



**Minutes of the  
Colonial Beach Town Council  
Regular Meeting held on  
Thursday, March 10, 2016 at 7:00 p.m.**

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

**Present**

Mayor, Mike Ham  
Member, Wayne DiRosario  
Member, Tommy Edwards  
Member, Mike Looney

**Absent**

All Council Members were present with the exception of Mr. Blunt, Ms. Goforth and Mr. Lyburn

**Also Present**

Town Manager, Val Foulds  
Town Attorney, Andrea Erard  
Police Chief, Danny Plott  
Town Clerk, Kathleen Flanagan

**Call to Order**

Mayor Ham called the meeting to order at 7:03 p.m.

**Roll Call of Members**

Mayor Ham requested a roll call of members. Mr. DiRosario responded "here," Mr. Edwards responded "here," Mr. Looney responded "here," and Mayor Ham responded "here."

*A quorum of Council Members were present.*

## **Additions to the Agenda**

Mr. Looney suggested a discussion of the request by Dr. Fahrney for a heat pump.

Mayor Ham queried council on their agreement with the change. All in favor, signify by saying “aye.” Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all said “aye.” The “ayes” were unanimous.

*The agenda was amended as stated.*

## **Approval of the Agenda**

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

Mayor Ham called for a voice vote on the motion to approve the amended agenda. All in favor, signify by saying “aye.” Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all said “aye.” The “ayes” were unanimous.

*The motion to approve the agenda, as amended, passed unanimously by council members present.*

## **Approval of Minutes**

A motion was made by Mr. Edwards to approve the minutes for the January 14, 2016 Regular Meeting. Mr. Looney seconded the motion.

Mayor Ham called for a voice vote on the motion to approve the minutes. All in favor, signify by saying “aye.” Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all said “aye.” The “ayes” were unanimous.

*The motion to approve the minutes, as amended, passed unanimously by council members present.*

## **Council Announcements**

**Mr. DiRosario** noted the second Lunch and Learn session was held on March 9.

**Mr. Looney** thanked the Town Manager for the Lunch and Learn and for the Historic Preservation meeting on March 2.

Mr. Looney noted the school met all standards in the recent round of testing.

Mr. Looney pointed out the architectural rendering of the new elementary school building, which is on display in Town Center.

## **Presentations**

### **Ms. Foulds, Town Manager**

Ms. Foulds thanked Town Council for the ability to host the recent meeting.

Ms. Foulds then turned over the microphone to Chief Plott.

### **Danny Plott, Police Chief**

Chief Plott reported that there is a more potent and cheaper brand of heroin around. There have been several overdoses in Colonial Beach, in King George and Westmoreland counties, as well as all over the United States.

The Police Department works with the Drug Task Force.

Mr. Looney thanked Chief Plott and the Town Manager for the presentation.

### **Robin Schick, CB Planning Commission Chair**

Ms. Schick reported that the Planning Commission has formally recommended Council appoint Eric Nelson to the Commission.

### **Larry Roberson, Supervisor, Westmoreland County**

Mr. Roberson noted the assessments came in lower and the county is addressing a tax increase.

## **Unfinished Business**

Mr. Looney addressed the request made by Dr. Fahrney for a new heat pump at the community center.

Ms. Foulds reported that Dr. Fahrney provided her with two proposals ranging from \$6,000 to \$24,000 for replacement of the HVAC system.

Ms. Foulds further noted that, according to the lease agreement, the tenants are responsible for improvements.

Mayor Ham recommended Council look at this request in two weeks and make a decision. Ms. Foulds would like to have staff look at the building to determine, among other things, the life expectancy of the building.

Mr. Looney agreed with Mayor Ham.

Mayor Ham asked Dr. Fahrney to formally request, in writing, what the Foundation is asking for.

*Council members present agreed to include the request on the agenda for the upcoming Work Session.*

## **New Business**

### **Public Hearing** **Resolution #12-16, Amends FY 15-16 Budget**

Mayor Ham summarized Resolution #12-16. Council discussed this at the January 2016 Work Session.

### **Public Input**

At 7:26 Mayor Ham opened the Public Hearing.

There was no public comment.

At 7:26 p.m. Mayor Ham closed the Public Hearing.

### **Action by Town Council**

Mr. Looney made a motion to approve Resolution #12-16 as written. Mr. Edwards seconded the motion.

### **Vote on Motion to Amend Resolution #12-16**

Mr. Looney made a motion that the following language be added: “Whereas, the funds originated as insurance proceeds from the fire at the Old High School and bond proceeds which were issued in 2015; and”

Mayor Ham called for a voice vote to amend the resolution. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**The motion to amend Resolution #12-16 passed with a unanimous vote by Council Members present.**

### **Vote on Motion to Approve Resolution #12-16, as amended**

Mayor Ham called for a voice vote to approve the resolution, as amended. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**The motion to approve Resolution #12-16, as amended, passed with a unanimous vote by Council Members present.**

**Resolution #12-16, Amendment of Fiscal Year 2015-2016 Budget for General Fund and School Fund**

**WHEREAS**, the Colonial Beach Town Council recognizes the need for certain capital and infrastructure improvements and finds that it is prudent to fund these improvements for the health, safety and general welfare of all residents and to enhance the Town’s ability to attract visitors and increase tourism; and

**WHEREAS**, the Colonial Beach School Board has requested the transfer of prior-year funds; and

**WHEREAS**, the funds originated as insurance proceeds from the fire at the old High School and the bond proceeds which were issued in 2015; and

**WHEREAS**, on Thursday, March 10, 2016 the Town Council conducted a duly advertised public hearing to seek public input.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, March 10, 2016, hereby adopts and appropriates an amendment to Fiscal Year 2015-2016 budget as follows:

	FY 2015-16 Approved	FY 2015-16 Revised	Change
General Fund	\$8,527,779	\$9,213,260	+\$685,481
School Fund	\$6,852,804	\$7,743,537	+890,733

**BE IT FURTHER RESOLVED** that the increase in the General Fund budget will be allocated as shown below:

Buildings and Grounds – Capital Projects                      4-100-043100-8212    \$672,000

Volunteer Fire Department – Contributions                      4-100-032200-5605    \$13,481

*Funds appropriated in FY 2016 for Capital Improvements will not lapse at the end of the year, but shall remain appropriated for the life of the project(s) until completion, or until the Town Council eliminates the appropriation.*

**Resolution #13-16, Resolution to Authorize Advertisement of Ordinance to Vacate Alley on Old High School Property**

Mayor Ham summarized Resolution #13-16.

**Action by Town Council**

Mr. Edwards made a motion to adopt Resolution #13-16 as written. Mr. Looney seconded the motion.

Mr. Looney asked to whom will the alley way belong once it is vacated and abandoned. Mayor Ham and Ms. Erard answered that it will belong to the Town.

**Vote on Motion to Approve Resolution #13-16 as written**

Mayor Ham called for a voice vote. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**The motion to approve Resolution #13-16, as written, passed with a unanimous vote of Council Members present.**

**RESOLUTION #13-16, RESOLUTION TO AUTHORIZE ADVERTISEMENT OF ORDINANCE TO VACATE ALLEY ON OLD HIGH SCHOOL PROPERTY**

**WHEREAS** there is a ten foot (10’) alley that is approximately four hundred ninety and a half feet (490.53’) in length, which is perpendicular to Douglas Avenue, as shown on the plat prepared by Allison, Baird & Sehl, P.C., dated February 8, 2016 (the “alley”); and

**WHEREAS** the alley has never been developed or used for any public purpose; and

**WHEREAS** the Colonial Beach Town Council seeks to vacate/abandon the alley.

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its regularly scheduled meeting on March 10, 2016 that, in accordance with Virginia Code § 15.2-2006, the Colonial Beach Town Council authorizes advertisement of an ordinance to vacate/abandon the ten foot (10’) alley that is approximately four hundred ninety and a half feet (490.53’) in length, which is perpendicular to Douglas Avenue, as shown on the plat prepared by Allison, Baird & Sehl, P.C., dated February 8, 2016.

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**Resolution #14-16, Resolution Regarding Piers**

Mayor Ham summarized Resolution #14-16.

**Action by Town Council**

Mr. Looney made a motion to approve Resolution #14-16 as written. Mr. Edwards seconded the motion.

Mr. Looney recommended two changes:

(1) Under the first and second “BE IT FURTHER RESOLVED” change “eight” feet to “four” feet wide and add “on either side of the pier.”

(2) Under the first “BE IT FURTHER RESOLVED” add the language “or at the end of their current lease term.”

Mayor Ham recommended one change to strike the final “BE IT RESOLVED” paragraph. Mr. Looney agreed.

**Vote on Motion to Amend Resolution #14-16**

Mayor Ham called for a voice vote on the amendments presented. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**Vote on Motion to Adopt Resolution #14-16**

Mayor Ham called for a voice vote. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**The motion to adopt Resolution #14-16, as amended, passed with a unanimous vote of Council Members present.**

**RESOLUTION #14-16, RESOLUTION REGARDING PIERS**

**WHEREAS** the Colonial Beach Town Council has conducted an extensive and thorough analysis of the current method of pier rentals on Town property in Colonial Beach; and

**WHEREAS** the Colonial Beach Town Council seeks to reduce bureaucracy and conform to state law; and

**WHEREAS** the Colonial Beach Town Council also wants to benefit and protect the property owners who invest in constructing piers in the Town of Colonial Beach;

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its regularly scheduled meeting on March 10, 2016 that the Town Attorney is directed to prepare an ordinance repealing Article II – “Construction and Maintenance of Piers or Wharves and Shoreline Maintenance Agreements on Town Property” in Chapter 5 – “Beaches, Waterways, Boardwalk, Parks, Recreational Areas and Facilities,” in the Colonial Beach Town Code; and

**BE IT FURTHER RESOLVED** that the Town Manager and the Town Attorney are directed to initiate a process whereby existing pier leaseholders in good standing shall be offered the opportunity to purchase the property where their piers are located now provided that the property is at least four feet (4’) wide on either side of the pier, or at the end of their current lease term; and

**BE IT FINALLY RESOLVED** that the Town Manager and the Town Attorney are directed to notify existing pier leaseholders who are not in good standing that the Town of Colonial Beach seeks to terminate those leases and that they may purchase the property where their piers are located, provided that the property is at least four feet (4’) wide on either side of the pier.

## **Resolution #15-16, Resolution regarding Business Licenses**

Mayor Ham summarized Resolution #15-16.

### **Action by Town Council**

Mr. Looney made a motion to approve Resolution #15-16 as written. Mr. Edwards seconded the motion.

### **Vote on Motion to Approve Resolution #15-16 as written**

Mayor Ham called for a voice vote. Mr. Looney, Mr. DiRosario, Mr. Edwards, and Mayor Ham all voted “aye.”

**The motion to approve Resolution #15-16 passed with a unanimous vote of Council Members present.**

## **RESOLUTION #15-16, RESOLUTION REGARDING BUSINESS LICENSES**

**WHEREAS** the Town of Colonial Beach seeks to ensure the Town’s compliance with state law; and

**WHEREAS** it has been several years since the portions of the Colonial Beach Town Code pertaining to business licenses have been updated.

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its regularly scheduled meeting on March 10, 2016, that the Town Attorney is directed to prepare an ordinance updating all of the portions the Colonial Beach Town Code pertaining to business license taxes to make it consistent with state law; and

**BE IT FINALLY RESOLVED** that the Town Clerk shall properly advertise the ordinance prepared by the Town Attorney for a public hearing at the April 14, 2016 meeting of the Colonial Beach Town Council.

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## **Citizen Input**

Rick Davis, noted he had transmitted several questions via the website and has not received any answers. His question asked where the \$135,000 earmarked for mold removal at the old Town Hall has gone. Has the mold and roof repairs been addressed?

Mr. Davis asked if the town checks on maintenance in town-owned buildings.

Mr. Davis asked if the bent pole on the swing set on the beach will be repaired or the swing set be removed.

Mayor Ham responded saying the detail information as to how the \$135,000 was spent was gone over at several meetings.

Walter Kern, 2400 McKinney Boulevard, spoke to the underground streams that run through the Town. One is under Rankins Shopping Center and comes to surface at 700 Colonial Avenue. One is in front of the old high school/elementary school, which is in a flood zone, and surfaces to the other side of the water tower, across and through the Rescue Squad parking lot.

Mr. Kern then spoke to the Town's removal of trees when they tore down the old school and said had it been a private owner, the owner would be forced to replace those trees.

Mr. Kern then spoke to Euclid Avenue, which runs from 1<sup>st</sup> Street to 15<sup>th</sup> Street in Classic Shores. When Bluff Point was developed, that is when the bike path was put into place.

Mr. Kern then spoke to the road coming out of Public Works onto Route 205, that road is not a state road. Mr. Kern requested a stop sign be placed at the entrance.

### **General Council Comments**

Mayor Ham asked Ms. Schick to introduce Eric Nelson, who is under consideration for appointment to the Planning Commission.

Ms. Schick introduced Mr. Nelson.

### **Closed Meeting**

There was no closed meeting.

### **Adjournment/Recess**

Mr. Edwards made a motion to adjourn. Mr. Looney 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. Edwards, Mr. Looney, and Mayor Ham voted "aye." The motion to adjourn passed unanimously by Council members present.

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

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Kathleen Flanagan, Town Clerk

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Mike Ham, Mayor