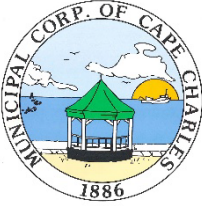




TOWN COUNCIL
Special Meeting
February 2, 2023
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Comments on Agenda Items Only (3 minutes)
4. Order of Business
 - *A. [Short Term Rentals Resolution](#)
 - B. 2022 Community Strategic Planning Survey Report
 - i. [Presentation](#)
 - ii. [Comment Summary](#)
5. Town Manager Comments
6. Mayor & Council Comments (5 minutes per speaker)
7. Adjournment

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution 20230202 – Opposing Potential Legislation Restricting a Locality’s Ability to Manage Short Term Rentals		AGENDA DATE February 2, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Resolution Opposing Potential Legislation Restricting a Locality’s ability to Manage Short Term Rentals		ITEM NUMBER: 4A
	ATTACHMENTS: Resolution 20230202		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 20230202.

TOWN OF CAPE CHARLES, VIRGINIA

RESOLUTION 20230202

**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 ____ day of _____, 2023

TOWN OF CAPE CHARLES

By: _____
Mayor

ATTEST:

Town Clerk



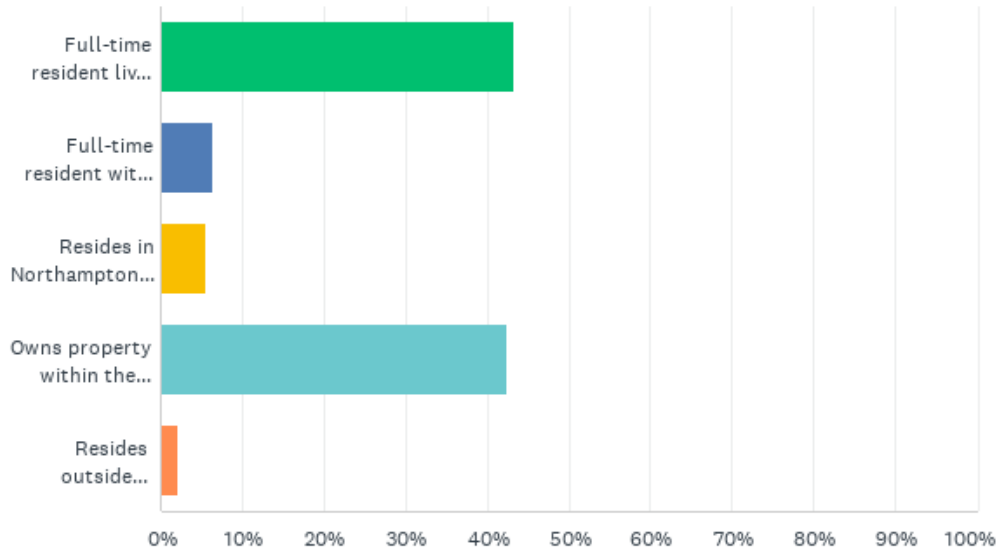
Town of Cape Charles Community Survey 2022

RESULTS AND ANALYSIS

Overview

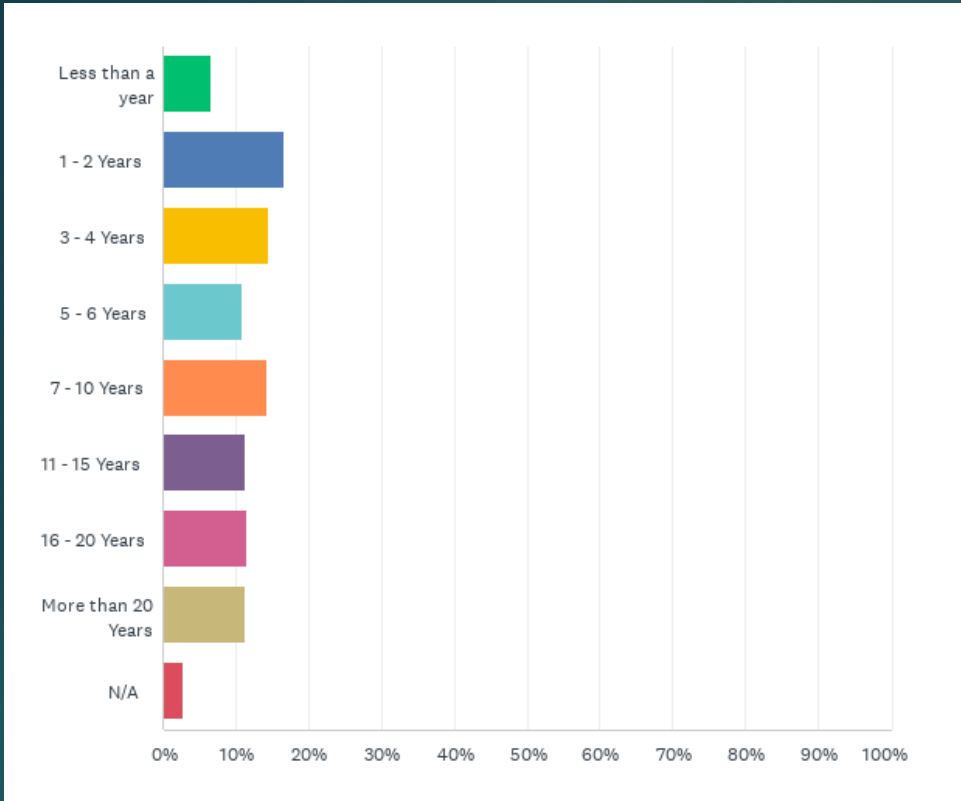
**The Following is all data collected
from 452 Surveys Received**

- ▶ 260 responses were submitted by Survey Monkey online
- ▶ 192 responses were submitted via paper and data was then entered onto Survey Monkey



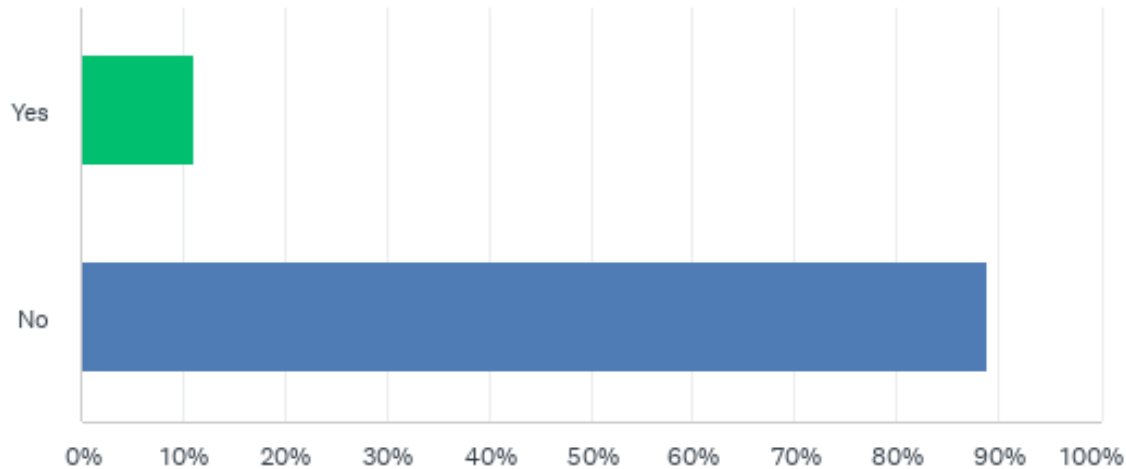
Q1: Please choose the closest one that applies to you:

Answer Choices	Responses	
Full-time resident living within the corporate limits of Cape Charles	43.36%	196
Full-time resident within the town limits, who also owns additional property within the town limits	6.42%	29
Resides in Northampton County but outside the corporate limits of Cape Charles	5.53%	25
Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town	42.48%	192
Resides outside Northampton County but a frequent visitor to Cape Charles	2.21%	10
Total		452



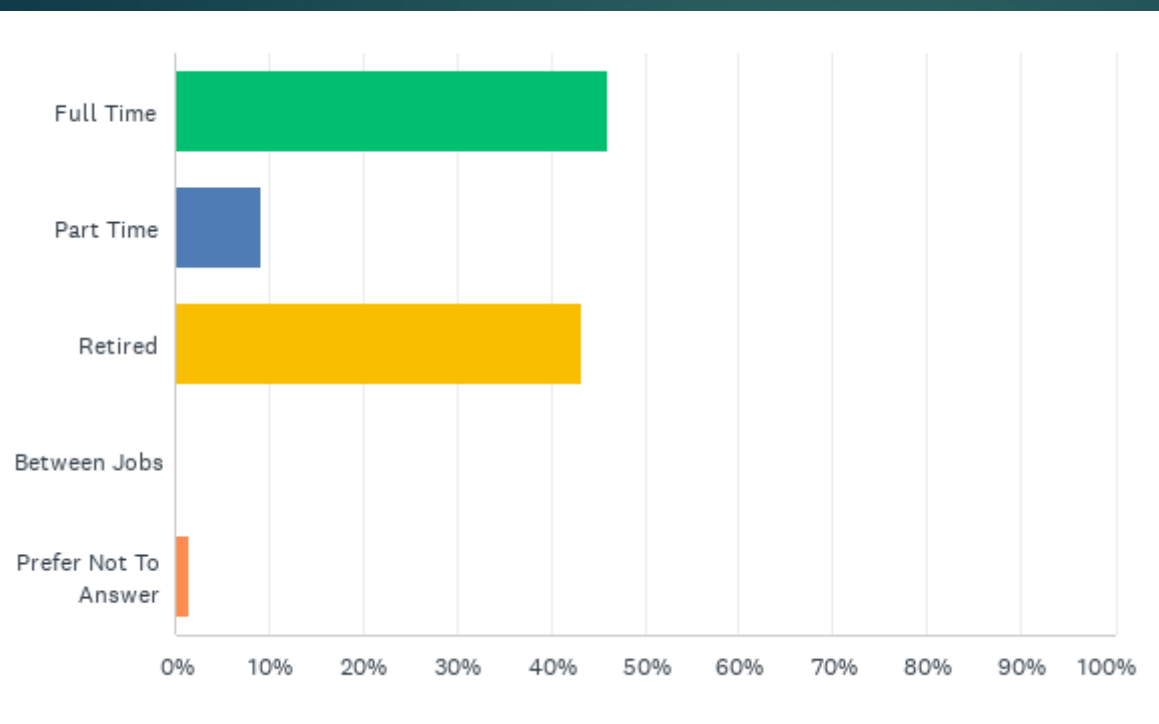
Q2: How long have you lived or owned property in Cape Charles?

Answer Choices		Responses	
Less than a year		6.64%	30
1 - 2 Years		16.59%	75
3 - 4 Years		14.60%	66
5 - 6 Years		10.84%	49
7 - 10 Years		14.38%	65
11 - 15 Years		11.28%	51
16 - 20 Years		11.50%	52
More than 20 Years		11.28%	51
N/A		2.88%	13
Total			452



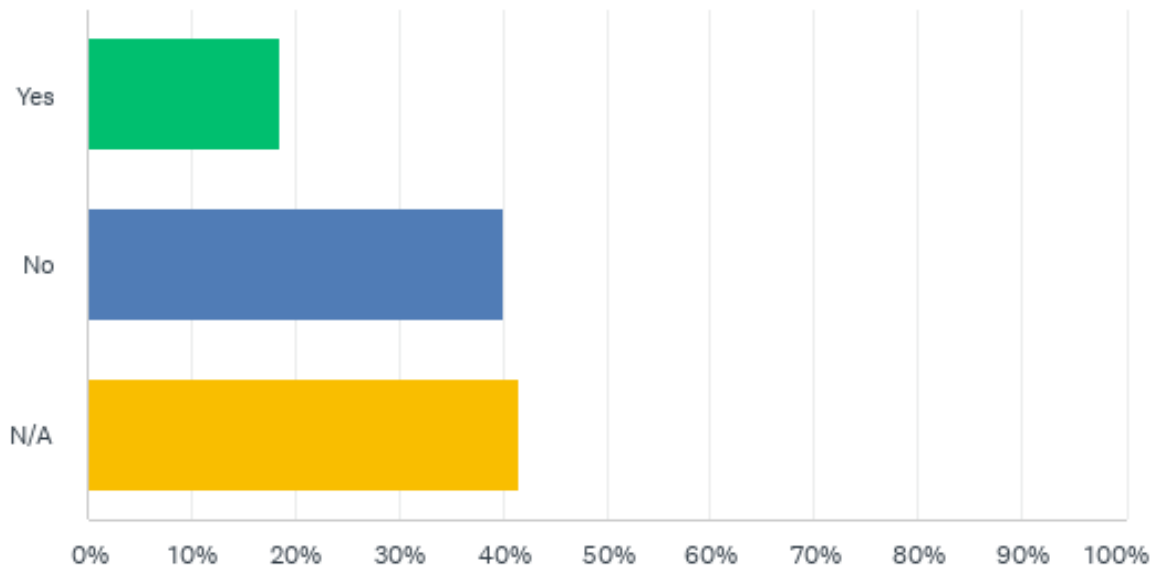
3: Do you own
a business in
Cape Charles?

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



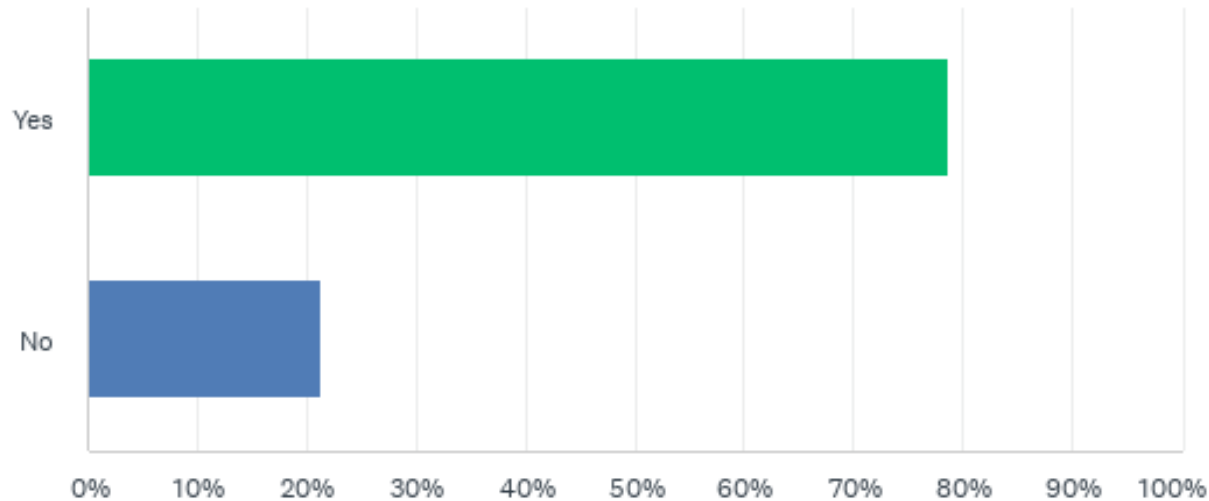
Q4: Are you employed? Select the closest that applies:

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	



Q5: Is your employment based primarily from your home?

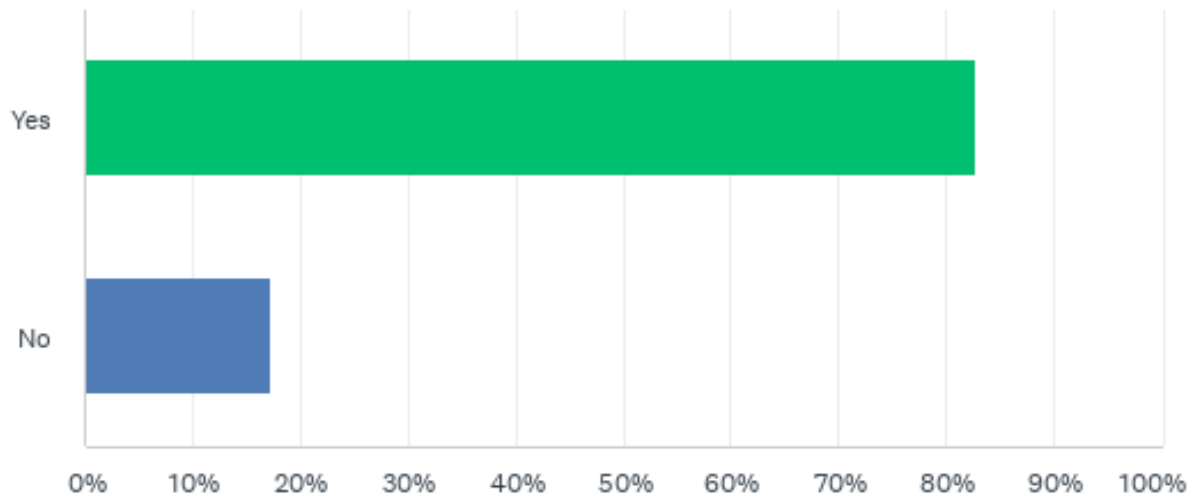
Answer Choices	Responses	
Yes	18.44%	83
No	40.00%	180
N/A	41.56%	187
Total	450	



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

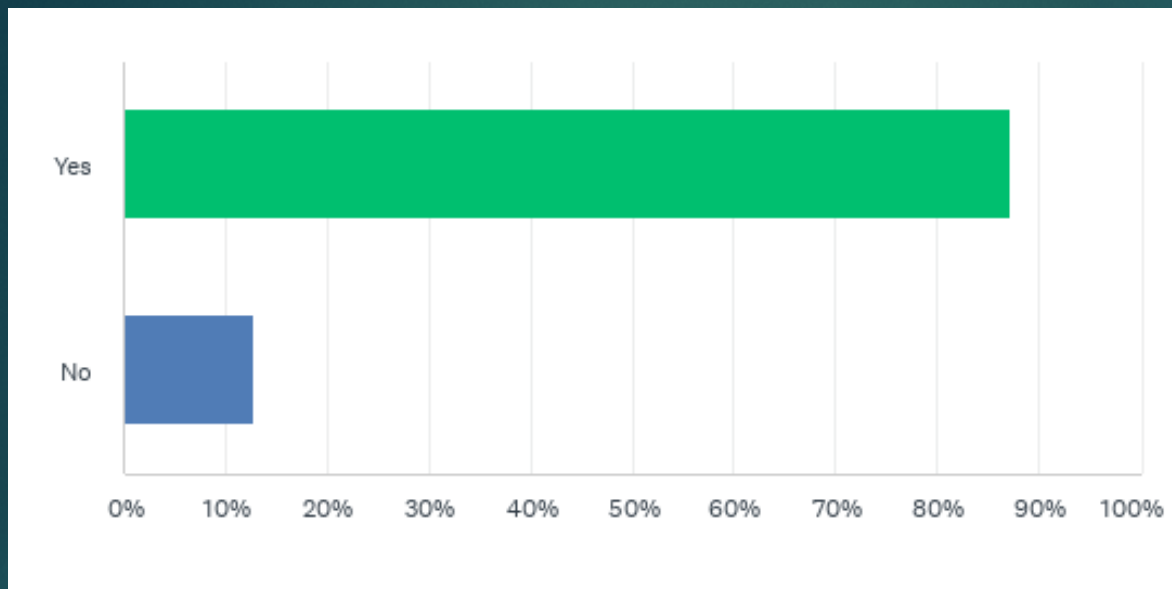
Q6: Do you think town public services are appropriate for a community of our size?

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



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

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



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

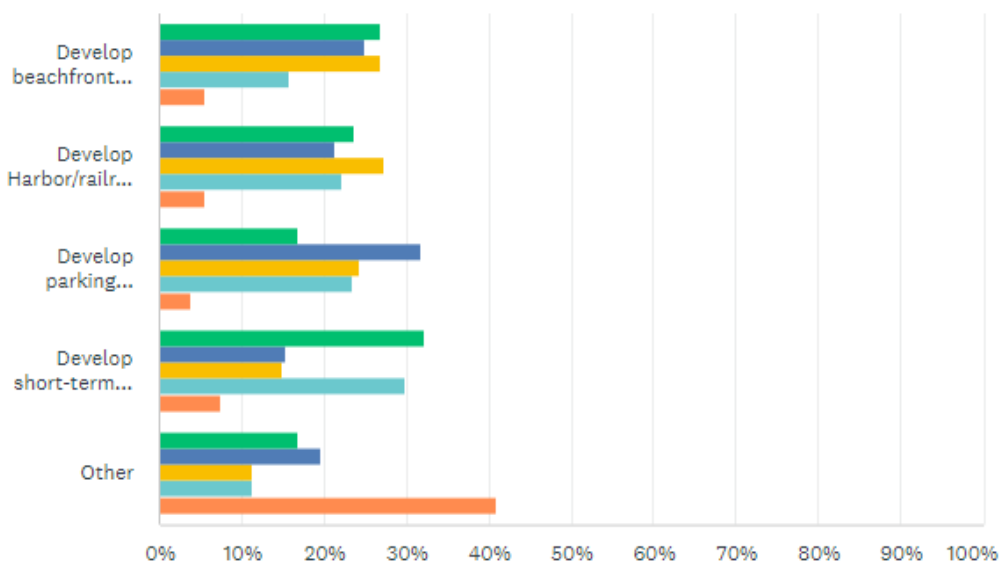
Although most felt we have maintained or improved our character, many respondents noted that we are close to losing that charm due to an over emphasis on tourism and the impacts associated with short-term rentals

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



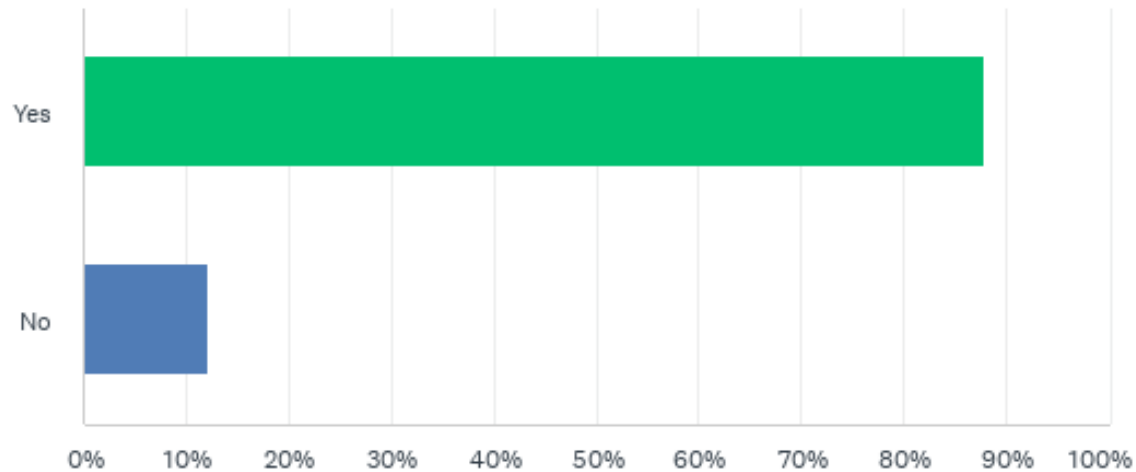
Q9*: For a small town, Cape Charles has many priorities on its plate; more than we can do at one time. Please help prioritize the following, with 1 being the highest priority and 5 being the lowest:

	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	17.82% 77	4.17% 18	432
▼ Develop parking strategies/regs in the historic/commercial districts (including boats, trailers, etc.)	15.69% 67	27.63% 118	30.91% 132	22.25% 95	3.51% 15	427
▼ Develop short-term rental regulations/ordinances	23.82% 101	13.21% 56	15.80% 67	37.26% 158	9.91% 42	424
▼ Other	13.51% 20	16.22% 24	12.16% 18	12.16% 18	45.95% 68	148



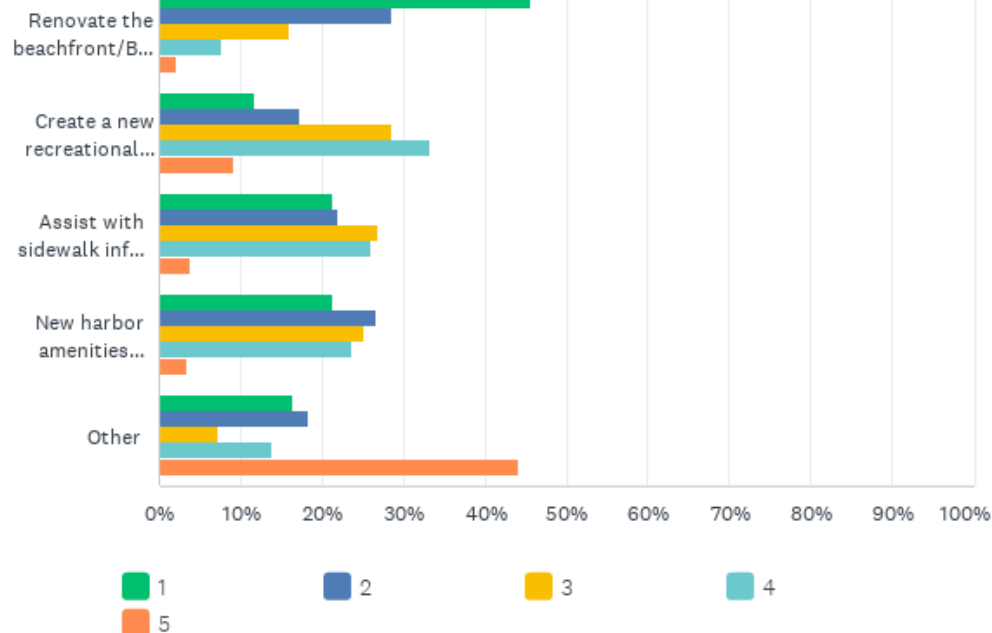
*Note: if only full-time resident responses are referenced for Question 9 the priority shifts

	1	2	3	4	5	TOTAL
▼ Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)	26.85% 58	25.00% 54	26.85% 58	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% 68	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



Answer Choices	Responses	
Yes	87.78%	395
No	12.22%	55
Total		450

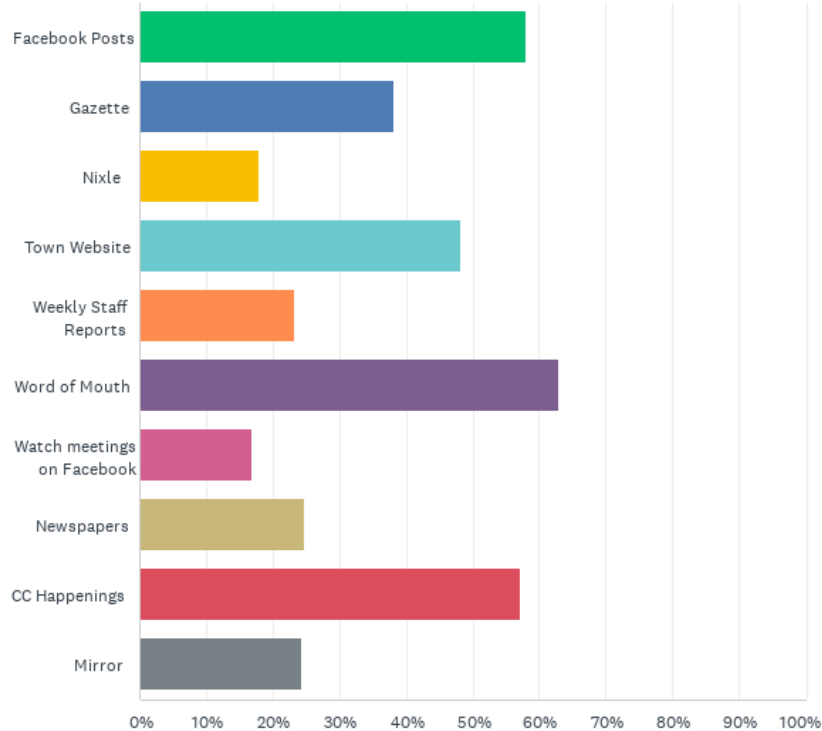
Q10: Do you agree with the councils view regarding maintenance of economic diversity?



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:

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%	3.76%
New harbor amenities (aesthetic upgrades, shaded gathering areas, vendor space, etc.)	21.28%	26.71%	25.06%	23.64%	3.31%
Other	16.51%	18.35%	7.34%	13.76%	44.04%

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



Q12: What tools do you use to stay in touch with town happenings?

Answer Choices	Responses	
Facebook Posts	57.91%	260
Gazette	38.08%	171
Nixle	17.82%	80
Town Website	48.11%	216
Weekly Staff Reports	23.16%	104
Word of Mouth	62.81%	282
Watch meetings on Facebook	16.93%	76
Newspapers	24.72%	111
CC Happenings	57.24%	257
Mirror	24.28%	109
Other (please specify)	7.79%	35
Total		449



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