11 gauge (1/8") steel plate 10" wide x 10' long panels from the bottom row of rivets up 10" to cover the rusted-out sections on each side of the car. The entire length of each side would be done as to keep a uniform appearance. The panels would be welded 100% on 3 sides to keep moisture from getting behind the new steel. The bottom edge would be tacked as needed to the bottom row of rivet heads only. TGI would remove the old water and septic tank from underneath the car and transport from work site. All new steel would be primed in a coat of metal primer to keep new steel in good shape until a final coat of paint is applied by others.

Cape Charles Main Street has access to design services which assisted in providing drawings as to what the area could look like for both the rail car and the visitors center & downtown restrooms. Below is rendering of the space where the rail car is meeting up with the established pathway over to the Harbor/Shanty and looking south and east onto the property.



HARB and HDRB Member Herb Thom asked if Main Street will pay rent for the Visitor Center space and John Hozey replied no. Grant funds have been obtained by Cape Charles Main Street to assist in the cost of construction for the Downtown Restroom and Visitor Center Building as well as for the Rail Car Restoration. Cape Charles Main Street is overseeing the exterior renovation of the train. The train will be painted black. There will be a walkway and story boards on the exterior to explain history of trains to the Shore and to Cape Charles. The interior will not be renovated nor open to the public at this time, according to John Hozey.

APPLICATION #3: MUNICIPAL BUILDING

John Hozey, Town Manager, on behalf of the Cape Charles Town Council, is seeking to construct a 15,494 sq. ft. Municipal Building on Tax Map #83A3-A-14C. Said parcel is owned by the Town of Cape Charles.

The building will be 35 feet in height. The applicant through its architectural firm of HBA has provided a conceptual rendering of the proposed building.

A new entrance is being proposed onto Cassatt Parkway (formerly known as Old Cape Charles Road). There is ample parking allocated to serve both the employees of the new Town Hall and Police Department and for visitors to the building to receive services from the municipal offices as well as to attend public meetings in the large room designated as the Council Chambers and Meeting Room.

Golf cart parking has been designated on the site plan and the Town is working on ensuring there will be a golf cart pathway from the historic part of town as well as from the Bay Creek development to this new, centralized Municipal Building property.

AERIAL VIEW OF TOTAL MAP



Project Manager Bob Panek explained the new location of the municipal building and site plan - Parking lot will be paved in front of the building and the remainder will be gravel. There will be parking spots for twelve golf carts. He indicated on the provided map where everything will be in relation to the Rosenwald School property. Extensive discussion ensued regarding the parking situation on the proposed site. There was a concern expressed regarding Police data communications at the new site due to police being further from the town. HARB Member Steve Bennett expressed a concern regarding additional staff in the future and whether there may be a need to add on to the building in the future. Town Manager John Hozey replied that staffing had already been addressed in regard to growth and there was no need to “over build”. He also stated that the estimated cost would be approximately 4.5 million dollars. HARB Member Shannon Smith mentioned that there should be back up generators if there is space. There were also questions regarding the current Municipal building and Town Manager Hozey said it would be sold and has no connection with the fire department as they own that building and it does not belong to the town. Also, the look of the new Municipal building will emulate the look of the town with Hardy Board siding and a metal roof. There will also be an elevator and be fully ADA accessible. Somebody questioned how one would walk to the new building from the town. Several options were outlined to show how one could walk to this new location.

EXTERIOR VIEW #1



EXTERIOR VIEW #2



RECOMMENDATION FROM THE HARB and HDRB:

Application #1: Downtown Restroom and Visitors Center: The Historic District Review Board approved the Certificate of Appropriateness for this project, as contained and described in the application packet in accordance with Historic District Guidelines Chapter 5.13.

HARB Member Steve Bennett motioned that the Downtown Restroom and Visitors Center building application for this project is sufficient, complete and compliant with the Harbor District Regulations and recommends that Town Council favorably consider approval for the issuance of a Harbor Development Certificate based upon the application submitted and was seconded by HARB Member Shannon Smith and the motion was unanimously approved.

TOWN COUNCIL is requested to accept the recommendation from the Harbor Area Review Board and to approve the application as presented for the Downtown Restroom and Visitors Center Building for a Harbor Development Certificate.

Application #2: Rail Car Restoration Work: The Historic District Review Board approved the Certificate of Appropriateness for this project, as contained and described in the application packet in accordance with Historic District Guidelines Chapter 5.13

HARB Member Rob Harris motioned that the Rail Car Restoration Work application for this project is sufficient, complete and compliant with the Harbor District Regulations and recommends that Town Council favorably consider approval for the issuance of a Harbor Development Certificate based upon the application submitted and was seconded by HARB Member Ben Lewis and the motion was unanimously approved.

TOWN COUNCIL is requested to accept the recommendation from the Harbor Area Review Board and to approve the application as presented for the Rail Car Restoration Work for a Harbor Development Certificate.

Application #3: Municipal Building.

HARB Member Rob Harris motioned that the Municipal Building application for this project is sufficient, complete and compliant with the Harbor District Regulations and recommends that Town Council favorably consider approval for the issuance of a Harbor Development Certificate based upon the application submitted and was seconded by HARB member Shannon Smith and the motion was unanimously approved.

TOWN COUNCIL is requested to accept the recommendation from the Harbor Area Review Board and to approve the application as presented for the Municipal Building for a Harbor Development Certificate.

ATTACHMENTS

Item 1: February 22, 2023 Joint HARB and HDRB Agenda Packet

JOINT MEETING OF
Historic District Review Board & Harbor
Area Review Board
Special Meeting Agenda
February 22, 2023 at 4:00 P.M.

MEET ON-SITE at STRAWBERRY PLAZA OFF MASON AVENUE AT THE
TRAIN CAR LOCATION & THEN BY 4:15 CONVENE AT THE CAPE
CHARLES CATHOLIC CHURCH PARISH HALL AT 550 Tazewell Avenue

1. Introduction
2. Call to Order; Roll Call – Historic District Review Board then Harbor Area Review Board
 - A. Roll call and establish a quorum
3. Meet Onsite at Strawberry Plaza off Mason Avenue at the Train Car Location to view site and drawings relative to the following projects:
 - Downtown Restroom & Visitors Center
 - Train Car Restoration and Associated site work
4. Reconvene at the Cape Charles Catholic Church Parish Hall at 550 Tazewell Avenue by 4:15 pm
5. Public Comment: Agenda Items Only
6. New Business for both Historic District Review Board and Harbor Area Review Board
 - A. Application for a Harbor Development Certificate and Certificate of Appropriateness for the Downtown Restroom & Visitors Center
 - B. Application for a Harbor Development Certificate and Certificate of Appropriateness for Train Car Restoration and Associated site work
7. Adjourn of Historic District Review Board
8. New Business Continued only for Harbor Area Review Board
 - A. Application for a Harbor Development Certificate for a new Municipal Building
 - B. Status Report on Rosenwald School Building Project
9. Adjourn of Harbor Area Review Board



HARBOR AREA REVIEW BOARD & HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 22, 2023

Item #: 6A – Town of Cape Charles – Downtown Restroom & Visitors Center

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

Date: February 15, 2023

APPLICANT: Cape Charles Town Council

TYPE OF APPLICATION: Harbor Development Certificate

SITE ADDRESS: Mason Avenue behind Strawberry Plaza

WORK TO BE PERFORMED: Construct a 1,337 sq. ft building as public restrooms and visitor center

TAX MAP: 83A3-A-9

CURRENT ZONING: Harbor District

LOT SIZE: 42.15 acres (total lot)

PROPOSED ZONING USES: CCZO Section 3.9 (D) (4) (b) - By-Right Use as Office and Institutional Use of a Civic and government facilities – Public Bathroom and Visitor center

1,337 sq. ft (area outlined in blue on lot map below)

DATE APPLICATION RECEIVED: February 6, 2023

HARB APPLICATION MTG: February 22, 2023

TOWN COUNCIL MTG: March 16, 2023

Proposed Development: John Hozey, Town Manager, on behalf of the Cape Charles Town Council, is seeking to construct a 1,337 sq. ft. Downtown Restroom and Visitors Center building on Tax Map #83A3-A-9. Said parcel is owned by Canonie Atlantic Company. The Town has been leasing a portion of this property as a municipal parking lot and the Rail Car was purchased by Cape Charles Main Street and placed on a portion of this property. Currently, the Town is finalizing negotiations on an amendment to the parking lot lease for approximately 60' x 22' to place this municipal building and service on this property to provide public bathroom services at the mid-way point on Mason Avenue, just off of Strawberry Plaza, and the middle portion of the Harbor area and to allocate a portion of the building to serve as a visitor center. Half of the building will house 5 unisex restrooms which will include hand washing stations within the confines of each stall and will also provide a custodian's room with mop sink and storage room. The other half of the building will serve as a visitor's center.

AERIAL VIEW OF TOTAL MAP



Rail Car Location Area
leased to Cape Charles
Main Street from Canonie

Proposed Lease Area for
Visitors Center & Downtown
Restrooms

Parking Lot Area
Leased to Town from
Canonie

ZONING DISTRICT:

This parcel is zoned Harbor District but within that designation it is further delineated as “Mainstreet Mixed-use Area” of CCZO Section 3.9 (B) which was incorporated into the Town’s Historic District Overlay Map and Harbor Overlay Map as part of the re-certification of the Town’s adopted zoning map on December 15, 2022

Excerpt of Town Zoning Map



Based upon the zoning map, both the Harbor Area Review Board and Historic District Review Board have overlapping review authority.

This lot is a previously undeveloped lot and comprises part of the outer border of the Historic District Overlay and also zoned Harbor Zoning which requires a Harbor Development Certificate for the listed allowable uses in the Harbor District.

SITE CONSIDERATION:

Attached is the site plan prepared by MSA dated 2/3/2023.

An eight foot wide concrete sidewalk will be placed on the north, west, and south sides directly around the building and the east side will have a six foot wide concrete sidewalk. To meet all ADA requirements for access to the building, two full ADA compliant parking spaces will be erected in a portion of the municipal parking lot; this area of the parking lot will have asphalt area. Once past the building on the north side, the concrete sidewalk will return to a 5 ft. wide sidewalk that will continue the length of the parking lot until it meets the “gravel pathway” that serves as the connector walkway from this municipal lot to municipal lot by the harbor, heading back towards the Shanty Restaurant.

The building will be 21 feet in height. The applicant, through its architectural firm of HBA, has provided a conceptual rendering of the proposed building. The intent from the applicant is for the building to mimic the look of a train station since it is intended to be constructed adjacent to the Rail Car that will be utilized by Cape Charles Main Street as a visual point of interest of the history of the Town and serve as an educational & informational focus about the significance of the railroad in the development of the town.

A lighting and landscape plan will still need to be provided by the applicant and be part of a broader, more comprehensive plan for this area, including the currently leased parking lot and the rail car and Strawberry Plaza and any additional development that may be proposed on the Canonic Atlantic property to the immediate south and east of this proposal which meets the Town’s requirements for safety and security issues for this type of public, high-traffic use based upon the established hours of operation and access to the restrooms.

Additionally, the applicant will need to submit a separate sign application(s) that clearly marks and advertises this new municipal service at this specific location but to also provide wayfinding signs elsewhere on Mason Avenue as part of a coordinated marketing effort to highlight the location of public bathroom facilities for the pedestrian traffic in the commercial and harbor areas of the town.



STAFF ANALYSIS

ZONING COMPLIANCE

The proposed visitor's center and public bathroom building is within the height requirements and the lot, as a whole, as the required lot frontage, lot depth and lot area and meets the 25% Open Space requirement. Pursuant to Cape Charles Zoning Ordinance Section 3.9 (3) (a), the structure is located within the designated Intensely Developed Area of the Chesapeake Bay Preservation Act Overlay District. Additionally, this structure will be intended to provide amenities for pedestrians and other visitors to the Town, pursuant to CCZO Section 3.9 (3) (a) (2). This proposed development, based upon the remaining lot acreage owned by Canonie Atlantic which is not proposed for development, meets the Open Space requirement of CCZO Section 3.9 (G).

All utilities required to service this building will be installed underground, pursuant to CCZO Section 3.9 (H).

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

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

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

Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

The applicant has provided a statement dated February 6, 2023, that addresses each criteria requirement, and the Boards are requested to review the responses submitted to determine if you find them sufficient to pass all of the criteria to achieve favorable approval by both the Historic District Review Board and the Harbor Area Review Board to recommend a Harbor Development Certificate and Certificate of Approval to Town Council.

While they are the applicant for this project, Town Council is still identified as the final authority to take final action regarding the issuance of the Harbor Development Certificate.

STAFF RECOMMENDATION:

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

Attachments:

Attachment 1: Application, Narrative Letter dated February 6, 2023, Survey prepared by MSA dated 2/3/2023, and Architectural Rendering

Attachment 2: Visitor Center Plan Interior Layout and Exterior Layout

Attachment 3: Cape Charles Zoning Map



HARBOR DEVELOPMENT CERTIFICATE APPLICATION

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

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

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

PROPERTY INFORMATION

Name of Project: Downtown Restroom & Visitors Center
Property Address: Mason Avenue
Brief Description of Project: Construct public restroom and visitors center.
Zoning District: HD Current Use: Undeveloped Proposed Use: Institutional

OWNER INFORMATION

Name and Company: Municipal Corporation of Cape Charles
Mailing Address: 2 Plum Street, Cape Charles, VA 23310
Phone Number: 757-331-3259, x19 Email: bob.panek@capecharles.org

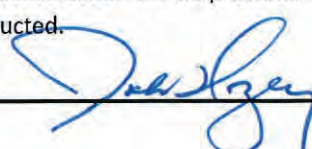
APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Municipal Corporation of Cape Charles
Mailing Address: 2 Plum St., Cape Charles, VA 23310
Phone Number: 757-331-3259, x19 Email: bob.panek@capecharles.org

CERTIFICATION OF APPLICANT

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

Signature of Applicant:  Date: 2/6/23



Municipal Corp. of Cape Charles

February 6, 2023

Zoning Administrator
Town of Cape Charles
2 Plum St.
Cape Charles, VA 23310

Dear Ms. Nunez,

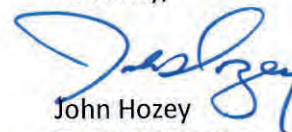
Please find attached a Harbor Development Certificate Application and plot plan for the proposed Downtown Restroom and Visitors Center on Parcel 83A3-A-9 south of Mason Avenue, State Route 184. This parcel is zoned Harbor District. The Town Council wishes to build this facility to provide convenient public access to restrooms and tourism information. The property is a portion of the former railroad yard leased by the Town from Canonie Atlantic Company. A large public parking lot and passenger rail car on static display are also located on the leased property.

The requirements for the Detailed Application are addressed below:

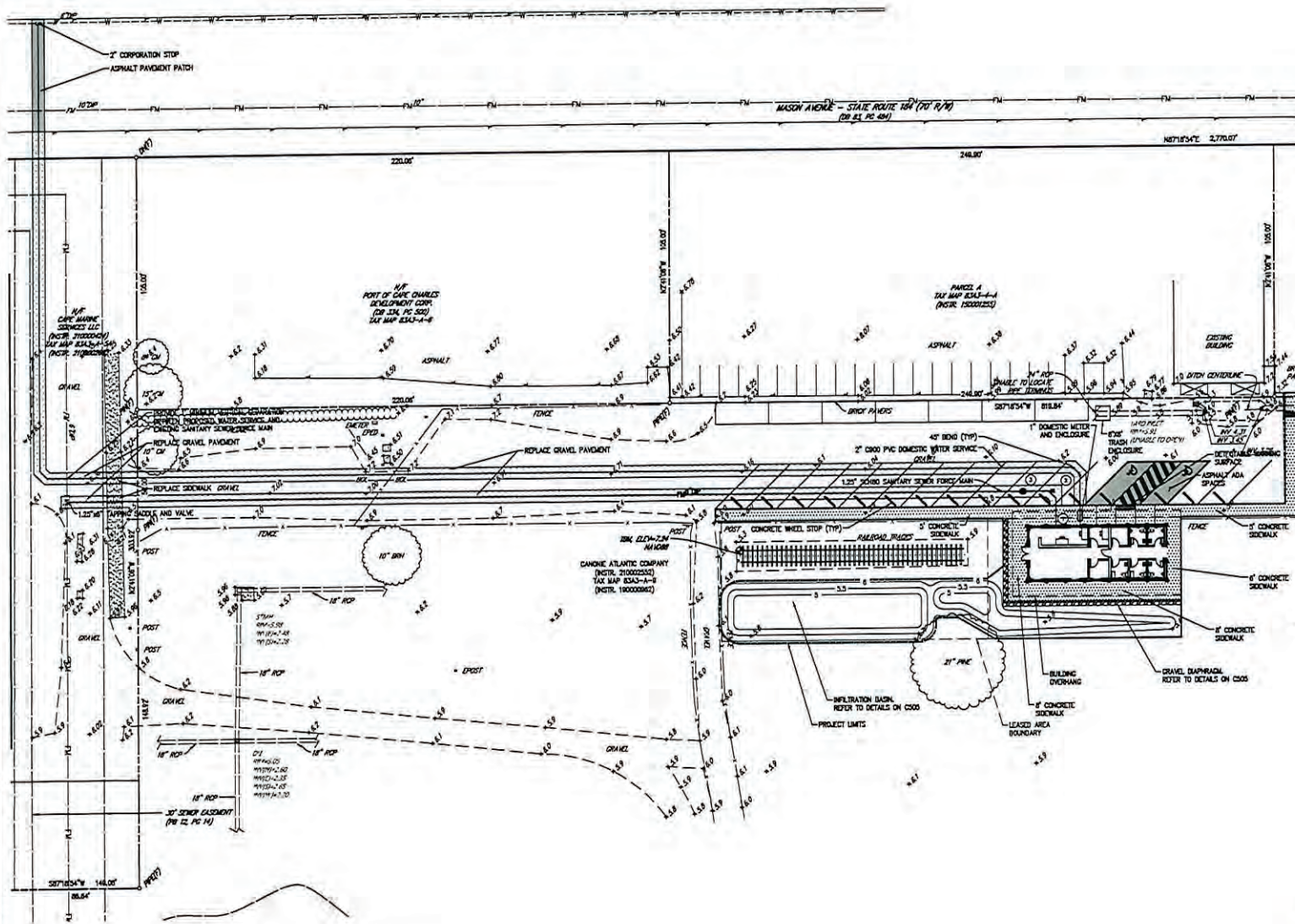
1. The building has been sited directly adjacent to the public parking lot. The remainder of the former railroad yard is currently undeveloped except for a small office building.
2. There are no scenic assets or natural features on the site deserving protection. There is a view of the Chesapeake Bay from the site that will not be disturbed by the building.
3. The entire site is dedicated to a public purpose. One building will house both the restroom and visitors center. The site is easily accessible from Mason Avenue by both pedestrians and vehicles. Pedestrian access will be through the Town-owned Strawberry Street Plaza and an existing easement at the western edge of the Strawberry Street Station 2 parking lot. Vehicular access will be through the existing parking lot entrance and exit.
4. Vehicular traffic will be one way, east to west, through the existing parking lot. There will be a sidewalk from Strawberry Street Plaza to the building to provide ADA accessibility. Sidewalks will lead to all points of building ingress and egress, and to the passenger rail car.
5. No landscaping is planned due to the constraints of the leased site. We are hopeful that Canonie Atlantic will give permission to plant a few trees just south of the site if it does not interfere with their development plans for the property.
6. Signage is delineated on the plot plan. There are spaces reserved for ADA accessible parking, as well as an area for trash pickup on the north side of the parking lot.
7. A conceptual rendering of the building exterior is attached.

If any clarification or additional information is needed, please contact Mr. Bob Panek at 757-331-3259, x19, or bob.panek@capecharles.org.

Sincerely,


John Hozey
Town Manager

1. Virginia 2022 Professional Engineer & Land Surveyor Seal/Stamp: CS101 - 10/1/2022 - 10/1/2027 - 10/1/2027 - 10/1/2027



SANITARY SEWER SCHEDULE

- ① BUILDING CONNECTION
R/W= 3.00
- ① TO ② 18 1/2" 4" PVC @ 8.02
- ② C900
R/W= 6.00
R/W= 1.72
- ① TO ③ 10 1/2" 4" PVC @ 8.02
- ③ SANITARY SEWER PUMP STATION
REFER TO C900
R/W= 6.00
R/W= 0.82

PAVEMENT LEGEND

- LIGHT DUTY ASPHALT PAVEMENT SECTION (SEE SHEET C-303)
- ▨ GRAVEL PAVEMENT SECTION (SEE SHEET C-303)

UTILITY NOTES

1. ALL SANITARY SEWER PIPE MATERIAL ON-SITE SHALL BE PVC. DUCTILE IRON MATERIAL SHALL BE USED IF MINIMUM COVER CAN NOT BE PROVIDED FOR PVC.
2. THE MINIMUM COVER FOR GRAVITY SEWER LATERALS SHALL BE 24" FOR DUCTILE IRON PIPE AND 36" FOR PVC PIPE.
3. THE MINIMUM SLOPE OF 4" GRAVITY SEWER LATERALS SHALL BE 1/8". THE END OF SANITARY SEWER CLEANOUTS SHALL BE SET FLUSH WITH PROPOSED GRADE.
4. ALL PVC SANITARY SEWER PIPE SHALL BE TYPE 20S. ALL DUCTILE IRON SANITARY SEWER PIPE SHALL BE TYPE PROTECTED 40L. INSTALL TRACER WIRE ON ALL SANITARY SEWER PIPE THAT IS NOT DUCTILE IRON IN THE RIGHT OF WAY.
5. BRASS FITTINGS TO MEET GSA NO. C900, WITH NO MORE THAN ONE-FORTH OF ONE POUND (LESS OR LESS) TOTAL LOAD CONTENT BY WEIGHT FOR CORPORATION STOPS, METERS AND SERVICE COUPLINGS.
6. CONTRACTOR MUST NOTIFY PUBLIC WORKS CONSTRUCTION REPRESENTATIVE SEVEN (7) CALENDAR DAYS PRIOR TO ANY NIGHT TIME SHUTDOWN OF THE WATER MAIN.
7. RESTRAIN ALL WATER LINES IN ACCORDANCE WITH LOCAL AND STATE SPECIFICATIONS.
8. ALL WATER LINE PIPE MATERIAL WITHIN THE RIGHT OF WAY AND PUBLIC EASEMENT SHALL BE TYPE K COPPER. ALL WATER LINE PIPE MATERIAL ON-SITE SHALL BE PVC UNLESS OTHERWISE NOTED.
9. MAINTAIN 18" MINIMUM VERTICAL SEPARATION FOR SEWER AND STORM CROSSING OVER WATER LINES. MAINTAIN 10" HORIZONTAL SEPARATION BETWEEN WATER AND SEWER LINES.
10. AS NECESSARY, ADJUST EXISTING UTILITY LINES TO MATCH PROPOSED GRADE.
11. ALL ON-SITE LIGHTING FIXTURES SHALL BE OF APPROPRIATE HEIGHT AND DESIGN AND ANGLED APPROPRIATELY AS TO PREVENT ANY DIRECT REFLECTION AND/OR DISABILITY GLARE TOWARD ADJACENT USES AND CITY STREETS. LIGHTING SHALL BE DIRECTED/REFLECTED DOWN AT THE CURB, AND NOT OUT HORIZONTALLY OR UP IN THE AIR.
12. ALL PROPOSED UTILITIES ENCROACHING WITHIN THE LIMITS OF A STATE MAINTAINED SITE SHALL MAINTAIN A MINIMUM DEPTH OF 36" AS MEASURED FROM THE BOTTOM OF THE DITCH THROUGHOUT THE ENTIRE UTILITY ENCROACHMENT.

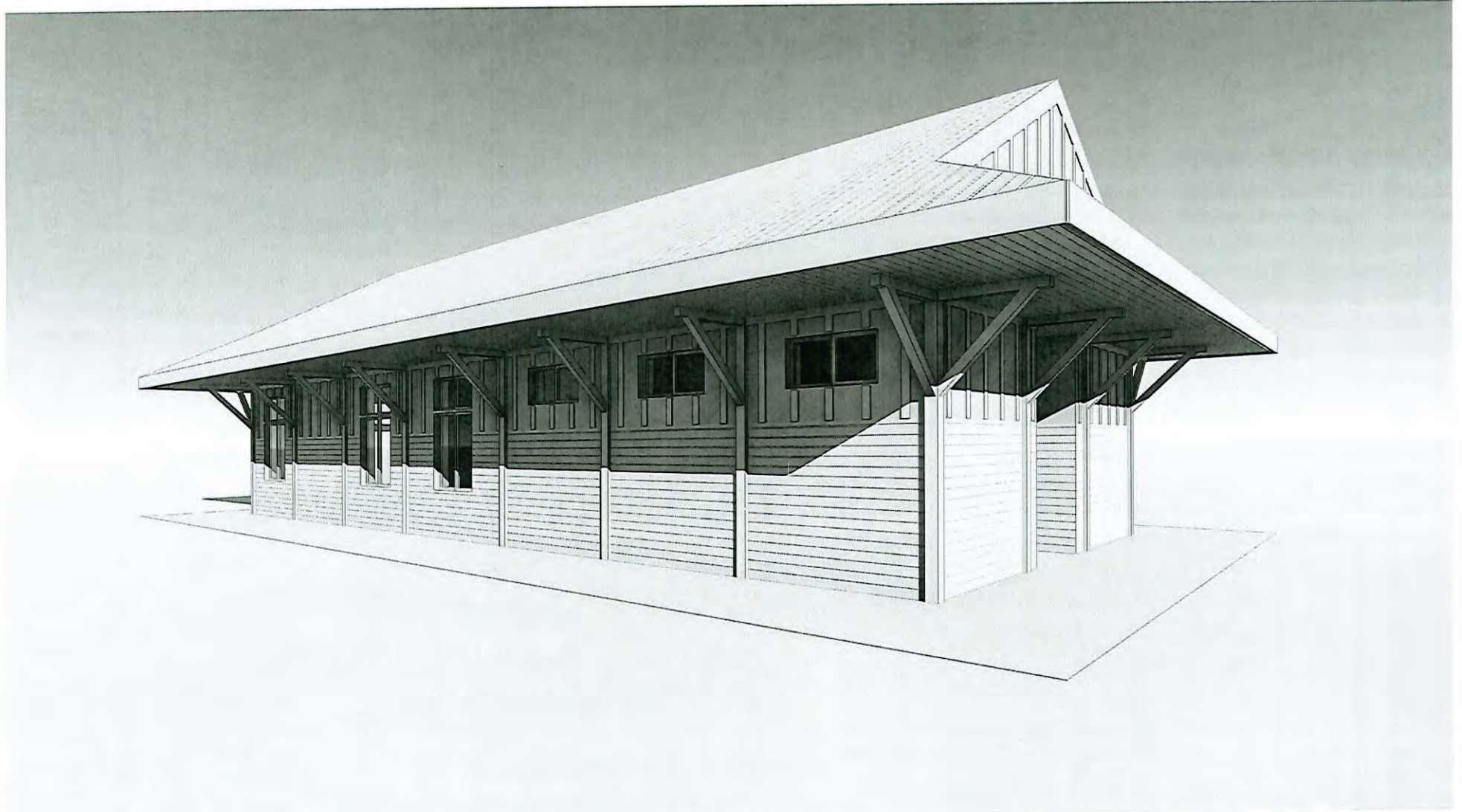
MEASUREMENTS COORDINATE SYSTEM
SOUTH ZONE NAD83 (2011) (PROJ 20110)



DESIGNED	CHK	DATE
DRAWN	CHK	DATE
CHECKED	CHK	DATE
APPROVED	CHK	DATE

SITE LAYOUT PLAN OF
CAPE CHARLES VISITOR CENTER
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

SHEET
CS101
5 of 12 Sheets
SCALE: 1" = 20'
PROJ. NO.: 22057

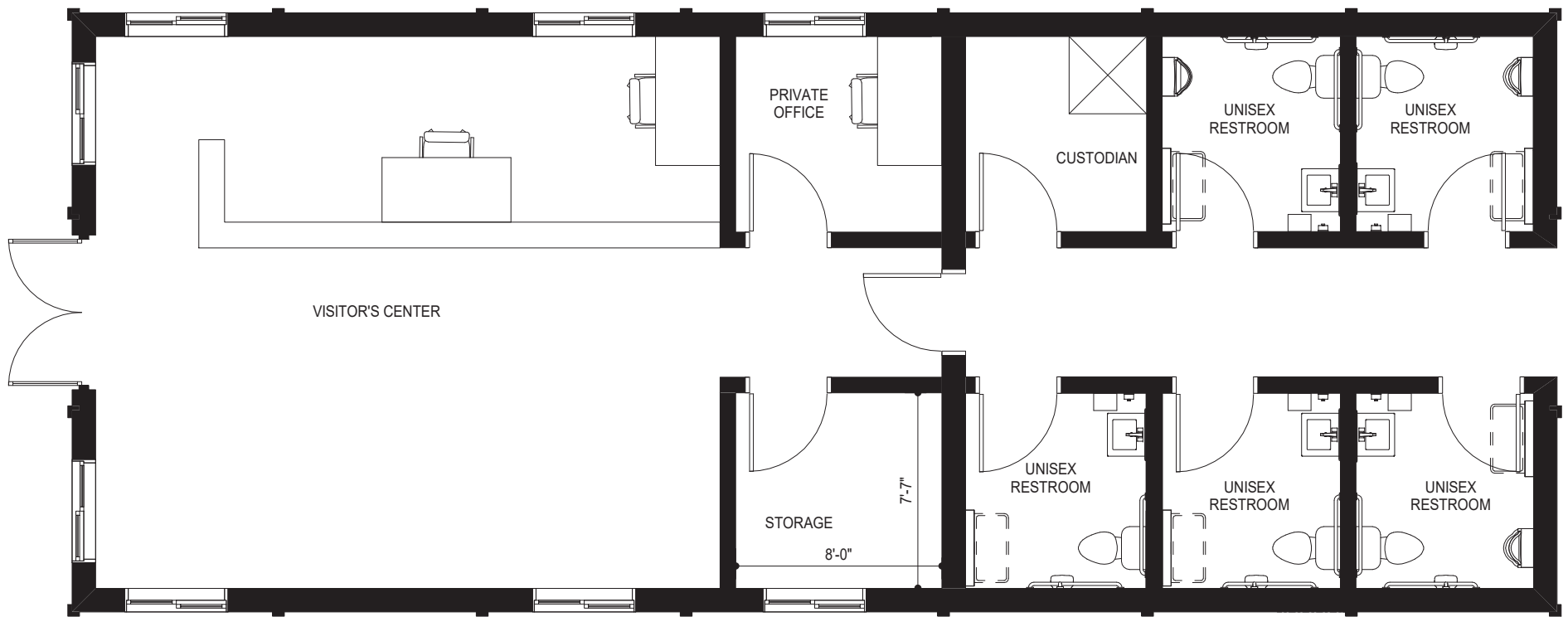


DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXT. VIEW - RESTROOM & VISITOR'S CENTER

11/03/22





DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
 CAPE CHARLES, VIRGINIA

RESTROOM & VISITORS CENTER

TOTAL SF: 1,337

1/4" = 1'-0"

11/03/22



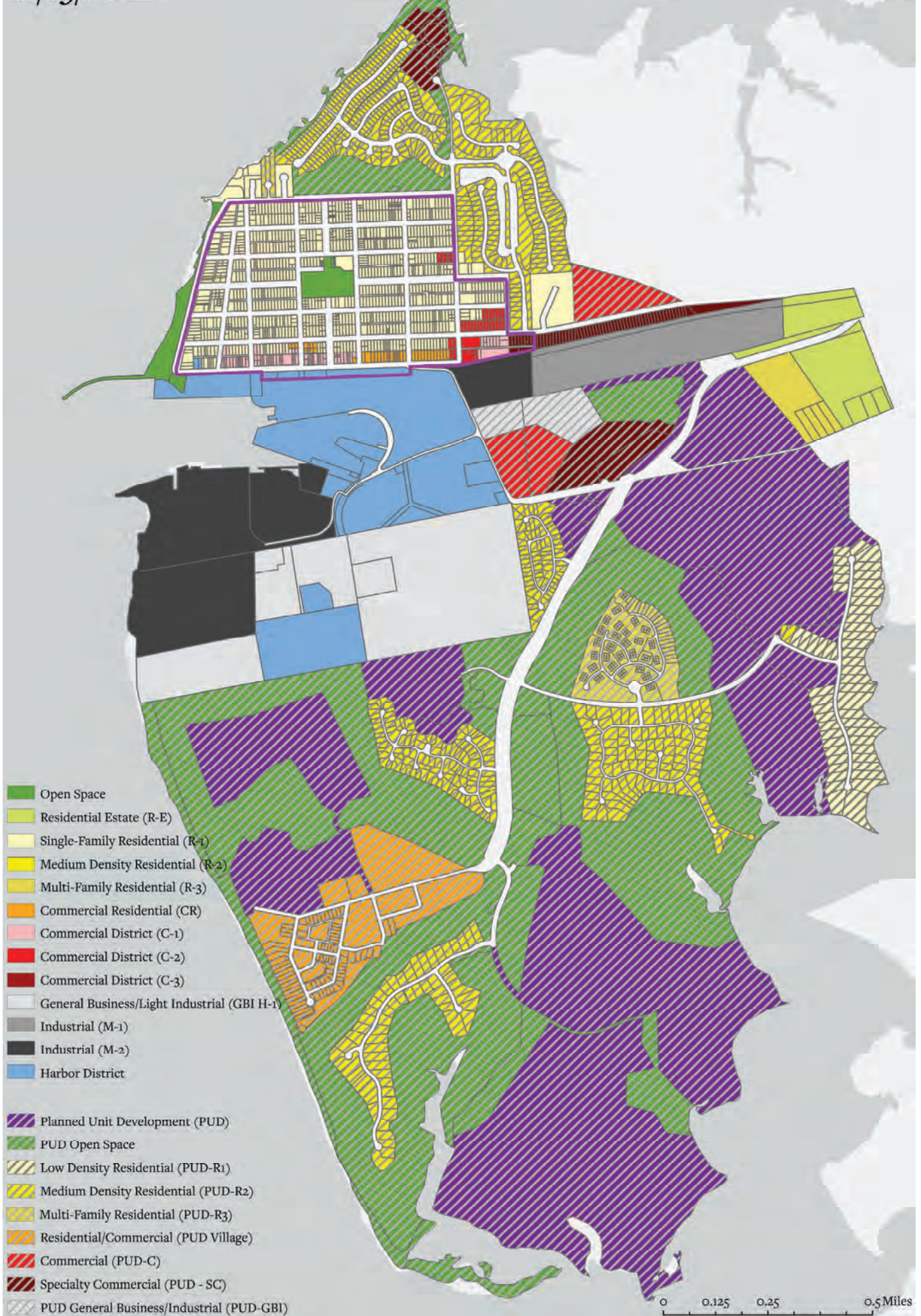
DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXT. VIEW - RESTROOM & VISITOR'S CENTER

11/03/22

Existing Zoning

12/15/2022





HARBOR AREA REVIEW BOARD & HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 22, 2023

Item #: 6B – Cape Charles Main Street – Rail Car Restoration

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

Date: February 15, 2023

APPLICANT: Cape Charles Town Council

TYPE OF APPLICATION: Harbor Development Certificate

SITE ADDRESS: Mason Avenue behind Strawberry Plaza

WORK TO BE PERFORMED:

TAX MAP: 83A3-A-9

CURRENT ZONING: Harbor District

LOT SIZE: 42.15 acres (total lot)

PROPOSED ZONING USES: CCZO Section 3.9

Less than 1,000 sq. ft (area shown in green on lot map below)

(D) (4) (b) - By-Right Use as Office and Institutional Use of a Civic and government facilities – Educational/Historic Tourism Heritage Display

DATE APPLICATION RECEIVED: February 6, 2023

HARB APPLICATION MTG: February 22, 2023

TOWN COUNCIL MTG: March 16, 2023

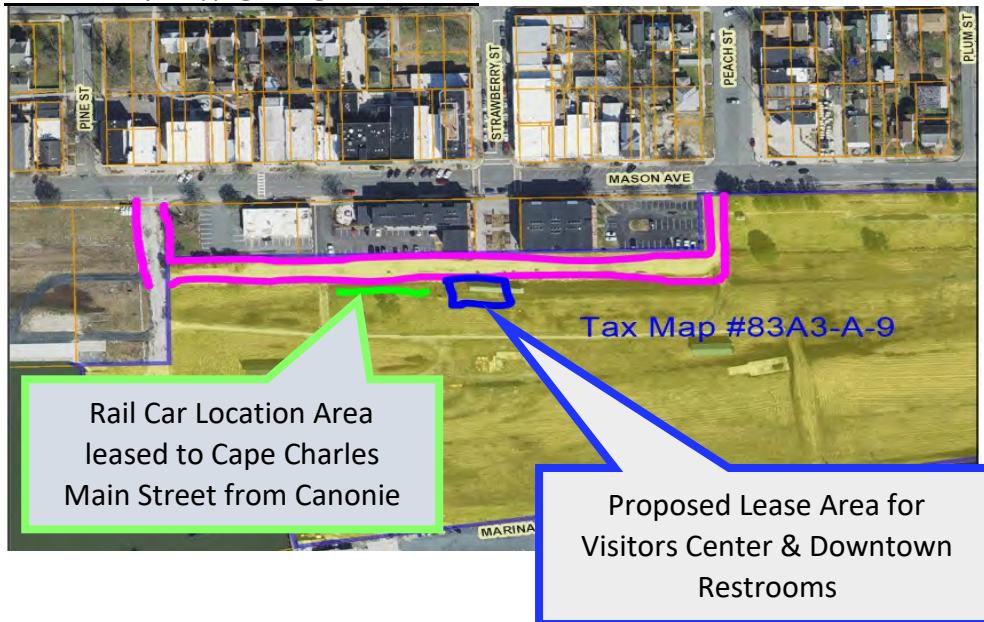
Proposed Development: Cape Charles Main Street was able to secure one of the decommissioned rail cars from the Canonie Atlantic LLC as they wound down rail operations on the Eastern Shore with the intent of placing this rail car within the downtown area for the intent and purpose of an adaptive re-use, possibly as a visitors' center. As the project has continued to evolve with the evaluation of the condition of the rail car and the work entailed to repurpose it, Cape Charles Main Street has moved away from the rail car serving as the visitor center but focused on it serving as a visual draw to tourists and to use it as the anchor for a exhibit to walk around with appropriate signage and graphics placed both on the rail car itself and through placed signage around the exterior of the rail car, creating a walking trail. Said rail car is placed adjacent to the area that has been earmarked by the Town to construct a visitor's center and public restrooms building.

The applicant is looking to move forward with the metal work that needs to occur on the rail car which is detailed as follows:

Townsend Garage Inc., hereafter referred to as TGI Welding would needle gun, grind, and prep surfaces to laminate 11gauge (1/8") steel plate 10" wide x10' long panels from the bottom row of rivets up 10" to cover the rusted-out sections on each side of the car. The entire length of each side would be done as to keep a uniform appearance. The panels would be welded 100% on 3 sides to keep moisture from getting behind the new steel. The bottom edge would be tacked as needed to the bottom row of rivet heads only. TGI would remove the old water and septic tank from underneath the car and transport from work site. All new steel would be primed in a coat of metal primer to keep new steel in good shape until a final coat of paint is applied by others.

At this time, the applicant is not seeking any additions to the rail car, but I felt it prudent to provide a full update to the HARB and HDRB on this project and to ensure that the appropriate approvals have been obtained based upon the conceptual plans, which are still in the process of securing funding and concurrence with their partner, the Cape Charles Town Council.

AERIAL VIEW OF TOTAL MAP



Cape Charles Main Street has access to design services which assisted in providing drawings as to what the area could look like for both the rail car and the visitors center & downtown restrooms. Below is rendering of the space where the rail car is meeting up with the established pathway over to the Harbor/Shanty and looking south and east onto the property.



Below is visual if you were approaching this directly off of Strawberry Plaza and looking towards the Harbor.



ZONING DISTRICT:

This parcel is zoned Harbor District but within that designation it is further delineated as “Mainstreet Mixed-use Area” of CCZO Section 3.9 (B) which was incorporated into the Town’s Historic District Overlay Map and Harbor Overlay Map as part of the re-certification of the Town’s adopted zoning map on December 15, 2022

Excerpt of Town Zoning Map



Based upon the zoning map, both the Harbor Area Review Board and Historic District Review Board have overlapping review authority.

This lot is a previously undeveloped lot and comprises part of the outer border of the Historic District Overlay and also zoned Harbor Zoning which requires a Harbor Development Certificate for the listed allowable uses in the Harbor District.

SITE CONSIDERATION:

Attached is the site plan prepared by MSA dated 2/3/2023 which incorporates the rail car as well as the adjacent visitor’s center and bathrooms building. As indicated in the visitor center presentation, there will be improved sidewalk surfaces for the pedestrian visitors to the site. Additionally, the required stormwater pond will be located on the backside area of the rail car to service the needs for the entire site, including the rail car and visitor’s center building and the paving/improvements to the parking areas.

A lighting and landscape plan will still need to be provided by the applicant and be part of a broader, more comprehensive plan for this area, including the currently leased parking lot and the visitor’s center and

Strawberry Plaza and any additional development that may be proposed on the Canonie Atlantic property to the immediate south and east of this proposal which meets the Town's requirements for safety and security issues for this type of public, high-traffic use based upon the established hours of operation and access to the restrooms.

Additionally, the applicant will need to submit a separate sign application(s) that clearly marks and advertises the tourism features of the rail car at this specific location but will also need to apply for the informational/educational signs intended for placement in and around the rail car to serve as a type of exterior kiosk of the history of the town and its rail heritage.

STAFF ANALYSIS

ZONING COMPLIANCE

The decommissioned rail car was placed on the property more than a year ago and further steps are being taken to ensure that it is not mobile on the lot but firmly fixed in place. The height of the rail car is within the height requirements of the Harbor District and the lot as a whole is compliant regarding the required lot frontage, lot depth and lot area and meets the 25% Open Space requirement. Pursuant to Cape Charles Zoning Ordinance Section 3.9 (3) (a), the structure is located within the designated Intensely Developed Area of the Chesapeake Bay Preservation Act Overlay District. Additionally, this structure will be intended to provide amenities for pedestrians and other visitors to the Town, pursuant to CCZO Section 3.9 (3) (a) (2). This proposed development, based upon the remaining lot acreage owned by Canonie Atlantic which is not proposed for development, meets the Open Space requirement of CCZO Section 3.9 (G).

All utilities required to service this building will be installed underground, pursuant to CCZO Section 3.9 (H).

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

There may be further improvements and access to the interior spaces of the rail car, if funds and design elements within the constraints of the site support this, but the applicant is aware that they would need to submit an amendment to any approved Harbor Development Certificate to the HARB and HDRB providing new exterior elevation drawings and conceptual renderings of said improvements.

The rail car is supportive to the visual concept being pursued with the visitor's center and restroom building which would be styled to look like a railroad station building adjacent to a rail car. The design firm used by the applicant has shown how certain architectural tweaks and design choices relative to signage and lighting can support and enhance that visual. I believe the applicant may be sharing such images with you at the meeting but they are not being formally submitted with this application because they contain additional improvements on the property that have not been agreed to by the Town Council.

The narrative letter supplied by the Town for the visitor's center and restroom building is also extended and applicable to the rail car since it has been included in the site plan prepared by the Town. A copy of this letter has been attached to this application for your information and re-review to determine adequacy of evaluation and compliance with the criteria review to obtain a Harbor Development Certificate, pursuant to the ordinance.

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

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

Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

The Boards are requested to review the responses submitted to determine if you find them sufficient to pass all of the criteria to achieve favorable approval by both the Historic District Review Board and the Harbor Area Review Board to recommend a Harbor Development Certificate and Certificate of Approval to Town Council for the Rail Car Project.

STAFF RECOMMENDATION:

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

Attachments:

Attachment 1: Survey prepared by MSA dated 2/3/2023

Attachment 2: Email from Bill Stramm, Chair of Cape Charles Main Street

Attachment 3: Cape Charles Zoning Map

[illegible]

Tracy Outten

From: Bill Stramm <billstramm@gmail.com>
Sent: Wednesday, February 8, 2023 7:13 AM
To: Katie Nunez
Cc: Karen Zamorski; Tammy Holloway
Subject: Fwd: Quote on railcar project
Attachments: PRELIM TRAIN LAYOUT.pdf

Good Morning Katie,

Per our discussion yesterday I'm providing the following. The email from Barry Downing quoting the sheet metal cost and work to be performed on the train car. Barry outlines how long it will take for his work. I've attached the DRAFT sketches from Fraizer Associates that provide some idea of the path around the train. We're not sure about the HC access ramp being part of the train. Also the path composition could be concrete or something else, e.g., pavers. The train car will be repainted the color that represented the rail line back in the 1930s. The windows on the train will be covered with plywood, painted with silhouettes of passengers inside the car. Plexiglass will cover the plywood to protect from the elements. I mentioned storyboards that would surround the train. We anticipate approximately 10 - 12 of them. They would be mounted in the ground on pedestal for viewing.

Please let me know if I missed anything.

Bill

Begin forwarded message:

From: Karen Zamorski <karenz.ccms@gmail.com>
Subject: Fwd: Quote on railcar project
Date: February 8, 2023 at 6:39:39 AM EST
To: Bill Stramm <billstramm@gmail.com>

Here you go.

Karen

----- Forwarded message -----

From: Steven Pautz <stevenpautz@gmail.com>
Date: Thu, Jan 12, 2023 at 4:22 PM
Subject: Fwd: Quote on railcar project
To: Karen <karenz.ccms@gmail.com>

----- Forwarded message -----

From: Steven Pautz <stevenpautz@gmail.com>
Date: Tue, Jan 10, 2023 at 3:57 PM

Subject: Re: Quote on railcar project
To: Kay Downing <tgishop1@verizon.net>

Thanks, have a meeting with the team on Thursday and this helps a lot.

On Tue, Jan 10, 2023 at 3:54 PM Kay Downing <tgishop1@verizon.net> wrote:

Hello Steven,

The following is a quote for scope of work on the railcar project in Cape Charles. Townsend Garage Inc., hereafter referred to as TGI Welding would needle gun, grind, and prep surfaces to laminate 11 gauge (1/8") steel plate 10" wide x 10' long panels from the bottom row of rivets up 10" to cover the rusted out sections on each side of the car. The entire length of each side would be done as to keep a uniform appearance. The panels would be welded 100% on 3 sides to keep moisture from getting behind the new steel. The bottom edge would be tacked as needed to the bottom row of rivet heads only. TGI would remove the old water and septic tank from underneath the car and transport from work site. All new steel would be primed in a coat of metal primer to keep new steel in good shape until a final coat of paint is applied by others. This is the only work that this price will include at this time. The following cost would include total for materials charge, labor and sales tax. The cost for the said above work would be \$35,000.00. If awarded the work TGI would request a down payment of \$15,000.00 to start work on the project and the balance of \$20,000.00 to be paid in full within 30 days of receiving final invoice that above stated work is complete. We appreciate the opportunity to work with you on this worthy project and appreciate the opportunity to provide you with a quote.

Thanks,
Barron Downing III
TGI Welding
Shop Manager

--

Karen Zamorski
Executive Director



PO Box 567
Cape Charles, VA . 23310
757-678-2303

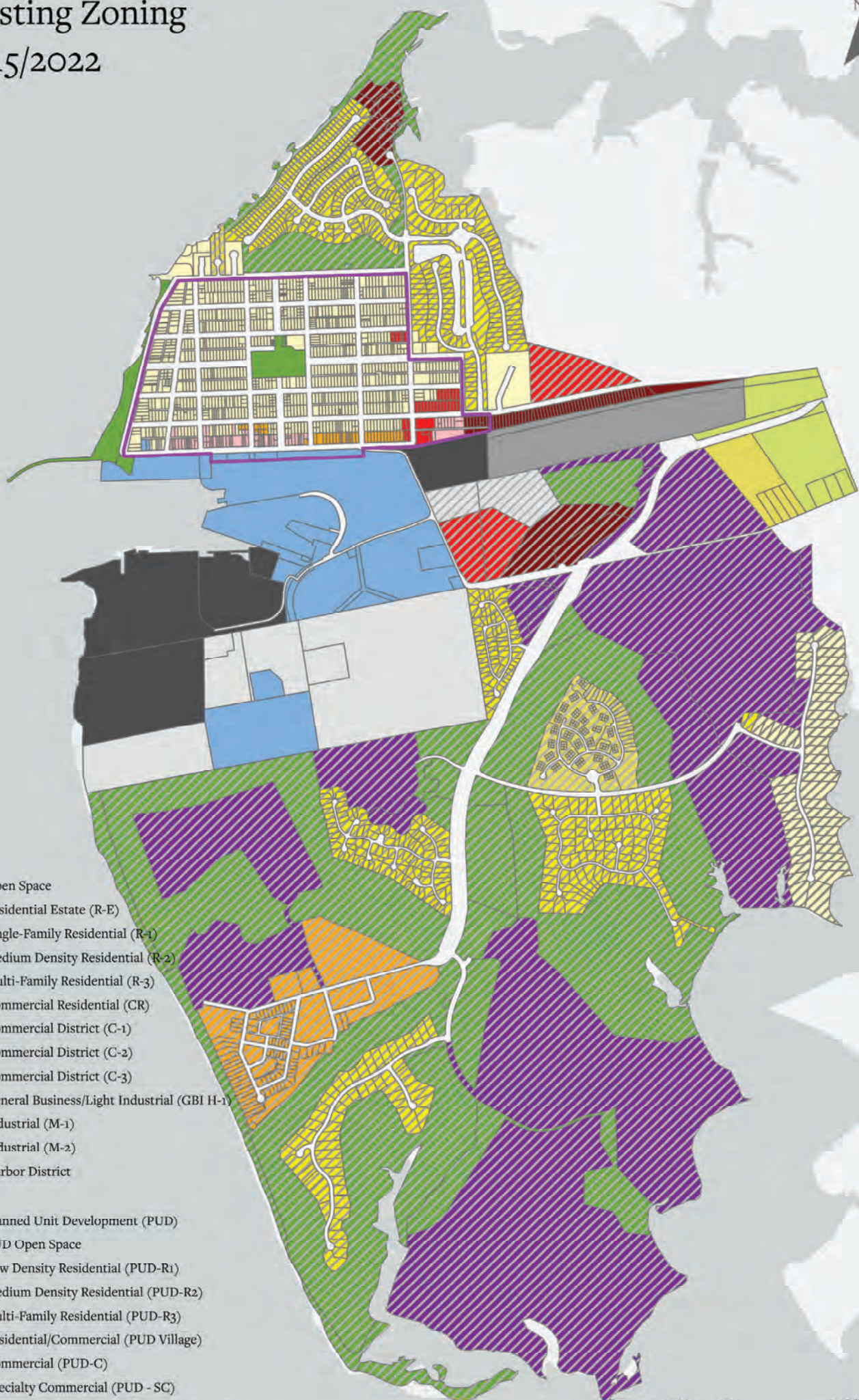
Existing Zoning

12/15/2022



- Open Space
- Residential Estate (R-E)
- Single-Family Residential (R-1)
- Medium Density Residential (R-2)
- Multi-Family Residential (R-3)
- Commercial Residential (CR)
- Commercial District (C-1)
- Commercial District (C-2)
- Commercial District (C-3)
- General Business/Light Industrial (GBI H-1)
- Industrial (M-1)
- Industrial (M-2)
- Harbor District

- Planned Unit Development (PUD)
- PUD Open Space
- Low Density Residential (PUD-R1)
- Medium Density Residential (PUD-R2)
- Multi-Family Residential (PUD-R3)
- Residential/Commercial (PUD Village)
- Commercial (PUD-C)
- Specialty Commercial (PUD - SC)
- PUD General Business/Industrial (PUD-GBI)



0 0.125 0.25 0.5 Miles



HARBOR AREA REVIEW BOARD & HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 22, 2023

Item #: 8A – Town of Cape Charles – new Municipal Building

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

Date: February 15, 2023

APPLICANT: Cape Charles Town Council

TYPE OF APPLICATION: Harbor Development Certificate

SITE ADDRESS: Off of Cassatt Parkway (located behind the old Rosenwald School Building)

WORK TO BE PERFORMED: Construct a 15,494 sq. ft municipal building

TAX MAP: 83A3-A-14C

CURRENT ZONING: Harbor District

LOT SIZE: 2.72 acres

PROPOSED ZONING USES: CCZO Section 3.9 (D) (4) (b) - By-Right Use as Office and Institutional Use of a Civic and government facilities – new Town Hall offices and Police Department

DATE APPLICATION RECEIVED: February 6, 2023

HARB APPLICATION MTG: February 22, 2023

TOWN COUNCIL MTG: March 16, 2023

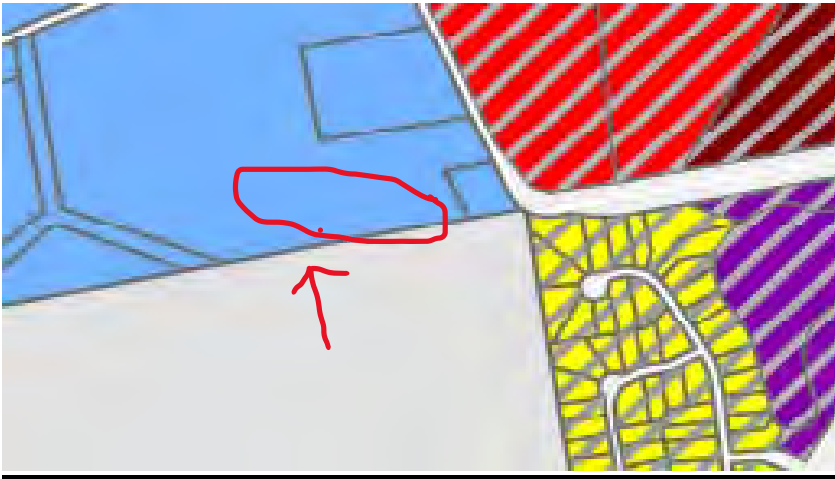
Proposed Development: John Hozey, Town Manager, on behalf of the Cape Charles Town Council, is seeking to construct a 15,494 sq. ft. Municipal Building on Tax Map #83A3-A-14C. Said parcel is owned by the Town of Cape Charles.

AERIAL VIEW OF TOTAL MAP



ZONING DISTRICT:

This parcel is zoned Harbor District.

Excerpt of Town Zoning Map

This lot was previously part of a larger Town-owned parcel where the northern edge of the parcel is home to the Town's wastewater plant. The parcel was subdivided in 2022 and the Town allocated some land to the Rosenwald School lot and carved out a lot to serve as the future home of a new municipal building for the Town.

SITE CONSIDERATION:

Attached is the site plan prepared by MSA dated 2/3/2023.

The building will be 35 feet in height. The applicant through its architectural firm of HBA has provided a conceptual rendering of the proposed building.

A new entrance is being proposed onto Cassatt Parkway (formerly known as Old Cape Charles Road). There is ample parking allocated to serve both the employees of the new Town Hall and Police Department and for visitors to the building to receive services from the municipal offices as well as to attend public meetings in the large room designated as the Council Chambers and Meeting Room.

Golf cart parking has been designated on the site plan and the Town is working on ensuring there will be a golf cart pathway from the historic part of town as well as from the Bay Creek development to this new, centralized Municipal Building property.

STAFF ANALYSIS**ZONING COMPLIANCE**

The proposed municipal building is within the height requirements and meets the frontage, lot depth and lot area requirements of the zoning district and meets the 25% Open Space requirement.

All utilities required to service this building will be installed underground, pursuant to CCZO Section 3.9 (H).

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

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

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

Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

The applicant has provided a statement dated February 6, 2023, that addresses each criteria requirement and the HARB is requested to review the responses submitted to determine if you find them sufficient to pass all of the criteria to achieve favorable approval by the Harbor Area Review Board to recommend a Harbor Development Certificate and Certificate of Approval to Town Council.

While they are the applicant for this project, Town Council is still identified as the final authority to take final action regarding the issuance of the Harbor Development Certificate.

STAFF RECOMMENDATION:

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

Attachments:

Attachment 1: Application, Narrative Letter dated February 6, 2023, Survey prepared by MSA dated 2/3/2023, and Architectural Rendering

Attachment 2: Cape Charles Zoning Map



HARBOR DEVELOPMENT CERTIFICATE APPLICATION

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

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

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

PROPERTY INFORMATION

Name of Project: Municipal Building
Property Address: Cassatt Parkway
Brief Description of Project: Construct new Municipal Building
Zoning District: HD Current Use: Undeveloped Proposed Use: Instituional

OWNER INFORMATION

Name and Company: Municipal Corporation of Cape Charles
Mailing Address: 2 Plum Street, Cape Charles, VA 23310
Phone Number: 757-331-3259, x19 Email: bob.panek@capecharles.org

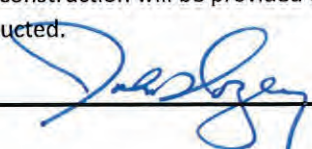
APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Municipal Corporation of Cape Charles
Mailing Address: 2 Plum Street, Cape Charles, VA 23310
Phone Number: 757-331-3259, x19 Email: bob.panek@capecharles.org

CERTIFICATION OF APPLICANT

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

Signature of Applicant:  Date: 2/6/23



Municipal Corp. of Cape Charles

February 6, 2023

Zoning Administrator
Town of Cape Charles
2 Plum St.
Cape Charles, VA 23310

Dear Ms. Nunez,

Please find attached a Harbor Development Certificate Application and plot plan for the proposed new Municipal Building on Parcel 83A3-A-14-3 along Cassatt Parkway, State Route 653. This parcel is zoned Harbor District. The Town Council wishes to build a new Municipal Building on this site and dispose of the existing substandard building on Plum Street. The property is approximately 2.1 acres of undeveloped wooded land and is owned by the Town.

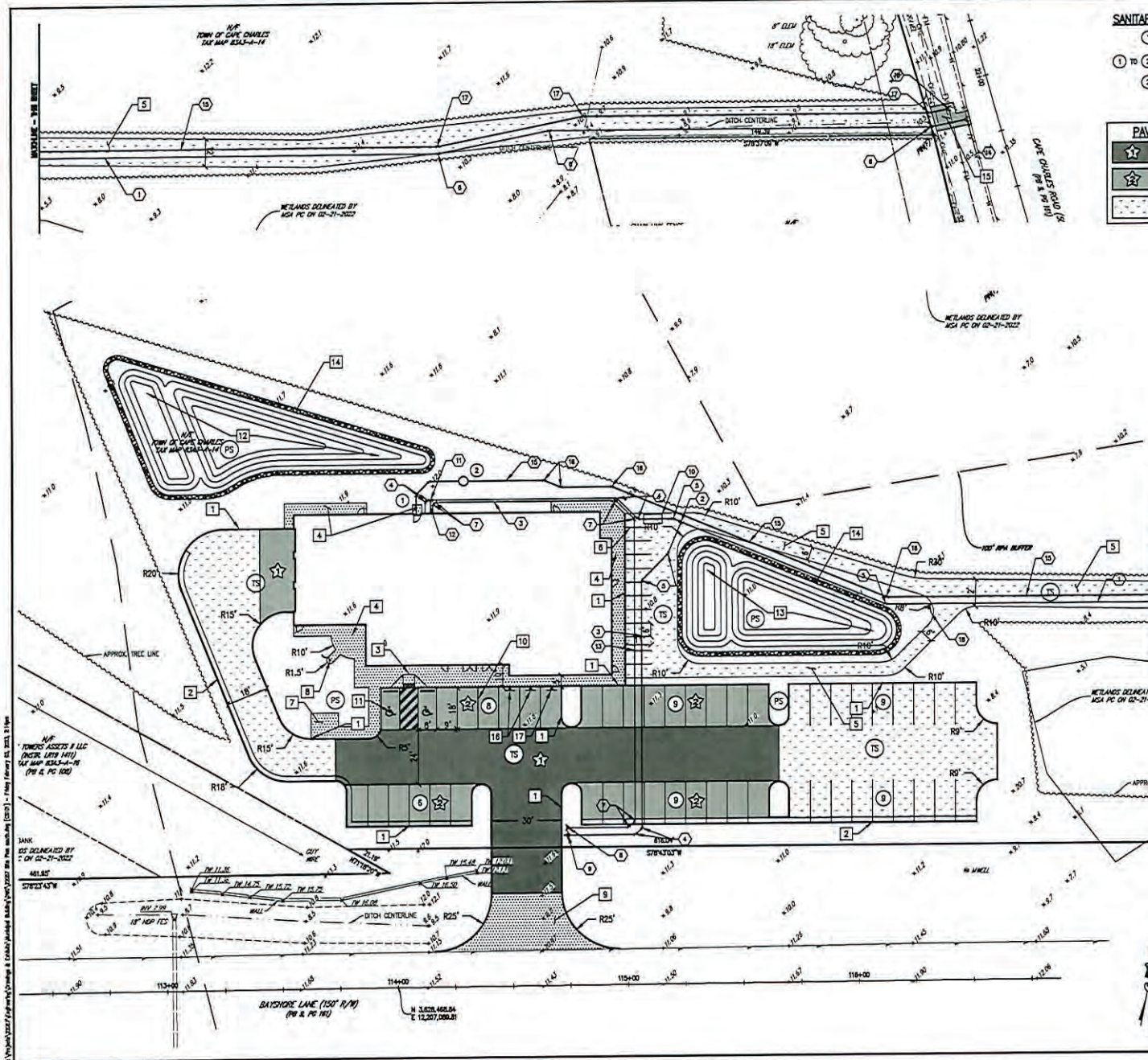
The requirements for the Detailed Application are addressed below:

1. The building and parking areas have been sited to preserve wooded open space on all sides. There is a small non-tidal wetlands area on the east side of the site which will be preserved. Additionally, the site is bordered on the west and north sides by property within the Chesapeake Bay Resource Protection Area which will remain open space.
2. The only scenic asset or natural feature on the site is the wetlands area.
3. The entire site is dedicated to a public purpose. One building will house all municipal legislative, administrative and law enforcement functions. The site location makes heavy pedestrian traffic impractical. It has been designed for convenient automotive and golf cart access. This includes a golf cart path over an easement on the Cape Charles Rosenwald School Restoration Initiative property from Old Cape Charles Road.
4. There will be separate parking areas for golf carts and other motor vehicles. Sidewalks will lead to all points of building ingress and egress.
5. Landscaping is delineated on the plot plan.
6. Signage is delineated on the plot plan. This includes spaces reserved for police and ADA accessible parking, as well as a loading zone for deliveries. There is a dedicated area for trash pickup.
7. Conceptual renderings of the building exterior are attached.

If any clarification or additional information is needed, please contact Mr. Bob Panek at 757-331-3259, x19, or bob.panek@capecharles.org.

Sincerely,

John Hozey
Town Manager

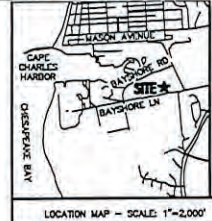


SANITARY SEWER SCHEDULE

- 1 BUILDING CONNECTION
IN= 12.00
- 2 TO 3 30 LF 4" DP @ 1.0%
- 3 SANITARY SEWER PUMP STATION
REFER TO C-300
IN= 12.40
IN= 8.00

PAVEMENT LEGEND

- HEAVY DUTY ASPHALT PAVEMENT
SECTION (SEE SHEET C-303)
- LIGHT DUTY ASPHALT PAVEMENT
SECTION (SEE SHEET C-303)
- GRAVEL/SHELL PAVEMENT
SECTION (SEE SHEET C-303)



NEW WORK KEYNOTES:

- 1 VDOT GS-2
- 2 VDOT GS-4
- 3 VDOT GS-12
- 4 CONCRETE SIDEWALK
- 5 GOLF CART PATH (TYP)
- 6 GOLF CART PARKING MARKING (TYP)
- 7 12" W/ TRASH ENCLOSURE, REFER TO C-303
- 8 FLAG POLE
- 9 CONCRETE ENTRANCE
- 10 PARKING MARKING (TYP)
- 11 ACCESSIBLE PARKING MARKING (TYP)
- 12 INFILTRATION BASIN 1, REFER TO C-300
- 13 INFILTRATION BASIN 2, REFER TO C-300
- 14 GRAVEL DAMPPANEL, REFER TO C-300
- 15 PAVEMENT PATCH
- 16 'POLICE PARKING ONLY' SIGN
- 17 'LOADING/UNLOADING ONLY' SIGN
- 18 'KEEP RIGHT' SIGN

UTILITY KEYNOTES:

- 1 6" C900 PVC
- 2 6" 4" TEE
- 3 6" C900 PVC
- 4 6" 4" BEND
- 5 6" 22.5° BEND
- 6 6" 11.25° BEND
- 7 4" 45° BEND
- 8 FIRE DEPARTMENT CONNECTION
- 9 FIRE HYDRANT
- 10 6" COMBINATION METER AND VALVE
- 11 6" 4" TEE
- 12 2" C900 PVC
- 13 4" C900 PVC DRY LINE TO FIC
- 14 6" 4" TAPPING SLEEVE AND VALVE
- 15 1.25" S2000 PVC SANITARY SEWER FORCE MAIN
- 16 1.25" 22.5° BEND
- 17 1.25" 11.25° BEND
- 18 1.25" 10" TAPPING SADDLE

UTILITY NOTES:

1. ALL SANITARY SEWER PIPE MATERIAL ON-SITE SHALL BE PVC. DUCTILE IRON MATERIAL SHALL BE USED IF MINIMUM COVER CAN NOT BE PROVIDED FOR PVC.
2. THE MINIMUM COVER FOR GRAVITY SEWER LATERALS SHALL BE 24" FOR DUCTILE IRON PIPE AND 36" FOR PVC PIPE.
3. THE MINIMUM SLOPE OF 4" GRAVITY SEWER LATERALS SHALL BE 1.0%. THE RINGS OF SANITARY SEWER CLEANOUTS SHALL BE SET FLUSH WITH FINISHED GRADE.
4. ALL PVC SANITARY SEWER PIPE SHALL BE TYPE SDR 26. ALL DUCTILE IRON SANITARY SEWER PIPE SHALL BE TYPE 401. INSTALL BRASS WIRE ON ALL SANITARY SEWER PIPE THAT IS NOT DUCTILE IRON IN THE RIGHT OF WAY.
5. BRASS FITTINGS TO MEET CDA HCL CORROSION, WITH NO MORE THAN ONE-FOURTH OF ONE PERCENT (0.25%) TOTAL LEAD CONTENT BY WEIGHT FOR CORPORATION STOPS, WATER VALVES AND SERVICE CONNECTIONS.
6. CONTRACTOR MUST NOTIFY PUBLIC WORKS CONSTRUCTION REPRESENTATIVE SEVEN (7) CALENDAR DAYS PRIOR TO ANY NIGHT TIME SHUTDOWN OF THE WATER MAIN.
7. RESTRAIN ALL WATER LINES IN ACCORDANCE WITH LOCAL AND STATE SPECIFICATIONS.
8. ALL WATER LINE PIPE MATERIAL WITHIN THE RIGHT OF WAY AND PUBLIC EASEMENT SHALL BE TYPE 401. ALL WATER LINE PIPE MATERIAL ON-SITE SHALL BE PVC. UNLESS OTHERWISE NOTED.
9. MAINTAIN 18" MINIMUM VERTICAL SEPARATION FOR SEWER AND STORM CROSSLING OVER WATER LINES. MAINTAIN 10' HORIZONTAL SEPARATION BETWEEN WATER AND SEWER MAINS.
10. AS NECESSARY, ADJUST EXISTING UTILITY RIMS TO MATCH FINISHED GRADE.
11. ALL ON-SITE LIGHTING FIXTURES SHALL BE OF APPROPRIATE HEIGHT AND DESIGN AND ANGLED APPROPRIATELY AS TO PREVENT ANY DIRECT REFLECTION AND/OR GLARE TOWARD ADJACENT LOTS AND CITY STREETS. LIGHTING SHALL BE DIRECTED/REFLECTED DOWN AT THE GROUND, AND NOT OUT HORIZONTALLY OR UP IN THE AIR.
12. ALL PROPOSED UTILITIES ENCRUING WITHIN THE LIMITS OF A STATE MAINTAINED DITCH SHALL MAINTAIN A MINIMUM DEPTH OF 30" AS MEASURED FROM THE BOTTOM OF THE DITCH THROUGHOUT THE ENTIRE UTILITY ENCRUING.



MSA
ENGINEERS | SURVEYORS
1000 E. MAIN ST. SUITE 200 | VIRGINIA BEACH, VA 23462 | TEL: 757.455.1000

PROFESSIONAL SEAL OF
GEORGE N. WAGNER
Lic. No. 057908
02/03/23
PROFESSIONAL ENGINEER
CIVIL

DESIGNED	CHECKED	APPROVED	DATE

LAYOUT AND UTILITY PLAN
OF
CAPE CHARLES MUNICIPAL BUILDING
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

SHEET
CS101
5 of 13 Sheets
SCALE: 1" = 20'
PROJ. NO.: 22007

TREES	ITEM	QUANTITY	SCIENTIFIC NAME	COMMON NAME	HT./CALPERCENT	SIZE	SPACING
	G8	6	GINKGO BILoba	MADDONIAH	6'-8", 1-1"	-	-
	QV	8	QUERCUS PHELLOS	YELLOW OAK	6'-8", 1-1"	-	-
SHRUBS	ITEM	QUANTITY	SCIENTIFIC NAME	COMMON NAME	HT./CALPERCENT	SIZE	SPACING
A8	70	ARJUNA RADIANZA	RADIANCE ARJUNA		7 GAL.	-	-
H4	70	HYDRANGEA LITTLE LION	LITTLE LION HYDRANGEA		3 GAL.	-	-
U5	10	ULMUS PARVIFLORUS CAPILLARIS	WILLOW GRASS		3 GAL.	47" D.C.	-
V5	30	VIBURNUM S. MORNINGGLORY	MORNING GLORY		3 GAL.	47" D.C.	-
PA	20	PANICULATA HARSHI	FOXTAIL PANICUM		3 GAL.	-	-
PR	20	PRINCEPSIA A. LITTLE SPICE	CRISTATE PRINCEPS		1 GAL.	-	-
BK	30	BUDROCKIA HIRTA NYLAN GUAMER	LITTLE SPICE BUSHMAN RAGE		1 GAL.	2' D.C.	-
			KALAMANDIRA KALAMANDIRA		1 GAL.	2' D.C.	-

TREE CANOPY
10% CANOPY REQUIREMENT = 0.13 AC
CANOPY PROVIDED/RETAINED = 0.63 ACRES

1. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE.

2. TEST SLOPE BEFORE PLANTING AND ADD PROPER SLOPE ADJUSTMENTS TO SLOPE TO ESTABLISH PROPER DRAINAGE.

3. PROVIDE 4" MIN. DEPTH OF TOPSOIL AT ALL GRASSES, PRIOR TO PLANTING AND/OR EROSION CLOTH INSTALLATION. PROVIDE 4" MIN. DEPTH OF TOPSOIL AT ALL DISTURBED GRASS AREAS. THE CONTRACTOR SHALL VERIFY THAT TOTAL QUANTITIES INDICATED IN THE PLANT LIST OR SCHEDULE AGREES WITH QUANTITIES SHOWN ON PLANTING LAYOUT. IF DISCREPANCIES, USE TOTAL OF QUANTITIES SHOWN ON PLANTING LAYOUT.

4. THE CONTRACTOR SHALL PROVIDE THE QUANTITIES AND SIZES REQUIRED TO COMPLETE PROPOSED PLANTING AS SHOWN ON THE LANDSCAPE PLAN. NO SUBSTITUTIONS OF SIZE OR VARIETY OF PLANT MATERIAL WITHOUT PRIOR APPROVAL FROM THE LANDSCAPE ARCHITECT.

5. ALL PLANT MATERIAL SHALL CONFORM AND MEET THE STANDARDS SET FORTH IN ANSI Z60.1, AMERICAN STANDARDS FOR NURSERY STOCK.

6. FERTILIZE ALL PLANT MATERIAL WITH 10-10-10 SLOW RELEASE FERTILIZER.

7. TREES HAVE BEEN LOCATED WITH RESPECT TO PROPOSED OR EXISTING UTILITIES AS ACCURATELY AS POSSIBLE. FIELD VERIFY LOCATIONS FOR ALL UTILITIES PRIOR TO INSTALLING PLANT MATERIAL.

8. WHERE PLANTING BEDS ADJUT WALK AND CURBS, DEPRESS TOPS OF MULCHED BEDS 3".

9. IN PLANTING BEDS, OMIT THE COMPACTED EARTH SURFACE AND COVER THE BEDS WITH MULCH (2" MIN. DEPTH). ALL GROUPINGS OF SHRUBS SHALL BE INSTALLED IN CONTINUOUS MULCHED BEDS.

10. NEW TO BE 3" MIN. DEPTH. 3" MIN. DEPTH DARK BROWN COLOR DOUBLE SIZED HARDWOOD MULCH IN ALL BED AREAS. MULCH SHALL NOT BE PLACED IN DIRECT CONTACT WITH TREE OR SHRUB (PLANT) TRUNKS AND BRANCHES.

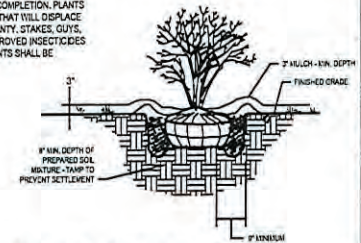
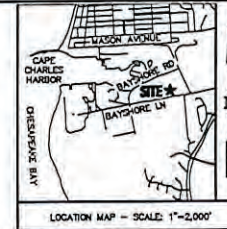
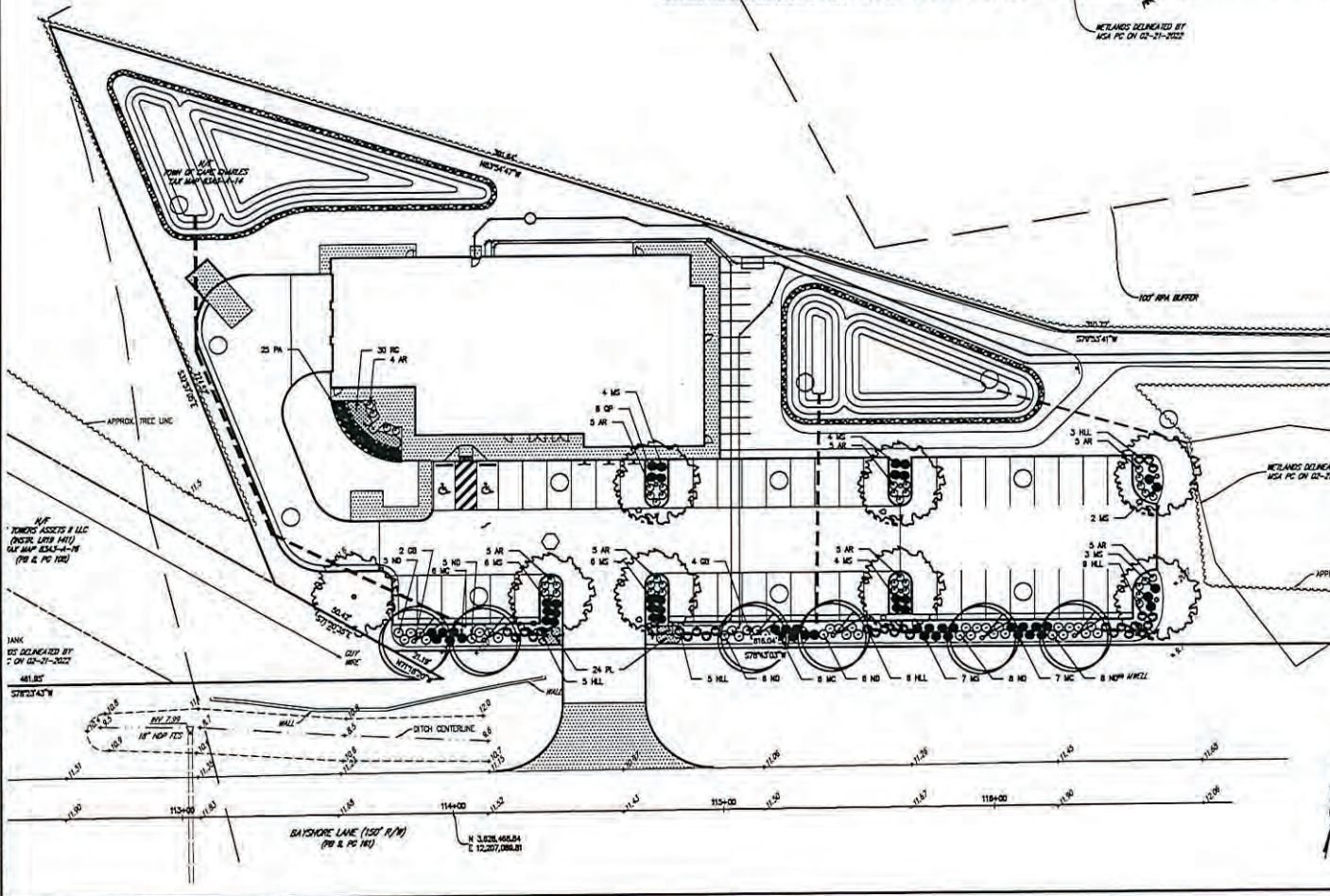
11. ALL DISTURBED AREAS NOT PAVED OR PLANTED TO BE SEEDED PER SEEDING SCHEDULE.

12. PLANTING SEASON RESTRICTIONS:

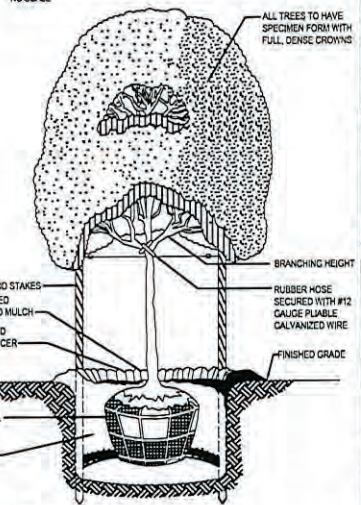
ALL BALL AND BURLAP PLANT MATERIAL SHALL BE INSTALLED FROM OCTOBER 15 TO MARCH 31, UNLESS OTHERWISE AUTHORIZED. ALL CONTAINER GROWN PLANT MATERIAL SHALL BE INSTALLED FROM SEPTEMBER 15 TO MAY 15, UNLESS OTHERWISE AUTHORIZED BY THE UNIVERSITY. ANY OTHER DATES NOT LISTED ABOVE IN THIS SECTION SHALL BE CONSIDERED OUT-OF-SEASON.

13. PLANT MATERIAL SHALL BE REPLACED IMMEDIATELY IF DEAD OR DAMAGED. REPLACEMENT SHALL BE PROVIDED AT THE CONTRACTOR'S EXPENSE. IF THE UNIVERSITY'S FINAL ACCEPTANCE, CARE, AND MAINTENANCE OF THE PLANTING IS NOT SATISFACTORY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT AND MAINTENANCE OF THE PLANTING. WATERING WHEN NEEDED OR DIRECTED, AND PERFORMING ANY OTHER WORK REQUIRED TO KEEP PLANTS IN HEALTHY CONDITION. DEAD, DEFECTIVE OR REJECTED PLANTS SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE. ALL BEDS SHALL BE WEEDS CLEAN EACH WEEK BY CONTRACTOR UNTIL FINAL ACCEPTANCE.

14. PROVIDE A FULL 12 MONTH MATERIAL AND LABOR WARRANTY ON ALL PLANT MATERIAL INSTALLED (TO INCLUDE TREES, SHRUBS, GROUNDCOVERS & GRASSES). FROM DATE OF SUBSTANTIAL COMPLETION, PLANTS SHALL BE REPLACED FREQUENTLY AS IS NECESSARY TO MAINTAIN AN ADEQUATE SUPPLY OF MOISTURE WITHIN THE ROOT ZONE AT ALL TIMES. WATER SHALL NOT BE APPLIED AT A FORCE THAT WILL DISPLACE MULCH. PLANT BEDS AND MULCHED AREAS SHALL BE KEPT FREE FROM GRASS AND WEEDS. PLANTS SHALL BE PRUNED AND MULCH SHALL BE REPLACED AS REQUIRED WHILE UNDER WARRANTY. STAKES, GUYS, AND ERIGED PLANT SAUCERS SHALL BE REPAIRED OR REPLACED AND REMOVED IMMEDIATELY. DEAD PLANTS SHALL BE REMOVED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE. DEAD, MISSING, OR DEFECTIVE PLANTS SHALL BE REPLACED. PROVIDE A FULL 12 MONTHS MATERIAL AND LABOR WARRANTY ON ALL TURF AREAS FROM DATE OF SUBSTANTIAL COMPLETION.



SHRUB PLANTING DETAIL



TREE PLANTING DETAIL



MSA, P.C.
Environmental Sciences • Solutions



DATE	12/29/72
APPROVED	AMJ
DISC'D	AMJ
NOTED	CL
EXC'D	CL

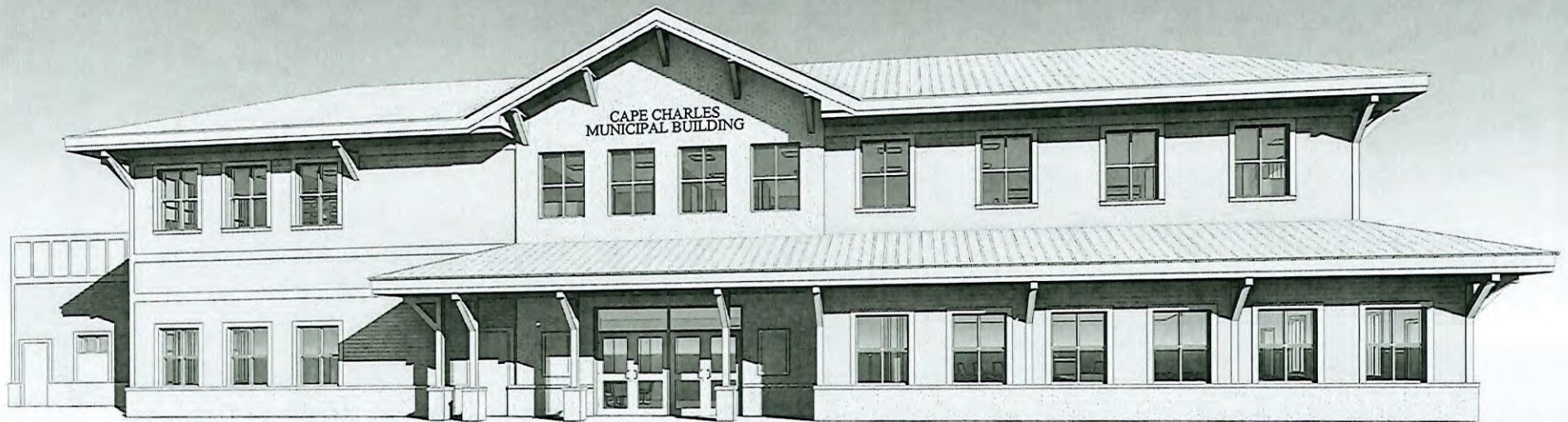
LANDSCAPE PLAN
OF
CAPE CHARLES MUNICIPAL BUILDING

TOWN OF CAPE CHARLES

2-017
LP101

SCALE: 1" = 20'

PROJ. NO.: 22067



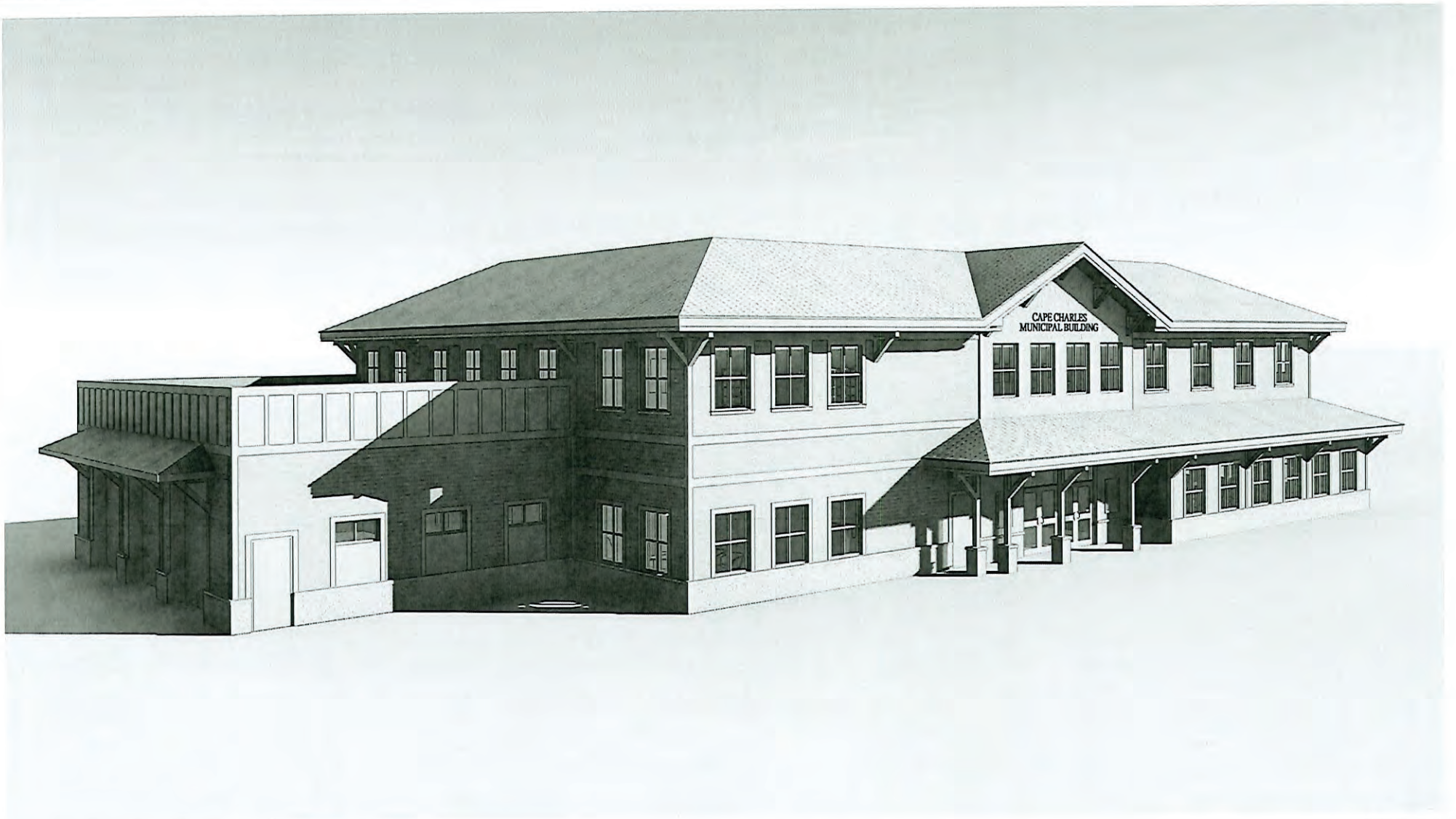
NEW MUNICIPAL BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXTERIOR VIEW 1

1/16" = 1'-0" ON 11"X17"
1/8" = 1'-0" ON 22"X34"

2/2/2023





NEW MUNICIPAL BUILDING FOR
TOWN OF CAPE CHARLES

CAPE CHARLES, VIRGINIA

EXTERIOR VIEW 2

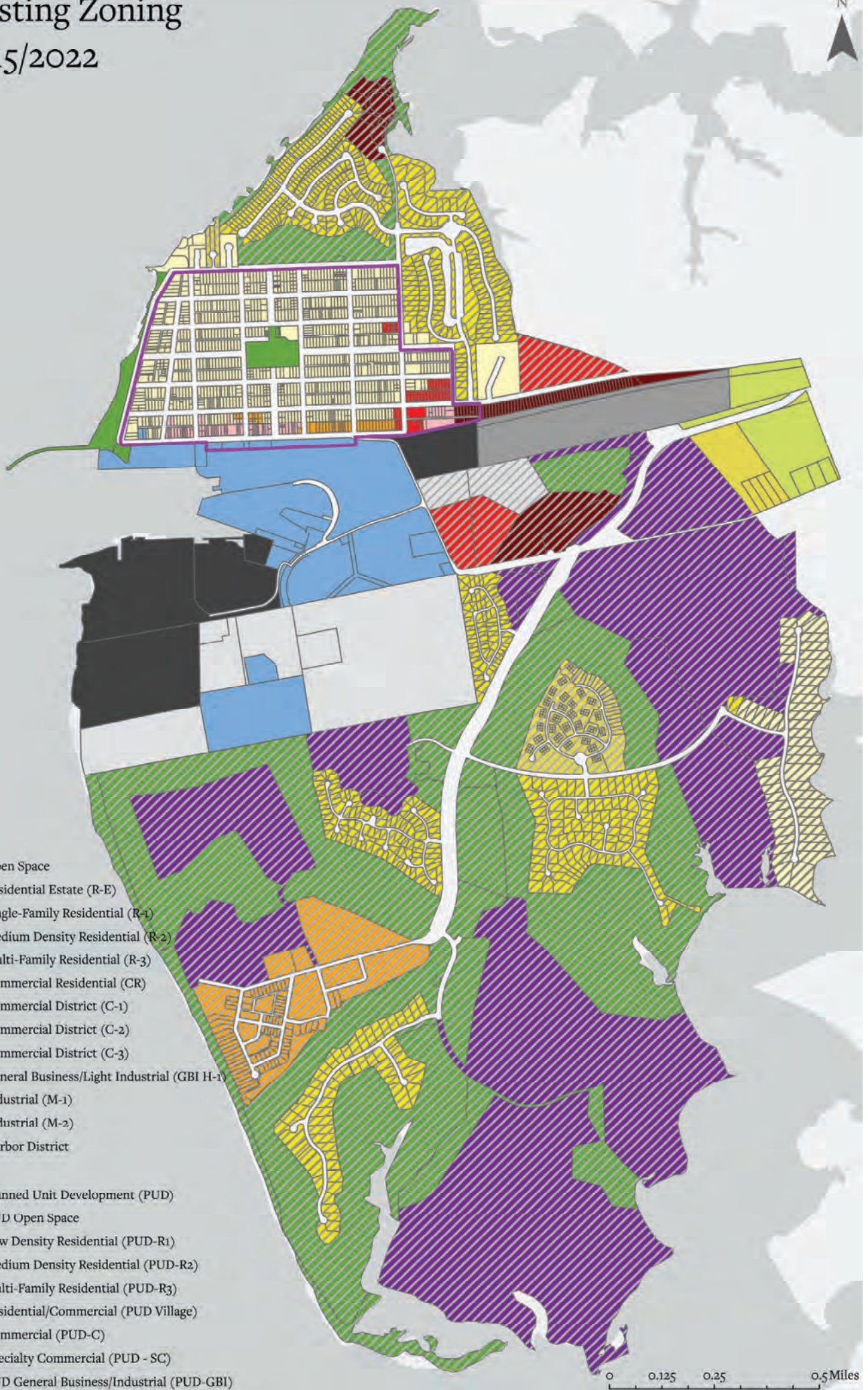
1/16" = 1'-0" ON 11"X17"
 1/8" = 1'-0" ON 22"X34"

2/2/2023

Existing Zoning

12/15/2022

-  Open Space
-  Residential Estate (R-E)
-  Single-Family Residential (R-1)
-  Medium Density Residential (R-2)
-  Multi-Family Residential (R-3)
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-  Multi-Family Residential (PUD-R3)
-  Residential/Commercial (PUD Village)
-  Commercial (PUD-C)
-  Specialty Commercial (PUD - SC)
-  PUD General Business/Industrial (PUD-GBI)





HARBOR AREA REVIEW BOARD STAFF REPORT

Meeting Date: February 22, 2023

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

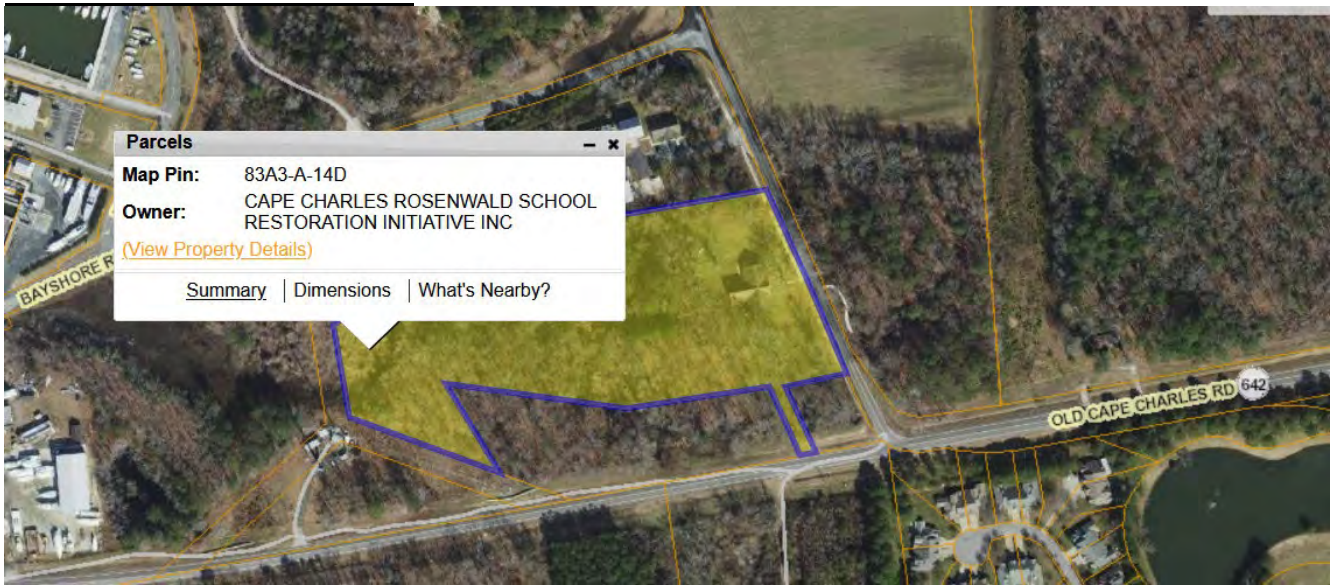
Date: February 16, 2023

REGULAR MEETING

Staff has met recently with representatives of the Rosenwald School property which is located in the Harbor Zoning District to discuss the status and progress of their project. As you may be aware, a non-profit organization has been formed and has developed a concept plan for an adaptive re-use of this historic structure and has been seeking grant funds and has been soliciting donor support and funds to cover the cost of the project.

At this point, the Cape Charles Rosenwald School Restoration Initiative is preparing a Harbor Development Certificate Application packet, including site plan and landscaping plan, for the entire property with intent of submitting this application to the Town within the next 3 weeks or so.

AERIAL MAP OF THE LOT



While the project will not be enlarging the existing building that is on the site, they will be restoring the exterior of the building, providing parking and improving pedestrian access within the lot into the building and may be offering some expanded recreation uses on the lot which they are still working on that component of their application.

Therefore, I requesting to schedule a meeting of the Harbor Area Review Board in late March (sometime the week of March 27, dependent upon the members' availability).

 TOWN OF CAPE CHARLES	AGENDA TITLE: IT Support Services Contract Amendment & Extension		AGENDA DATE: March 16, 2023
	SUBJECT/PROPOSAL/REQUEST: Authorize town manager to execute contract renewal with Inversa Minds, LLC for IT support services for a two-year period		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action (x) Information ()
	CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

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

Inversa Minds is contracted on a “break and fix” approach to providing professional support services, charging an hourly rate depending on the level of support. The rates under the 2019 original contract and 2021 contract renewal were \$80\hour for standard support, and \$120\hour for emergency support, billable in thirty-minute increments.

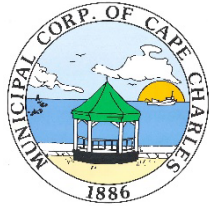
The current contract is due to expire on April 24, 2023. Staff has been working with Inversa Minds, LLC on an amendment and renewal of the contract. Two amendments are being proposed for the contract renewal: i) Increase of the billable hourly rates to \$110.00 for standard support and \$140 for emergency support. This is the first rate increase since inception of the contract in 2019; and ii) The Town would reimburse Inversa Minds for the cost of any third-party software or equipment used for providing services related to maintenance, upgrades, troubleshooting and monitoring of the Town’s network and computer systems. Currently, Inversa Minds spends approximately \$3,600 annually (based on the number of computers) for software providing the ability to remotely access our computers. A number of staff members also use this software to remotely access their computers when out of the office.

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

This is a two-year renewal contract and either party may withdraw from the agreement with at least 30 days’ notice. The town retains the right to solicit and select other firms to provide additional services, such as telephone and internet.

RECOMMENDATION:

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



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: USDA Rural Development Grant/Loan

AGENDA DATE
March 16, 2023

SUBJECT/PROPOSAL/REQUEST: FY 2023 USDA Rural
Development Grant/Loan

ITEM NUMBER:
7C

ATTACHMENTS: Resolution 20230316

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Deborah Pocock

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Council has approved the projects requested this year to be funded by the US Department of Agriculture Rural Development Agency when the FY 2023 budget resolution was passed.

ITEM SPECIFICS:

The application has been completed and submitted for purchase of a new police vehicle and public works equipment as follows:

Police vehicle & outfitting	\$41,000
RTV (utility vehicle)	\$26,000
Heavy duty 60" cutter	\$ 2,625
Box blade	\$ 1,000
72-inch finish mower	\$ 4,175
Total requested	\$74,800

USDA Rural Development, if the application is approved, would fund these purchases with an \$26,000 grant and a \$48,800 five-year term loan. The totals may vary slightly for rounding.

USDA RD requires that Council pass a resolution regarding its intention to apply for the loan/grant and to use the funds for the stated purpose.

RECOMMENDATION:

Staff recommends that Town Council adopt Resolution 20230316 to complete the application package for the equipment listed above.

RESOLUTION 20230316
OF THE GOVERNING BODY OF THE TOWN OF CAPE CHARLES

The Town Council of the Town of Cape Charles, consisting of six members, in a duly called meeting held on the 16th day of March, 2023, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of a police vehicle and public works equipment, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager of the Town of Cape Charles be authorized to execute on behalf of the Town Council the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Council.

TOWN OF CAPE CHARLES
[ENTITY NAME]

By: _____, Mayor
[SIGNATURE AND TITLE]

Attest: _____, Town Clerk
[SIGNATURE AND TITLE]

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Town of Cape Charles in a duly assembled meeting on the 16th day of March, 2023.

Secretary/Clerk