



**Minutes of the
Colonial Beach Town Council
Work Session held on
Thursday, July 23, 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, Wayne DiRosario
Member, Tommy Edwards
Member, Wanda Goforth
Member, Mike Looney
Member, Burkett Lyburn

Absent

All members were present.

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Police Chief, Danny Plott
Director, Public Works, Rob Murphy
CFO, Joan Grant
Administrator, Planning and Zoning, Brendan McHugh
Town Clerk, Kathleen Flanagan

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)

Carey Geddes, Bike Fest Committee

Mr. Geddes, Brian Coffman and Steve “Smurf” Keene reported that the All American Harley Davidson accessory store had opened and invited council members to stop by.

Town Manager Update

Mayor Ham noted Ms. Foulds was running late and would give her update at a later point in the meeting.

June Department Reports

Council acknowledged receipt of the June Department Reports and the Mayor entertained questions from Council.

Mr. Looney asked Mr. Murphy when the last upgrade was at the Waste Water Treatment Plant. Mr. Murphy answered six or seven years ago.

Ms. Goforth asked Police Chief Plott if the officers will enforce the regulations against fires on the beach. Chief Plott noted the department is instituting a program called ‘beach patrol’ wherein part time officers and full time officers on an overtime basis will concentrate on beach violations, such as fires, grills, dogs, etc. and parking.

Ms. Goforth asked Mr. Murphy if the signs regarding parking were consistent. Mr. Murphy noted his department will work with the Police Department to ensure consistency.

Mr. Blunt asked Chief Plott if there would be any benefit to designating names to the beach areas, such as the south beach and the north beach.

Chief Plott answered that is not a bad idea.

Mr. Edwards noted that although people read the signs, that does not mean they follow the rules.

Mr. Blunt noted Council should consider allowing dogs on the beach.

Mr. Lyburn asked about the two new Fords purchased by the Police Department. Chief Plott answered that both Ford Explorers cost \$26,000 and an additional \$20,000 total to have both vehicles equipped with lights, radio system and prisoner cage.

Chief Plott further noted that the department spent \$21,000 in repairs over the course of one year.

Ms. Goforth asked if police vehicles could be outfitted with vehicle numbers.

Chief Plott answered it was up to Council, but asked that cars used for undercover investigations not be included.

Old Business

There was no old business.

New Business

First Read

Resolution #44-15, Requesting the Virginia Department of Transportation to Delete Street to the Urban Highway System

Mayor Ham summarized Res #44-15 noting it was part of the revitalization project and has been approved and recommended by the revitalization management team. This resolution will accommodate creating a pedestrian plaza at the end of Hawthorn Street in front of the town pier.

Mr. Looney asked how much revenue the town will lose. Mr. Murphy answered approximately \$1,000 per year.

Mr. Looney asked how many parking spaces the town will lose. Mr. Murphy answered approximately three.

Mr. Looney asked how parking on Beach Terrace would work. Mr. Murphy answered that there would be no parking on the “land side” and entrance would be by way of the cannon with the left lane exiting out.

Mr. Blunt noted the Fire Department and Police Department were good with the configuration.

Ms. Goforth asked if Taylor Street would be one way or widened. Mr. Murphy answered Taylor will be one way coming from Hawthorn.

Ms. Goforth asked what impact this will have on the businesses on Hawthorn.

Mayor Ham answered there would loss of two parking spaces.

Mr. Lyburn asked what will be done with the town pier. Mr. Murphy noted the last time the pier was worked on was after Hurricane Isabel.

Mr. Blunt suggested bringing up the issue of the pier with the revitalization committee to see if they had suggestions.

Mayor Ham noted that work on the pavers, new streetlights for Hawthorn and new furniture for the beach will be commenced soon.

First Read

Ordinance No. 641, Amends Article 9, Zoning Ordinance, Commercial Residential

Mayor Ham asked Mr. McHugh and Robin Schick, Chair of the Planning Commission to discuss Ordinance No. 641.

Mr. McHugh noted the Planning Commission has been reviewing the Zoning Ordinance one section at a time. Ord No. 641 includes recommended amendments to the Commercial Residential district.

Mr. McHugh summarized the recommended changes.

Ms. Erard noted any ordinance before Planning Commission should originate with the Council formally referring a request to Planning Commission.

Ms. Erard suggested including a formal referral to Planning Commission appear on the August agenda for Town Council's regular meeting.

Mayor Ham suggested all council members review Ord No. 641 and have questions and/or referrals ready for official action in August.

Ms. Goforth asked that a map be attached in order to identify the Commercial Residential district.

Mr. Looney clarified that the red lined copy of Article 9 is what Council should read along with page 2 of the staff report. Mr. McHugh answered "yes."

Mr. Looney asked that council be given a new red lined version that incorporates the bullets.

Mr. Blunt thanked both Mr. McHugh and Ms. Schick and asked about enforcement and asked about accessory dwellings.

Ms. Erard suggested that issue be reviewed at a later time.

Mr. Edwards noted the town does not have a strict property maintenance code that allows enforcement.

First Read

Ordinance No. 649, Amends Article 18, Zoning Ordinance, Supplementary Regs

Ms. Schick noted this ordinance was ready to go. The Planning Commission has held three public hearings on Article 18.

Mr. McHugh read the staff report and noted this ordinance impacts the planned Artisan Trail and allows home breweries. Both staff and Planning Commission recommend the adoption of Ordinance No. 649.

Mr. Looney noted he does not understand why take separate chapters and combine them in one chapter which makes it harder for people to find things. Mr. Looney further noted he agrees with simplifying ordinances, but does not agree to combining separate chapters.

Mr. Blunt asked if this was accessible and searchable on the internet.

Ms. Goforth agrees with Mr. Looney and further is concerned about the language regarding extension cords, citing RV and boat owners' use of extension cords to charge batteries.

Ms. Erard reiterated the process whereby Town Council initiates an ordinance, sends a specific ordinance to the Planning Commission for feedback and recommendations.

Mr. Looney asked Ms. Erard to whom would a group contact if they wanted to see changes made in a zoning ordinance. Ms. Erard answered, "To Brendan. And he would forward it to Council with a draft. Then it would go to Planning Commission." The Planning Commission can certainly request to work on certain chapters.

Mayor Ham summarized: (1) Council members are to contact Mr. McHugh with whether or not they support separate ordinances or consolidation of ordinances, and (2) Council members are to send any changes to Mr. McHugh.

Mayor Ham asked for a show of hands. How many members are in favor of keeping Article 18 as presented? No hands were raised.

Mayor Ham asked for a show of hands. How many members are in favor of separating the articles: Article 13, Article 18, Article 24 and Article 26? Mr. Edwards, Mr. Lyburn, Mr. Blunt, Mr. DiRosario, Mr. Looney, Ms. Goforth and the Mayor raised their hands.

There was council agreement to keep separate the following Articles in the Zoning Ordinance: Article 13, Article 18, Article 24 and Article 26 and, at the August regular Town Council meeting, vote upon a resolution requesting the Planning Commission forward recommendations.

Recess

At 6:15 p.m. Mayor Ham called for a brief recess.

Reconvene

At 6:23 p.m. Mayor Ham reconvened the work session.

Staff Report, Special Event Policy

Ms. Foulds noted that town events have grown over the last two years, with the events getting bigger and more complicated. Beginning in 2009 staff has worked on creating and updating a special event policy.

The Town Manager already has the authority to create reasonable rules and charge reasonable fees for the use of town facilities and parks.

Ms. Foulds noted at this point, she is committed to not use taxpayer dollars to facilitate these events and that events are kept to standards of safety, health and general welfare.

Ms. Goforth asked who the Special Events Coordinator was. Ms. Foulds answered “Cindy Vaughan, our receptionist.” Before the permit receives final approval from the Town Manager, if it is a big event, it is looked over by department heads at the weekly staff meeting.

The policy has been presented to Council committees, but has never been approved by Council.

Mr. Blunt opined that for large events, such as the one in October, someone needs to be assigned as a coordinator who can be present at meetings of the event sponsors so as to bring back information to town staff.

Ms. Foulds noted that the number of large events are very small, and as they grow in number, a policy is needed.

Mr. Blunt asked staff if the town is collecting taxes from vendors at these events.

Ms. Grant answered that the town did not have interaction with any beer vendors, that interaction took place with the Chamber. Staff met with each vendor before the event, provided all the forms, and followed up 30 days later to ensure all taxes due the town had been collected. Any vendor who fails to file meals taxes will not be approved as a vendor again until the outstanding tax is filed and paid.

Ms. Grant further noted that every vendor who had to pay meals tax from last year’s bike fest has paid.

Ms. Foulds shares with the Health Department all information that she receives from the sponsor of the event. The sponsor is responsible for filing all forms with the Health Department.

Mayor Ham noted that before each event the Town Manager has a list of all approved vendors and the Health Department has been notified of who those vendors are. Each vendor receives a health department certificate after inspection which is displayed.

Mr. Blunt and Mayor Ham recommended adding, under Alcohol and Food Sales, language that says the event organizer gives the town the authority to inspect their records relating to sales during the event.

Mr. Looney noted that Council needs to (1) approve the policy and needs to (2) according to page 7 of the policy, approve whether or not beer or alcohol can be sold on town property. All other authority is with the town manager. Mr. Looney recommended that language on page 7 be changed.

Mr. DiRosario suggested the town hire an event coordinator who can also work on tourism projects and write grants.

Mayor Ham suggested another look at the policy at the August work session and to have it on the agenda for a vote at the September regular meeting.

General Council Discussion

Ms. Erard noted she prepared a resolution at the request of Mr. Looney authorizing the Town Manager to approve the application for the bike fest event upon receipt of an appropriate proposal supported by all information.

Mayor Ham noted the resolution was prepared to note that Town Council has the final decision.

Without any objection, the resolution will be placed on the August agenda for consideration.

Closed Session

Mr. Edwards made a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel regarding a specific legal matter – personnel policy/leave payout. Mr. Blunt seconded the motion.

Mayor Ham called for a voice vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion passed unanimously.**

At 6:48 p.m. Council moved into Closed Session.

Reconvene

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

Mayor Ham called for a voice vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to reconvene passed unanimously.**

At 7:54 p.m. Town Council reconvened.

Certification

Mayor Ham called for council members to certify that only items identified under Virginia Code Section 2.2.-3711(A)(7) were discussed during the closed session.

Mr. Blunt certified, Mr. DiRosario certified, Mr. Edwards certified, Mr. Lyburn certified, Ms. Goforth certified, Mr. Looney certified and Mayor Ham certified.

Adjournment/Recess

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

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

At 7:55 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor