



**Minutes of the
Colonial Beach Town Council
Work Session held on
Tuesday, January 6, 2015 at 10:00 a.m.**

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

Present

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

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
CFO, Joan Grant
Town Clerk, Kathleen Flanagan

Call to Order

Mayor Ham called the meeting to order at 10:02 a.m.

Roll Call of Members

Mayor Ham requested a roll call of members. Mr. Edwards responded “here,” Mr. Lyburn responded “here,” Mr. Blunt responded “here,” Mr. DiRosario responded “here,” Mr. Looney

responded “here,” Ms. Goforth responded “here,” and Mayor Ham responded “here.” **All members were present.**

Presentations (by Council request)

Mayor Ham asked Dave Robey, Volunteer Fire Chief to the podium.

Dave Robey, CBVFD reported that in December the department ran a total of 73 calls, 13 fire-related calls, three motor vehicle accidents, 43 EMS calls, 3 public service calls for a total of 296.75 manhours. The Department had a “save” on Lossing where someone had fallen asleep in bed. There were no working smoke detectors in the house and there continues to be no working smoke detectors.

Ms. Goforth asked if the home was a rental.

Mr. Robey answered “No.”

Ms. Foulds thanked Chief Robey for his cooperation and responsiveness this last year.

Mr. Robey thanked Ms. Foulds and announced that the annual banquet will be held on the 17 of January at the fire house.

Mr. Robey then noted that Billy Houck is no longer the Fire Marshall for this area.

Town Manager Update

Ms. Foulds reminded Council she needed to leave by 12:30 p.m. to attend a meeting in Warsaw with the Planning District Commission.

Ms. Foulds provided Council with a two-page list of projects and asked Council to set priorities at the Work Session at the end of the month. Generally, most localities set four or five priorities a year.

Ms. Foulds then discussed the meeting held by Larry Roberson, Supervisor, Westmoreland County Board of Supervisors, regarding the roads in Riverside Meadows. Ms. Foulds would like to ask representatives of VDOT to make a presentation to Council and set out options for roads in town, and, with Council’s approval, will set a date and time.

Ms. Foulds then talked about:

1) Community Development Block Grant in the amount of \$747,000. This afternoon Ms. Foulds and Jerry Davis will interview architectural and engineering firms that responded to the RFP for work on the boardwalk area.

- 2) Robin Grove facility upgrade. The upgrade is in the Comprehensive Plan and the town is not able to get grant money for the upgrades, but can get funding if the installation of water meters is included in the project.
- 3) Using an outside evaluation company to look at Chapter 21 in the Town Code, and rate-setting for water and sewer services.
- 4) Safe Routes to School is in the pre-bid phase.
- 5) Housing Needs Assessment Grant is in the planning stages and will raise the quality of housing in the central district. The big question is whether to submit the application this year or wait until next year.
- 6) Emergency Ops and Preparedness falls under the County as our population is under 5,000 and we are not recognized by FEMA as being a locality. Ms. Foulds recommended the Mayor establish a committee to work with town staff (with coordination with the County) to develop a strategy in terms of sheltering, evacuation, et cetera.
- 7) Town owned properties, which includes getting an easement at the Yacht Center.
- 8) Filling of senior level staff vacancies.

Ms. Foulds noted this is not an all-inclusive list.

Mr. Looney asked Ms. Foulds if the funds regarding the Robin Grove project were grant money or loans.

Ms. Foulds answered that the money is loans and the data on terms is at the office. No documents have been signed and no public hearings have been held. Preliminary conditions, such as geological surveys, are currently being met.

Mr. Looney asked if the only action Ms. Foulds is asking for is the appointment of a committee regarding Emergency Operations. Ms. Foulds answered “Yes.”

Mr. Lyburn asked if the hotel on Colonial Avenue is involved in the housing assessment.

Ms. Foulds answered it was her understanding that the owner wants to sell the property. Secondly, a qualifier is that people be “currently” living in substandard housing, and there are no “current” tenants occupying the hotel at this time.

Mr. McHugh noted the owner has an active permit. Any permit holder can re-apply every six months in order to continue to hold an active permit by paying a renewal fee without any requirement for inspections.

Ms. Goforth asked the Town Attorney if this is an issue Town Council could address?

Ms. Erard noted “As long as they qualify for the permits, they are entitled to get those permits. The best way to achieve what you’re talking about is probably through direct communication and regular communication.”

Mr. Blunt asked if there is a strategy to deal with commercial properties in town, as there are several.

Ms. Erard “Each year I suggest that we form an Economic Development Authority. An EDA has the ability to do things that Council does not. One of the things they can do is offer incentives for situations exactly like this. So rather than approaching it from a punitive, enforcement standpoint, the EDA could approach it from a positive, hey-here-is-a-carrot standpoint. That may produce better results for you.”

Ms. Erard further noted “We don’t have an EDA.”

Ms. Goforth asked if there was a new member seminar offered through VML this year. No information has come forward from VML. There are two meet-and-greets scheduled for January.

Ms. Goforth asked Ms. Foulds to update the issue of the fiber optic line that was cut.

Ms. Foulds reported there was no record or documentation of the line in any format or with any agency. Metrocast will be installing a new line in their contracted “space,” and the wire has been ordered. Ms. Foulds further explained that Dominion lines, Verizon lines and Metrocast lines were placed underground at significant expense to the contractor. The fiber optic line was only identified as a “non identified” and “non approved” line and therefore, could not be moved underground. Ms. Foulds also reported the cost is estimated at \$5,000.

Mr. Looney noted the fiber optic line was cut on November 3, which was two months and three days ago.

Mr. Lyburn asked who authorized it to be cut. Ms. Foulds responded that no one authorized the cut and that our Public Works Department did not authorize the cutting of the line, as the town has no authority over that type of line.

Mr. Looney reported he has a copy of the leasing agreement where the town is identified as the “party of the second part” and that the town has agreed to “pay the cost of maintenance and repair of the fiber optic cable.”

Ms. Goforth asked for an update on the Chamber’s report regarding Bike Fest.

Ms. Foulds replied that she has not been authorized or asked by Town Council to coordinate with the Chamber.

Mayor Ham has talked to Mr. Geddes and the Chamber has indicated they would contact Mayor Ham in January and set a date either in January or February to make a presentation to the Council.

Ms. Goforth noted she would like a report to look at before the presentation. Council agreed.

Town Council agreed to include Ms. Grant, Acting Chief Hough, the Volunteer Fire Department and the Volunteer Rescue Squad.

Ms. Goforth asked Ms. Foulds and Ms. Grant to meet with representatives from the Lion's Club in an effort to address their concern with the electricity bills.

Ms. Grant reported that each electric bill, which consists of approximately 70 pages, would have to be gone through in order to determine what the Lion's Club bill was.

Mayor Ham summarized for Council the background of the discussion. Ms. Goforth put in a FOIA request for copies of the bills for the last two years. The town estimated it would take 6-8 hours of staff time to pull and copy the information and sent Ms. Goforth an estimate of the costs to fill her request. Ms. Goforth felt that she should not be charged as she was looking into a matter for a citizen.

Mayor Ham believes the bylaws state that any individual council member cannot direct town employees to perform work for them individually. Mayor Ham noted this is an issue that Council should discuss.

Ms. Goforth reported that she was told the electric bills for the Lion's Club are "really high" and there may be a mistake with the bills.

Ms. Erard suggested that, if other members of Council want to look into this, to send it to the Liaison so it can be researched and reported back to full Council.

Ms. Grant is concerned that the customer did not contact town staff. Ms. Goforth was told they had a year ago.

Ms. Grant would be "more than happy" to go over the records with the customer and doesn't understand why Council is involved.

Ms. Goforth answered that citizens come to Council when they have an issue and that "nearly all citizens in this town are intimidated by either the town staff or Council."

Ms. Grant replied "You and the customer could come in and ask the same thing and sit down and go over it."

Ms. Erard noted that, in the past, individual issues of individual council members did not warrant staff time, that it needed to be an identified priority or something that council, or a couple members of council, wanted to work on. This is a great illustration of that issue.

Ms. Goforth noted that in the last two years no council member has been charged. Is this change going to be the same for all council? Ms. Goforth does not want to be in a situation where the Mayor has to approve looking into a citizen complaint.

Mr. Edwards noted if an individual is that concerned about the bills -- Council should pay for the FOIAs -- that the citizen should do the FOIA. Or, have the citizen meet with Ms. Grant and try to work this out. This has been blown out of proportion.

Mr. Edwards likes the idea of Ms. Goforth and her constituent talking to Ms. Grant.

Ms. Goforth said the simplest thing to do to solve this issue is to have the Lion's Club pay their own electric bill by doing an amendment to the lease.

Ms. Erard suggested it go to the appropriate Liaison.

Mayor Ham agrees the long term solution is to amend their lease so they pay their own electric bill.

Ms. Foulds noted she has a contact within Dominion Power who would be a valuable resource in matters of this type.

Ms. Foulds suggested council members tell staff more detail so staff can research the issue.

Mayor Ham summarized the response to this issue, saying the Liaison for Administration or Finance will be tasked with looking into this issue and the issue of amending the leases so that the tenant pays their own utility bills.

Ms. Erard noted there is a financial seminar on the VML website for January 7 and, although there is a tab, there is no info on the workshop for new council members.

Mr. Looney asked about items that should be added to Thursday's agenda: (1) establishment/discussion of an emergency operations committee; (2) formation of an Economic Development Authority.

Ms. Foulds responded that: (1) the emergency operations committee should be comprised of council members.

Mayor Ham suggested forming a committee of two members. Ms. Erard responded that if it's a committee of council, notice requirements have to be met. If Ms. Foulds organizes a committee that includes two council members, no notice requirements have to be met.

Ms. Erard suggested discussion of an EDA be included in the next Work Session agenda.

Mr. Looney then asked about adding the report from Bike Fest to the agenda.

Mayor Ham answered that can be done under “Presentations.”

Old Business

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

Mr. McHugh noted it is the same map as before, but includes Conditional Uses and the Emergency Route. Nothing has been re-zoned.

Mr. Looney asked how the school property is zoned.

Mr. McHugh answered it was zoned Commercial/Residential and schools are a permitted use by right.

Ord No. 658, Amends the Zoning Ordinance, Updates the Flood Plain District

Mr. McHugh reported that FEMA is updating their flood plain maps. This ordinance conforms with FEMA regulations. Also, DCR has performed an audit of the town’s flood plain.

Mr. Looney suggested two editorial changes be made. Under “BE IT ORDAINED” on page two, Section 7-36 is missing the letter “C” in “Setion” and “Section 7-39.8” should be changed to “Section 7-39.7.”

Mr. Blunt asked how this change will affect peoples’ insurance.

Mr. McHugh answered that the town expanded FEMA’s update, for example, FEMA said you could build one foot above flood plain, the town expanded that to three feet above the flood plain, which is favorable for insurance issues.

Mr. Blunt asked if the 35-foot maximum height of buildings allowed in town would be changed to accommodate the new three-foot minimum above ground rule. Mr. Blunt was trying to determine if you could still build two-story buildings and additions.

Mr. McHugh answered there was no change to the height regulations, but an owner could apply for a variance.

New Business

Resolution #08-15, Authorizes Town Manager to sign and approve requests for reimbursement of Community Development Block Grant Funds

Mayor Ham explained that with the grant, the town has to spend money and then bill for reimbursement.

Mr. Looney suggested adding in the last paragraph the word “verified.”

Mayor Ham suggested at the end of the last paragraph we add the words “from the VA Department of Housing and Community Development.”

Council agreed with both changes.

Dave Robey, Chief, CBVFD asked about the status of the burned out school building, noting it’s been a year and a day and it is a safety hazard.

Mayor Ham responded saying the school has contracted a surveyor to perform a plat consolidation into three plats, one where Town Hall is located, one where the gymnasium is located, and one where the burned building sits down to Washington Avenue. The entire property will be turned over to the town – sometime in mid to late January -- and then Council will identify any interest in uses for the building. If there is no interest within 45 days, the town will begin to market the property, whether it is torn down or whether it still stands.

Recess

At 11:48 Mayor Ham called a brief recess.

Reconvene

At 12:09 Mayor Ham reconvened the Work Session. Ms. Foulds and Mr. DiRosario left the meeting as they both had other appointments.

Discussion of organizational items

Appointment of Vice Mayor, Res #07-15

Mayor Ham recommended Mr. Blunt be appointed Vice Mayor. Mr Edwards agreed with him. Council agreed.

Dates and Times of Regular Town Council Meetings, Res #05-15

Upon a suggestion by Mr. Blunt based on citizen requests, Council agreed to change two Thursday regular town council meeting dates and time to Saturday meetings beginning at 9:00 a.m. at Town Center. The dates changed were: June 13 and September 12, 2015. Mr. Edwards and Ms. Goforth both indicated they had many commitments on Saturday mornings. Mr. Looney noted the town currently live streams a video of each meeting.

Dates and Times of Town Council Work Sessions, Res #06-15

Council agreed to keep the schedule of holding work sessions on the 4th Thursday of every month at 4:30 p.m. at Town Center.

2015 By-Laws and Rules of Procedure, Res #04-15

Mayor Ham directed council's attention to page 2 and suggested "Point of Contact or POC" be changed to "Liaison."

Mayor Ham suggested the following Liaisons: Public Safety, Tommy Edwards assisted by Wayne DiRosario; Economic Development and Dept of Planning and Zoning, Wanda Goforth; Finance, Mayor Ham; Administration, Burkett Lyburn; Public Works, Eddie Blunt; and Schools, Mike Looney.

All other changes as proposed by Mr. Looney (see document in meeting file) were discussed and changes were agreed to by Council.

Ms. Goforth suggested moving "Citizen Input" to the end of the agenda after New Business. Council agreed.

Resolution #04-15, as amended, will be presented at Town Council's regular meeting to be held on Thursday, January 8, 2015.

Mr. Lyburn suggested creating a "public comment card" so that citizens may use the card to express their problem or complaint and to provide contact information. Mr. Lyburn suggested the Mayor could point citizens to the comment card at the beginning of public comment and, after the meeting, the comment cards would be collected by the Clerk and shared with Council.

Mr. Looney noted he would present his recommended "resolutions" at the January work session.

Adjournment/Recess

Mr. Edwards made a motion to adjourn. Ms. Goforth seconded the motion.

At 1:58 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor