



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, June 9, 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, Mike Looney
Member, Burkett Lyburn

Absent

All Council Members were present.

Also Present

Town Manager, Val Foulds
CFO, Joan Grant
Police Chief, Danny Plott
Zoning Administrator, Brendan McHugh
Town Clerk, Kathleen Flanagan

Call to Order

Mayor Ham called the meeting to order at 7:04 p.m.

Roll Call of Members

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

All Council Members were present when called, except Ms. Goforth who arrived at 7:14 p.m.

Additions to the Agenda

Mayor Ham requested Resolution #38-16 could be added to the agenda. Mayor Ham noted the resolution establishes a date and time for the July regular Council meeting.

With no objections, Res #38-16 was added to the agenda.

Approval of the Agenda

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

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

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

Approval of Minutes

A motion was made by Mr. Looney to approve the minutes for the February 25, 2016 Work Session. Mr. Edwards seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to approve the minutes passed unanimously.

Council Announcements

Mr. Edwards thanked everyone for coming to the Memorial Day Service.

Mr. Lyburn reminded everyone to stay safe while driving around, and if something does not look right, say something.

Mr. Blunt moved to the podium.

Mr. Blunt discussed that while he was collecting signatures, at least 190 people provided feedback, worries and concerns.

Mr. Blunt noted we will now have the highest real estate taxes among Caroline, Culpeper, King George, Orange, Spotsylvania, Stafford and Westmoreland counties at \$1.14 per \$100.

Mr. Blunt is concerned we do not concentrate on what the town has to offer and do not do enough in the area of tourism. Colonial Avenue is not metered and is our gateway. Colonial Avenue needs a major facelift.

Hotels and motels are closed and there are no incentives, such as tax incentives, to entice new ones.

Mr. Blunt suggested the town hire an economic development professional, even if it means cutting other parts of our work force.

Mr. Blunt noted that he has requested, but not received information on the percentages of full time and part time residents, which information he believes is needed when looking at staffing and infrastructure needs. This is the type of information an economic development study could provide.

Mr. Blunt noted “The real question is who do we want to be and what do we want to do to get there?”

Mr. DiRosario noted he was glad Mr. Blunt agreed with what he had been saying for over a year. Mr. DiRosario said it is incumbent upon the town to come up with innovative ways to reduce the taxes levied on the taxpayer.

Mr. Looney reported on school events, including the senior awards banquet, awards ceremony, and honor society inductions. On June 10 at 1:00 p.m. there will be a groundbreaking ceremony for the new elementary school. On June 12 at 2:00 p.m. there will be a graduation ceremony.

Ms. Goforth noted she agrees with Mr. Blunt and believes we need to try to accomplish new things.

Presentations

Recognition of Ms. Christina Saunders and Mr. Adam Schafer

Mayor Ham announced that Ms. Saunders and Mr. Schafer have received the title of Deputy Master Government Treasurer through the Weldon Cooper Center.

Mayor Ham and Ms. Grant congratulated their accomplishments.

Certificate of Appreciation

Mayor Ham presented a Certificate of Appreciation to Rosemary Higgs for 13 years of service to the Colonial Beach Tourism Advisory Council.

Ms. Foulds, Town Manager

Ms. Foulds reminded Council it was festival weekend.

Chief Danny Plott

Chief Plott noted the police department will be assisted this weekend by the Westmoreland County Sheriff's Office and the Virginia State Police.

Chief Plott reported that in May the department answered 762 calls for service.

Chief Plott responded to a question that the recent fatality that occurred in Monroe Bay is under the jurisdiction of the Virginia Marine Police.

Chief Plott expressed appreciation to the volunteer fire department, as they responded with equipment, maps and a water rescue vehicle.

Mr. Larry Roberson, Westmoreland Board of Supervisors

Mr. Roberson reported that the county continues to work on a new rescue squad building in the Oak Grove area.

Ms. Robin Schick, Chairperson, Planning Commission

Ms. Schick noted the Commission has been working on a rezoning and request for a Conditional Use Permit for Beachgate Motel, as well as a parking ordinance.

Unfinished Business

Resolution #20-16, Approval of Capital Improvement Plan (CIP)

A motion was made by Mr. Blunt to adopt Res #20-16. Mr. Lyburn seconded the motion.

Mr. Looney requested the item "backup generator" be marked as "funded" in the actual Capital Improvement Plan.

Mayor Ham thanked the Planning Commission for their hard work.

Mayor Ham call for a voice vote on the motion. All in favor, signify by saying "aye." Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said "aye." The "ayes" were unanimous.

The motion to adopt Resolution #20-16 passed unanimously.

RESOLUTION #20-16, APPROVAL OF CAPITAL IMPROVEMENT PLAN (CIP)

WHEREAS the Colonial Beach Planning Commission, in accordance with state law, has reviewed the Capital Improvement Program 2016 for the Town of Colonial Beach; and

WHEREAS the Colonial Beach Town Council, in accordance with state law, has given the Capital Improvement Program 2016 for the Town of Colonial Beach deliberate and thoughtful consideration; and

WHEREAS Capital Improvement Program 2016 for the Town of Colonial Beach is an important tool to assess the needs of the community and plan appropriately for future needs.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council meeting in regular session, Thursday, June 9, 2016 that the attached Capital Improvement Plan 2016 is hereby approved.

New Business

Public Hearing

Ordinance No. 676, Amends Town Code, Chapter 20, “Taxation”

Mayor Ham summarized Ordinance No. 676, noting there is a \$.02 cent real estate tax increase to offset the reduction in property values contained in the recent assessment. Further, the ordinance contains a 20 percent reduction in personal property tax – from \$4.00 to \$3.20.

Public Input

At 7:32 p.m. Mayor Ham opened the Public Hearing.

There was no public comment.

At 7:32 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. Looney noted that Section 20-58 in the Town Code, which deals with the disposition of proceeds from the meals and lodging tax, calls for proceeds to be used for beach maintenance and improvement, promotion of tourism, recreation and related purposes.

Mayor Ham responded that that sentence had been deleted or no longer applies.

Ms. Foulds responded that the town’s previous auditor, Miller Foley, assured her that the town was not in violation.

Mr. Edwards made a motion to adopt Ordinance No. 676 as written. Mr. Lyburn seconded the motion.

Mayor Ham call for a roll call vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Ordinance No. 676 as written passed unanimously.

ORDINANCE NO. 676

ORDINANCE NO. 676 AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 20, ARTICLE I, “IN GENERAL,” ‘TAXATION,’ SECTION 20-2, “REAL ESTATE TAX” TO INCREASE REAL ESTATE TAXES BY TWO (2) CENTS FROM .68 TO .70 PER \$100 OF ASSESSED VALUE AND AMENDS SECTION 20-1, “DUE DATE FOR TAXES ON TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS, ETC.” TO DECREASE THE PERSONAL PROPERTY TAX FROM \$4.00 PER \$100 OF ASSESSED VALUE TO \$3.20 PER \$100 OF ASSESSED VALUE. ORDINANCE NO. 676 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 15.1.2-1125.

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 0.70 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 (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 by the Colonial Beach Town Council, that the Colonial Beach Town Code, Chapter 20, “Taxation,” Article 1, “In General,” Section 20-1, “Due date for taxes on tangible personal property, machinery and tools, etc.; penalty and interest on delinquencies” shall be amended to read as follows:

“All town taxes on tangible personal property, machinery and tools, public service corporations and merchants’ capital shall be due and payable by December 5 of the tax year.

The tax rate for personal property shall be as follows:

Personal property (excluding boats)..... \$3.20
Farm machinery..... \$2.60”

This Ordinance shall take effect July 1, 2016.

Resolution #34-16, Adoption and Appropriation of Fiscal Year 2016-2017 Budget

Mayor Ham summarized Resolution #34-16.

Public Input

At 7:37 p.m. Mayor Ham opened the Public Hearing.

There was no public comment.

At 7:37 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mayor Ham noted Council has to wait seven days before voting on Res #34-16.

On June 16, a Special Meeting will be called to take action and adopt the budget.

Ordinance No. 677, Conditional Use Permit, 125 Wilder Avenue

Mayor Ham summarized Ordinance No. 677, noting it has been forwarded to Council with a favorable recommendation by the Planning Commission

Public Input

At 7:38 p.m. Mayor Ham opened the Public Hearing.

Robin Schick spoke as agent for Ms. Kay Marlin who is looking to operate a mixed residential/commercial use building in the revitalization area. Ms. Schick reported that previously the property was a boarding house with 11 bedrooms.

Mr. Blunt asked how many apartments are there. Ms. Schick answered three. Parking spaces are not a requirement of the district because of the walkability of the area.

At 7:43 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. Blunt made a motion to adopt Ordinance No. 677 as written. Mr. Edwards seconded the motion.

Mr. Looney asked Mr. McHugh several questions about the conditions/agreement.

Mayor Ham call for a roll call vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Ordinance No. 677 passed unanimously.

ORDINANCE NO. 677

Conditional Use Permit

125 Wilder Avenue

WHEREAS Robin Schick has applied as the agent for Ms. Kay Marlin for a Conditional Use Permit (CUP) to operate a Mixed Residential/Commercial Use Building located at 125 Wilder Avenue (3 A2-2-87-2); and

WHEREAS a public hearing before the Colonial Beach Planning Commission and the Colonial Beach Town Council was properly advertised and conducted.

NOW THEREFORE BE IT ORDAINED by the Colonial Beach Town Council, on Thursday, June 9, 2016 that a Conditional Use Permit to operate a Mixed Residential/Commercial Use building is approved, subject to the following conditions:

1. The applicant/property owner shall record a properly certified copy of this Ordinance in the Westmoreland County Circuit Court Clerk's office and provide a copy of the recorded document to the Planning Department with the deed book and page number.
2. The applicant/property owner shall comply with all federal, state and local laws and/or Ordinances. The applicant/property owner shall also permit reasonable access to documents and the property by the appropriate officials as are necessary to verify compliance with all federal, state and local laws.
3. The applicant/property owner shall notify the Department of Planning and Community Development prior to any occupants in the office space(s) in order to ensure that the occupant's use is permitted based on the Uniform Statewide Building Code and the Colonial Beach Zoning Ordinance as well as any other applicable laws and regulations.

Resolution #31-16, Amends Fiscal Year 2015-2016 School Budget

Mayor Ham summarized Resolution #31-16.

Action by Town Council

Mr. Edwards made a motion to adopt Resolution #31-16, as written. Mr. Lyburn seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying "aye." Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said "aye." The "ayes" were unanimous.

The motion to adopt Resolution #31-16, as written, passed unanimously.

Resolution #31-16 Amends Fiscal Year 2015-2016 School Budget

WHEREAS, on or about March 7, 2016, the Colonial Beach School Board received a refund of \$142,212 from the Northern Neck Regional Special Education Program ("NRRSEP") after the Colonial Beach School Board withdrew from NRRSEP as a participating member, and

WHEREAS, the Colonial Beach School Board seeks to utilize the funds for equipment and personnel costs related to the Colonial Beach School Board’s special education programming.

NOW, THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, June 9, 2016, hereby adopts an amendment to Fiscal Year 2015-2016 budget as follows:

	FY 2015-16 Approved	FY 2015-16 Revised	Change
School Fund	\$16,480,905.24	\$16,623,117.24	\$142,212+

BE IT FINALLY RESOLVED that the funds identified in the budget amendment shall be appropriated for expenditure upon adoption of this Resolution.

RESOLUTION #35-16, Appoints Harry George Prassenos to the Colonial Beach Planning Commission

Mayor Ham reported that there had been previous discussion about this.

Action by Town Council

Mr. Edwards made a motion to postpone action on Resolution #35-16 in order to provide Mr. Prassenos time to make corrections. Mayor Ham noted that Mr. Prassenos has a permit, but has a certain amount of time to complete the work. Mr. Looney seconded the motion to postpone.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” Mr. Blunt responded “I abstain.” Ms. Goforth responded “I oppose.” The vote was 5-1 with one abstention.

The motion to postpone Resolution #35-16 passed unanimously.

RESOLUTION #38-16, Establishment of date and time for July Town Council Regular Meeting

Mayor Ham summarized the resolution.

Action by Town Council

Mr. DiRosario made a motion to adopt Resolution #38-16. Mr. Looney seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Ms. Goforth Mr. Lyburn, Mr. Edwards, and Mayor Ham all said “aye.”

The motion to adopt Resolution #38-16 passed unanimously.

RESOLUTION #38-16, Establishment of date and time for July Town Council Regular Meeting

WHEREAS the Town Council will hold its annual Organizational Meeting in July, 2016; and

WHEREAS, the current schedule set by the Town Council only includes regular meetings scheduled through June, 2016.

BE IT THEREFORE RESOLVED by the Colonial Beach Town Council that Thursday, July 14, 2016 be established as the next regular meeting of Town Council and as its Organizational Meeting.

Citizen Input

There were no citizens wishing to speak.

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. DiRosario, Mr. Blunt, Ms. Goforth, Mr. Edwards, Mr. Lyburn Mr. Looney, and Mayor Ham voted “aye.” The motion to adjourn passed unanimously.

At 7:59 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor