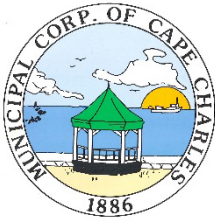




TOWN COUNCIL
Regular Meeting
February 16, 2023
Cape Charles Civic Center
6:30 PM

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. None
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 December 31, 2022 Financial Report](#)
6. Unfinished Business:
 - *A. None
7. New Business:
 - *A. [Short Term Rental Resolution](#)
 - *B. [Virginia Port Authority Aid to Local Ports Grant Request](#)
 - *C. [Budget Amendment Request for Purchase of PW Utility Vehicle and Equipment](#)
 - *D. [Town Manager Contract Renewal](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - February 20, 2023 – Town Offices Closed for Presidents' Day
 - March 2, 2023 – Town Council Public Input Session & Special Meeting
 - March 4, 2023 – Cape Charles Day
 - March 16, 2023 – Town Council Regular Meeting
11. Adjournment



DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
January 19, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Vice Mayor Bennett was under the weather and participated via teleconference from his home in Cape Charles. Councilman Follmer was out of town and participated via teleconference from Minocqua, WI. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Library Manager Sharon Silvey, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 11 members of the public physically in attendance, and 17 viewers on Facebook.

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

Town Manager John Hozey welcomed Mayor Charney and Councilman Butta, adding that their terms began effective January 1, 2023.

PUBLIC HEARING:

Mayor Charney announced that this evening's public hearing was to receive comments regarding A) Zoning Text Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein; and B) Zoning Map Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.

Planner/Zoning Administrator Katie Nunez provided an overview of the applications, adding that since the date that the packet documents were distributed, Lot 4 Holdings, LLC had completed the purchase of the property and a copy of the deed was included in tonight's documentation.

- A. *Zoning Text Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein:*

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

- B. *Zoning Map Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created:*

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

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

The public hearing was closed at 6:36 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

A. Cape Charles Main Street Presentation – Bill Stramm and Karen Zamorski

Mr. Bill Stramm and Ms. Karen Zamorski provided an overview of the Cape Charles Main Street organization, including their staff, Board of Directors, grant funding received, events, marketing efforts, financials, etc. (Please see attached.)

PUBLIC COMMENTS FOR ITEMS NOT SUBJECT TO THE ADVERTISED PUBLIC HEARING: (3 MINUTES PER SPEAKER)

Dianne Davis, Cape Charles resident

Ms. Davis addressed the Council regarding the Historic District and lack of street lighting in areas of the Town. (Please see attached.)

Donna Onley Kohler, Cape Charles resident/business owner

Ms. Kohler addressed the Council regarding Senate Bill 1391 related to short-term rentals. (Please see attached.)

Janet Justis, Interim Library System Director for Eastern Shore Public Library

Ms. Justis introduced herself to the Council and provided background and information regarding the Eastern Shore Public Library, adding that the regional library system included the Cape Charles Memorial Library, Nassawadox Free Library, Accomack Library, which she hoped would be moving to its new Parksley location, and the Chincoteague Library as partners. All of the libraries were unique and supported by their communities. She was pleased in how wonderfully integrated that the Cape Charles Memorial Library was in the Town of Cape Charles. The same kind of spirit existed in Chincoteague. The Eastern Shore Public Library system worked with the Library of Virginia and the American Library Association to offer lifelong learning to users. She thanked Library Manager Sharon Silvey and her staff who she saw in action earlier today. She had the opportunity to meet with the Cape Charles Memorial Library Board as well. Ms. Justis concluded by expressing her pleasure for the opportunity to support and provide assistance to the library in any way.

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. December 15, 2022 Town Council Public Hearing & Regular Meeting

C. Approval of November 30, 2022 Financial Report

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. Election of Vice Mayor for Two-Year Term:

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, nominating Steve Bennett as vice mayor for a two-year term.

There were no other nominations.

The motion was approved by unanimous vote.

Mayor Charney stated that items 9B and 9C would be handled together as one item.

- B. *Zoning Text Amendment 2023-01 – New District: Bay Crossing Planned Unit Development:*
- C. *Zoning Map Amendment 2023-01 – Tax Map #90-19-A:*

Katie Nunez stated that everything had been reviewed by Council previously and had nothing to add from her overview given during the public hearing, except that Mr. Marine was in attendance to answer any questions.

Mr. Lance Marine notified Council that he had acquired the land two weeks ago and continued to summarize the proposed workforce housing project and electric vehicle charging station. There was some discussion between Mr. Marine and Council regarding the plans, projected number of units, and percentages of the Area Median Income (AMI).

Katie Nunez pointed out language included in her staff report relating to Mr. Sam Jones' public comments during the Planning Commission's public hearing, where he expressed his support of the project but also explained his concern of the potential for 250 units and wanted assurance that the units would not be used for short term rentals. She went on to review the Planning Commission's recommendation adding that as staff, she was not wholly supportive of it.

Mayor Charney read Ordinance 20230119 Amending Cape Charles Zoning Ordinance and Zoning Map Creating New Zoning District Called Bay Crossing Planned Unit Development.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20230119 Amending Cape Charles Zoning Ordinance and Zoning Map Creating New Zoning District Called Bay Crossing Planned Unit Development.

There was much discussion regarding the Planning Commission's recommended language and potential amendments, and a definition of workforce housing.

Motion made by Councilman Butta, seconded by Councilwoman Holloway, to amend the second sentence in paragraph 1, Statement of Intent to read: "The targeted workforce housing segment income range is up to 150% of the Area Median Income" and deleting the following sentence that was inserted by the Planning Commission. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to amend paragraph 3, Conditional Uses, to read: "Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District, short term rentals including subletting of units (said unit's square footage will be less than 1,000 square feet and the short term rental is defined as 30 days or less for rent), and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission." The motion was approved by unanimous vote.

Councilman Grossman amended his original motion to adopt Ordinance 20230119 with the two amendments as approved by Council, which was seconded by Councilwoman Holloway. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

- D. *Library Material Reconsideration Procedure:*

John Hozey stated that last fall, a library patron approached the library manager with a concern about the appropriateness of one of our collection materials and asked for the procedure to request that this piece be removed from the library's collection. The Library Board met to discuss this matter and approved the Cape Charles Memorial Library Material Reconsideration Procedure which was attached. While it was not typical for the Town Council to involve itself in

the internal operations of any Town department, staff felt that this situation qualified as an exception. In recent years, there had been a sharp rise in public sensitivity over political correctness and what constituted offensive expression. At the same time, there had been a corresponding increase in concern over expanded government censorship and the right to freedom of expression. This topic tended to transcend a normal administrative function and moved into the realm of political philosophy for the jurisdiction making the matter better suited for consideration by the elected body over appointed staff or board members. John Hozey proceeded to review staff's recommended changes to the policy provided by the Library Board.

Library Board Chairmen Rich Burger stated that although the Cape Charles Memorial Library was funded by the Town, it was still part of the regional Eastern Shore Public Library system. If the Cape Charles Memorial Library's policy was amended, it would be outside the county, regional and state policy.

Ms. Janet Justis, Interim Library System Director for the Eastern Shore Public Library, expressed her appreciation of Library Manager Sharon Silvey's effort to develop a policy for Cape Charles. While this was a new experience for Cape Charles, the American Library Association and libraries across the state had been dealing with this issue since 1939. The proposed policy was fairly consistent with the policy shared by most libraries. For Cape Charles to have a uniquely different policy from the other libraries would create a challenge for patrons who use materials from all four participating libraries. She appreciated the support from the Town Council but asked that they trust the library staff and the Library Board. When this issue did not come up often, it was a good sign that the collection development policy was a good one, but there would always be someone who disagreed. Sharon Silvey was doing incredible work by educating the staff and putting this policy together. She believed that the policy as written and approved by the Library Board was sufficient and would meet the needs.

Vice Mayor Bennett appreciated John Hozey's concerns but added that it sounded like the proposed policy was already in place across the Eastern Shore and State of Virginia, so he did not feel a need for Council to develop a unique policy.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Cape Charles Memorial Library Material Reconsideration Procedure as written. The motion was approved by unanimous vote.

E. Town Council Representative to Planning Commission:

Motion made by Councilman Buchholz, seconded by Councilman Butta, appointing Councilman Grossman as the Town Council representative to the Planning Commission. The motion was approved by unanimous vote.

F. Town Council Representative to Library Board:

Motion made by Councilman Grossman nominating Councilman Butta as the Town Council representative to the Library Board. Councilman Butta respectfully declined.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, appointing Councilman Follmer as the Town Council representative to the Library Board. The motion was approved by unanimous vote.

G. Historic District Review Board Member Reappointment:

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to reappoint Mr. Herb Thom to the Historic District Review Board for another term. The motion was approved by unanimous vote.

H. *Library Board Member Appointment:*

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to appoint Ms. Ellen O'Brien to the Library Board to complete Mr. Roger Moyer's unexpired term. The motion was approved by unanimous vote.

Councilwoman Holloway asked why Council had representation on most of the Town's boards but not the Historic District Review Board, adding that she would like to have this discussion at a future meeting. Councilman Grossman responded that several years ago, there was discussion regarding increasing the Historic District Review Board membership from five to seven members with one being a Council representative, but it was decided that due to the appeal process in place, Council representation would not be appropriate, so no changes were made.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) In response to a citizen comment earlier this evening, he had a copy of SB 1391, which was filed by Senator Lynwood Lewis, regarding the proposed short term rental legislation. Staff would submit a letter to the legislature informing them of the Town's opposition to this bill. The Northampton County Board of Supervisors was looking to adopt a resolution and he had requested a copy so the Town Council could adopt a similar resolution. This was a very short legislative session, so we had to move quickly. He proposed that a special meeting be held on February 2nd to adopt the resolution. He also reached out to the managers of Chincoteague and Onancock and would be meeting with them next Monday in Chincoteague. The full text of the bill had been provided to the Council. Councilmen Grossman and Follmer encouraged the citizens to submit their comments to the legislators as well. Councilwoman Holloway asked that the contact information for the Town's representatives as well as committee members be provided to streamline the process for the citizens. Katie Nunez stated that the committee was scheduled to meet on Monday, January 23rd, at 9:00 a.m., and it would be great if comments could be submitted before the meeting. John Hozey stated that the contact information would be posted on the Town's Facebook page. Councilman Butta added that it was important for the citizens to know that the Town was not opposed to short-term rentals but was against the legislation removing the Town's authority to control what happened within the Town. John Hozey added that he had been contacted by the Eastern Shore Post and gave an interview in which he made it clear that the Town was not opposed to short-term rentals, but wanted to retain local control; ii) The Community Strategic Planning Survey was left open online through the long weekend and closed on Tuesday. Paper copies were still coming in. He was pleased that we surpassed last year's number of responses. The results would be shared on February 2nd. He was not surprised that of the respondents, about half were working full time and half retirees. We had an 80% approval rate for the quantity and quality of services. The most work would be in organizing the comments; iii) Also on February 2nd, Council would review the strategic plan update and 2023 Town priorities. These needed to be done before work could begin on the 2024 budget. A public input session would be scheduled at the beginning of the February 16th regular meeting, with adoption of the strategic plan if Council felt comfortable with it; iv) We had two new employees in the Planning & Zoning Department – Alyce Crockett started January 24th as the administrative assistant, and Bob James started January 26th as the zoning compliance officer; v) He included this next item in his weekly report but wanted to officially inform Council that the Rosenwald School Initiative did not get their Industrial Revitalization Grant funding, which was a disappointment; vi) He congratulated Cape Charles Main Street on a great year and fabulous Festive Fridays. He was initially a naysayer with the expanded Festive Fridays, and he wanted to publicly state that he was wrong.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows: i) The Cape Charles Main Street presentation was very thorough and professionally done. It gave him confidence that the Town's allocated funding was well spent; ii) He attended Wachapreague's Planning Commission meeting and they approved a

recommendation to Council to adopt a short term rental ordinance imposing a cap of five short term rentals within the town. This was the first ordinance he had seen limiting the number and asked for additional information.

Councilman Butta commented as follows: i) This was a great first meeting and he appreciated the confidence from the citizens of Cape Charles in electing him; ii) He would love to see a salary study proposal on a future agenda. When he heard that most of the Town's employees could not afford to live in the proposed workforce housing, something needed to be done.

Councilwoman Holloway wanted to clarify that the last page of the Cape Charles Main Street presentation showed a rendering of the railroad car which was inserted as a rough visual. It was not an official look for the car. It was exciting to keep this project moving forward and Cape Charles Main Street was close to obtaining a final quote for the metal work on the railroad car. They would be reaching out to the Town for provide fencing around the work area.

Councilmen Buchholz and Follmer did not have any additional comments.

Vice Mayor Bennett apologized for not being able to attend in person but appreciated the ability to participate via teleconference. He added that Mayor Charney ran a great first meeting.

Mayor Charney thanked everyone for helping him get through his first meeting. He thanked Cape Charles Main Street for their very impressive presentation, the individuals who spoke regarding the Library policy, and Mr. Lance Marine for his information regarding his proposed workforce housing project.

Mayor Charney read the announcements.

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

The Public Hearing & Regular Meeting adjourned at 8:33 p.m.

Mayor Charney

Town Clerk

**January 19, 2023 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Cape Charles Main Street Presentation:



Meet the Team – Staff



Karen Zamorski
Executive
Director



Clare Nowakowski
Marketing
Administrator

Our Board of Directors



Bill Stramm
Vide President



Patsy Harris
Vide President



Tammy Holloway
Past President



John Hozey
Board Member
at Large



Jay Abella
Co-Chair
Economic Vitality



Ken Butta
Co-Chair
Economic Vitality



Mollie Pickron
Co-Chair Design



Reggie Widgeon
Co-Chair Design



Tara Ashworth
Co-Chair
Promotions



Julie Crouse
Co-Chair
Promotions



Gerry Taylor
Co-Chair
Organization



Pat James
Co-Chair
Organization



Lori Peters
Business Liason

DHCD Support for Cape Charles

- **Designated Community Revitalization Specialist at DHCD**
- **Access to Grants exclusive to Virginia Main Street Communities**
- **Free Access to Frasier & Associates**
- **Creating Community Vitality Training Series**
- **Access to National Main Street Partners:**
 - Center for Nonprofit Excellence**
 - Main Street America**
 - Esri: GIS Mapping Software, Location Intelligence**
 - Preservation Virginia**
 - Virginia Community Capital**
 - Virginia Community Development Corporation**

Our Accomplishments by the numbers

Drumroll please...

What Cape Charles Main Street has delivered In our past Fiscal Year (July 1, 2021 to June 30, 2022)

BUSINESS/TOWN Mkt. SUPPORT – \$68,887 (excluding Grant awards)*

- Wrapped up the Small Covid Relief Grant distributing \$895,115 for small businesses
- Applied for and received grants totaling \$125,495 FY 2022
- Updated, printed and distributed an additional 32,000 maps to welcome centers and key travel locations across Virginia and neighboring states.
- Held Monthly Main Street Connect meetings for businesses
- Continued to update and build on the CCVC with CCMS Microsite
- Buy Local Campaign on WESR Radio
- Produced a new Business Brochure
- Marketed Cape Charles through various print/Digital campaigns

BEAUTIFICATION/SPONSORED PROJECTS – \$59,000

- Added new benches and trash cans to Strawberry Street and Mason Ave.
- New bed plantings on Strawberry Street
- Supported the installation of new awnings on Strawberry Street
- Moved remediated Train car to its permanent location which will include a visitor center/brick & mortar bathroom
- New signage for Designation as VA Mainstreet installed

EVENTS – \$38,246

- Cape Charles Main Street Annual Meeting
- Held first annual Job Fair
- Organized Spring Sidewalk Sale
- Sponsored the Easter Bunny event with family photo opportunity
- Celebrated 25 “Best of Virginia Winners”
- Third Thursday’s
- Second Annual Love Run
- LOVEFEST in the Park
- Held Christmas Decorating Contest for businesses

* Grant Awards details later in presentation

Grants Received

	FY2022	FY2023
NC infrastructure – Bathroom	\$ 25,000	\$100,000
NC infrastructure – Train	\$ 30,000	
NC Infrastructure – Golf Cart Path	\$ 2,995	
NC Visitors Map	\$ 6,000	
NC Beautification	\$ 5,000	
NC Walking Tour	\$ 5,000	
NC Love Run	\$ 3,500	
NC Love Fest	\$ 5,000	
NC Festive Fridays	\$ 8,000	
Virginia Tourism Corporation – Festive Fridays	\$ 5,000	
DHCD Designation Grant	\$ 10,000	
VTC/MLP Grant (Spent \$ in 2021/Reimbursed 2022)	\$ 20,000	
NC/VTC ARPA Tourism (Bathroom/visitor ctr, Blogs)		\$ 40,000
DHCD Designation Grant		\$ 5,000
Total Grants Received	\$125,495	\$145,000 YTD

Grants Closed



**Total Amount of Money
Distributed**

\$896,115

**Total Number of
Businesses Helped**

88

Events

- **Annual Love Run – 5K with over 200 runners registered**
- **Shop & Stroll – Help bring people out to shop in February**
- **Easter Bunny At Strawberry Street Plaza – Dovetail with Town Easter Egg hunt to bring people into town**
- **Love Fest in the Park – Approximately 1500 attendees**
- **Festive Fridays – More data on event to come**

Our Volunteers ROCK!

Volunteer Hours Calendar Year 2022:
3,512 hrs. = \$90,209

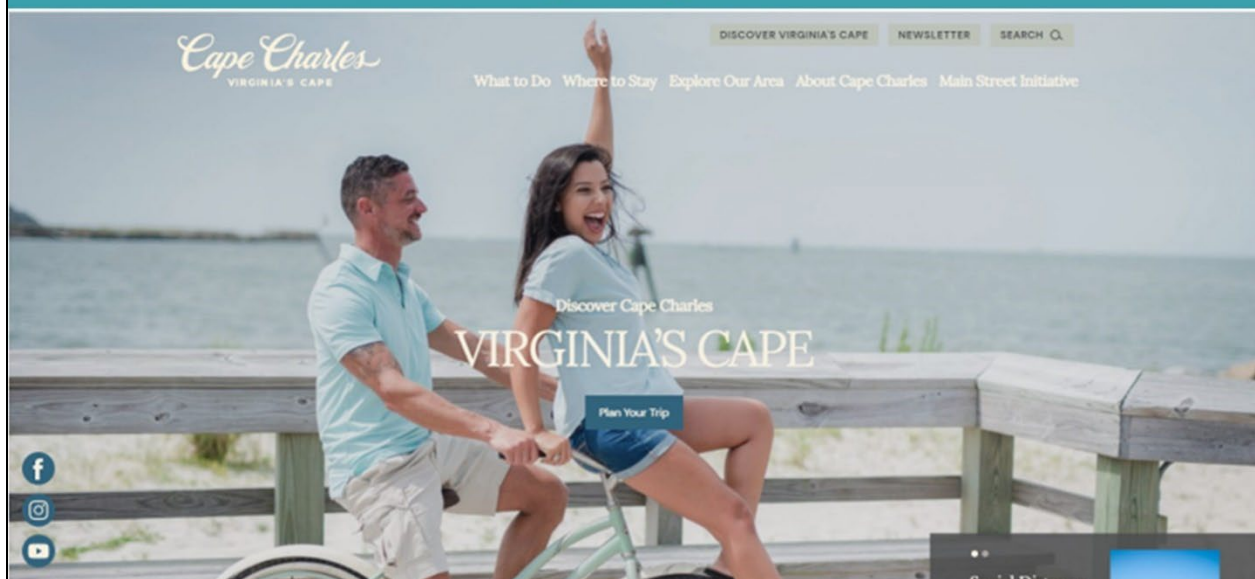
Total Volunteer Hours to Date for CCMS:
11,015 hrs. = \$292,338



Thank You Volunteers!



Marketing Cape Charles

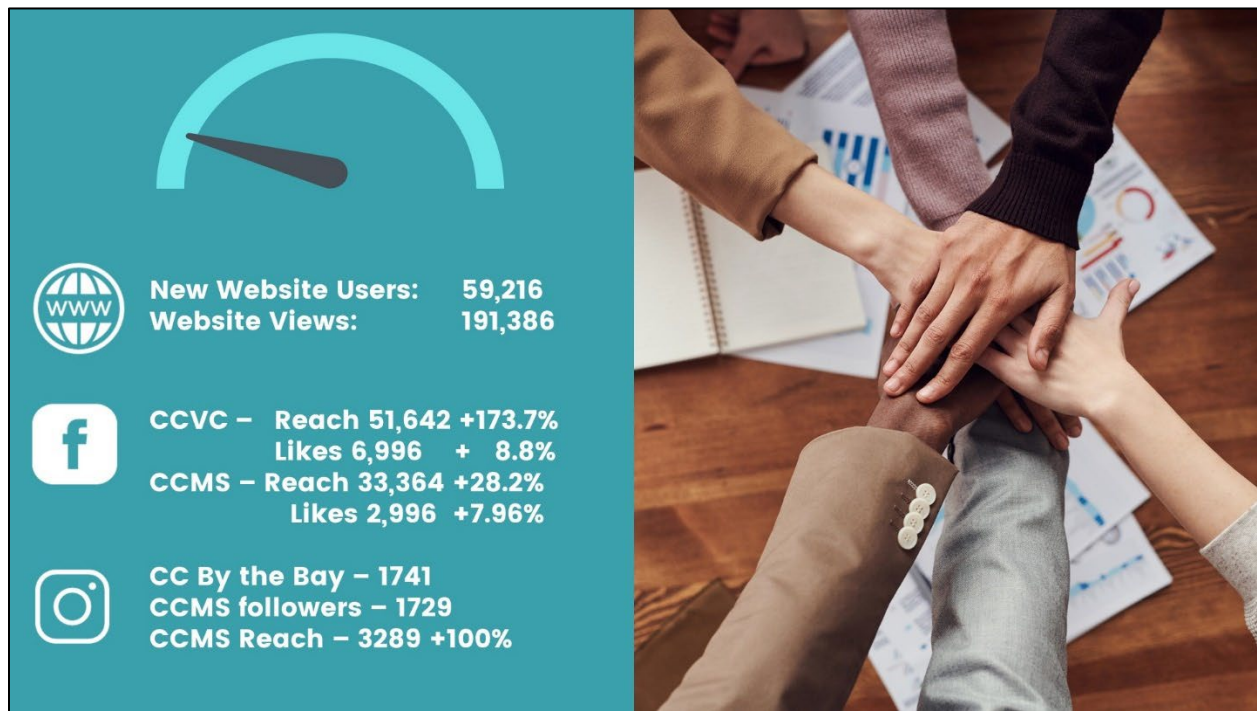


Marketing Cape Charles – \$34,800

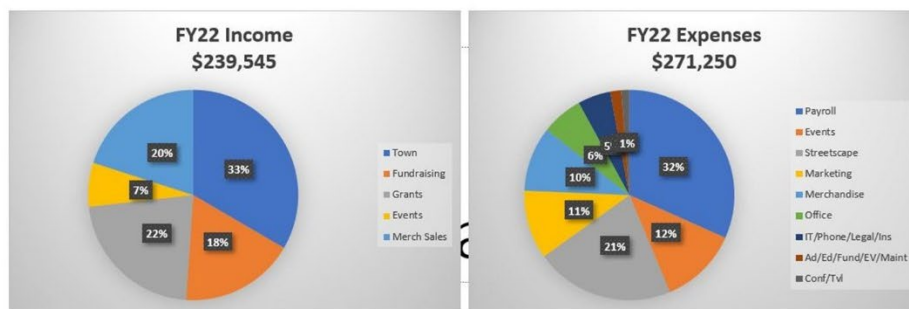
- Virginia Living Best of VA issue
- Virginia Living eNewsletter
- WESR Radio Buy Local Campaign
- Discover Cape Charles Map & Distribution
- Cape Charles Virginia's Cape Website (Blogs, Events, Lodging, etc.)
- ESVA Tourism Guide
- Cape Charles Video (Tourism)

2021 vs. 2022 Tax Comparison

	FY2021	FY2022
TOT	\$240,217.00	\$343,450.00
Meals	\$514,720.00	\$650,619.00



CCMS Financials FY22



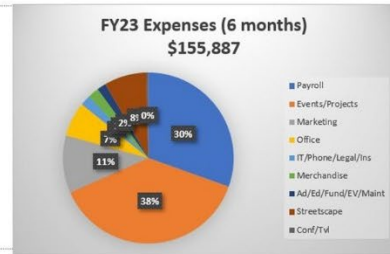
- Town – 33% - \$80,000
- Fundraising – 18% - \$42,352
- Grants – 22% - \$53,045
- Events – 7% - \$16,159
- Merch Sales – 20% - \$47,989

- Payroll – 32% - \$85,875
- Events – 12% - \$32,578
- Streetscape – 21% - \$58,044
- Marketing – 11% - \$28,704
- Merchandise – 10% - \$27,027
- Office – 6% - \$17,268
- IT/Phone/Legal/Ins – 5% - \$13,740
- Ad/Ed/Fund/EV/Maint – 1% - \$4,592
- Conf/Tvl – 1% - \$3,342

CCMS Financials FY23



- Town - 23% - \$45,000
- Fundraising – 15% - \$28,084
- Grants – 17% - \$32,200
- Events/Projects – 35% - \$67,578
- Merch Sales – 10% - \$19,272



- Payroll - 30% - \$47,464
- Events/Projects – 38% - \$59,151
- Marketing – 11% - \$16,944
- Office – 7% - \$10,196
- IT/Phone/Legal/Ins– 2% - \$3,092
- Merchandise – 2% - \$3,278
- Ad/Ed/Fund/EV/Maint – 2% - \$2,684
- Streetscape – 8% - \$12,539
- Conf/Tvl - <1% - \$539



- Love the Locals week 2/4/23 to 2/11/23
- Love Run expanding to 10K & 5K, April 22, 2023
- Develop workplans for 2024
- Develop Annual Report
- Continued Beautification efforts
- Reprinting of the Map
- Launch of Historic Walking Tour
- Historic Train Car
- New Visitor Center, Bathrooms, Offices



- Exterior sheet metal work and painting to be completed (train colors TBD – Historically Black with White or gold lettering)
- Bathrooms and Visitor center (to include Main Street offices) Main Street received 3 grants – one (\$25k to pay for the outside restoration, one (\$30k) from No. Hampton County ARPA Marketing funds that was transferred to the visitor center and an additional \$100,000 from No. Hampton County for the Bathroom/Visitor Center



Thank You All!

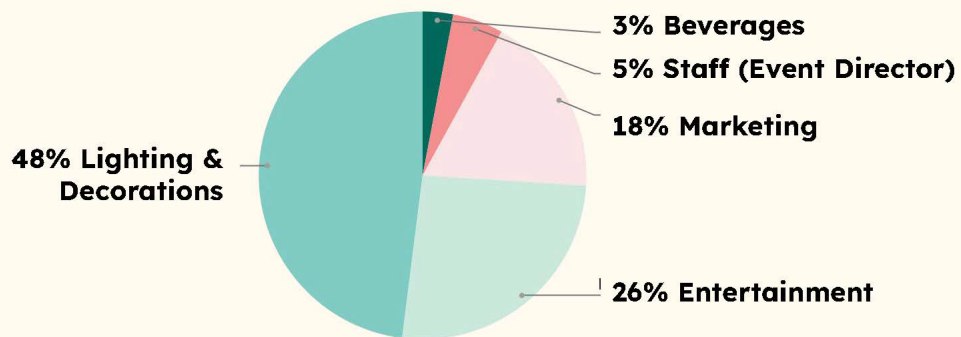


Festive Fridays 2022

Summary Report

EXPENSES SUMMARY

CCMS spent a total of **\$55,118.18** on Festive Fridays



SPONSORSHIP SUMMARY

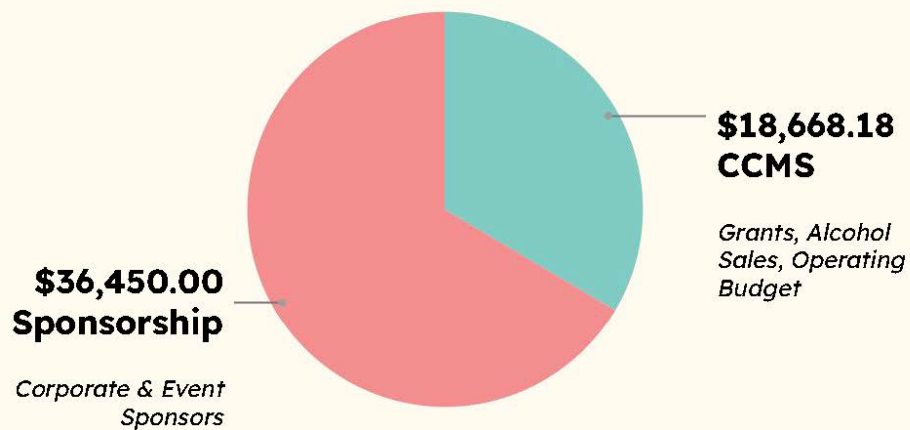
\$36,450.00 was raised from 55 business

41% of our downtown businesses donated

- 50% of our hotels
- 63% of our restaurants
- 47% of our shops
- 27% of our service industries (*particularly our local realty companies*)

EXPENSES PAID

Expenses were covered by:



VOLUNTEERS

52 Community Members volunteered a total of 215 hours

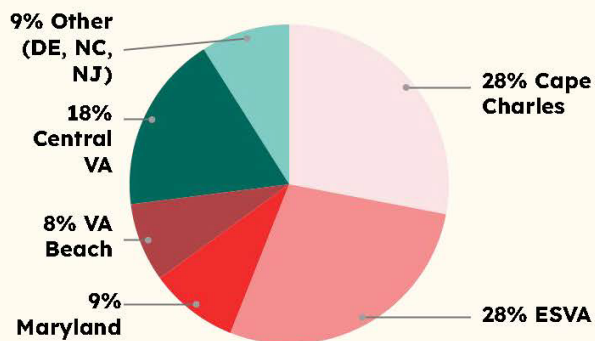
4 committee members volunteered a total of 180 hours
(Patsy Harris, Julie Crouse, Tara Ashworth & Susan Burger)

395 Volunteer Hours Total

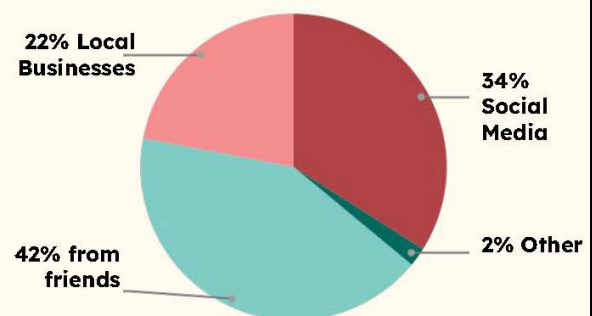
VISITORS SURVEY

75 visitor surveys were completed
46% were attending Festive Friday's for the first time

Where are you visiting from?



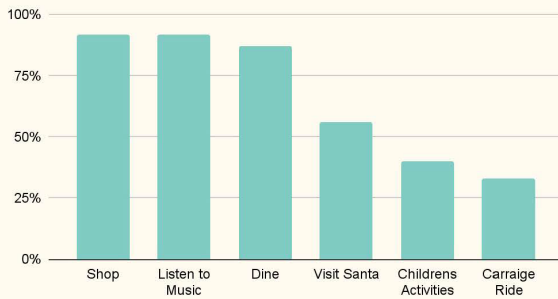
How did you hear about Festive Fridays?



VISITORS SURVEY

75 visitor surveys were completed
46% were attending Festive Friday's for the first time

What do you plan to do during Festive Fridays?



What do you like best about Festive Fridays?

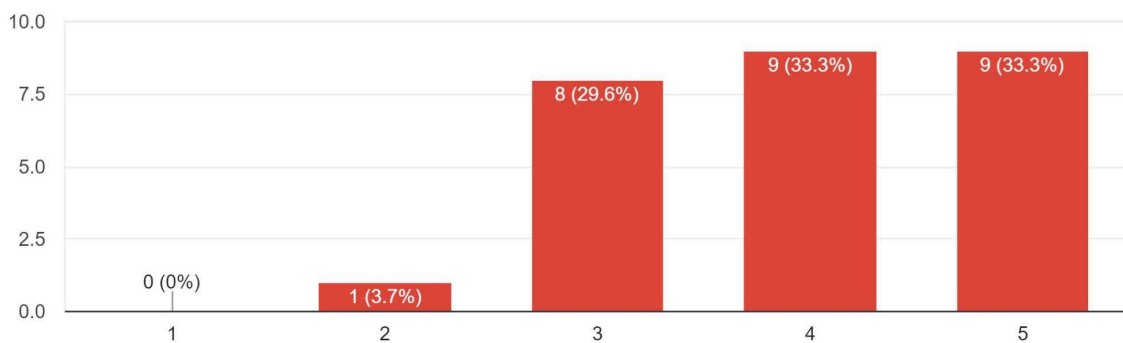
1. Lights & Decorations
2. Street Closure
3. Festive Ambiance
4. Shopping
5. Reuniting with Friends
6. Movies

BUSINESS SURVEYS

27 business surveys were completed

How would you rank the traffic in your establishment for this year's Festive Friday weekends (November 25th - December 18th, 2022),... year's (November 26th - December 19th, 2021)?

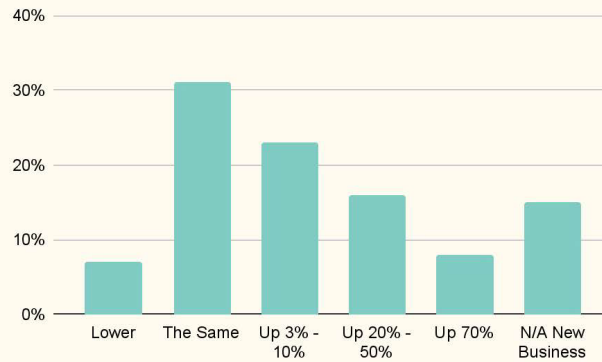
27 responses



BUSINESS SURVEYS

27 business surveys were completed

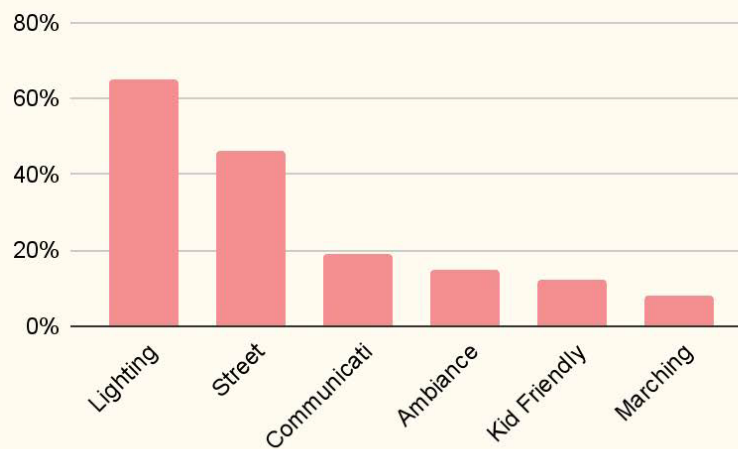
Please share your percent change in business from this year's Festive Friday weekends, (November 25th - December 18th, 2022), compared to last year's Festive Fridays weekends, (November 26th - December 19th, 2021). *Example: 40% increase in sales, or down 10% in sales.*



BUSINESS SURVEYS

27 business surveys were completed

What was your favorite part of this year's Festive Fridays? What did we do well?



What do you think we need to improve on for next year?

1. Be more inclusive to both sides of Mason and Strawberry St in promotion of events
2. Increase lighting and events on Strawberry St
3. Better Handicapped Parking Solution
4. Put activities on Strawberry and Peach Street
5. Improve lighting on Mason
6. Start the event one to two hours earlier
7. Do away with food vendors

Dianne Davis, Cape Charles resident

Good evening,

Mayor, member of the Council, Clerk and Manager.

I am Dianne Davis, resident.

Welcome to the new persons who will now be serving our town.

I would first like to remind you that the Historic District in addition to Mason Avenue and Bay Avenue includes Randolph Avenue to Bay Avenue, and from Fig Street to Pine Street.

I would like to suggest that you from time to time walk or ride the streets in town in the daytime as well as at night. Some of the blocks are really dark. After walking late one night in a different direction, I saw that some of the blocks were very dark because of the street lights were out. I did report this more than a month ago and the lights are still out.

I would just like to say to all of you, please do whatever you can for our entire town.

Thank you and have a blessed evening.

Donna Onley Kohler, resident and business owner

First off, I would like to welcome our new town mayor and our newly elected and re-elected councilors. Thank you to all of you for serving out Town.

My name is Donna Onley Kohler and I live on Tazewell Avenue and operate the Fig Street Inn. I am here today to ask the Town to go on record with our state representatives against Senate Bill 1391.

This bill, proposed by our local representative Lynwood Lewis, would limit our Town's abilities to regulate the short-term rental industry. Short term rentals, or STRs, are a multibillion-dollar industry. It is not simply a few people here and there renting out their homes to make a few extra dollars.

As a bed and breakfast, I am required to live at my property. I am required to provide off-street parking for each guest room. I am required to be inspected every single year. I have to follow a number of other

regulations in regard to insurance, safety, fire code, ADA, food service, alcohol service, sanitation, tax reporting, and personnel training.

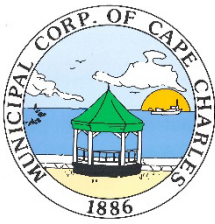
Senate Bill 1391 would not allow the Town to institute requirements for short term rentals that are listed with a realtor.

My lodging property is not that different from a STR – we each provide a hospitality experience to transient guests. The experience may be different, but at its core, it is about an experience. Why should my requirements be stricter than those required of a STR? Why should a STR marketed by an individual be stricter than those marketed by a realtor?

Cape Charles knows its community and its needs the best. Regulations for local businesses should be kept local. I ask the Town to publicly oppose Senate Bill 1391.

Thank you for your consideration.

DRAFT



DRAFT
PUBLIC INFORMATION MEETING
Re: 2022 Community Strategic Plan Survey
Results Presentation
Cape Charles Civic Center
February 2, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney announced that the originally scheduled Town Council Special Meeting was cancelled due to lack of a quorum physically in attendance this evening. However, Town Manager John Hozey would provide a presentation summarizing the 2022 Community Strategic Plan Survey results.

John Hozey stated that the action item on the special meeting agenda would be rescheduled for the February 16, 2023 Town Council Regular Meeting. There was no longer a sense of urgency regarding the short term rental legislation as the Virginia Senate tabled the bill for this year and referred it to the Housing Committee for a study.

John Hozey welcomed everyone in attendance adding that this was the second year for the survey. There were 442 respondents last year and the Town received 452 responses for this year's survey, which was significant for a Town with a population of about 1,000.

John Hozey proceeded to review the presentation and comments, adding that the Town Council had a full set of the comments which they would be reviewing for next week's work session. The full set of comments had not been posted on the website but were available to the public by request. The public was welcome to attend that session as well. We want to provide the public adequate time to review the results and provide input. A public input session was scheduled for March 2nd and would entail back and forth discussion between the members of the public in attendance, Council and staff. Council would have the option to adopt the Community Strategic Plan and Town Priorities that night based on the comments received. Staff needed the adopted priorities in order to prepare the fiscal year 2023-2024 budget. (Please see attached.)

Vice Mayor Bennett stated that he had quickly reviewed the comments and it seemed that there was a fair amount of misunderstanding and a lot of the comments made were based on misinformation. It would take some work, but he suggested that staff address the common misconceptions to clarify the items and provide answers to the general public.

John Hozey responded that he had discussions with staff regarding addressing some of the common misconceptions as points of education and something would be developed and published in the Gazette.

The floor was opened to questions.

Ms. Susan Hudson, a resident of Bay Creek, asked that since the item regarding short term rentals would not be discussed this evening, when did the Town Council plan to revisit this issue? Some of the residents of Bay Creek had formed a committee for short term rentals and wanted to work together with the Town regarding the issue.

John Hozey responded that, as he had mentioned at the beginning of this meeting, the short term rental item was being deferred to the February 16 regular meeting. Once the Town Council set the priorities, and he assumed that the short term rental issue would be high on the list, there would be discussion. His recommendation was to form a working group comprised of members of the Town Council, Planning Commission, homeowners' associations, etc. to work together to develop a plan.

The plan would then be presented to the Planning Commission to review and make a recommendation to the Town Council. There was a lot involved in the process.

Councilman Buchholz added that the Cape Charles Vacation Rental Association was also working on something and should be included in the working group. John Hozey responded that he met with the group and they were working proactively on a plan to self-regulate.

There were no more questions from the audience nor the Council.

Councilman Buchholz announced that the Knight Family Foundation was inviting everyone to the Palace Theatre for three showings of *King Richard*, which was inspired by Serena and Venus Williams. The showings were on February 3rd at 7:00 p.m., and February 4th at 3:00 and 7:00 p.m. The showings were to commemorate Black History Month with proceeds going to the Cape Charles Rosenwald School Restoration Initiative and another non-profit organization. Admission was a \$10.00 donation at the door.

The public information meeting concluded at 7:02 p.m.

Town Clerk

**October 6, 2022 Public Forum
Community Survey Presentation Information**

Community Strategic Plan Citizen Survey - 2022



Community Strategic Plan Citizen Survey - 2022

1. Please choose the closest one that applies to you:

- ☐ Full-time resident living within the corporate limits of Cape Charles
- ☐ Full-time resident within the town limits, who also owns additional property within the town limits
- ☐ Resides in Northampton County but outside the corporate limits of Cape Charles
- ☐ Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town
- ☐ Resides outside Northampton County but a frequent visitor to Cape Charles

2. How long have you lived or owned property in Cape Charles? _____ N/A

3. Do you own a business in Cape Charles? Yes ☐ No ☐

4. Are you employed? Circle the closest one that applies:

Full time part time retired between jobs prefer not to answer

5. Is your employment based primarily from your home? Yes ☐ No ☐ N/A

6. Do you think town public services are appropriate for a community of our size?

Yes ☐ No ☐ (Please feel free to attach comments)

7. Are you satisfied with the quality of town public services?

Yes ☐ No ☐ (Please feel free to attach comments)

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

Yes ☐ No ☐ (Please feel free to attach comments)

9. For a small town, Cape Charles has many priorities on its plate; more than we can do at one time. Please help prioritize the following, with 1 being the highest priority and 5 being the lowest:

- ☐ Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)
- ☐ Develop harbor/railroad area conceptual master plan & design guidelines for future development
- ☐ Develop parking strategies/regs in the historic/commercial districts (including boats, trailers, etc.)
- ☐ Develop short-term rental regulations/ordinances
- ☐ Other: _____

10. The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. As we begin to update our master planning/zoning for the old railroad areas, the Town Council wishes to be sensitive to implications future development might have on our existing working harbor. For example, high-end residential or tourism related uses too near the harbor could potentially drive out our traditional harbor uses (like watermen), eroding economic diversity.

Do you agree with the Council's view regarding maintenance of economic diversity?

Yes _____ No _____ (Please feel free to attach comments)

11. **Should the town acquire the resources to fund new capital projects, please help prioritize the following possibilities, with 1 being the highest priority and 5 being the lowest:**

_____ Renovate the beachfront/Bay Ave (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)
_____ Create a new recreational park (sports fields, pavilion, picnic areas, restrooms, etc.)
_____ Assist with sidewalk infill in the historic district (where appropriate) and develop/enforce sidewalk regulations to promote private installations
_____ New harbor amenities (aesthetic upgrades, shaded gathering areas, vendor space, etc.)
_____ Other: _____

12. **What tools do you use to stay in touch with town happenings?** Circle all that apply:

Facebook posts Gazette Nixle Town website Weekly staff reports Word of mouth

Watch meetings on Facebook Newspapers CC Happenings Mirror

Other _____

13. **Your Name:** _____

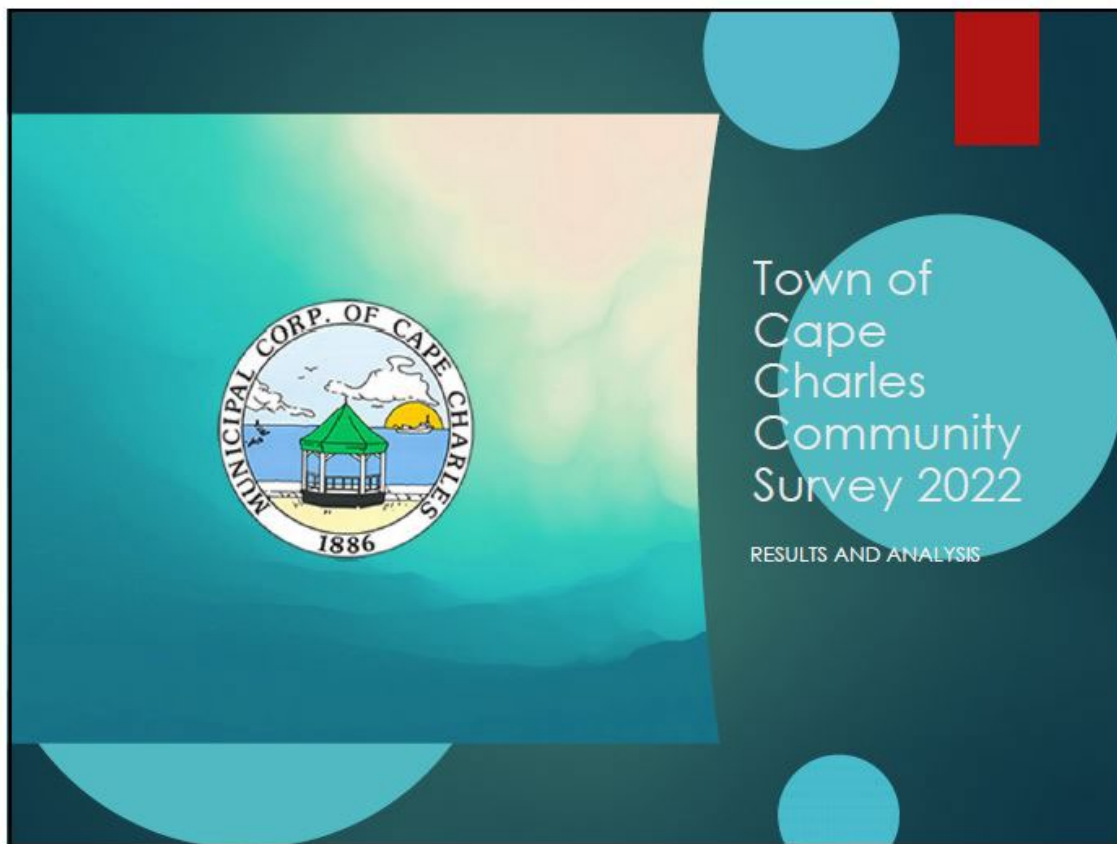
Street Address: _____

Email Address: _____

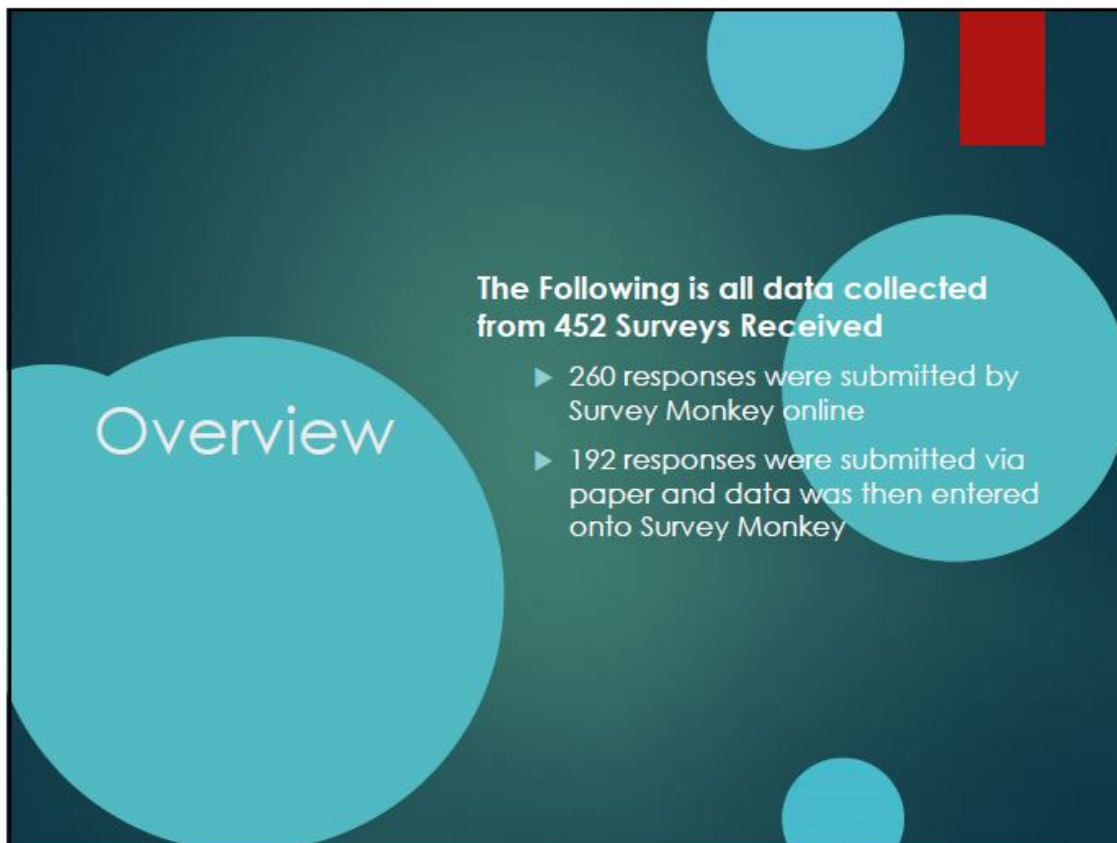
Note: anonymous surveys cannot be counted

May we contact you regarding this survey? Yes _____ No _____

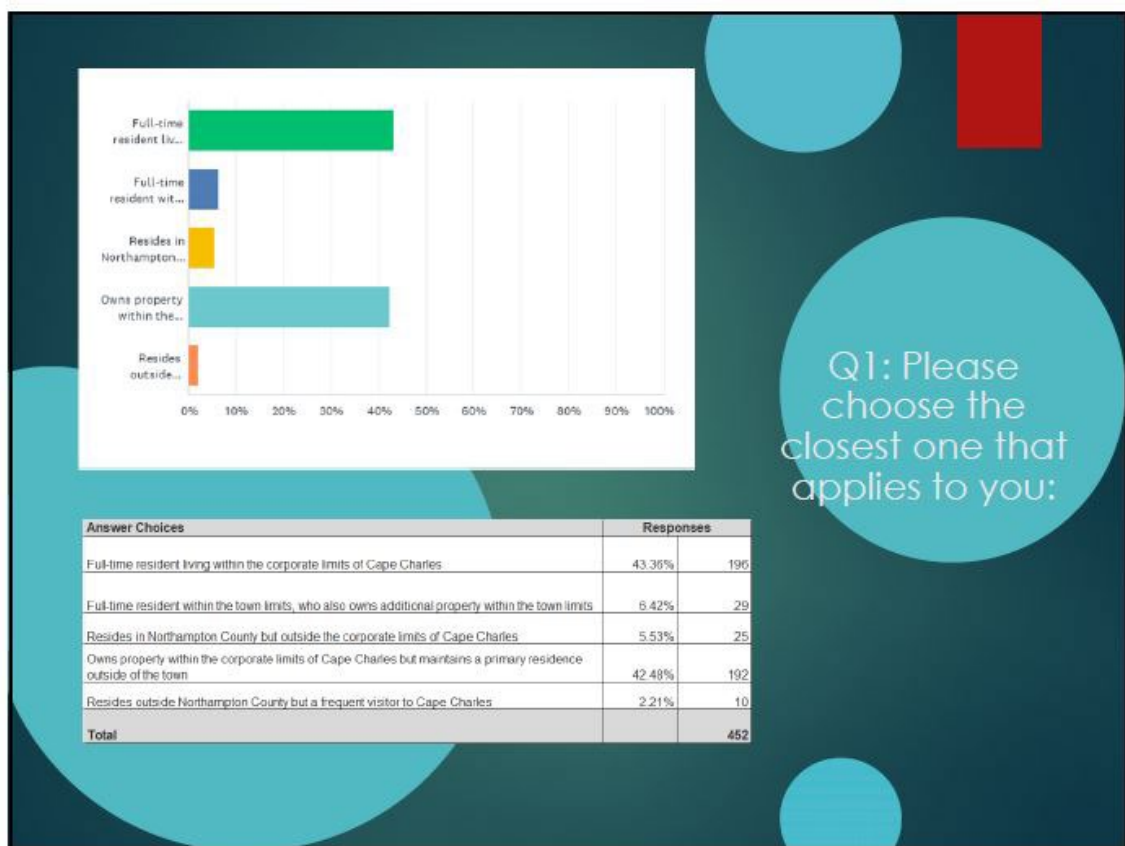
Responses are due back to Town Hall no later than 2:00 pm, January 13, 2023
Surveys may be dropped off, mailed (2 Plum St), or scanned and emailed to Clerk@capecharles.org
An [electronic version](#) of this survey is also available on the Town's website



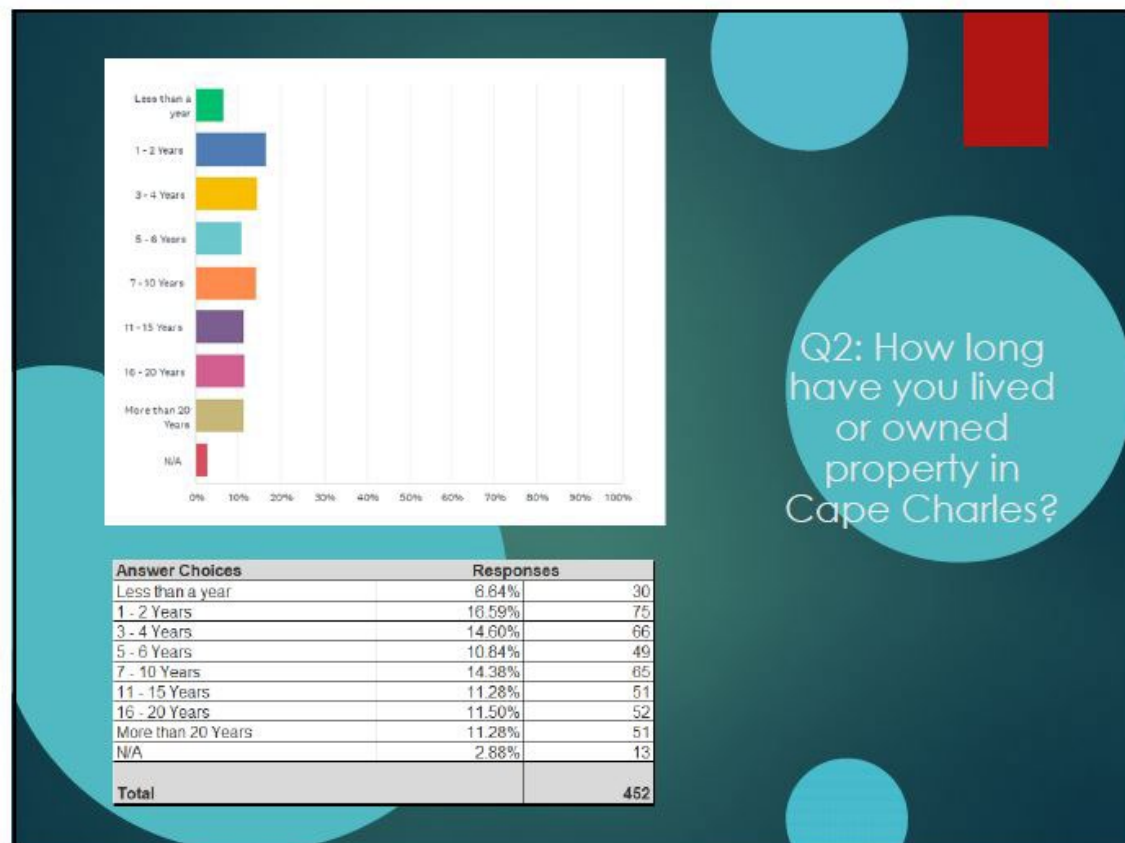
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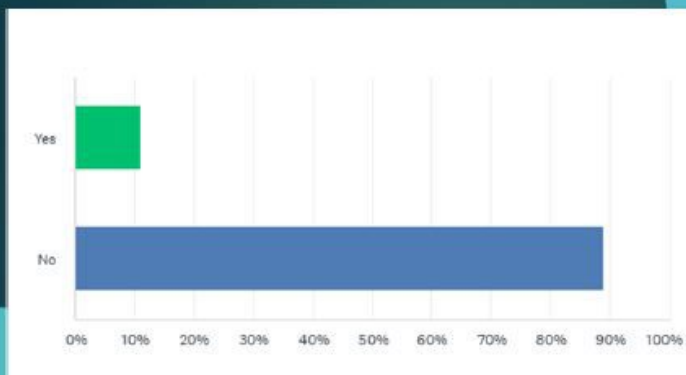
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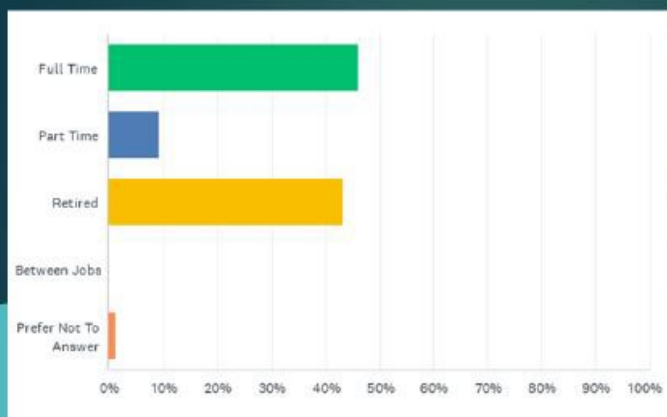
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3: Do you own a business in Cape Charles?

Answer Choices	Responses
Yes	11.09% 50
No	88.91% 401
Total	451

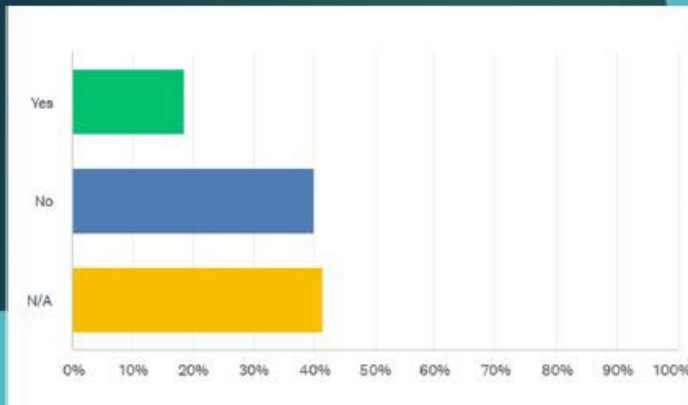
5



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

Answer Choices	Responses
Full Time	46.00% 207
Part Time	9.11% 41
Retired	43.33% 195
Between Jobs	0.00% 0
Prefer Not To Answer	1.56% 7
Total	450

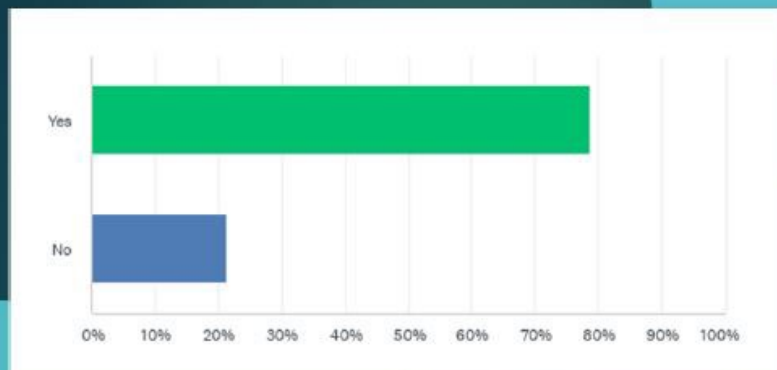
6



Q5: Is your employment based primarily from your home?

Answer Choices	Responses
Yes	18.44% 83
No	40.00% 180
N/A	41.56% 187
Total	450

7

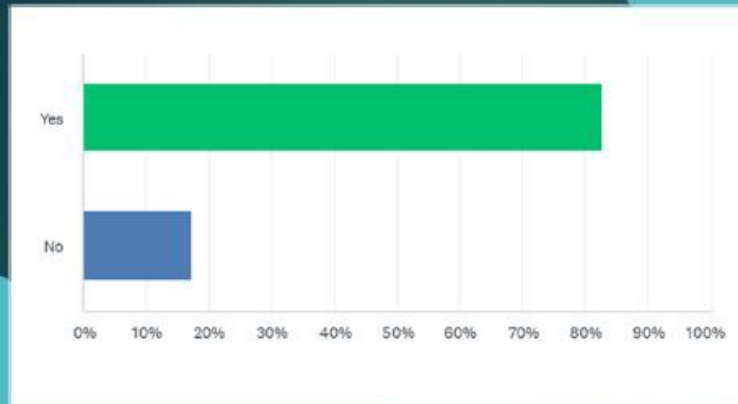


Q6: Do you think town public services are appropriate for a community of our size?

Answer Choices	Responses
Yes	78.76% 356
No	21.24% 96
Total	452

The most common comments included the need for better recycling options and the need to increase town staff to keep up with growth

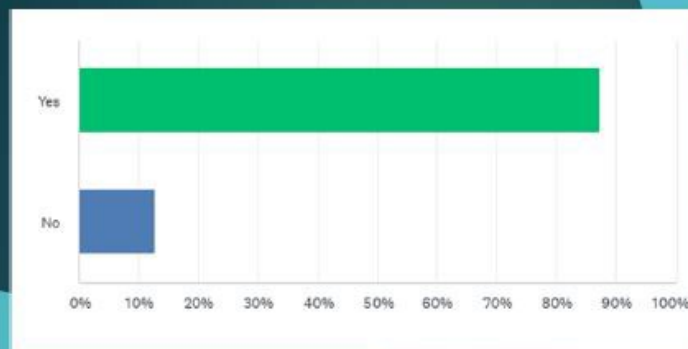
8



Answer Choices	Responses
Yes	82.63% 371
No	17.37% 78
Total	449

Q7: Are you satisfied with the quality of town public services?

9

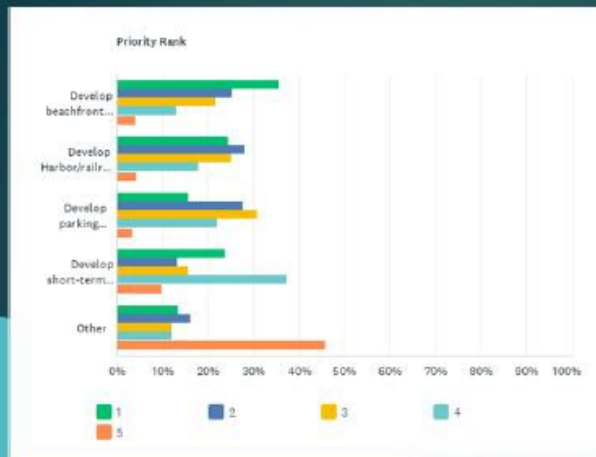


Answer Choices	Responses
Yes	87.14% 393
No	12.86% 58
Total	451

Q8: Do you feel the town has maintained or improved its small-town character in recent years?

Although most felt we have maintained or improved our character, many respondents noted that we are close to losing that charm due to an over emphasis on tourism and the impacts associated with short-term rentals

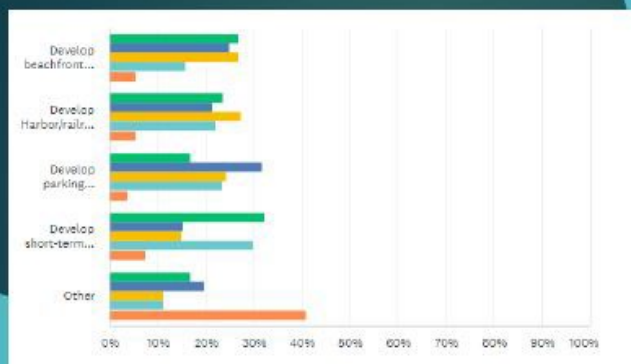
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Q9*: For a small town, Cape Charles has many priorities on its plate; more than we can do at one time. Please help prioritize the following, with 1 being the highest priority and 5 being the lowest:

	1	2	3	4	5	TOTAL
Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)	35.55% 155	25.46% 111	21.79% 95	13.07% 57	4.13% 18	436
Develop Harbor/railroad area conceptual master plan & design guidelines for future development	24.54% 106	28.24% 122	25.23% 109	17.62% 77	4.17% 18	432
Develop parking strategies/regs in the historic/commercial districts (including boats, trailers, etc.)	15.69% 67	27.63% 116	30.91% 132	22.25% 95	3.51% 15	427
Develop short-term rental regulations/ordinances	23.62% 101	13.21% 56	15.80% 67	37.06% 158	9.91% 42	424
Other	13.81% 20	16.22% 24	12.16% 18	12.16% 18	45.96% 88	148

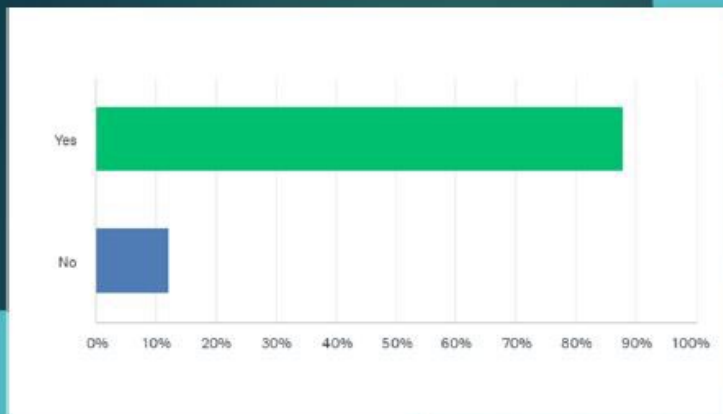
11



*Note: if only full-time resident responses are referenced for Question 9 the priority shifts

	1	2	3	4	5	TOTAL
Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)	26.95% 58	25.00% 54	28.85% 68	15.74% 34	5.56% 12	216
Develop Harbor/railroad area conceptual master plan & design guidelines for future development	23.61% 51	21.30% 46	27.31% 59	22.22% 48	5.56% 12	216
Develop parking strategies/regs in the historic/commercial districts (including boats, trailers, etc.)	16.82% 36	31.78% 69	24.30% 52	23.36% 50	3.74% 8	214
Develop short-term rental regulations/ordinances	32.24% 69	15.42% 33	14.95% 32	29.91% 64	7.48% 16	214
Other	16.90% 12	19.72% 14	11.27% 8	11.27% 8	40.85% 29	71

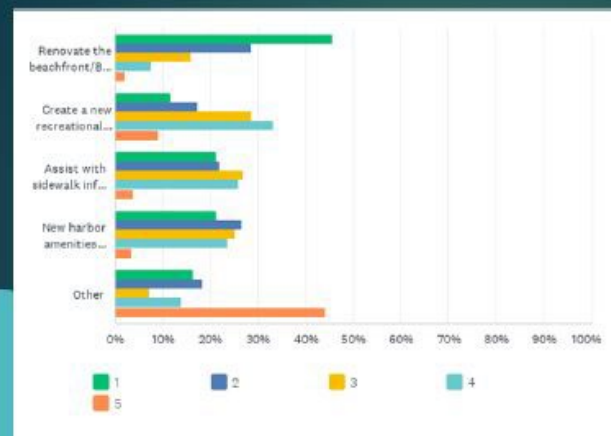
12



Answer Choices	Responses
Yes	87.78%
No	12.22%
Total	450

Q10: Do you agree with the councils view regarding maintenance of economic diversity?

13



Priority	1	2	3	4	5
Renovate the beachfront/Bay Ave (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)	45.54%	28.60%	16.02%	7.78%	2.06%
Create a new recreational park (sports fields, pavilion, picnic areas, restrooms, etc.)	11.64%	17.34%	28.50%	33.25%	9.26%
Assist with sidewalk infill in the historic district (where appropriate) and develop/enforce sidewalk regulations to promote private installations	21.41%	21.88%	26.82%	26.12%	3.70%
New harbor amenities (aesthetic upgrades, shaded gathering areas, vendor space, etc.)	21.28%	26.71%	25.06%	23.64%	3.31%
Other	16.51%	18.30%	7.34%	13.76%	44.04%

Note: referencing responses from only full-time residents does not change this priority

Q11: Should the town acquire the resources to fund new capital projects, please help prioritize the following possibilities, with 1 being the highest priority and 5 being the lowest:

14



15

Summary of Comment Trends



Community Strategic Plan Citizen Survey - 2022

Summary of Comment Trends (452 surveys)

The following is offered as an overview of general trends only and is not meant to capture every comment. Note: Questions 1 - 5, 12, and 13 were straightforward and did not generate significant comment

Question 6: Are Public Services appropriate for a community our size – 79% responded Yes

Comments were fairly broad and generally supportive of the Town. Several comments indicated that service levels are adequate now, but will need to increase as the Town grows. It was also noted that general satisfaction is greater off season when there is not as much demand for services. However, the two most common comments were:

- Desire to develop better recycling options in town (23 responses)
- More town staff is needed to keep up with demand (17 responses)

Question 7: Is the quality of Town Public Services Satisfactory – 83% responded Yes

Comments here were also very supportive of the Town, with similar sentiments to those in question 6. While there was an overall satisfaction with the quality of public services, the two most common comments regarding dissatisfaction were:

- Water quality (16 responses)
- Better beach maintenance (8 responses)

Question 8: Has the Town maintained its small-town character – 87% responded Yes

This question generated a wide range of opinions. Most felt that we have maintained or improved this character, while some felt that we have, or are about to, lose this character. Focusing too much on tourism was a general concern, but the single most common threat to our small-town character mentioned in the comments was the number of short-term rentals in town (17 responses)

Question 9: Prioritize Town workload (time spent)

Of the choices offered, the top priorities were as follows:

1. Develop beachfront master plan
2. Develop harbor/railroad area master plan
3. Develop short-term rental regulations
4. Develop parking strategies

Interestingly however, if only the surveys from full-time residents are referenced, developing short-term rental regulations moves to the top priority as follows:

1. Develop short-term rental regulations
2. Develop beachfront master plan
3. Develop harbor/railroad area master plan
4. Develop parking strategies

Regarding the “Other” category, there were many broad ideas offered, though little consensus, with many not being town functions. However, ideas offered with the most consensus were:*

- Develop workforce housing (14 responses)
- Develop better restrooms (5 responses)
- Develop new townhall (4 responses)

*Note: The Town is already moving forward with all three of these

Question 10: Do you agree with the Council’s view regarding Economic Diversity – 88% responded Yes

Most comments indicated a very strong support for the Council’s position. However, among the pushback offered was the following:

- Disagreed with the premise that tourism/residential related development would hurt a working harbor (11 responses)
- Agreed generally, but expressed caution that future development in support of a working harbor must also be compatible with existing residential and tourism related uses (9 responses)

Question 11: Prioritize Town Capital Projects (dollars spent)

This question was similar to question 9 and may have resulted in some confusion. Some comments offered under question 9 would have been better suited here, while some of the comment here would have been better suited under question 9. That said, overall priority of the choices offered were as follows:

1. Renovate the beachfront/Bay Avenue
2. Assist with sidewalk infill
3. Install new harbor amenities
4. Create a new recreational park

Note: the priority does not change when referencing only full-time resident surveys

Regarding the “Other” category, there were again many broad ideas offered, with little consensus. However, the ideas with the most consensus were:

- Develop additional parking (7 responses)
- Develop better restrooms (3 responses)
- Improve appearance of entrance corridor - Stone Road (3 responses)
- Develop a dog park (3 responses)

Note: All comments have been provided verbatim to the Mayor and Town Council

DRAFT

December 2022 Treasurer's Report

Page 1 – Cash Position

- \$2,500,000 was moved to a new longer term (1-3 years) Virginia Investment Pool Account from the operating and money market accounts. It earned over \$6,000 in interest in the first month.

Page 2 – Revenue vs. Expenditures

- Harbor dockage is at 50% of budget for the first half of the year. Only 4% of the repair and maintenance budget has been expended.

Page 3 – Capital Projects

- A payment of \$11,554 was made to HBA for work on the Municipal Center and Library project.

Page 4 – Tax Collection Rate

- Real property tax collection is at 95% of budget, 93% of what was billed.
- Vehicle assessments increased so much in 2022, that even though the personal property tax rate was cut in half by Council, the office still billed 145% of what was budgeted (based on last year's assessments.)
- Personal property taxes are not due until January 5th, 2023.

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.
- Local business-related tax collections continue to increase. Transient Occupancy tax has more than doubled since 2020.
- Building permits and planning/zoning fees are 113% higher than in 2020, and 24% over 2021.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
December 31, 2022

<u>Cash on Hand</u>	<u>11/30/2022</u>	<u>12/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$1,184,223	\$490,801	-\$693,422
Atlantic Union Bank Money Market Account	\$2,856,113	\$831,325	-\$2,024,788
LGIP Account 1 - Unrestricted	\$105,666	\$106,045	\$380
LGIP Account 2 - Unrestricted	\$305,825	\$307,032	\$1,206
Total Cash On Hand	\$4,451,827	\$1,735,203	-\$2,716,624

<u>Restricted and Reserved Cash Balances</u>	<u>11/30/2022</u>	<u>11/30/2022</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	\$9,810	\$9,890	\$80
US Bank - Reserved per VRA Interest Free Loan Requirements	\$258,143	\$258,834	\$691
Wells Fargo 2010 Debt Service pass through account #300	\$2,938	\$2,947	\$8
Wells Fargo 2010 Debt Service pass through account #308	\$769	\$771	\$2
Atlantic Union Money Market # ARPA CRF #5847	\$884,603	\$884,792	\$189
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$2,743,033	\$2,774,161	\$31,128
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$144,122	\$105,206	-\$38,915
Virginia Investment Pool Liquidity Unassigned	\$0	\$2,506,788	\$2,506,788
Total Cash Held in Reserve	\$4,085,013	\$6,584,984	\$2,499,971
Total Cash - All Accounts	\$8,536,840	\$8,320,187	-\$216,653

DEBT SERVICE

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

\$5,582,148

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

December 31, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY23</u>
GENERAL Operations						
REVENUE	\$1,086,221	\$2,805,402	\$3,050,567	\$245,165	\$4,030,694	75.68%
EXPENDITURES	\$315,886	\$1,438,527	\$1,836,977	\$398,450	\$4,030,694	45.57%
NET	\$770,335	\$1,366,875	\$1,213,589	(\$153,286)	\$0	
GENERAL Capital						
REVENUE	\$4,231	\$42,030	\$48,693	\$6,663	\$1,950,314	2.50%
EXPENDITURES	\$11,554	\$7,824	\$174,123	\$166,299	\$1,950,314	8.93%
NET	(\$7,324)	\$34,206	(\$125,430)	(\$159,636)	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$104,166	\$104,498	\$332	\$249,571	41.87%
EXPENDITURES	\$0	\$104,166	\$104,498	\$332	\$249,571	41.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$0	\$201,564	\$567,270	\$365,706	\$919,350	61.70%
EXPENDITURES	\$0	\$245,578	\$61,460	-\$184,118	\$919,350	6.69%
NET	\$0	(\$44,014)	\$505,810	\$549,824	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

December 31, 2022

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	\$166,590	\$1,155,375	\$1,028,168	-\$127,207	\$2,137,020	48.11%
EXPENDITURES - Operating	\$73,922	\$697,706	\$766,342	\$68,636	\$1,120,101	68.42%
NET	\$92,668	\$457,669	\$261,826	(\$195,844)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$68,900	\$68,900	\$320,014	\$251,114	\$466,400	68.61%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$68,900	\$68,900	\$481,539	\$412,639	\$1,016,919	47.35%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	(\$161,525)	(\$161,525)	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$33,289	\$453,121	\$571,143	\$118,022	\$1,007,545	56.69%
EXPENDITURES - Operating	\$59,695	\$401,899	\$488,136	\$86,237	\$957,438	50.98%
NET	(\$26,407)	\$51,222	\$83,007	\$31,785	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$33,094	\$32,825	-\$268	\$104,950	31.28%
EXPENDED - Capital Projects, Debt Svc	\$0	\$0	\$32,825	\$32,825	\$196,950	16.67%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$63,847	\$0	(\$63,847)	(\$50,107)	
SANITATION						
REVENUE	\$23,080	\$123,138	\$139,995	\$16,857	\$442,253	31.65%
EXPENDITURES	\$24,056	\$91,405	\$128,064	\$36,659	\$442,253	28.96%
NET	(\$976)	\$31,733	\$11,931	(\$19,802)	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
12/31/2022

	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>	18%	\$ 550,000	\$ -	\$ 101,211	\$ -	\$ -	101,211	\$ 448,789
Library Upgrade & Condo-ization	<u>Pending</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>Pending</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	\$ -	\$ -	174,123	\$ 1,718,609
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	\$ -	\$ -	174,123	\$ 1,885,109

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

December 31, 2022

YTD 2022 Real Estate Tax Collections

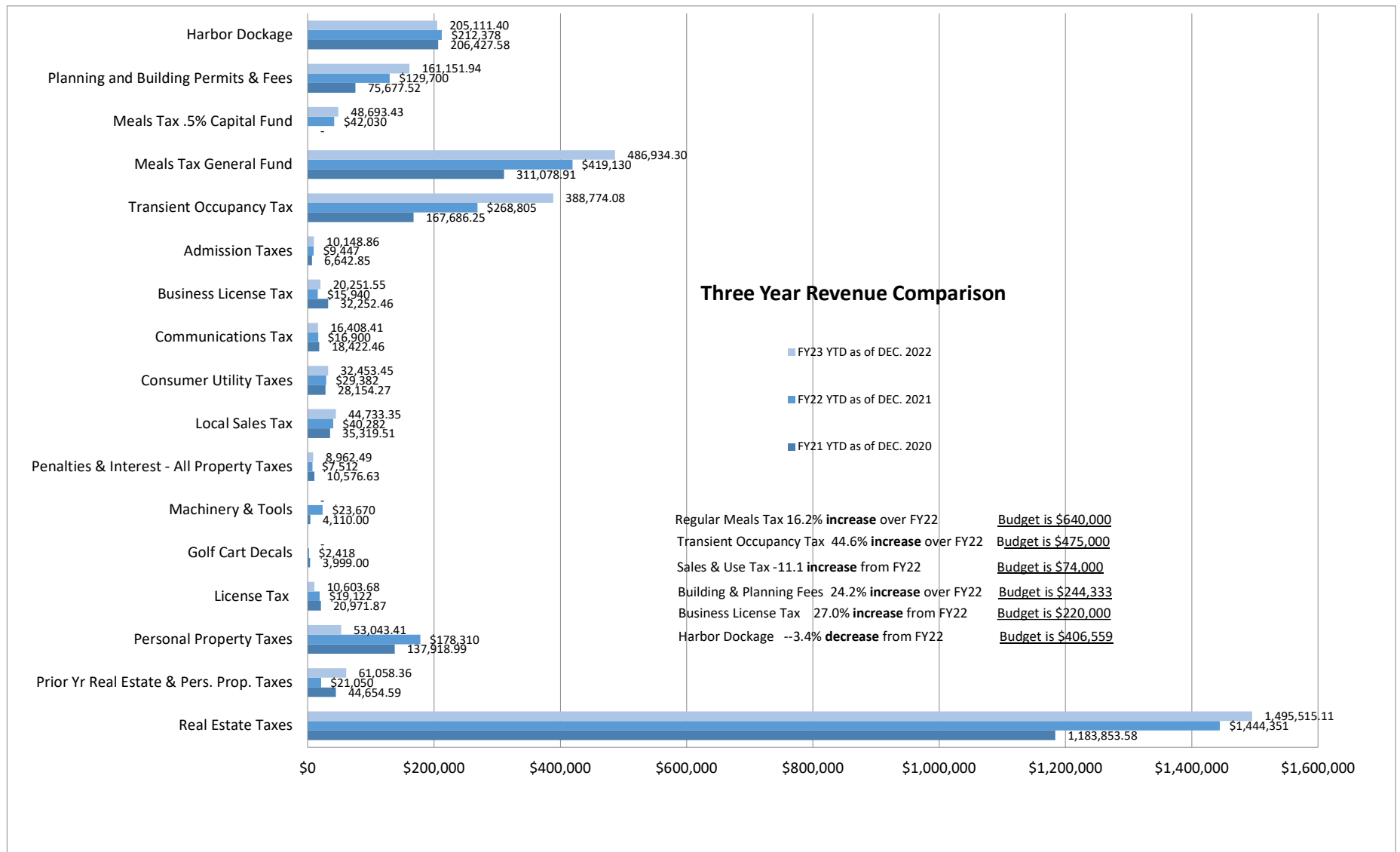
Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,569,242	
Total Tax Billed	1,606,830	
Total Adjustments	447	
Total Collected YTD (percent of billed)	<u>1,495,515</u>	93%
Amount Due per Accounts Receivable	111,762	

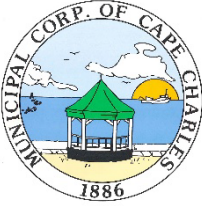
YTD 2022 Personal Property Tax, Machinery and Tools Tax & 2021 License Tax Collections

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	23,243,305	
 Total Budgeted	 140,000	
Total Tax Billed less PPTRA	204,003	
2022 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	15,936	
Total Collected YTD (percent of billed)	<u>53,043</u>	24%
Amount Due per Accounts Receivable	135,023	

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

Total Budgeted	76,462	
Total Collected (percent of budget)	<u>70,021</u>	92%
Amount Due Per Budget	6,441	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution 20230216 – Opposing Potential Legislation Restricting a Locality’s Ability to Manage Short Term Rentals		AGENDA DATE February 16, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Resolution Opposing Potential Legislation Restricting a Locality’s ability to Manage Short Term Rentals		ITEM NUMBER: 7B
	ATTACHMENTS: Resolution 20230216		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Virginia General Assembly is currently in a short session for 2023. Just before the session began, and after the typical pre-file reports were published, a bill was introduced at the last minute to significantly limit local control to manage short term rentals within local jurisdictions.

ITEM SPECIFICS:

Senate Bill 1391, and its companion legislation in the House (HB 2271), would prohibit local governments from regulating some of the most problematic impacts associated with short term rentals (STR); but only for those properties managed by state licensed realtors. Besides being an obvious giveaway to the realtor industry, this could force municipalities to have two sets of regulations for STR’s, creating an administrative nightmare. Most objectionable however, is the way this legislation blatantly attempts to erode the principle of local self-governance.

Cape Charles supports STR’s and the benefits they bring. However, we must also reserve the right to manage any impacts associated with this activity based on the circumstances unique to our community. This proposed legislation is ill conceived and not in the best interest of the Town.

RECOMMENDATION:

Staff recommends approval of Resolution 20230216.

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.

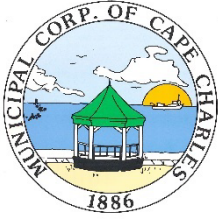
Adopted this 16th day of February 2023

TOWN OF CAPE CHARLES

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Virginia Port Authority Aid to Local Ports Grant Request		AGENDA DATE: February 16, 2023
	SUBJECT/PROPOSAL/REQUEST: Authorize the Mayor to submit grant request.		ITEM NUMBER: 7B
	ATTACHMENTS: Bulkhead Rehabilitation Phases		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town has utilized several Virginia Port Authority (VPA) Aid to Local Ports (ALP) grants over the years to improve the Town Harbor. ALP grants pay for up to 75% of capital projects. The VPA requires a letter signed by the Mayor by March 1st to carry-over an existing grant or request a new grant. The VPA Board typically considers these requests in May, with approved funding becoming available July 1.

The last two ALP grants awarded to the Town contributed to funding the inshore breakwater just west of the floating docks and the new concrete walkway around the inner harbor. These grants have been closed out and there is no need to request carry-over.

Rehabilitation of the inner harbor bulkhead, identified as a high priority in the evaluation of harbor capital assets, presents an opportunity for a new ALP grant request. This project is included in the approved Capital Asset Management Program (CAMP).

DISCUSSION:

The Town contracted with Langley & McDonald to perform an evaluation of Town Harbor capital assets. The vinyl bulkhead around the inner harbor has been in service for about twenty years. The evaluation indicated that sections of the bulkhead, about 54% of total length, require rehabilitation to replace severely damaged components. Most of the king piles and many of the lower horizontal wales in these areas have been damaged by side-to docking of large commercial vessels. Sections of the bulkhead used for fueling, product offload and docking slips have not experienced the same damage. Replacing the damaged structural components would prevent localized failure of the bulkhead and extend its service life to fifty years.

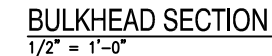
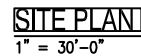
The Langley & McDonald contract was subsequently amended for design, engineering and cost estimating for rehabilitation of the bulkhead. The project has been structured in three phases – north side, northeast corner, east side & west side. The first two phases include the worst sections and should be rehabilitated first. The cost estimate is \$211.3K. The cost estimate for the third phase is \$116.7K. However, we can save \$23,000 of contractor mobilization costs if all three phases are done at the same time. The cost estimate to do this is \$304.9K.

A maximum ALP grant of 75% would fund \$228.7K of the project. It is unlikely the full amount would be approved as only \$1 million is available annually. However, there is a good chance of a substantial award, perhaps 50%, due to the Town's performance in executing previous grants. The Town share would need to be included in the FY 2024 budget; \$76.2K at 75% grant coverage or \$152.5K at 50% grant coverage. Alternatively, the project could be descoped to initially include the first two phases. The CAMP schedule includes \$170K for this project in FY24.

It should also be noted that additional funding will be needed for the harbor this year to repair and reinforce the inshore breakwater that was significantly damaged during the storm just before last Christmas. Langley & McDonald is now preparing a design and cost estimate for this work. While the estimate is not yet available, it will be substantial. It would be preferable to accomplish this during the current fiscal year before the start of the 2023 hurricane season. Funding recommendations will be forwarded after estimates are known.

RECOMMENDATION:

Authorize the Mayor to request a VPA ALP grant in the amount of \$228.7K for the rehabilitation of the inner harbor bulkhead.



1" = 30'-0" 0' 30' 60' 90' 120'

STRUCTURAL ENGINEERS
6371 Center Drive, Suite 100
Norfolk, Virginia 23502-4102
Phone (757) 965-2000
Fax (757) 965-2001
www.mdg-eng.com

[illegible]

SITE PLAN
FOR
TOWN OF CAPE CHARLES

S-10
OF X



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Budget Amendment Request

AGENDA DATE

February 16, 2023

SUBJECT/PROPOSAL/REQUEST: Amend Budget for purchase of Public Works equipment

ITEM NUMBER:

7D

ATTACHMENTS: None

FOR COUNCIL:

Action (X)

Information ()

STAFF CONTACT (s):

Deborah Pocock

REVIEWED BY:

John Hozey, Town Manager

BACKGROUND:

During the fiscal year 2023 mid-year budget review, staff requested that the public works gator and tractor attachments originally budgeted to be purchased with USDA Rural Development funds be removed from the budget because of the unavailability of the equipment for an extended period of time. Council did vote to follow staff recommendations at that time.

ITEM SPECIFICS:

In January of 2023, John Lockwood, Public Works Director, was able to find a supplier for a different brand of utility vehicle and also obtain tractor attachment quotes for grounds maintenance equipment. This supplier is Land & Coates, and their quotes are a little lower than the John Deere products originally requested. They have equipment available and should be able to meet the purchasing deadline for this fiscal year. The prices are as follows:

RTV (utility vehicle) \$26,000

Heavy duty 60" cutter \$ 2,625

Box blade \$ 975

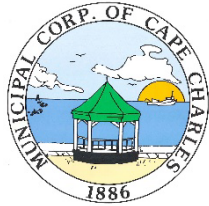
72-inch finish mower \$ 4,175

Total requested **\$33,775**

USDA Rural Development, if the application is approved, would fund these purchases with an \$11,821 grant and a \$21,954 five-year term loan.

RECOMMENDATION:

Staff recommends that Town Council vote to amend the fiscal year 2023 General Capital Budget to increase Revenue and Expenditure lines each by \$36,775 to purchase the necessary equipment. The amount requested is below the threshold required for a public hearing for a budget amendment.



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Town Manager Employment Agreement

AGENDA DATE
February 16, 2023

SUBJECT/PROPOSAL/REQUEST: Approval of Town
Manager Employment Agreement

ITEM NUMBER:
7D

ATTACHMENTS: Town Manager Employment Agreement

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

The current employment agreement between the Town Manager and the Town of Cape Charles commenced on March 9, 2020. That agreement will expire on March 9, 2023.

ITEM SPECIFICS:

Upon a satisfactory evaluation of the town manager's performance on February 9, 2023, the Town Council requested that a renewal of the town manager's employment agreement be brought forward for consideration at their regular meeting of February 16, 2023.

RECOMMENDATION:

The Council is requested to review the attached employment agreement and to consider approval.

EMPLOYMENT AGREEMENT

This Employment Agreement (“Agreement”) is made between **John F. Hozey** (“Town Manager”) and the **Town of Cape Charles**, Virginia, a municipal corporation (“Town”), as of February 16, 2023 (“Commencement Date”). For and in consideration of the mutual promises and commitments set forth below, the parties agree as follows:

1. Term. This Agreement commences as of the Commencement Date and continues until May 19, 2025, unless terminated earlier, or extended pursuant to Section 6 of this Agreement.
2. Position and Duties. The Town Manager shall be employed by the Town and shall devote his best efforts to his duties as Town Manager. The Town Manager is expected to work approximately 40 hours per week, but with the concurrence of the Town Council, may employ a flexible work schedule, to include a portion of time offsite. The Town Manager shall serve as the executive officer of the Town and be responsible to the Town Council for the proper administration of the Town government. The Town Manager shall comply with the Town Charter, Town Code, the laws of the Commonwealth of Virginia, all other applicable federal, state, and local laws, and all lawful directives of the Town Council. The Town Manager’s duties shall include the following:
 - 2.1. Attend all meetings of the Town Council, with the right to speak but not to vote;
 - 2.2. Keep the Town Council advised of the financial condition and the future needs of the Town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable;
 - 2.3. Prepare and submit the annual budget and six-year capital improvement plan to the Town Council and be responsible for their administration after their adoption by the Town Council;
 - 2.4. Prepare in suitable form for publication and submit to the Town Council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year;
 - 2.5. Present adequate financial and activity reports as required by the Town Council;
 - 2.6. Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Town Council;
 - 2.7. Appoint, manage, and supervise all employees of the Town, even those appointed by the Town Council, exercise discretion to remove any employees (except those appointed by the Town Council) as the Town Manager deems appropriate, and report all appointments and removals to the Town Council;
 - 2.8. Conduct and manage the Town’s business and affairs;
 - 2.9. Develop and recommend personnel policies and other policies and revisions to the Town Council for its approval;
 - 2.10. Administer, enforce, and comply with the Town’s personnel policies and other policies;
 - 2.11. Act as signatory, together with the Town Treasure and Clerk, to countersign warrants and checks for the Town;
 - 2.12. Perform such other duties as may be prescribed by the Town Charter, Town Code, or the laws of the Commonwealth; and
 - 2.13. Perform such other duties as may be directed by the Town Council.

3. Conflicts of Interest. The Town Manager shall avoid any conflict or appearance of conflict between his personal interests and those of the Town. Should any of his personal interests, or those of his spouse or immediate family, be affected by or stand to be affected by any Town business, the Town Manager shall make a full disclosure of all relevant circumstances to the Town Council in writing. The Town Manager shall not have any outside employment or other business activities without written consent of the Town Council. This section supplements and does not limit the application and requirements of the State & Local Government Conflict of Interests Act; Virginia Public Procurement Act, Article 6 - Ethics in Public Contracting; or other laws and regulations related to public employee ethics and conflicts of interest.
4. Confidentiality. The Town Manager shall maintain the confidentiality of all Town business that is not authorized for public disclosure (e.g., personnel matters, internal investigations, etc.), in accordance with applicable law.
5. Compensation.
 - 5.1. Salary. The Town shall pay the Town Manager an annual salary of \$113,300, less all taxes and other withholdings required by law, in biweekly installments. The Town Council may adjust the Town Manager's salary from time to time based on the Town Manager's performance and the Town's operating budget. The Town Manager will also receive any cost-of-living adjustments (COLA) that may be provided to all other Town employees.
 - 5.2. Vacation. The Town Manager shall be entitled to vacation leave of 16 hours per month, which will accrue pursuant to the Town's personnel policies. The Town Manager may carry over unused vacation from year to year. In the event of employment termination, whether voluntary or involuntary, the Town shall compensate the Town Manager for his unused, accrued vacation up to a maximum of 280 hours.
 - 5.3. Sick Leave. The Town Manager shall be entitled to 4 hours of sick leave per pay period, which will accrue pursuant to the Town's personnel policies. The Town Manager may carry over unused sick leave from year to year. In the event of employment termination, whether voluntary or involuntary, any unused sick leave will be deemed forfeited and will not be paid. The Town Manager shall be eligible for all sick leave provisions pursuant to the Town's personnel policies.
 - 5.4. Holidays. The Town Manager shall be entitled to the paid holidays set forth in the Town's personnel policies.
 - 5.5. Health and Life Insurance; Other Employee Benefits. The Town Manager shall remain eligible to participate in the group health insurance and life insurance plans and other employee benefit plans offered by the Town pursuant to those plans' terms. The Town shall pay the full premiums for the Town Manager's coverage in the health and life insurance plans. The Town Manager shall be responsible for the premiums for his participation in any other employee benefit plan and for the premiums for his family members' coverage under the health insurance, life insurance, or any other employee benefit plan.
 - 5.6. Relocation Assistance. N/A
 - 5.7. Membership Dues, Meetings, and Education. The Town shall pay for the Town Manager's professional dues and attendance at professional meetings, including

reasonable travel costs, for such associations and organizations as the Town Council determines are necessary and desirable for the good of the Town. Further, the Town shall pay for the Town Manager's attendance, including reasonable travel costs, at courses and seminars that the Town Council determines are necessary and desirable for the Town Manager's professional development and the good of the Town. All expenses under this subsection 5.7 must be within the approved Town Manager's budget.

- 5.8. Bonding. The Town shall bear the full cost of and fidelity or other bond requirements of the Manager under any law, ordinance or policy.
- 5.9. Cell Phone. The Town shall provide the Town Manager either:
 - 5.9.1. A cell phone for use in Town business. The Town shall pay all costs related to the Town Manager's business use of the cell phone; however, the Town Manager is responsible for any costs related to his personal use of the cell phone. The Town Manager understands that the cell phone is the Town's property and that the Town Council has the right to review all data and communications on the cell phone, and that official communications may be subject to disclosure under the Virginia Freedom of Information Act.
 - 5.9.2. A stipend not to exceed the actual cost per month to compensate the Town Manager for use of his personal cell phone while conducting Town business. The Town Manager is responsible for all costs associated with this phone. The Town Manager understands that the Town Council has the right to review all business-related data and communications on the cell phone, and that official communications may be subject to disclosure under the Virginia Freedom of Information Act. Every effort shall be made to avoid access or extraction of personal information.

6. Termination.

- 6.1. Without Cause. Either party may terminate this Agreement and the Town Manager's employment without cause upon a minimum of 30 days' written notice.
- 6.2. For Cause. The Town may terminate this Agreement and the Town Manager's employment immediately for "Cause," defined as any of the following: (a) the Town Manager's breach of any provision of this Agreement; (b) the Town Manager's willful violation of the Town Charter or Code or flagrant disregard for Town policies; (c) the Town Manager's poor performance, if the Town gives notice of the poor performance and the Town Manager fails to correct it within 15 days; (d) the Town Manager's gross negligence or willful misconduct in the performance of his duties; (e) the Town Manager's commission of any act of fraud or dishonesty with respect to the Town; (f) the Town Manager's conviction of a felony or a crime involving moral turpitude; or (g) the Town Manager acting outside the scope of his authority.
- 6.3. This Agreement shall terminate automatically upon Employee's death.
- 6.4. This Agreement may be extended in writing by mutual consent.

- 7. Severance Pay. The Town will offer the Town Manager severance pay equal to three (3) months of his then current salary plus health insurance, less all taxes and other withholdings required by law ("Severance Pay"), if the Town terminates the Town Manager's employment without cause. If offered, Severance Pay will be contingent upon

the Town Manager executing a severance agreement and general release in a form presented by the Town. The Town will not offer or pay the Town Manager any severance pay in the event that the Town terminates the Town Manager's employment for cause or the Town Manager voluntarily resigns his employment without the consent of the Town Council.

8. Return of Town Property. Upon termination of employment with the Town, whether such termination is voluntary or involuntary, the Town Manager will deliver immediately to the Town all Town property, documents, records, and information, including but not limited to keys, cell phones or electronic devices, computers, and documents, whether in paper or electronic format, without retaining any copies of such documents.
9. Indemnification. The Town shall defend, hold harmless, and indemnify the Town Manager against any and all liability, loss, or claim arising out of or caused by the performance of the Town Manager's duties. No indemnification is available if the Town Manager exceeded the scope of his authority under this Agreement or for any act in violation of criminal law.
10. Alternative Dispute Resolution.
 - 10.1. Agreement to Mediate and Arbitrate. The parties agree to submit all Covered Claims (defined below) first to non-binding mediation and then, if mediation is unsuccessful, to final and binding arbitration administered by the American Arbitration Association ("AAA") under its Employment Arbitration Rules and Mediation Procedures. Mediation and arbitration shall be held in Northampton County, Virginia, unless the parties agree otherwise. The arbitrator shall have the authority to decide arbitrability. Judgment upon the arbitrator's award may be entered in any court having jurisdiction thereof. The parties agree that final and binding arbitration is the only forum for the Covered Claims and waive their right to a trial before a judge or jury on the Covered Claims.
 - 10.2. Covered Claims. The "Covered Claims" include all common-law and statutory claims arising out of or relating to the Town Manager's employment or termination of employment that the Town Manager has or may have at any time against the Town, the Town Council, the Town's employees, or the Town's agents. The Covered Claims include, but are not limited to, claims for or based on: breach of contract; unpaid wages; wrongful termination; violation of public policy; violation of federal, state, or municipal constitutions, statutes, ordinances, regulations, charter, or code; violation of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Uniformed Services Employment and Reemployment Rights Act, the Virginia Human Rights Act; tort; and all other federal, state, and local employment laws.
 - 10.3. Exclusions from Agreement. The Covered Claims under this Agreement do not include any claim that cannot be required to be arbitrated as a matter of law.
 - 10.4. Confidentiality of Proceedings. All mediation and arbitration proceedings are confidential, unless applicable law provides otherwise. The mediator and arbitrator shall maintain the confidentiality of the proceedings to the extent permitted by law. The arbitrator shall have the authority to make appropriate rulings to safeguard that confidentiality.

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

The undersigned agree to the foregoing terms:

Signature

Date

Printed Name of Town Manager

Adam Charney
Mayor, Town of Cape Charles

Date