



## **Minutes of the Colonial Beach Town Council**

**A Special Meeting  
To Hold a Public Hearing on  
Ordinance No. 663  
Wednesday, June 17, 2015 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**

All council members were present.

### **Also Present**

Town Manager, Val Foulds  
Town Clerk, Kathleen Flanagan  
CFO, Joan Grant

### **Call to Order**

Mayor Ham called the meeting to order at 7:00 p.m.

### **Roll Call of Members**

Mayor Ham called for the roll of members. Mr. Edwards answered “here,” Mr. Lyburn answered “here,” Mr. Blunt answered “here,” Mr. DiRosario answered “here,” Mr. Looney answered “here,” Ms. Goforth answered “here,” and the Mayor noted he was “here”. *All council members were present.*

### **Motion to Amend the Agenda**

Mr. Looney made a motion to add to the agenda Resolution #39-15, Amends Fiscal Year 2014-2015 Budget, School Fund. Mr. Edwards seconded the motion.

Mr. DiRosario questioned whether or not the motion is in compliance with the By-Laws. Mr. DiRosario believes it is a bad precedent and objects to the motion.

Mr. Looney agrees with Mr. DiRosario, but believes this needs to be acted upon before the end of the fiscal year.

Mr. DiRosario suggested this resolution come before Council at the Work Session on the 25<sup>th</sup>.

Mayor Ham noted it takes a unanimous vote to amend the agenda of a special meeting.

Ms. Goforth agreed with Mr. DiRosario and further noted she received her copy of Ord No 663 five minutes before the meeting.

Mayor Ham called for a voice vote on the motion to amend the agenda. All in favor, signify by saying “aye.” Mr. Blunt, Mr. Lyburn, Mr. Looney, Mr. Edwards and Mayor Ham all voted “aye.” Opposed? Ms. Goforth and Mr. DiRosario voted “nay.” *The motion to amend the agenda failed.*

### **Public Hearing, Ordinance No. 663**

Mayor Ham noted Ordinance No. 663, raises real estate taxes in order to fund the general fund and the school fund and additionally raises taxes \$.02 cent which will be earmarked for school construction.

Mr. DiRosario noted he was not aware Council would vote on a tax increase at this meeting.

*At 7:10 p.m. Mayor Ham opened the Public Hearing.*

### **Public Input**

Jay Jarvis, 225 Boundary St, stated he was not opposed to a moderate tax increase, but is not in favor of a tax increase now because there is not a Capital Improvement Plan.

Madeline Fisher, 7 5<sup>th</sup> Street, asked how the \$.13 tax increase will be portioned out and stated that the town and school are constantly changing direction. Water, sewer and roads must be top priority.

Michelle Coates, 1551 Monroe Bay Circle, Elementary School Principal requested Council fully fund the school budget.

Kelly Briscoe, 218 Dogwood Avenue, opposes any tax increase.

Marie Zeller, 126 Dogwood Avenue, teacher, supports fully funding the school budget and building a new school.

Barbara Hathaway, 2800 Dwight Avenue asked to defer her statement until the end.

Harold Ward, 2800 Dwight Avenue, opposes the tax increase because of (1) unplanned spending; (2) purchase of high-priced SUV's; and (3) pay raises for certain employees.

Bill Flammer, 2800 Dwight Avenue does not support the tax increase; believes consolidation of the schools is an option; and requests that infrastructure improvements be a priority.

Roger Dean, 306 Monroe Point Drive thanked Council for proposing a well-prepared budget, but noted he does not understand why taxpayers have to pay both the county and the town for the same items.

Bill Dellar, 1333 Monroe Bay Avenue believes the proposed tax increase is unnecessary and suggested Council table discussions on building a new elementary school and reduce the school transfer to at least \$2.1million for 2016. Over the next year Council should begin discussions on school consolidation with the county; develop a comprehensive plan for infrastructure; and find ways to increase the tax base.

Sharon Dunavant, 700 Bancroft Avenue, aka "lunch lady," noted the school needs funding and there are hungry children and poverty in our town.

Linda Brubaker, 17 Lincoln Avenue commended the School Superintendent and his staff, but believes building a new school by raising taxes right after putting up the modpods is "changing stream midway." Ms. Brubaker suggested: (1) consolidation; (2) cut the school budget; and "we do not need a \$.13 tax increase."

Ed Gunderson, 5921 Amberwood Drive, Naples, Florida opposes a tax increase. Mr. Gunderson asked Council to: (1) talk about the police department (to keep it or to not keep it); (2) perform a cost benefit analysis of the school system; and, (3) research the county budget before the county builds a new high school.

Diana Morton, was no longer in attendance.

Meryl Swan, was no longer in attendance.

Vicki Roberson, 215 Cedar Avenue discussed the complexities of school financing noting local funding is 34% and required local funding is set by the state at \$1,622,840. Level funding is \$2,103,196 – a difference of \$404,000. Ms. Roberson noted \$1,572,000 comes from the county.

Glenda Chiarello, 1008 Monroe Bay Avenue shared tax rates. Colonial Beach tax rates, based on \$.13 increase, will be \$109. Rates for the town of WestPoint is \$1.15, but residents only pay \$500 per year for water and trash. Schools in WestPoint have excellent ratings, a 9 and a 10.

On Real Estate taxes: Culpepper residents pay \$.86; Tappahannock residents pay \$.88; Warrenton residents pay \$1.14; Fredericksburg residents pay \$.82; King George residents pay \$.61; Spotsylvania residents pay \$.86; and Caroline residents pay \$.86.

Jim Chiarello, 1008 Monroe Bay Avenue spoke on behalf of the Colonial Beach Concerned Citizens as their Chairperson. Mr. Chiarello and the CBCC opposes a tax increase. Mr. Chiarello asked each member of Council to justify their reasons for their vote to raise taxes and to present a plan.

Veronica Reynolds, 95 Lea Road, Placid Bay, teacher, noted a merger with the county would take approximately five years and asked what was to then stop the county from raising taxes.

Wayne Kennedy, 213 Meadow Avenue has confidence in the Town Council and the School Board and supports fully funding the school budget.

Joyce Gunderson, 919 Bryant Avenue opposes a high tax increase and asks for a reasonable tax increase. Ms. Gunderson noted from January through April 15, the Planning and Zoning Office processed: 26 permits in April; in March there were two permits a day; in February there was ½ permit per day; and, in January there was ½ permit per day. There are four employees in that office.

Marion Miller, 230 Given Street supports increasing taxes and thanked Council members for creating a professional and effective Council. Ms. Miller thanked all of town staff for doing a fine job.

George Cajigal, 216 Spotswood Lane opposes a tax increase and is against building a new elementary school and has put his house up for sale.

Jeannette Holman, passed.

Karen Camlin, 2540 Riverview Drive, retired teacher, supports raises taxes and fully funding the schools. She said that a 13-cent tax increase would mean that the owner of a \$1 million house would pay an additional \$1,300 per year in taxes, and that the owner of a \$100,000 house would pay an additional \$130 per year.

Samantha Straughan (26 San Pedro Dr) and Sara Cooke (157 Mattox Bay Dr) representing the CB PTA supports fully funding the school.

Barbara Hathaway, 115 Garfield Avenue thanked the school employees for speaking enthusiastically to raise her taxes and noted the town infrastructure needs to be repaired.

Kelly Hurt, 677 Albrough Blvd., teacher, noted she has moved her classroom 12 times.

Tim Trivett, 3407 Wakefield Street, Chairman, CB School Board noted he doesn't care how much his taxes are and supports a tax increase of \$.13.

Walter Kern, 2400 McKinney Blvd noted "We are Colonial Beach. I am Colonial Beach"

***There being no further public comment, at 8:29 p.m. Mayor Ham closed the Public Hearing.***

Mayor Ham clarified that the Utilities Fund and the Waste Water Treatment Fund are balanced and are outside of General Fund of the town. Mayor Ham further noted that the town is replacing infrastructure, such as pipes and sewer pipes. Mayor Ham further noted "we cannot raise taxes to run the water and sewer plants." The proposed tax increase is strictly to run the town.

Mayor Ham challenged anyone in the room to sit down and go over the budget line by line with him.

Mayor Ham recommended a four-cent real estate tax increase, with an additional two-cent increase to set aside for school construction. The town would have to use \$200,000 from reserves in order to fully fund the town and the school budgets.

## **Recess**

***At 8:33 p.m., Mayor Ham called a 10-minute recess.***

## **Reconvene**

At 8:53 p.m. Mayor Ham reconvened the meeting.

Mayor Ham recommended Council consider raising real estate taxes \$.04 increase for general operations and a \$.02 increase to start the school building fund.

## **Ordinance No. 663**

Ordinance No. 663, Amends the Colonial Beach Town Code, Chapter 20, Article 1, "In General," "Taxation,"

Mr. Looney made a motion to adopt Ordinance No. 663. Mr. Lyburn seconded the motion.

### **Motion to Amend**

Mr. Blunt made a motion to amend Ordinance No. 663, to reduce the \$.13 real estate tax increase to a \$.06 real estate tax increase: \$.04 to fund town and school operations and an additional \$.02 being earmarked for the school building fund. Mr. Lyburn seconded the motion.

Mr. DiRosario asked for clarification on the proposed amendment. Mayor Ham clarified that the proposed \$.02 increase earmarked for the school building fund is the first increment of real estate tax increases over the next two years (which will total \$.05 by 2017) in order to fully fund the school procuring a literary loan and making loan payments on that loan for the construction of a new school.

Mr. Looney will support a \$.06 real estate tax increase, with \$.02 going to an earmarked fund for school construction and with the knowledge that the town will take \$200,000 from reserves to fully fund both the general and school budget.

Ms. Goforth asked the town attorney how many votes it takes to pass a tax increase.

Ms. Erard answered "Five."

Mayor Ham called for a roll call vote on the motion to amend Ord No. 663. Mr. Edwards voted "aye," Mr. Lyburn voted "aye," Mr. Blunt voted "aye," Ms. Goforth voted "nay," Mr. Looney voted "aye," Mr. DiRosario voted "nay," and the Mayor voted "aye." *The motion to amend Ord No. 663 passed with a 5-2 vote.*

### **Motion to Approve Ord No. 663, as Amended**

Mr. Blunt noted that as to the \$.02 increase earmarked for school construction, if the school does not build a new building that money would either be refunded to taxpayers or show up as a tax decrease. Mayor Ham agreed with Mr. Blunt's comment.

Mr. DiRosario clarified that the tax increase earmarked for school construction would continue to be paid until the loan for school construction has been paid.

Mayor Ham called for a roll call vote on the motion to approve Ord No. 663, as amended. Mr. Edwards voted "aye," Mr. Lyburn voted "aye," Mr. Blunt voted "aye," Ms. Goforth voted "nay," Mr. Looney voted "aye," Mr. DiRosario voted "aye," and the Mayor voted "aye." *The motion to approve Ord No. 663, as amended passed with a 6-1 vote.*

## **ORDINANCE NO. 663**

ORDINANCE NO. 663 AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 20, ARTICLE I, "INGENERAL," 'TAXATION,' SECTION 20-2, "REAL ESTATE TAX" TO

INCREASE REAL ESTATE TAXES BY SIX (6) CENTS FROM .62 TO .68 PER \$100 OF ASSESSED VALUE. ORDINANCE NO. 663 ALSO AMENDS CHAPTER 7, ARTICLE 1, "IN GENERAL," 'BUILDING AND CONSTRUCTION REGULATIONS' SECTION 7-27, "PERMIT FEES" TO ADD A \$25 BUILDING COMPLIANCE INSPECTION PERMIT FEE AND A WOODLOT MANAGEMENT VIOLATION PENALTY OF \$200 PER TREE. ORDINANCE NO. 663 CLARIFIES THAT ALL FEES ARE DUE AND PAYABLE AT THE TIME OF PERMIT APPLICATION. ORDINANCE NO. 663 ALSO CODIFIES THE REFUND PROVISION CONTAINED IN SECTION 107.1.2 OF THE U.S.B.C. ORDINANCE NO. 663 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN ARTICLE X, SECTION 4 OF THE CONSTITUTION OF VIRGINIA, VA CODE §§ 58.1-3200, 36-97 ET. SEQ., AND 15.2-1125.

**BE IT ORDAINED** by the Colonial Beach Town Council, that the Colonial Beach Town Code, Chapter 20, "Taxation," Article 1, "In General," Section 20-2, "Real Estate Tax" shall be amended to read as follows:

**"Sec. 20-2. - Real estate tax.**

(a) The amount of real estate taxes shall be 0.68 per one hundred dollars (\$100.00) of assessed value.

(b) *Installments.* The annual tax or levy on real estate shall be paid in installments during the tax year as follows:

(1) One-half ( $\frac{1}{2}$ ) of the annual real estate tax or levy shall be due and payable by June 5 of the tax year; and

(2) The remaining balance due of the annual real estate tax or levy shall be due and payable by December 5 of the tax year.

(c) *Penalty provisions.* A penalty shall be added to such tax for failure to pay any installments on the day after the said installment is due, in the amount of:

\$0.00—\$10.00	100% of tax
\$10.00—\$100.00	\$10.00
Over \$100.00	10% of tax
Tax Due Penalty	

Any such penalty shall become a part of the tax.

(d) *Interest provisions.* Interest shall commence on the first day following the day each such installment is due at a rate of ten (10) percent per annum.

(e) The town council may provide for the waiver of the penalty and interest for failure to pay such tax if such failure was not in any way the fault of the taxpayer.

(f) The provisions set out herein shall be effective for the taxable year of 1983 and subsequent years.”

**BE IT FURTHER ORDAINED** that Chapter 7, Article 1, “In General,” ‘Building and Construction Regulations’ Section 7-27, “Permit Fees” be amended to read as follows:

**“Sec. 7-27. - Permit fees.**

(a) *Generally.* No permit required by the code adopted by this article shall be issued until the fee prescribed in this section has been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to subsequent changes in construction plans or costs, has been paid.

(b) *Fee Schedule.* The fee schedule shall be and hereby is declared to be the same and identical schedule as adopted and maintained by the County of Westmoreland, Virginia, as the same, from time to time, may be amended by the county board of supervisors.

(c) In the event of a local declaration of emergency by the Colonial Beach Town Council, all zoning permit fees for citizens of the Town of Colonial Beach who must obtain these permits for the purpose of reconstruction as a result of damage sustained from the event necessitating the declaration of emergency shall be waived for a period of ninety (90) days from the date of the declaration of local emergency.

(d) There shall be a \$25 building compliance inspection permit fee and a woodlot management violation penalty of \$200 per tree.

(e) When requested in writing by a permit holder, the town shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

(f) All fees are due and payable at the time of permit application.”

---

**Adjournment**

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.” The “ayes” were unanimous.

***At 9:18 p.m. the meeting was adjourned.***

---

Kathleen Flanagan, Town Clerk

---

Mike Ham, Mayor