



**Minutes of the  
Colonial Beach Town Council  
Work Session held on  
Tuesday, January 22, 2015 at 4:30 p.m.**

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

**Present**

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

**Also Present**

Town Manager, Val Foulds  
CFO, Joan Grant  
Town Clerk, Kathleen Flanagan  
Acting Zoning Director, Brendan McHugh

**Call to Order**

Mayor Ham called the Work Session to order at 4:30 p.m.

**Roll Call of Members**

Mayor Ham noted all members were present.

**Presentations (by Council request)**

Dr. Peter Fahrney, 3419 Riverview Drive, spoke as a citizen, and asked Council to consider adding language to the Sign Ordinance, Article 12 that directs that no sign shall be posted on the east or southeast corner of Colonial Avenue welcome park, the corner of Colonial Avenue and Washington Avenue.

Dr. Fahrney noted this is the official welcome corner of Colonial Beach and is what visitors see first. It is beautifully landscaped with official-function signs and important town events. This area is maintained by citizens.

A copy of Dr. Fahrney's request is contained in the official meeting file at Town Hall.

Dr. Fahrney then spoke on behalf of the Colonial Beach Foundation noting that 2014 was a successful year. Upcoming for the year 2015 three events are planned: the Town Trolley Tasting Tour on May 16; Murder Mystery Dinner Theatre on October 17; and, in conjunction with Grow RVA, a weekly farmer's market every Thursday evening during June, July and August from 4:00 pm to 7:00 pm. The farmer's market will be held near Denson's on Washington Avenue featuring local produce.

The Foundation will also propose Council work with them and the Lion's Club regarding the Lion's Club property. The Foundation has noted this property is currently under-used and could be used for citizen activities, such as a community center.

Dr. Fahrney directed Council to Mitzi Saffos, who represents the Lion's Club for questions.

Mr. Edwards asked Dr. Fahrney if the welcome wall location and the 205 Y location were no longer available for advertisements, where would the advertisements from the churches and other non profits go?

Dr. Fahrney noted the Public Works building at 700 Colonial Avenue already has a town bulletin board. Dr. Fahrney further responded that there is no good place at the moment for advertisements for temporary events, such as fund raisers.

Mr. Edwards then brought up a previous request to Council to use the Lion's Club as a unified food bank which would provide storage and a central location.

Dr. Fahrney noted the Foundation would be happy to cooperate with the requestor.

Ms. Goforth reported that, after being asked to question the Lion's Club regarding a food pantry, Ms. Goforth learned that the Lion's Club has indicated they cannot subsidize electric bills for freezers.

Ms. Goforth further reported that former Police Chief Legg felt that a unified food bank tends to bring in people from outside of town.

Mr. DiRosario asked Dr. Fahrney what type of activities were being looked at.

Dr. Fahrney answered a municipal softball league; there is a big meeting space; concerts; and a soccer team. The dream of the Foundation is to have a community center in Colonial Beach.

Mr. Looney noted Dr. Fahrney has asked Council (1) to amend the sign ordinance and (2) put Council on notice that the Foundation would like to work with the town and the Lion's Club regarding the current lease on the Lion's Club property.

Mitzi Saffos, on behalf of the Lion's Club, noted there is an excellent place in Fredericksburg to hang banners on the Blue Gray Parkway near William Street, which style may work at the Public Works location.

Ms. Goforth asked Ms. Saffos to look into the cost.

Ms. Saffos further noted that all of the money raised by the Lion's Club goes to help people in the community.

Mr. Looney asked if Ms. Saffos was asking for Council approval to a collaboration between Lion's Club and the Foundation.

Mayor Ham suggested that Dr. Fahrney continues to work with the Town Manager and, if there is an action that needs to be taken by Council, the Town Manager will bring it forward. Mayor Ham also recommended that Dr. Fahrney talk to Robin Schick, Chairperson of the Planning Commission regarding the sign ordinance.

Dave Robey, Chief, CB Volunteer Fire Department presented the Department's yearly report.

In 2014 the Dept ran a total of 898 calls; 179 fire-related calls; 65 motor vehicle accidents; 559 EMS calls and 95 public service calls. To date this month, the department has run 50 calls.

For the year, the service man-hours were 3,294 manhours. The total of all manhours was 6,615.

Mr. Lyburn thanked Chief Robey for a well-planned installation service.

Walter Kern, citizen, presented Council with research he had performed regarding imposing a trash collection cost to residents, both on the expense and revenue side. (A copy of the research is filed in the Jan 22, 2015 folder). Yearly, the town disposes of 1,566 tons of refuse.

According to Mr. Kern, in 2014 the town could have gained approximately \$100,000 and the cost per household would have been approximately \$62.07 per year.

Mr. Kern thanked the Mayor and Council Members for allowing him this short presentation.

Mr. Blunt summarized Mr. Kern's presentation saying at some point Council could consider adding a refuse collection charge in order to generate revenue to support specific capital improvement purchases.

Mr. Looney reported that out of 39 seniors, 29 have been accepted in four-year colleges to this date with more expected.

## **Town Manager Update**

Ms. Foulds asked if Council would skip to "Old Business" and then go back to "Town Manager Update."

## **Old Business**

### **Ord No. 656**, Amends the Zoning Ordinance by Adoption of an Official Zoning Map

Mayor Ham noted at the last council meeting a question was raised and the issue was postponed pending an answer.

Ms. Goforth noted the map provided in the council binder was too small to read.

Mr. Looney noted the colors on the large display map did not match the colors on the map in the council binder. Mr. McHugh noted it appeared it was just a difference in printers.

Mayor Ham noted there was confusion because there is another map called the "Land Use Map." Mayor Ham further noted that the designation "Maritime Commercial" has never been used, or no one has rezoned to that designation.

Mr. McHugh answered "No, but in the future those properties designated could be zoned maritime commercial. Currently those properties are zoned commercial."

Mr. McHugh continued "Someone would have to apply to rezone to maritime commercial."

Mr. Blunt asked what the benefit of rezoning is, as a "commercial" zoning offers more than "maritime commercial."

Ms. Goforth asked: if commercial is a broader use, why would anyone want maritime commercial.

Mr. McHugh responded he would like to look at the Zoning Ordinance.

Ms. Foulds responded saying there was no automatic re-zoning from commercial to maritime commercial.

Mayor Ham recalled that the thought process was: if you could get all the property owners to rezone to maritime commercial, then there would “never be a 7-11 here, a grocery store.”

The Planning Commission recommended this based on the Comprehensive Plan and because on Monroe Bay Avenue, it is typically a maritime atmosphere.

Ms. Goforth then asked what Council has to do to begin video taping and live streaming of the Planning Commission meetings.

Ms. Foulds noted it is a “resource issue.”

Mayor Ham noted Council should ask Planning Commission what they feel about that.

Mayor Ham then proposed that action on Ordinance No. 656 be taken at the February 12, 2015 regular Council meeting.

*There was no objection to Mayor Ham’s proposal.*

### **Town Manager Update, Con’t**

Ms. Foulds continued with her update to Council.

1) Budget amendment showing the receipt of the school’s insurance settlement and the town’s bond proceeds. The fees for procuring the bond will be included. Once this part is done, another budget amendment will be prepared showing the detail of each transaction. Town staff is working with the auditors to insure full compliance with all established accounting standards.

2) Fireworks funding was not budgeted in the FY 14-15 budget. The town has been contacted by the firework vendor who needs to know if the town will have July 4 fireworks this year by mid-February. Because the holiday is on a Saturday this year, schedules are filling up fast. Ms. Foulds asked Council for direction on how to proceed.

3) Resolution, Meadow Avenue: acceptance into state system so the town can begin collecting maintenance funds. A resolution will be before Council at the February meeting to approve a resolution requesting acceptance into the state system.

### **Fireworks Funding**

Mr. Edwards asked if the town receives a discount for holding two fireworks displays.

Ms. Foulds responded, no, the town receives no discount. The cost of each display runs between \$8,000 and \$10,000.

Mr. Edwards expressed his support for the July 4 fireworks.

Ms. Foulds noted in the 2008, 2009 and 2010 years when a lot of localities were giving up fireworks displays, the town began paying for the Potomac Riverfest fireworks.

Mayor Ham noted the town could find the money to fund the fireworks, especially on the July 4 holiday.

Ms. Goforth noted last year Council struggled to balance the budget and made the decision not to fund firework displays. Ms. Goforth believes Council needs to stick with that decision.

Ms. Goforth further noted the crowd that comes to town for the 4<sup>th</sup> of July does not spend money and the crowd that comes to town for the Potomac Riverfest does spend money.

Ms. Goforth further noted traffic control is very expensive and needs to be considered.

Mr. Looney asked Ms. Grant if the town does or does not make money on either on those events.

Ms. Grant answered, saying she could perform an assessment, but cautioned that we have not had a 4<sup>th</sup> of July without fireworks.

Mr. Blunt answered, based on his personal experience of owning a marina and a restaurant, saying “We do substantially more business on the 4<sup>th</sup> of July weekend.”

Mr. Blunt believes the town is known for its fireworks displays.

Mayor Ham noted the meals and the lodging taxes bring in between \$380,000 to \$400,000 per year on those two taxes alone.

Mr. DiRosario commented that the 4<sup>th</sup> of July is part of a tradition in Colonial Beach. The owners of summer homes, for example, always spend money. In all of Mr. DiRosario’s years of service to the town, businesses have always reported windfall weekends for both the festival and July 4 weekends.

Mayor Ham proposed that by the February meeting, Mayor Ham will bring a budget amendment that reflects no increase in expenses, but shows where the money can come from in order to fund both fireworks.

Mr. DiRosario, Mr. Lyburn, Mr. Blunt agreed with Mayor Ham.

Mr. Blunt noted (1) business owners in town have 15 weeks to capture the largest share of their yearly income; and (2) this town is based on tourism. Mr. Blunt feels not funding the fireworks is akin to “shooting ourselves in the foot.”

Mr. Looney noted he would feel more comfortable with “systematic evidence” versus “anecdotal evidence.” Mr. Looney requested Council agree that he sit down with Ms. Grant to see if there is a way to provide systematic evidence.

*There was full council support that Mr. Looney proceed.*

Mayor Ham added that when the meals and lodging tax was initially passed, it provided that the taxes collected be used to fund tourism activities and beach maintenance. At some point, that additional language disappeared and the money goes into the general fund.

Mayor Ham proposed that Council decide today to fund both firework displays and to place a resolution on the agenda in February showing where the money will come from.

Mr. Edwards noted he was a member of the previous council that voted to cut fireworks funding, but did so with the hope that money could be found to fund fireworks.

Mayor Ham asked for a show of hands to find the money and place a resolution on the agenda in February. *Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all raised their hands in agreement.*

*Council voted unanimously to place a resolution on the agenda in February re fireworks funding.*

Ms. Foulds continued with the Town Manager's Update.

3) Ms. Foulds proposed to have VDOT representative provide a presentation to Council on revenue sharing and other issues. Mr. Brown and Mr. Roberson of VDOT have indicated they prefer daytime meetings, if possible, after February 17.

Mayor Ham asked to delay this question until after a discussion on changing the dates of upcoming work sessions.

Mr. Looney asked if the words "to accept" could be added to the resolution regarding Meadow Avenue. Mr. Foulds noted that is the format VDOT provided, but she will check with their representative.

### **School Fiber Line**

Mr. Looney asked about the progress being made with the fiber line for the school system.

Ms. Foulds reported the superintendent has the paperwork from VDOT regarding the poles. Ms. Foulds has encouraged the superintendent to sign the agreement and then, if we have to, we can go back. Researching what has happened in the past has delayed the process.

Ms. Foulds continued, once the agreement comes back, it goes to Metrocast for installation of the fiber.

### **New Business**

### **Live Streaming – Video Recording of Work Sessions**

Ms. Susan Pietras-Smith asked if there was a reason the meeting was not being live streamed.

Ms. Goforth asked Ms. Flanagan if the meeting was being streamed.

Ms. Flanagan answered no, that she was under the impression that a discussion was going to take place tonight.

Mr. Blunt spoke up and said he would take responsibility, saying he had mentioned that because of the recording and streaming of work sessions, that people are uncomfortable saying what they mean and at risk of their words being misconstrued. Mr. Blunt agrees that regular council meetings should be video recorded and livestreamed, just like any other board of directors meeting. However, work sessions are an opportunity for council members to discuss issues before those issues are presented to the public.

Ms. Goforth said we cannot refuse to allow citizens to videotape.

Mayor Ham and Mr. Blunt both noted they had thought the meeting was being videotaped.

Mayor Ham apologized for any confusion.

Mayor Ham noted council needs to decide, since the camera is off, to turn it on or to turn it off. Mayor Ham noted he agrees with Mr. Blunt.

Mr. DiRosario noted that during the 12 years he was a member of the Board of Supervisors, no one videotaped any meetings.

Mr. Blunt does not see this being an issue of transparency; every other surrounding jurisdiction does not video tape work sessions or their regular meetings. Work sessions are when council members hammer out the issues.

Ms. Goforth said she was concerned that several council members knew about this and she did not.

Mr. Blunt responded saying there was no intention to have it turned off today.

Ms. Flanagan responded saying she would take responsibility, saying it was a misunderstanding on her part.

Ms. Goforth asked “If we have nothing to hide, why would we not want to videotape it?”

Mr. Lyburn answered “A work session is a work session.”

Mr. Edwards asked for a vote.

Mayor Ham asked council members if they wanted to turn off the video camera during work sessions.

Mr. Looney responded saying he has no problem with the camera off or on, but council's responsibility is to make the best decisions possible. If having the camera off frees up the mind of council members, then that's what I would vote for.

***Mr. Edwards, Mr. Lyburn, Mr. Blunt, Mr. DiRosario, Mr. Looney and Mayor Ham voted "Turn it off." Ms. Goforth voted "On." Council voted 6-1 to stop video recording work sessions.***

### **Ratification of Employment Agreement, Res #09-15**

Mayor Ham proposed that Res #09-15 be placed on the agenda for the February 12, 2015 meeting.

***There was no objection from Council.***

### **Budget Amendment, Res #10-15**

Mayor Ham referenced the copy of the advertisement which included both totals to be added to the budget.

Mr. Edwards asked Mr. Looney, School Liaison, if the showers and other repairs had begun at the high school.

Mr. Looney responded that he believed that repairs have begun.

Mr. Looney asked if council would vote on the budget amendment on February 12.

Mayor Ham answered yes.

Ms. Foulds offered to meet with any council member to go over the budget amendment.

Mayor Ham proposed to include Res #10-15 on the February 12, 2015 agenda.

***There was no objection to Mayor Ham's proposal.***

### **Discussion of Prioritization of Projects and Initiatives**

Ms. Foulds noted Mr. Blunt and Mr. Looney have volunteered to work on the emergency operations strategy.

Mayor Ham noted he believed all were in agreement that the number one priority is the Community Development Block Grant.

Ms. Foulds noted that Land Studio, PC had been chosen to begin work on the grant. The Department of Historic Preservation has given their green-light to the project. The next meeting of the management team will be the fourth Tuesday of February.

Mayor Ham then noted the Robin Grove water project, which includes adding residential meters and replacement of failing water mains and new hydrants.

Ms. Foulds added that it also includes a well. The summer of 2013 is when work on this project began.

Concurrent with the water project is a search for a utility consultant to help us with an overhaul of Chapter 21, Town Code.

Mayor Ham then noted the sidewalk project, which will be done concurrent with the Robin Grove water project by way of replacing lines while the sidewalks are being redone.

Ms. Foulds then brought up the Housing Needs Assessment grant, and noted application for the TAP grant may be put off until next year.

Ms. Foulds reported that most localities have a priority list of four or five items, so this list is quite extensive.

Ms. Foulds then reported on the upcoming sale of right on ways on Irving Avenue that consists of four property owners that are encroaching on various portions of town property. Those owners would like to be made whole by purchasing the town right of ways.

These properties will appear on the February 12, 2015 town council agenda.

Mayor Ham reported that he will have a signed easement from the Yacht Center before the next meeting.

Mayor Ham asked about filling senior level vacancies, which includes the Chief of Police vacancy.

Ms. Foulds answered there are approximately 13 applications for the Police Chief position. Ms. Foulds further noted the town will receive support from the Association of Police Chiefs.

Ms. Foulds noted she is considering options for the vacant Director of Planning and Zoning position.

Ms. Goforth asked what is happening with the money the town is saving by not paying a director of Planning and Zoning. Ms. Foulds answered most of that is going to the Building Inspector who is putting in more hours.

**Proposal to change the date of work sessions**

Mr. Looney has made a proposal to change the work sessions from being held one week prior to regular meetings. Currently work sessions are held two weeks prior to regular meetings.

Mayor Ham noted, if changed, the advertising window would be reduced, as most public hearing need two weeks of advertising, with the last date being seven days prior to the public hearing.

Mr. Looney acknowledged the advertising dates do pose a substantive problem to rescheduling work sessions.

Mr. Edwards proposed to table this discussion until after staff is consulted.

Mr. Looney agreed.

Mr. Blunt supports Mr. Looney's suggestion.

*The proposal to change the date of work sessions was tabled pending consultation with staff.*

**Proposal to append the Zoning Ordinance to the Town Code**

Mr. Looney proposed to append the Zoning Ordinance to the Town Code. Ms. Flanagan noted that codifying the Zoning Ordinance would cost over \$20,000.

Mr. Looney would agree to have the Zoning Ordinance put on the town's website.

**Proposal to have the Planning Commission review the Capital Improvement Plan**

Mr. Looney proposed to direct the Planning Commission to review the Capital Improvement Plan.

Mayor Ham noted there is some confusion. Ms. Foulds noted she met with Ms. Schick.

In response to Mr. Looney, Ms. Foulds answered that the town currently has an "unfunded" Capital Improvement Plan.

Mr. Looney noted one of the major responsibilities of the Planning Commission is to review the Capital Improvement Plan. At their last meeting, they reported that they were not sure if Council would take their recommendations seriously.

Ms. Foulds agreed with Mr. Looney and noted she was under the impression the Planning Commission wanted to create a plan, rather than review the plan.

Mr. Looney summarized saying right now there are discussions between the Town Manager and the Planning Commission regarding the Capital Improvement Plan.

Mayor Ham noted the town has far more requirements than it has ever had money for.

Mayor Ham further noted work on the Capital Improvement Plan needs to start with the town department heads, through the Town Manager, then the Planning Commission, then to the Town Council. A review process needs to be set up.

Mayor Ham suggested continuing to work with the Planning Commission and have the Town Manager insure the department heads continue to work on their plans and the Town Manager continue to work with the Planning Commission Chairperson. Ultimately, it will come to the Council for a final decision.

Mr. Looney stressed that Council needs to take the Comprehensive Plan and the Capital Improvement Plan seriously as it helps to establish priorities.

Mayor Ham noted that this type of discussion is what should happen during work sessions; it is an opportunity to discover who should be doing what.

Mayor Ham further noted he believes it is better in the long run for everyone to collaborate with each other – let the Town Manager continue to work with the Planning Commission and work on a comprehensive document. Tracking progress made is just as important.

Mr. Looney agreed with Mayor Ham.

#### **Establishment of an Economic Development Management Committee**

Mr. Looney then turned to establishment of an Economic Development Management Committee as called for in the Revitalization Plan on page 89. The Plan appears on the town's website.

Ms. Foulds answered that she would like to discuss this aspect with the consultant, Mr. Jerry Davis, and report back to Council. The next management team meeting is in February. At that meeting the plan is to establish a façade group and a revolving loan committee.

Mr. Looney recollected the Town Attorney recommended creation of an Economic Development Authority.

***There was no objection from Council, Ms. Foulds will work with the consultant, Mr. Davis and the Department of Housing and Community Development.***

#### **Job Descriptions for Direct Council Hires**

Mr. Looney noted the Council directly hires the Town Manager, the CFO, the Police Chief, the Town Clerk and the Town Attorney. Council has job descriptions for all positions except the Town Attorney.

Mr. Looney requested that Council be given a job description for the Town Attorney.

Ms. Foulds answered that she could obtain samples from other localities.

Mayor Ham recommended Council ask the Town Manager to get samples and work on developing a job description for the Town Attorney.

*There was no objection from Council.*

**Assessment of Roads in the Meadows**

Mr. Lyburn asked Ms. Foulds if an assessment of roads in the Meadows will be performed.

Ms. Foulds answered that VDOT will work with the County Supervisor and Mr. Risavi. Ms. Foulds also noted she will stay on top of those communications.

**Grading of Roads in the Meadows**

Mr. Blunt informed Ms. Foulds he noticed there is grading of roads taking place in the Meadows.

Ms. Foulds answered that is just ongoing maintenance.

**Adjournment/Recess**

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

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

*At 7:05 p.m. the meeting was adjourned.*

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Kathleen Flanagan, Town Clerk

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Mike Ham, Mayor