TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
January 18, 2024
6:00 PM

At approximately 6:00 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 Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman. Councilman Follmer was out of town and participated via teleconference from Minocqua, WI. Councilwoman Holloway was not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 13 members of the public physically in attendance, and 14 viewers on Facebook.

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

PUBLIC HEARING:

A. Zoning Map Amendment 2023-04 – Rezone Tax Map parcels #83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1:

Planner/Zoning Administrator Katie Nunez gave an overview of the process to date as follows: i) The process began in November 2023 when the Town Council passed a resolution of intent authorizing staff to file the necessary paperwork to rezone tax map parcels #83A3-1-644 and 83A3-1-641 from Commercial-1 to Residential-1; ii) The application was initiated as part of the Library Building Project for which proposals were solicited seeking to redevelop the library building and potentially the two lots affiliated with the library; iii) These two residentially-sized lots were directly behind the library and fronted on Randolph Avenue; iv) As part of the review of the proposals, Town Council determined that a commercial development or high density residential development were not conducive for the characteristic of the Randolph Avenue neighborhood. Town Council agreed that these two lots were better suited as Residential-1 and directed staff to being the process of rezoning the lots with the intent of seeking and having the rezoning in place prior to the finalization of any development contract for the library project; v) Since this process began, the selected developer modified their proposal to exclude the two lots. Bids would be solicited for each of the two lots, but Council's preference was for the rezoning process to be completed prior to advertising for the bids; vi) At the Planning Commission public hearing, concerns were voiced related to maintaining the easement behind the library building along the two lots. A meeting was held of adjacent property owners and affected parties relative to the easement discussion as well as dumpsters for trash, recycling and cardboard materials, parking for residential units, and location of other ancillary services.

John Barrett, resident
Mr. Barrett stated that he participated in last Tuesday's meeting of adjacent property owners and affected parties, adding that the majority of attendees were opposed to the Randolph Avenue easement being closed. The representatives at the meeting advised them that the easement would not be closed. Otherwise, he did not oppose any of the other proposed changes.

Carrie Barrett, resident
Ms. Barrett stated that it was unclear as to whether the easement was to be considered part of the sale. Other property owners had talked to Katie Nunez about reserving parking spaces, and

were interested in possibly purchasing one of the lots together. Ms. Barrett asked for a copy of the survey information on the lots if available, as well as clarification regarding the easement.

Jon Dempster, owner of Brown Dog Ice Cream
Mr. Dempster stated that he was unable to attend the meeting of property owners but wanted to reiterate his position regarding retaining the dumpsters and ability to receive deliveries at the back of the building as Mason Avenue got congested, especially during the summer, and having to receive deliveries from Mason Avenue could create a public safety hazard. The area currently had one trash dumpster and he had four additional trash receptacles and could use more. Condensing the dumpsters down to one to be shared by all the businesses in that area would create a trash issue which was the last thing needed in the town as people would put their trash wherever they could. He asked that the issues of trash and deliveries be addressed. He was not opposed to the rezoning, but recommended that a survey be obtained showing the proper property boundaries, etc. It would be a tremendous issue if the current information was incorrect. Mr. Dempster concluded by reading an excerpt from Mr. Mark Pugh's letter dated November 14, 2023 which was included in the agenda packet.

Town Clerk Libby Hume read comments submitted in writing from Mr. Mark Pugh and Ms. Ann Hayward Walker. (Please see attached.)

B. *Proposed Master Tree Plan:*

Jeff Klingel, resident/Virginia Nursery & Landscape Association certified horticulturist
Mr. Klingel stated that there was some confusion about the proposed Master Tree Plan. The plan that was linked in the Gazette referred to competitive pricing being obtained but he had not seen a request for proposals (RFP) issued. No one else that he had spoken to was aware of an RFP, and he expressed his confusion about the process. He stated that he did not mean any disrespect to the volunteers who put the plan together, but asked about the criteria used to chose the species and timeframe for installing the recommended trees.

Libby Hume read comments submitted in writing from Ms. Ann Hayward Walker. (Please see attached.)

There were no additional comments to be heard nor any additional comments received in writing prior to the meeting for either public hearing item.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to close the public hearing portion of the meeting. The motion was approved by unanimous vote.

The public hearing was closed at 6:17 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:
There were no visitors, presentations or recognitions for review.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

There were no 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 21, 2023 Town Council Regular Meeting
C. Approval of November 30, 2023 Financial Report

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:
There was no unfinished business for review.

NEW BUSINESS:

A. *Proposed Master Tree Planting Plan – Resolution 20240118:*

John Hozey stated the following: i) There were several versions of the plan. The final version was dated January 2024, and was posted with the agenda. If you clicked the link on the action item, it took you to the correct version. If you clicked on the public hearing link, the older December 2023 version came up. The location included in the public hearing notice was to the correct version. If you reviewed the December 2023 version, it was not the plan being considered this evening, but hard copies of the January 2024 version were available in the back of the room for review. The plans were substantially similar, but not identical; ii) The Tree Advisory Board (TAB) had been working with the Town on a number of issues related to trees, such as Arbor Day and maintaining the tree canopy. Since TAB was not an officially appointed board, nor a non-profit organization, a line item was reserved in the Public Works budget for TAB. The Town looked to TAB for recommendations related to trees; iii) Most of the recommended plantings were for placement in the public right-of-way (ROW) which belonged to the Virginia Department of Transportation (VDOT). When TAB contacted VDOT requesting permission to plant in the ROW, they were informed that a Town Council resolution and plan were required iv) The proposed plan was a multi-year plan, but there were too many variables to plan beyond the first year. The intent was to review the plan annually along with the available funding. Implementation of the plan was flexible regarding the variety of species and homeowner involvement would be sought. Members of TAB were making personal contact with the homeowners of the properties recommended for plantings. The Town would also send a formal letter; v) In response to Mr. Klingel's comments, TAB contacted several contractors to obtain pricing, but a full RFP was not issued, and that information was now stale. He asked TAB to put together a real RFP and get it on the street. Ms. Jane McKinley of TAB stated that the RFP was issued on January 5th. Councilman Buchholz asked if it was advertised. Ms. McKinley was not aware of any advertising, but it had been emailed to four businesses as TAB was not aware of any other businesses that would be interested. John Hozey added that the bid opening could be delayed so the RFP could be posted properly. It was noted that the delay could result in plantings not being done until the fall; vi) John Hozey went on to state that this evening's action was to approve the plan so it could be submitted to VDOT along with the request to plant in the public ROW.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman to adopt Resolution 20240118 Adopting a Cape Charles Master Tree Planting Plan.

There was much discussion as follows: i) Ms. McKinley asked if TAB would be responsible for initiating the process of advertising the RFP to which John Hozey responded that the Town would issue the RFP; ii) Councilman Grossman referred to the comments received regarding placement and types of trees and their effect on utility lines, etc. and asked if locations and utility placement had been reviewed. ANEC was also burying electric lines which needed to located. Ms. McKinley responded that TAB looked at the proximity of overhead lines but did not study the root system of the proposed trees and agreed that it was a valid point to look at the Town's sewer lines. Ms. McKinley added that it was the responsibility of the contractor to call Miss Utility for other underground utility lines; iii) Ms. McKinley added that regarding the comments about views, when the tree was young it would block some views but as it grew taller, the view obstruction was less of an issue. Cleanup of leaves, acorns, etc. would be the responsibility of the homeowner. This would be included in the letter that would be going out to the homeowners, as well as when talking to the homeowners. If the homeowners objected, there were plenty of good locations for trees to be planted iv) Councilman Buchholz suggested TAB drive to Bay Creek to look at the willow oaks, adding that curbs, asphalt and sidewalks had to be replaced because of the trees. A species with roots going down versus going out would be more appropriate. Ms. McKinley stated that red oaks were the most valuable trees for wildlife, but it was worth looking at other options;

v) Vice Mayor Bennett commented as follows: a) He expressed his confusion about whether this was a Master Tree Plan or a Master Tree Planting Plan, adding that a master plan should describe the whole program. This appeared to be a one-year planting plan; b) He asked how the locations were chosen, adding that the tree placement looked willy-nilly and did not appear to have been coordinated with anyone. Understory trees should be planted underneath others and did not appear to be the case in this plan; c) $10K for 13 trees seemed excessive; d) He was hesitant to jump into a plan that was open-ended and people funded; e) It was his personal opinion that this was a little premature and more work was needed in the master plan to define what we were attempting to do. A proper advertisement was needed for the bidding process, and we were likely to get better pricing and more trees for the money; vi) Ms. McKinley stated that when selecting locations, TAB looked at the route coming into town where Stone Road turned into Randolph Avenue. The area was barren of landscaping. They looked at Tazewell and Plum to enhance those areas. Central Park was such a popular place and looked very nice, but the outer areas could use more trees; vii) Councilman Butta asked why TAB didn't choose to replace the existing dead trees first and recommended that this needed to be addressed as the plan was flushed out. Ms. McKinley stated that Councilman Butta had a valid point, but TAB's goal was to identify locations where they could get the most aesthetic value coming into the town. The locations of some of the old trees could possibly not be desirable. To meet their goal, TAB looked at the most visible areas for residents and visitors; viii) Phil Goetkin of TAB provided more background on the selection of trees and locations as follows: a) The plan was meant to be more of a longer-term tree planting plan; b) TAB's goal was to enhance the tree canopy in town with the addition of more trees; c) They looked at each lot in town and the biggest impediment was the overhead wires. They also looked at every street and avenue from both directions to get a subjective feel, and a visual look to add aesthetic beauty; d) The initial goal was to plant as many large canopy trees as possible for the most impact. In future years, there was plenty of room for other trees to be planted around town; e) It was TAB's opinion that Randolph was a good place to start since it was the main street coming into town. They wanted to continue down Randolph and Mason but there were a lot of other areas in town needing trees; ix) Vice Mayor Bennett commented that this was the type of information to include in a master plan; x) John Hozey stated that this was only being done because it was a VDOT requirement. We only needed a one-year plan to get VDOT approval. There were too many variables to develop a true master plan. Staff and TAB were just trying to execute the budget that was approved by the Town Council; xi) Councilman Butta suggested adding language about future areas and cost estimates, and asked if VDOT required a master plan versus a tree planting plan. John Hozey responded that VDOT did not require a master plan. Vice Mayor Bennett agreed with Councilman Butta, adding that the plan should be titled as the Historic District Planting Plan.

Motion made by Councilman Butta, seconded by Councilman Buchholz, to change the name of the plan to the Cape Charles Tree Planting Plan. The motion was approved by unanimous vote.

Councilman Buchholz asked if VDOT needed a specific species of tree in the request. Mr. Goetkin responded that VDOT had a preferred list of trees, and the recommended trees were all acceptable to VDOT. In addition, there were red oaks currently in the town, and they did have acorns, of which he heard complaints.

John Hozey stated that once the bid was awarded, the contractor's recommendations would be reviewed, the homeowners would be contacted, and any complaints would be taken into consideration before finalization of the trees to be planted.

The motion to adopt Resolution 20240118 was approved by majority vote with Vice Mayor Bennett and Councilman Follmer opposed. Roll call vote: Bennett, no; Buchholz, yes; Butta, yes; Follmer, no; Grossman, yes.

It was noted that the resolution would be updated with the amended name of the plan.

B. *Zoning Map Amendment 2023-04 - Tax Map Parcels #83A3-1-644 & 83A3-1-641:*
Katie Nunez explained that there were 8' easements from Randolph Avenue to the rear corner of the first lot, turning 90 degrees along the backside of the Mason Avenue buildings. It was not a public alley. The Town had no intention of abandoning the easement. After the Planning Commission's public hearing, a neighborhood meeting was held and she thought the Town's position was clarified, but apparently there was still some concern based on the comments heard this evening.

John Hozey stated that he attended the neighborhood meeting and thought that the Town's intention was made clear as well. The Town had existing easements from Randolph Avenue ,but they were very narrow. Staff felt it would be better to have it come in from Pine Street versus Randolph Avenue, but from this evening's comments, he heard that the property/business owners did not want to lose the Randolph access, which was fine and it would be kept. Staff was still in the process of working with the developer regarding all the issues. Most of the comments heard were not related to zoning, but dealt with trash, parking, etc. These issues would be reviewed at a later date.

Councilman Grossman added that it appears that all stakeholders who spoke this evening were against voiding the easement, so he recommended keeping them. All the concerns heard were valid, and discussions/decisions would be made in the future. This evening's action was just for the rezoning of the two lots from Commercial-1 to Residential-1.

There was further discussion as follows: i) Katie Nunez noted that rezoning these lots would only put in the zoning for residential as indicated by the Town Council. The Town could continue to hold these lots as vacant lots if so desired; ii) Councilman Buchholz stated that past discussion was to use these lots for parking. John Hozey responded that up until the library development project, there had been some discussion about using the lots for parking, but since that time, it was felt that the lots were better suited for residential. Some of the adjacent property owners expressed an interest in going together to purchase the inner lot for parking, trash management, etc., and the Town would work with them if they were to pursue this avenue; iii) Councilman Buchholz asked if the lots were rezoned as residential, could the adjacent property owners still pursue their idea of purchasing a lot and using it for parking, etc. John Hozey stated that their plan could be permitted by conditional use, adding that he told the property owners that the Town would be open to working with them and wanted the best use of the lot for all, not necessarily the top dollar. John Hozey reiterated that tonight's action was just to rezone the property and future discussions would be held to address everyone's concerns; iv) Councilman Butta stated that several comments mentioned surveys and asked if we knew where the property boundaries were. Katie Nunez responded that the Town provided the most recent survey which was done when the Town purchased the property from the Bank of America; v) Katie Nunez went on to state that the Planning Commission recommended Town Council approval of the rezoning. John Hozey added that staff agreed with the Planning Commission.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20240118 Amending Cape Charles Zoning for Tax Map Parcels #83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes.

TOWN MANAGER COMMENTS
John Hozey commented as follows:

i) The 2023 Community Survey had officially been closed out and we received an incredible response. The first year we received 442 responses, 452 last year, and this year we had 581 responses. He was very pleased with the results but was now going through the data. The survey results presentation would be on February 1st.

ii) The State Corporation Commission released their staff report related to the sale of the public utilities. 200 of the 400-page report was made public and he was now signing all the appropriate agreements to obtain access to the confidential portions. Overall, things looked promising, and he would provide more details after he received the report next week.
iii) Staff was working with contractors regarding the visitors' center trying to finesse the scope for more reasonable bids. We were waiting for the general contractors to get their information from the sub-contractors. Unfortunately, the numbers are not as good as we hoped, but they were better than the previous bids received. We would be going back out for another round of bids. Afterwards, another work session would be scheduled to review design changes, etc. We currently had two contractors engaged with a potential third contractor.
iv) Our audit was scheduled for February 22 and 23.
v) He had no personnel changes to report.
vi) He would be out of the town tomorrow, but back on Saturday and would be reviewing the survey data.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett stated that he was asked to say a few words at the unveiling of the historic tour and plaque for the Carver Theater site. Unfortunately, he wrote the wrong date on his calendar and was notified afterwards that he had missed the event. He apologized, and recommended everyone to visit the Cape Charles Invisible Tour website which was incredible. This was a terrific effort and he was truly sorry that he missed the event.

Councilman Grossman stated that the Virginia Municipal League had been sending updates on bills and there were several that we needed to follow closely. House Bill 1328 would move transient occupancy tax collections from intermediaries (Airbnb, VRBO, etc.) to the state level. The state would collect the taxes and send localities their portion. This had not yet been referred to the committee, but we needed to get our opinion on the record. This session would continue into early February.

There were no additional comments.

Mayor Charney read the announcements.

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

The Public Hearing & Regular Meeting adjourned at 7:08 p.m.

____
Mayor Charney

____
Town Clerk

January 18, 2024 Town Council Regular Meeting
Comments and Information Provided in Writing

Mark Pugh, Kookaburra LLC

Kookaburra LLC

211 Mason Ave, Cape Charles, VA 23310

January 18, 202

Dear Cape Charles Town Council:

This letter is a request that the Council delay, until November 2024, the change in zoning request approved by the Planning Commission and submitted by the Town of Cape Charles for Tax Map #83A3-1-644 and Tax Map #83A3-1-641.

The Town of Cape Charles is at a fork in the road with the rezoning of these two lots. It can be a shining example of leadership with good zoning for the future or act like a private entity in search of a quick buck.

A wise delay will give the Town the ability to see how several items will affect the neighborhood that have recently came to light as affected property owners have mobilized and become more informed.

The Town is currently looking at legislation that will affect short term rentals. If a limitation on short term rentals is enacted, the Town Council should also place that burden on these undeveloped lots. This will affect the property value of the Town owned lots and they should be under the same obligation if they decide to impose regulations on other property owners. Put your money where your mouth is.

The Town also needs to look at required on-site parking. New development should be required to have off street, on-site parking requirements to meet the Town's needs that have evolved.

211 MASON AVE, CAPE CHARLES, VA 23310
WWW.KCOAST.COM

With regards to parking, the Town zoning code is operating under the parking needs of a 1924 working class railroad town in a tourist town of 2024. I have to repeat that to stress it's impact.

The Town zoning code is operating under the parking needs of a 1924 working class railroad town in a tourist town of 2024.

We all know the residential zoning currently requires no off-street parking. We all know if the lots are rezoned and developed odds are they may contain a 6 BR 6 1/2 BA and a 5 BR 5 1/2 BA short term rental house, the smaller due to the Randolph easement eating away the building envelope. That may be 10 to 15 street parking spaces the development of the lots may use given many STRs are used by multiple or extended families with some guests arriving at various days.

The Town sells off the lots while the residents are left holding the steaming bag of parking problems.

Minimum required parking on new development would relieve the street impact, lessen the building envelope to stop a "mini hotel" and better serve the community while allowing for responsible development.

The Town of Cape Charles can lead for the future or simply push through to make a fast buck.

Sincerely,

Mark A. Pugh

Kookaburra LLC

****

Ann Hayward Walker, resident

Re: Proposed 2024 Multi-Year Master Tree Plan

Trees are a vital part of the town's appeal, plus they add high value to the community and natural landscape. We are fortunate to have the Tree Advisory Board give their time and expertise in developing the master tree plan. I am a supporter of tree additions that provide native wildlife benefits and oak trees are one of the best selections for that purpose. I have concerns about the proposed Red Oak trees on Randolf which, IF I have looked at the correct species, is fast growing, grows to 50-75 ft. tall and is equally as wide. While oaks have a deep and strong taproot, they also have an extensive lateral root system near the surface.

I'd like to raise some other considerations for selecting the specific trees in the DOT Hell Strip in town, which are close to sidewalks, homes and parking. We have direct experience with some trees planted by the town brushing against our building at 325 Mason Ave, growing into our sewer lines, and also causing the sidewalk to buckle. I'd therefore like to suggest that the following be considered in addition to shade canopy and native wildlife benefit when selecting trees for the hell strips:

1. Is the proposed new tree location near a town sewer line, many of which are aging terracotta?
2. Will the tree roots present a potential long-term risk to those sewer lines, which could involve a significant expense to homeowners?
3. Will a proposed tree grow to a height or width that could impact adjacent homes in other ways, pedestrian walkways, parking spaces, views, and overhead wires?

4. Who will be responsible for collecting the leaves and other debris, e.g., acorns?

Thank you for your kind consideration and I look forward to enjoying the new additions in our town!

Very respectfully,
Ann Hayward Walker

Re: Propose Zoning Map Amendment 2023-04
Rear access to buildings on Mason Ave. is important. Some of the blocks have deeded access to alleys but others do not. Assuming the town proceeds to sell the library building and 2 lots as proposed, is it possible to include rear access to the "alley" behind adjacent buildings in the Deed of Sale?

Very respectfully,
Ann Hayward Walker

****

November 2023 Treasurer's Report

Page 1 – Cash Position

- The increase in our total cash position over October, is attributed to the collection of real estate and personal property taxes.
- Facility Fee Reserve cash balance at 11-30-23 is $3,383,285.

Page 3 – Capital Projects

- Our initial contract payment was processed in the amount of $48,994 paid to Conrad Brothers of Virginia on the Multi-use Trail project phase III, i.e., South Peach Street. Total contract amount: $759,567.

Page 4 – Tax Collection Rate

- 2023 real estate tax bills were processed and mailed to taxpayers on October 26. As of November 30, total year-to-date collections were $1,203,425, representing 70% of our billed amount.
- 2023 personal property taxes (including license taxes) were billed on November 8. Through November 30, a total of $64,870 has been collected, representing 35% of the amount billed.

Page 5 – Tax Revenue Trends

- Fiscal year-to-date (July through November) meals tax revenue of $487,228 is nearly 10% higher than a year ago. This tax represents primarily the restaurant owner's October gross receipts.
- Fiscal year-to-date transient occupancy tax revenue of $398,151 is running almost 10% higher than this time last year.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
November 30, 2023

Cash on Hand	**10/31/2023**	**11/30/2023**	**Increase/ (Decrease)**
Atlantic Union Bank Checking Account	$450,314	$442,355	-$7,959
Atlantic Union Bank Money Market Account	$523,694	$1,398,997	$875,303
LGIP Account 1 - Unrestricted	$110,653	$111,157	$504
LGIP Account 2 - Unrestricted	$321,149	$322,751	$1,602
Virginia Investment Pool Liquidty Unassigned	$2,311,753	$2,322,339	$10,586
Virginia Investment Pool 1-3 Year Unassigned	$1,018,780	$1,029,304	$10,524
Total Cash On Hand	**$4,736,343**	**$5,626,903**	**$890,560**

Restricted and Reserved Cash Balances	**10/31/2023**	**11/30/2023**	**Increase/ (Decrease)**
Atlantic Union Bank Checking Account - Police Funds	$431	$431	$0
LGIP Account 2 - Restricted for USDA loan covenant	$30,562	$30,562	$0
Atlantic Union Checking Account Library CD converted to cash	$11,131	$11,131	$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	$13,631	$13,854	$223
US Bank - Reserved per VRA Interest Free Loan Requirements	$262,784	$263,890	$1,106
ComputerShare 2010 Debt Service pass through account #300	$3,155	$3,169	$14
ComputerShare 2010 Debt Service pass through account #308	$1,113	$1,118	$5
Atlantic Union Money Market # ARPA CRF #5847	$595,986	$596,231	$245
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	$3,346,711	$3,383,285	$36,574
Total Cash Held in Reserve	**$4,265,504**	**$4,303,671**	**$38,167**
Total Cash - All Accounts	**$9,001,846**	**$9,930,573**	**$928,727**

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	$4,984,974

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

November 30, 2023

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY24
GENERAL Fund						
REVENUE	$1,497,680	$1,964,345	$3,086,029	$1,121,684	$5,719,837	53.95%
EXPENDITURES	$248,755	$1,520,442	$1,617,647	$97,205	$5,719,837	28.28%
NET	**$1,248,924**	**$443,903**	**$1,468,383**	**$1,024,480**	**$0**	
GENERAL Capital Fund						
REVENUE	$6,552	$44,463	$49,378	$4,915	$2,446,213	2.02%
EXPENDITURES	$60,174	$162,569	$142,890	-$19,679	$2,446,213	5.84%
NET	**($53,622)**	**($118,106)**	**($93,512)**	**$24,594**	**$0**	
GENERAL Debt Service Fund						
REVENUE	$0	$104,498	$104,561	$63	$255,223	40.97%
EXPENDITURES	$0	$104,498	$104,561	$63	$255,223	40.97%
NET	**$0**	**$0**	**$0**	**$0**	**$0**	
GENERAL Special Activities Fund						
REVENUE	$44,491	$567,270	$63,991	-$503,279	$296,350	21.59%
EXPENDITURES	$0	$61,460	$58,491	-$2,969	$296,350	19.74%
NET	**$44,491**	**$505,810**	**$5,500**	**($500,310)**	**$0**	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

November 30, 2023

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY24
PUBLIC UTILITIES Fund						
REVENUE - Operating	$177,240	$974,092	$939,852	-$34,240	$2,051,988	45.80%
EXPENDITURES - Operating	$118,169	$804,934	$590,967	-$213,967	$1,982,118	29.81%
NET	**$59,070**	**$169,158**	**$348,885**	**$179,727**	**$69,869**	
REVENUE - CAPITAL GRANTS, LOANS, FUND BALANCE	$0	$0	$0	$0	$2,036,728	
REVENUE - FACILITY FEES	$10,600	$138,600	$159,000	$20,400	$466,400	34.09%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	$14,411	$300,125	$668,946	$368,821	$2,572,997	26.00%
TOWN CONTRIB. & PENDING GRANTS	**($3,811)**	**($161,525)**	**($509,946)**	**($348,421)**	**($69,869)**	
HARBOR Fund						
REVENUE - Operating	$41,762	$537,854	$504,550	-$33,304	$1,008,625	50.02%
EXPENDITURES - Operating	$63,422	$453,865	$429,504	-$24,361	$1,082,312	39.68%
NET	**($21,660)**	**$83,989**	**$75,046**	**($8,943)**	**($73,687)**	
REVENUE - GRANTS & LOANS	$0	$0	$0	$0	$228,687	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE OR HARBOR FUND BALANCE	$0	$32,825	$32,220	-$605	$450,115	7.16%
EXPENDED - Capital Projects, Debt Svc	$4,688	$32,825	$54,957	$22,132	$605,115	9.08%
TOWN CONTRIB. & PENDING GRANTS	**($4,688)**	**$0**	**($22,738)**	**($22,738)**	**$73,687**	
SANITATION Fund						
REVENUE	$28,040	$116,915	$138,646	$21,731	$314,265	44.12%
EXPENDITURES	$25,120	$104,008	$116,609	$12,601	$314,265	37.11%
NET	**$2,920**	**$12,907**	**$22,037**	**$9,130**	**$0**	

FY 24 Capital Improvement Project Tracking Report

As of: 11/30/2023	FY24 Status or Start Date	Percent of Completion	FY24 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY24 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	In Process	5.8%	$ 929,922	$ 4,150	$ 49,998			$ 54,148	$ 875,774
Municipal Space Replacement Planning (ARPA)	**In Process**	**35%**	**$ 210,000**	**$ 62,755**	**$ 11,623**			**$ 74,378**	**$ 135,622**
Welcome Center Design & Contruction - HBA	**In Process**	**1.0%**	**$ 455,000**	**$ 4,070**	**$ 541**			**$ 4,611**	**$ 450,389**
3 Police Vehicles; 1 ARPA/2 USDA	Pending	0%	$ 126,000					$ -	$ 126,000
Library Upgrade & Condo-ization - HBA	**In Process**	**1%**	**$ 310,000**	**$ 4,323**	**$ 212**			**$ 4,534**	**$ 305,466**
Storage Facility Roofing	Pending	0%	$ 20,000					$ -	$ 20,000
Capital Project Contingency	Pending	0%	$ 41,141					$ -	$ 41,141
subtotal	$ -		**$ 2,092,063**	**$ 75,297**	**$ 62,374**	**$ -**	**$ -**	**$ 137,671**	**$ 1,954,392**
Utility Fund -Water									
Keck Well Connection	**In Process**	2%	$ 1,150,000	**$ 15,243**	$ 3,811			**$ 19,054**	$ 1,130,946
Utility Fund - Wastewater									
WWTP Membrane Replacement	**In Process**	97%	$ 465,000		**$ 451,986**			$ 451,986	$ 13,014
Sewer Pod Controller Upgrades	Pending	0%	$ 14,500					$ -	$ 14,500
subtotal	$ -		**$ 1,629,500**	**$ 15,243**	**$ 455,797**	**$ -**	**$ -**	**$ 471,040**	**$ 1,158,460**
Harbor Fund									
Inner Harbor Fixed Dock Repair	Pending	0%	$ 13,000					$ -	$ 13,000
Inner Harbor King Pile & Waler Replacement Design	**In Process**	**7%**	**$ 306,000**	**$ 18,050**	**$ 4,688**			**$ 22,738**	**$ 283,263**
Inshore Breakwater Repair/Upgrade	Pending	0%	$ 180,000					$ -	$ 180,000
subtotal	$ -		**$ 499,000**	**$ 18,050**	**$ 4,688**	**$ -**	**$ -**	**$ 22,738**	**$ 476,263**
TOTAL	$ -		**$ 4,220,563**	**$ 108,590**	**$ 522,859**	**$ -**	**$ -**	**$ 631,449**	**$ 3,589,114**

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
November 30, 2023

YTD 2023 Real Estate Tax Collections

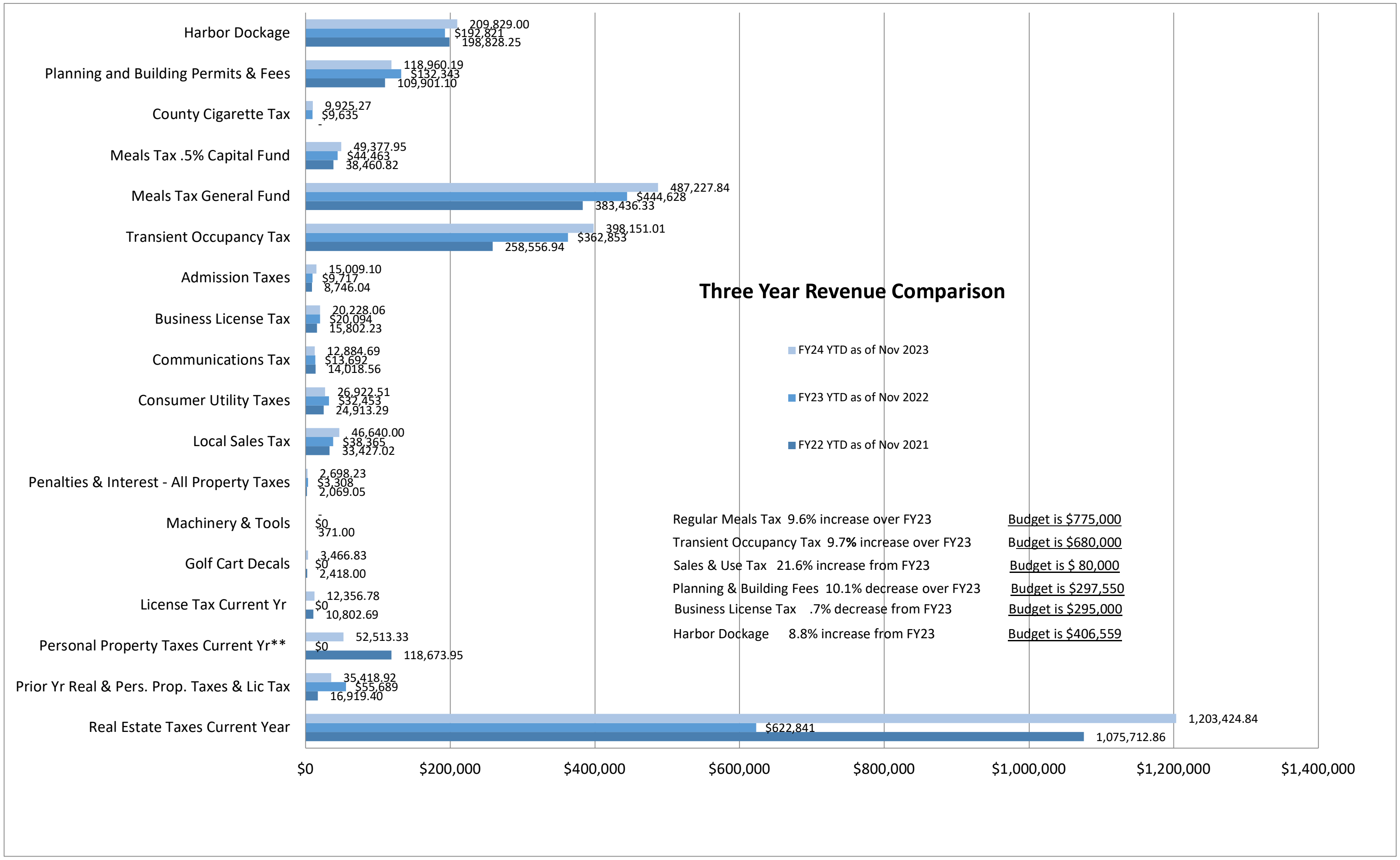
Total Taxable Land Value	318,538,900	
Total Improvement Value	486,197,800	
Exemptions	(9,908,530)	
Additional Assessments (SCC Utility)	3,384,443	
Total Real Estate Value (taxable)	**798,212,613**	
Total Budgeted Real Tax Revenue	1,605,700	
Total Tax Billed	1,724,622	
Total Adjustments	(1,665)	
Total Collected YTD (percent of billed)	1,203,425	70%
Amount Due per Accounts Receivable	**519,532**	

YTD 2023 Personal Property Tax, Machinery and Tools Tax & 2023 License Tax Collections

Total Personal Property Value	21,720,600	
2023 Reduction Due to Proration	(362,825)	
Personal Property Billable Valuation	21,357,775	
2023 PPTRA Valuation Amount	(9,687,117)	
2022 Supplemental Assessments billed in July 23	4,930,700	
2022 Supplemental PPTRA & Exonerations	(2,078,492)	
Personal Property Value Billed	2,852,208	
2023 Supplemental Assessments	-	Will bill in Spring '24
2023 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Taxable Assessment Value 2023 & 2022	24,209,983	
Total Personal Property & License Tax Budgeted	117,800	
Total 2023 Tax Billed less PPTRA	178,532	
2023 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	4,958	
Total Collected YTD (percent of billed)	64,870	35%
Amount Due per Accounts Receivable	**108,704**	

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

Total Budgeted	93,050	
Total Collected (percent of budget)	38,117	41%
Amount Due Per Budget	**54,933**	


Three Year Revenue Comparison
FY24 YTD as of Nov 2023
FY23 YTD as of Nov 2022
FY22 YTD as of Nov 2021
Harbor Dockage
209,829.00
$192,821
198,828.25
Planning and Building Permits & Fees
118,960.19
$132,343
109,901.10
County Cigarette Tax
9,925.27
$9,635
-
Meals Tax .5% Capital Fund
49,377.95
$44,463
38,460.82
Meals Tax General Fund
487,227.84
$444,628
383,436.33
Transient Occupancy Tax
398,151.01
$362,853
258,556.94
Admission Taxes
15,009.10
$9,717
8,746.04
Business License Tax
20,228.06
$20,094
15,802.23
Communications Tax
12,884.69
$13,692
14,018.56
Consumer Utility Taxes
26,922.51
$32,453
24,913.29
Local Sales Tax
46,640.00
$38,365
33,427.02
Penalties & Interest - All Property Taxes
2,698.23
$3,308
2,069.05
Machinery & Tools
-
$0
371.00
Golf Cart Decals
3,466.83
$0
2,418.00
License Tax Current Yr
12,356.78
$0
10,802.69
Personal Property Taxes Current Yr**
52,513.33
$0
118,673.95
Prior Yr Real & Pers. Prop. Taxes & Lic Tax
35,418.92
$55,689
16,919.40
Real Estate Taxes Current Year
1,203,424.84
$622,841
1,075,712.86
$0
$200,000
$400,000
$600,000
$800,000
$1,000,000
$1,200,000
$1,400,000
Regular Meals Tax 9.6% increase over FY23 Budget is $775,000
Transient Occupancy Tax 9.7% increase over FY23 Budget is $680,000
Sales & Use Tax 21.6% increase from FY23 Budget is $ 80,000
Planning & Building Fees 10.1% decrease over FY23 Budget is $297,550
Business License Tax .7% decrease from FY23 Budget is $295,000
Harbor Dockage 8.8% increase from FY23 Budget is $406,559

Municipal Corp. of

Cape Charles

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on January 18, 2024 (the “Meeting”).

2. Attached hereto is a true, correct and complete copy of Resolution 20240118 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.

3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

			Voting		
Member Name	**Present**	**Absent**	**Yes**	**No**	**Abstaining**
Adam Charney, Mayor	X				
Steve Bennett	X			X	
Andy Buchholz	X		X		
Ken Butta	X		X		
Andrew Follmer	X			X	
Paul Grossman	X		X		
Tammy Holloway		X			

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

   Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of January 2024.

____
Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310
(757) 331-3259 Fax (757) 331-4820

RESOLUTION 20240118

ADOPTING A CAPE CHARLES TREE PLANTING PLAN

WHEREAS, although never formally established by the Cape Charles Town Council, since it was first proposed in 2019, the Town Council and staff have recognized the Cape Charles Tree Advisory Board (TAB) as an advisory group of well-intended citizens who work hard to promote trees and to help protect the Town's valuable tree canopy; and

WHEREAS, during the development of the Fiscal Year 2024 budget, the TAB requested, and was granted, a line item within the Public Works budget which included $10,000 in funding which could be used to further promote trees, especially within the historic district; and

WHEREAS, the TAB submitted a proposal for a multi-year plan for the purchase, installation and maintenance of additional trees in the Cape Charles Historic and Harbor Districts; and

WHEREAS, the proposed Tree Planting Plan is separated into phases to include "Year One" and "Future Phases;" and

WHEREAS, since the Tree Planting Plan includes recommendations for plantings in the VDOT rights-of-way (ROW), VDOT approval must be obtained prior to planting any of the new trees in their ROW; and

WHEREAS, VDOT requires a Town Council resolution adopting the Tree Planting Plan prior to their consideration to approve any new trees in the ROW.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby adopts the Cape Charles Tree Planting Plan submitted by the Cape Charles Tree Advisory Board and requests VDOT approval for the recommended plantings within their Rights-of-Way.

Adopted by the Town Council of Cape Charles on this 18th day of January 2024.

****

By: ______________________________
Mayor Adam Charney

ATTEST:

____
Town Clerk

Municipal Corp. of

Cape Charles

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

1. A meeting of the Council of the Town (the "Council") was duly called and held on January 18, 2024 (the "Meeting").

2. Attached hereto is a true, correct and complete copy of Ordinance 20240118 (the "Ordinance") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.

3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

			Voting		
Member Name	**Present**	**Absent**	**Yes**	**No**	**Abstaining**
Adam Charney, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Ken Butta	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway		X			

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 18th day of January 2024.

____
Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310
(757) 331-3259 Fax (757) 331-4820

ORDINANCE 20240118

AMENDING CAPE CHARLES ZONING FOR TAX MAP PARCELS #83A3-1-644 & 83A3-1-641 FROM COMMERCIAL-1 TO RESIDENTIAL-1

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc.; and

WHEREAS, in February 2023, the Town of Cape Charles issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building including possible consideration of the two lots located directly behind the library which front on Randolph Avenue; and

WHEREAS, throughout the RFP process, it was deemed that the two lots fronting Randolph Avenue should be rezoned from Commercial-1 (C-1) to Residential-1 (R-1) prior to the finalization of the Library project contracts; and

WHEREAS, on November 2, 2023, the Cape Charles Town Council adopted Resolution of Intent 20231102 authorizing staff to file the necessary paperwork to rezone tax parcels #83A3-1-644 and 83A3-1-641 from C-1 to R-1; and

WHEREAS, the Planning Commission held their public hearing on November 20, 2023 and two comments were received related to the preservation of the easement/alleyway that ran parallel to Mason Avenue; and

WHEREAS, following the public hearing, the Planning Commission discussed the application and unanimously recommended Town Council approval of ZMA 2023-04 rezoning Tax Map Parcels #83A3-1-644 and 83A3-1-641 from C-1 to R-1; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council; now

THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of January 2024, that the Cape Charles Zoning Map be amended to show Tax Map Parcels #83A3-1-644 and 83A3-1-641 in the Residential-1 (R-1) Zoning District to become effective immediately.

****

Adopted by the Town Council of Cape Charles on January 18, 2024.

By:____

Mayor

ATTEST:

____

Town Clerk

TOWN COUNCIL
Executive Session
Cape Charles Civic Center
January 18, 2024
Immediately following the Regular Meeting

At 7:13 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman. Councilman Follmer was out of town and participated via teleconference from Minocqua, WI. Councilwoman Holloway was not in attendance. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Spencer Murray, John Coker and Jim Outland representing Canonie Atlantic Company, and Ron Wolff representing the Eastern Shore Rail Trail Foundation.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of:

Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Discussion of Potential Opportunity to Acquire Real Property

Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Review of Applications and Discussion of Potential Candidates for Appointment to the Planning Commission.

The motion was approved by unanimous vote.

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

Council went into executive session at 7:15 p.m.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 8:26 p.m. There were no members of the public waiting to return to the meeting.

It was noted that Councilman Follmer's phone call was disconnected at some point during the executive session.

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

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

The Executive Session adjourned at 8:28 p.m.

____
Mayor Charney

____
Town Clerk