



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, January 14, 2016 at 7:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue
Colonial Beach, VA 22443

Present

Mayor, Mike Ham
Vice Mayor, Eddie Blunt
Member, Wayne DiRosario
Member, Tommy Edwards
Member, Wanda Goforth
Member, Burkett Lyburn
Member, Mike Looney

Absent

There were no council members absent.

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Police Chief, Danny Plott
Zoning Administrator, Brendan McHugh
Town Clerk, Kathleen Flanagan

Call to Order

Mayor Ham called the meeting to order at 7:03 p.m.

Roll Call of Members

Mayor Ham requested a roll call of members. Mr. Lyburn responded "here," Mr. Blunt responded "here," Ms. Goforth responded "here," Mr. DiRosario responded "here," Mr. Edwards

responded “here,” Mr. Looney responded “here,” and Mayor Ham responded “here.” **All Council Members were present.**

Additions to the Agenda

Mayor Ham recommended deleting Agenda Item No. 6 as there were no minutes for approval by council committee.

Mayor Ham queried council on their agreement with the change. All in favor, signify by saying “aye.” Mr. Looney, Mr. Blunt, Ms. Goforth, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, and Mayor Ham all said “aye.” The “ayes” were unanimous. ***The agenda was amended as stated.***

Approval of the Agenda

A motion was made by Mr. Edwards to approve the agenda, as amended. Lyburn seconded the motion.

Mayor Ham called for a voice vote on the motion to approve the amended agenda. All in favor, signify by saying “aye.” Mr. Looney, Mr. Blunt, Ms. Goforth, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to approve the agenda, as amended, passed unanimously by council members.

Approval of Minutes

A motion was made by Mr. Looney to approve the minutes for the November 12, 2015 Regular Meeting; the November 19, 2015 Work Session; and the December 10, 2015 Regular Meeting. Mr. Blunt seconded the motion.

Mr. Looney noted there was a correction on Ordinance No. 662; the vote should reflect that Mr. Looney voted “no.”

Ms. Goforth noted a correction was made that erroneously showed Ms. Goforth voting on the separation agreement for the former police chief when she was absent. Ms. Goforth further noted she would not have voted “aye.”

Mayor Ham called for a voice vote on the motion to approve the amended minutes. All in favor, signify by saying “aye.” Mr. Looney, Mr. Blunt, Ms. Goforth, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to approve the minutes, as amended, passed unanimously by council members.

Council Announcements

Mr. Blunt wished everyone a Happy New Years and said he was looking forward to a great session this year.

Mr. Looney reported that the schematic design phase has been completed for construction of the new elementary school. The new school will be a one-story building with two main areas – one area for classrooms and administrative offices and one area for the auditorium and cafeteria.

Although the building will not be called a “shelter,” it will be able to shelter people on a temporary basis.

The soil survey has been done. The next phase will be more detailed design and an application for a Conditional Use Permit.

Mr. Blunt asked Mr. Looney if there is still a “citizens’ area?”

Mr. Looney answered the area comprised of the kitchen, the gym and the auditorium will be a public area.

Mr. Blunt asked Mr. Looney if there is still “intent to utilize that area as a public area.”

Mr. Looney answered affirmatively.

Mayor Ham congratulated the University of Alabama on their fourth championship in seven years. (Laughter)

Presentations

10-Year Service Award, Patrick Caruthers, Utility Systems Maintenance, Sewer Department, Public Works

Mayor Ham presented Mr. Caruthers with a 10-year Service Award in appreciation of his loyal and dedicated service to the people of Colonial Beach.

Ms. Foulds, Town Manager talked about three issues.

First, Ms. Foulds noted she provided Council with information packets from the Department of Social Services. No action is required.

Second, Ms. Foulds noted she and the CFO are working on the quarterly financial report and will make a presentation at the next Work Session.

Third, the town attorney will provide a training session on the Freedom of Information Act to both Town Council and the Planning Commission.

Fourth, Ms. Foulds reported that the upcoming special work session for the purpose of setting priorities and goals is a major moral boost for staff.

Ms. Goforth asked if there had been any new activity on the building on the boardwalk. Ms. Foulds answered the prospective vendor did appear before Council and fully understands the process of leasing town-owned properties.

Ms. Goforth noted the new benches look great.

Mr. Looney noted that the new trashcans look great and are much more functional.

Danny Plott, Police Chief

Chief Plott thanked Town Council and reported that Andrew Myer will begin the Police Academy and when he graduates, the department will be fully staffed.

Mr. Blunt asked if the department is using body cameras yet. Chief Plott answered that they are talking to WatchGuard and Taser to provide information.

Larry Roberson, Supervisor, Westmoreland County

Mr. Roberson noted the county is moving ahead with initiating a business license fee, which will not affect incorporated areas of the county such as the town.

The county is also looking the General Assembly to allow the county to institute a \$.05 cent cigarette tax.

The re-assessment notices were mailed out and show, on the average, a decrease in property values around the county.

The county continues to look at adding a new rescue squad in the Oak Grove area.

Mr. Blunt noted that “like-kind” properties, one property new and one property existing, the appraised values are the same.

Mr. Roberson answered it was his understanding that the basis is sales price.

Tim Trivett, CB School Board Chairman

Mr. Trivett reported that work is proceeding on the construction project to build a new elementary school.

Robin Schick, CB Planning Commission Chair

Ms. Schick reported the Commission is working on the Capital Improvement Plan.

Ms. Schick requested a joint work session with Council to review the CIP and the annual report in February.

Mayor Ham asked if the work session on the 28th would be a good time.

Ms. Erard asked if the Planning Commission has held a public hearing. Ms. Schick responded they had not.

Ms. Erard asked if the Planning Commission could attend the January 28th Work Session for a training on the Freedom of Information Act.

Ms. Schick urged Council to fund: (1) the roof for the Fire Department; (2) the public restrooms; and, (3) the boat ramp.

Ms. Schick then extended an invitation for a Council member to sit on the Planning Commission.

Ms. Schick also invited Council to “like” their Facebook page.

Maureen McCabe, Downtown Colonial Beach

Ms. McCabe reported the organization has 31 active volunteers.

Unfinished Business

There was no unfinished business.

New Business

Ordinance No. 672, Amends the Town of Colonial Beach Town Code, Chapter 5, “Beaches, Waterways, Boardwalk, Parks, Recreational Areas and Facilities,” Article VI, “Special Event Permits”

Mayor Ham summarized the ordinance, noting Council recently passed a Special Events Policy.

Public Hearing

At 7:46 p.m. Mayor Ham opened the Public Hearing. There was no citizen comment.

At 7:46 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. Blunt made a motion to approve Ordinance No. 672 as written. Mr. Lyburn seconded the motion.

Vote on Motion to Approve Ordinance No. 672 as written

Mayor Ham called for a roll call vote. Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye” and Mayor Ham voted “aye.”

The motion to approve Ordinance No. 672, as amended, passed with a unanimous vote.

ORDINANCE NO. 672 AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 5, “BEACHES, WATERWAYS, BOARDWALK, PARKS, RECREATIONAL AREAS AND FACILITIES,” ARTICLE VI, “SPECIAL EVENT PERMITS,” AND DELETES THE ENTIRE ARTICLE.

BE IT ORDAINED, by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 5, “Beaches, Waterways, Boardwalk, Parks, Recreational Areas and Facilities,” shall be modified to delete, in its entirety, Article VI, “Special Event Permits” as follows:

~~“Sec. 5-70. – Special event defined.~~

~~A special event is defined as a temporary use or event held on public or commercial property including but not limited to such event as carnivals, fairs, parades, festivals, art or craft shows, car, truck or boat shows, concerts, dances, or other materially similar activities or uses.~~

~~Sec. 5-71. – Special event permit required; penalty.~~

~~Any person desiring to hold a special event, shall obtain a special event permit prior to operating such special event, unless such event would be permitted under the persons current zoning permit or boardwalk vendor's certificate. Failure to obtain such permit shall constitute a Class IV misdemeanor. Each day any violation of this section continues shall constitute a separate offense.~~

~~Sec. 5-72. – Special event permit application.~~

~~An application for a special event permit shall be made on forms provided by the town, and shall be referred to the town manager for approval. Applications for a special event permit shall be made at least five days prior to the event. In extraordinary circumstances, this requirement may be waived by the town manager.~~

~~Sec. 5-73. – Special event permit standard of review.~~

~~A special event permit may be issued provided that the town manager finds that:~~

~~(1)~~

~~The special event will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed event;~~

~~(2)~~

~~The special event will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;~~

~~(3)~~

~~If the property requested for the event is public property, that the property is not otherwise obligated for the time period requested; and~~

~~(4) The special event otherwise complies with all applicable federal, state and local statutes and regulations.~~

~~Sec. 5-74. -- Special event permit restrictions and safeguards.~~

~~In authorizing a special event permit the town manager may impose such conditions, safeguards and restrictions upon the proposed event as he may deem necessary in the public interest to secure compliance with all applicable federal, state and local statutes and regulations, or to ameliorate any adverse impacts of the proposed event including if appropriate, liability insurance or a bond imposed to insure compliance with specific conditions. Additionally, the special event permit shall state on the permit the time period and location for which the permit is valid.~~

~~Sec. 5-75. -- Fees.~~

~~A twenty five dollar (\$25.00) administrative processing and filing fee must be paid at the time an application for a special event permit is submitted. Additionally, the applicant shall be responsible for reimbursing the town for the use of any town equipment or services required by the special event. These fees may be waived by the town manager, with the concurrence of the mayor, for community or civic events, or non profit organizations.~~

~~Sec. 5-76. -- Revocation of special event permit.~~

~~A special event permit may be revoked by the town manager for the violation of any of the conditions placed thereon or for the violation of any applicable federal, state and local statutes and regulations."~~

Resolution #01-16, Appointment to the Redevelopment & Housing Authority

Mayor Ham read Resolution #01-16 and noted the resolution had been presented to Council at the December 2015 Work Session.

Action by Town Council

Mr. Lyburn made a motion to approve Resolution #01-16 as written. Mr. Edwards seconded the motion.

Vote on Motion to Approve Resolution #01-16 as written

Mayor Ham called for a voice vote. Mr. Lyburn, Mr. Looney, Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth and Mayor Ham all voted "aye."

The motion to approve Resolution #01-16 passed with a unanimous vote.

RESOLUTION #01-16, Appointment to the Redevelopment & Housing Authority

WHEREAS there is a vacancy on the Redevelopment & Housing Authority; and

WHEREAS Judi Morris has indicated her willingness to serve on the Authority and has submitted an application attached hereto; and

WHEREAS Judi Morris has indicated her availability for regular attendance at meetings, her history of service to the community, and her lack of any potential conflict of interest in serving on the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Town Council, meeting in regular session, Thursday, January 14, 2016 hereby appoints Judi Morris to the Redevelopment and Housing Authority for a four-year term expiring January 14, 2020.

Resolution #02-16, A Resolution to Opt Out of Tenancy in Common for the School Board Property, Pursuant to VA Code Section 15.2-1800.1

Mayor Ham read Resolution #02-16 and noted the resolution had been presented to Council at the December 2015 Work Session.

Action by Town Council

Mr. Edwards made a motion to approve Resolution #02-16 as written. Mr. Blunt seconded the motion.

Vote on Motion to Approve Resolution #02-16 as written

Mayor Ham called for a voice vote. Mr. Lyburn, Mr. Looney, Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth and Mayor Ham all voted “aye.”

The motion to approve Resolution #02-16, as written, passed with a unanimous vote.

RESOLUTION #02-16, A Resolution to Opt Out of Tenancy in Common for the School Board Property, Pursuant to VA Code Section 15.2-1800.1

WHEREAS Section 15.2-1800.1 of the Code of Virginia provides that whenever a locality has incurred a financial obligation, payable over more than one fiscal year, to fund the acquisition, construction or improvement of public school property, the local governing body of the locality shall be deemed to have acquired title to such school property, as a tenant in common with the local school board, for the term of such financial obligations; and

WHEREAS such tenancy in common shall arise by operation of law when such financial obligation is incurred by the local governing body and shall terminate by operation of law when such financial obligation has been paid in full; and

WHEREAS section 15.2-1800.1 of the Code of Virginia also allows any local governing body to elect not to acquire tenancy in common for some or all of the local school board property in its locality by adopting a Resolution declining such tenancy in common for current and future financial obligations.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council this 14th day of January, 2016, that the Town Council does hereby elect not to acquire title as tenant in common with the Colonial Beach School Board for any and all School Board property for which the Town of Colonial Beach has incurred, or shall incur, a financial obligation payable over more than one fiscal year.

Resolution #03-16, Modifies Resolution #40-15

Mayor Ham read Resolution #03-16 and noted the resolution clarifies the accounting for the new school facility. This resolution had also been presented to Council at the December 2015 Work Session.

Action by Town Council

Mr. Edwards made a motion to approve Resolution #03-16 as written. Mr. Blunt seconded the motion.

Vote on Motion to Approve Resolution #02-16 as written

Mayor Ham called for a voice vote. Mr. Lyburn, Mr. Looney, Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth and Mayor Ham all voted “aye.”

The motion to approve Resolution #03-16, as written, passed with a unanimous vote.

RESOLUTION #03-16, Modifies Resolution #40-15

WHEREAS on Thursday, June 25, 2015 the Colonial Beach Town Council Adopted Resolution #40-15 which called for “separate accounting for construction of a new school facility,” and

WHEREAS accounting for the construction of that facility will be the responsibility of the School Board; and

WHEREAS repayment of the debt is the responsibility of the Town Government until that debt is retired; and

WHEREAS Resolution No. 40-15 stated that the two (.02) cent real estate tax increase which was included in the total of six (.06) cent increase passed by Ordinance 663 in June 2015 is “to fund construction of the new school;” and

WHEREAS the Town’s auditors, Brown Edwards and Company and the Town’s finance consultant, VML/VACo Finance, have advised Town staff that the resolution lacks clarity; and

WHEREAS both Brown Edwards and VML/VACo Finance representatives agree that the two (.02) cent tax increase will go to service the debt created by the 2015C VPSA Bond.

NOW THEREFORE BE IT RESOLVED by the Town Council meeting in regular session on January 14, 2016 modifies Resolution #40-15 so that the two (.02) cent tax increase will be retained on the Town’s books to service the debt incurred by the issuance of the 2015C Bond; and

BE IT FURTHER RESOLVED that the funds collected from the two (.02) cent tax increase shall be accounted for and identified separately in the Town’s accounting system.

Resolution #04-16, Amends Res #06-15 and establishes additional dates and times of Town Council Work Sessions

Mayor Ham read Resolution #04-16. This resolution had also been presented to Council at the December 2015 Work Session.

Action by Town Council

Mr. Edwards made a motion to approve Resolution #04-16 as written. Mr. Looney seconded the motion.

Motion to Amend Resolution #04-16

Mr. Looney made a motion to amend Resolution #04-16 by deleting “July 28, 2016.” Mr. Edwards seconded the motion.

Vote on Motion to Amend Resolution #04-16 as written

Mayor Ham called for a voice vote. Mr. Lyburn, Mr. Looney, Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth and Mayor Ham all voted “aye.”

The motion to amend Resolution #04-16, as written, passed with a unanimous vote.

Vote on Motion to Approve Resolution #04-16 as amended

Mayor Ham called for a voice vote. Mr. Lyburn, Mr. Looney, Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth and Mayor Ham all voted “aye.”

The motion to approve Resolution #04-16, as amended, passed with a unanimous vote.

RESOLUTION #04-16, Amends Res #06-15 and establishes additional dates and times of Town Council Work Sessions

BE IT RESOLVED that additional dates and times of Town Council work sessions shall be as follows:

Thursday	January 28, 2016	4:30 p.m.
Thursday	February 25, 2016	4:30 p.m.
Thursday	March 24, 2016	4:30 p.m.
Thursday	April 28, 2016	4:30 p.m.
Thursday	May 26, 2016	4:30 p.m.
Thursday	June 23, 2016	4:30 p.m.

BE IT FURTHER RESOLVED that all work sessions shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Citizen Input

Norma Griffin, 918 Monroe Bay Ave, discussed the current moratorium on piers. Ms. Griffin would like to submit an application to build a new pier.

Ms. Foulds noted that at this time the issue of building new piers that attach to town property is under legal review.

Ms. Foulds asked Ms. Griffin to leave her name and contact information with her and she will be kept informed.

Walter Kern, 2400 McKinney Boulevard, discussed a public safety issue on the road coming out of the waste water treatment plant onto Route 205. There is no stop sign. Mr. Kern reported that town vehicles do a “Texas roll stop” because there is no stop sign.

Mr. Kern noted that Colonial Beach schools and fire department are both one of the oldest systems/departments in this area.

Linda Farneth, 121 5th Street, discussed that this is the first year that Public Works gave notice that they would stop picking up leaves on the 17th, even though only half the leaves have fallen.

General Council Comments

Mr. Blunt spoke to Ms. Griffin and noted that this is a very important issue and he would like to get it resolved soon so she can move forward.

Ms. Erard requested Council put the pier issue on the agenda for the work session on January 28th.

Ms. Goforth noted the sidewalk out front of town center that denotes a change in height needs repainting and is dangerous.

Closed Meeting

There was no closed meeting.

Adjournment/Recess

Mr. Edwards made a motion to adjourn. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, Mr. Looney, Ms. Goforth and Mayor Ham voted “aye.” The motion to adjourn passed unanimously by Council members present.

At 8:06 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor