



**Minutes of the  
Colonial Beach Town Council  
Special Meeting to hold a  
Work Session held on  
Thursday, March 24, 2016 at 4:30 p.m.**

Colonial Beach Town Hall  
315 Douglas 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**

Police Chief, Danny Plott  
Zoning Administrator, Brendan McHugh  
Town Clerk, Kathleen Flanagan

**Call to Order**

Mayor Ham called the meeting to order at 4:35 p.m.

**Roll Call of Members**

Mayor Ham noted that all Council members were present.

**All Council Members were present.**

**Presentations**

**Town Manager Update**

Ms. Foulds was not in attendance.

## **January Department Reports**

Mr. Looney thanked Ms. Grant for encouraging her employees to continue to take classes.

## **Old Business**

### **Discussion of renovations at old Lions Club building**

Mr. Blunt recommended supporting the HVAC system as the building is being used as a community center. Mr. Blunt then noted that, hopefully, one day the town will have a municipal center with a community center.

Mr. Looney agreed with Mr. Blunt, but would like to see a set amount.

Mr. Looney thanked Mr. Edwards for his suggestion and Mr. Monroe for his inspection of the building.

Mayor Ham suggested having a resolution before Council at the April regular meeting with language saying “an amount not to exceed \$8,000.”

*All Council Members were in agreement.*

### **Repairs to the bike path at 12<sup>th</sup> Street**

Mayor Ham suggested the Town Manager brief Council on what the town currently does in the way of maintenance and what would be the cost to tar and chip or gravel the bike path.

Mr. Looney suggested Council be more specific as to which bike path.

Mayor Ham noted there is one that runs from 12<sup>th</sup> Street to the Meadows, and another one that runs from 7<sup>th</sup> Street to 12<sup>th</sup> Street.

Mr. Blunt noted the path between 12<sup>th</sup> Street and the Meadows is paved, but when you cross over 12<sup>th</sup> Street, it's no longer paved.

Mayor Ham suggested Public Works present proposals on what can be done.

*All Council Members were in agreement.*

## **New Business**

### **Discussion of the Sale of Parcel B, 5<sup>th</sup> Street, to Curtland and Melinda Fields**

Mayor Ham noted this was part of a previous abandonment of a ROW and would need a public hearing.

Mr. Looney asked if a fair market value had been obtained. Mr. McHugh answered the owner will be asked to secure an appraisal.

*There was Council agreement to schedule a public hearing to be held at the April 14 regular meeting.*

### **Discussion of 2016 Capital Improvement Plan**

Mayor Ham noted the Planning Commission has held a Public Hearing. Mayor Ham suggested Town Council hold a Public Hearing at the April 14 regular meeting.

Mr. Looney asked if action can be deferred at the April 14 meeting. Mayor Ham answered yes.

*There was Council agreement to schedule a public hearing to be held at the April 14 regular meeting.*

### **Discussion of Planning Commission recommendation for appointment**

Mayor Ham noted the Planning Commission has recommended Eric Nelson for appointment to the Planning Commission.

Mr. Looney asked Mr. Nelson previously if he foresaw any potential conflict of interest and asked if his participation on the board of the Colonial Beach Foundation would create a potential conflict of interest.

Mr. Nelson answered that he could recuse himself from any votes concerning the Colonial Beach Foundation.

Mr. Looney noted Mr. Nelson's experience in conflict resolution will be helpful in this new era of increased citizen involvement.

Mayor Ham suggested scheduling a resolution appointing Mr. Nelson at the April 14 regular meeting.

Ms. Schick spoke from the audience and asked if Council could vote today so Mr. Nelson would be able to participate in the next Planning Commission meeting.

### **Motion to add and vote on Resolution #19-16**

Ms. Goforth made a motion to add and vote on Resolution #19-16. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. Ms. Goforth, Mr. Looney, Mr. Edwards, Mr. Blunt, Mr.

Lyburn, Mr. DiRosario and Mayor Ham all voted “aye.”

*The motion to approve Resolution #19-16 passed unanimously.*

## **RESOLUTION #19-16, APPOINTS ERIC NELSON TO THE COLONIAL BEACH PLANNING COMMISSION**

**WHEREAS**, there is a vacancy on the Colonial Beach Planning Commission; and

**WHEREAS**, Eric Nelson has indicated his willingness to serve on the Planning Commission and has submitted an application and participated in an interview by the Planning Commission; and

**WHEREAS**, the Planning Commission has considered the submitted application and recommends that Eric Nelson be appointed to serve on the Colonial Beach Planning Commission.

**NOW, THEREFORE**, the Town Council, meeting in a work session, Thursday, March 24, 2016 hereby appoints Eric Nelson to the Colonial Beach Planning Commission for a four-year term expiring on March 31, 2020.

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### **Discussion to authorize the Town Attorney to proceed with legal action**

Mayor Ham asked if there were questions from Council.

Ms. Goforth asked if there was an update. Mr. McHugh responded the citizen put up “No Trespassing” signs, which leads to this request for legal action.

Mr. Edwards noted an official of the Town should have the right to go on citizen property when carrying out her official duties.

Mr. Edwards further noted the attorney should be able to proceed without Council approval.

Mr. Looney asked if Council approves Article 2, will doing so affect this action. Mayor Ham responded that this request is under the current ordinance and does not believe that would lessen the violation.

Mr. Edwards asked if it would be appropriate for the Planning Commission to review the current regulations. Mayor Ham suggested the Planning Commission be provided a copy of the proposed changes for their input, but noted it is a legal matter.

Mayor Ham noted the citizen was cited in September, 2015 for being in violation of Town Code. In October, 2015 the citizen installed signs “Private Property Keep Out.” The citizen has not responded to enforcement efforts by staff. Now the Town Attorney is requesting to take legal action as an enforcement tool.

Mayor Ham queried Council to include a resolution on the April 14 regular meeting agenda.

Mayor Ham further recommended a review of the Town Attorney's contract.

*There was Council agreement to include a resolution at the April 14 regular meeting.*

### **Ordinance No. 673, Vacates and Abandons an Undeveloped Alley/Unopened Right of Way**

Mayor Ham noted this alleyway is off of Douglas Avenue and is approximately 400 feet and runs through the old elementary school property and currently is designated a Right of Way.

Mayor Ham recommended vacation of the alleyway/right of way in order to market the property, which will become Parcel A and Parcel B – one parcel where the current Town Hall is and one parcel to sell, with the largest road frontage on Douglas Avenue belonging to the parcel to sell. One parcel is approximately 2.7 acres and the other is .78 acres.

The first step is to abandon the alleyway/right of way before any parcels can be recorded. Then a surveyor will draw a new survey that shows two parcels, which can then be recorded. Then the recommendations from Planning Commission as to the recommended zoning designations will be heard.

*There was Council agreement to schedule a public hearing to be held at the April 14 regular meeting.*

### **Ordinance No. 674, Amends the Colonial Beach Town Code, Chapter 5, “Beaches, Waterways, Boardwalk, Parks, Recreational Areas and Facilities”**

Mayor Ham noted this takes out Article 2, which references the agreement on piers and wharves, which will be revised by the Town Attorney.

*There was Council agreement to schedule a public hearing to be held at the April 14 regular meeting.*

### **Resolution #16-16, Referral of CUP-01-2016 to the Colonial Beach Planning Commission**

Mayor Ham noted the Conditional Use Permit is for the School Board who has applied for a Zoning Application for Land Development Permit. Mayor Ham recommended Council vote today to refer this matter to the Planning Commission.

Mayor Ham recommended two changes to Resolution #16-16. One, in the “NOW THEREFORE BE IT RESOLVED” change “April 14, 2016” to March 24, 2016. Two, in the final paragraph add the words “prior to April 14, 2016.”

In order to meet a deadline, the Planning Commission can hold a public hearing on April 7 and Town Council can hold a public hearing on April 14.

**Motion to amend and vote on Resolution #16-16**

Ms. Looney made a motion to amend and vote on Resolution #16-16, as amended. Mr. Blunt seconded the motion.

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

*The motion to approve Resolution #16-16, as amended, passed unanimously.*

**RESOLUTION #16-16, Referral of CUP-01-2016 to the Colonial Beach Planning Commission**

**WHEREAS** the Colonial Beach School Board has submitted a Zoning Application for Land Development Permit on February 4, 2016; and

**WHEREAS** the Colonial Beach School Board is requesting a Conditional Use Permit for the property located at 100 First Street in the Town of Colonial Beach; and

**WHEREAS** the Conditional Use Permit requested by the Colonial Beach School Board is necessary to construct a new elementary school.

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council, at its meeting on March 24, 2016 that CUP-01-2016, the request by the Colonial Beach School Board for a Conditional Use Permit, is hereby referred to the Colonial Beach Planning Commission for a public hearing and recommendation in accordance with state law; and

**BE IT FURTHER RESOLVED** that the Colonial Beach Planning Commission is directed to expeditiously provide a recommendation to the Colonial Beach Town Council specific to the Conditional Use Permit prior to April 14, 2016.

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**Resolution #17-16, Amendment of Fiscal Year 2015-2016 Budget for General Fund and School Fund from VPSA General Obligation Bond**

Mayor Ham summarized the resolution in order for the Town to accept the bond money for the construction of the elementary school. Because the total amount is over 1% of the budget, a public hearing must be held.

*There was Council agreement to schedule a public hearing to be held at the April 14 regular meeting.*

**Resolution #18-16, Resolution Accepting Conveyance of the Old High School Property**

Mayor Ham noted this resolution accepts Resolution 2016-2 by the School Board, dated March 22, 2016, which incorporates the Memorandum of Understanding between the Town and the School Board by reference.

**Motion to vote on Resolution #18-16**

Mr. Edwards made a motion to add and vote on Resolution #18-16. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote. Mr. Looney, Mr. Edwards, Mr. Blunt, Mr. Lyburn, Mr. DiRosario and Mayor Ham all voted “aye.” Ms. Goforth voted “nay.”

*The motion to approve Resolution #18-16 passed with a six to one vote.*

**RESOLUTION #18-16, RESOLUTION ACCEPTING CONVEYANCE OF THE OLD HIGH SCHOOL PROPERTY**

**WHEREAS** on March 22, 2016 the Colonial Beach School Board approved a Resolution declaring the Old High School Property Surplus in accordance with Virginia Code § 22.1-129; and

**WHEREAS** the Chairman of the Colonial Beach School Board has properly endorsed a quitclaim deed conveying the Old High School Property to the Town of Colonial Beach; and

**WHEREAS** the deed conveys to the Town a .7874-acre parcel of land located at the corner of Livingstone Street and Douglas Avenue in the Town of Colonial Beach, which is identified as Parcel A on a plat prepared by Allison, Baird & Sehl, P.C., dated February 8, 2016; and

**WHEREAS** the deed conveys to the Town a 2.0763-acre parcel of land located at the corner of Douglas Avenue and Wilder Avenue in the Town of Colonial Beach, which is identified as Parcel B on a plat prepared by Allison, Baird & Sehl, P.C., dated February 8, 2016.

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its Work Session on March 24, 2016 that, in accordance with Virginia Code § 15.2-1803, the Colonial Beach Town Council hereby accepts parcels A and B, as identified on a plat prepared by Allison, Baird & Sehl, P.C., dated February 8, 2016 and authorizes the Mayor to execute any and all documents necessary for, or related to, the transfer of the aforementioned parcels to the Town of Colonial Beach;

**BE IT FURTHER RESOLVED** by the Colonial Beach Town Council that this Resolution shall be recorded, along with the School Board’s Resolution, in the land records of the Westmoreland County Circuit Court when the deed transferring Parcels A and B is recorded.

## **Ordinance No. 675, Amends Town Code, Chapter 15, Nuisances**

Mr. Blunt noted he would like to add to the agenda on April 14 regular meeting a draft Ordinance No. 675 regarding nuisances.

Mayor Ham recommended requesting Planning Commission review.

*There was Council agreement to recommend Planning Commission review and to schedule a public hearing on Ordinance No. 675 at the April 14 regular meeting.*

## **General Council Discussion**

Mr. Edwards asked about the new parking signs on the right-hand side of Hawthorn.

Mr. Blunt reported that he received a phone call from a property owner next to the municipal parking lot complaining that when a car exits the lot, they have a limited field of vision. The citizen recommended no parking on the right side of Hawthorn, even though there was a loss of several parking spaces.

Chief Plott noted that the Fire Department and Rescue Squad agreed that it gives them more room to maneuver. Chief Plott further noted there has been no enforcement action taken to date.

Mayor Ham noted there was discussion on this subject that took place about three years ago about only allowing parking on one side of the street due to the narrowness created by parking on both sides.

Mr. Edwards reminded everyone that this Saturday is the Easter Egg Roll starting at 10:00 a.m.

Mayor Ham passed out a House Bill from the Maryland House of Representatives regarding slots at the Riverboat, an information sheet on expected revenue, and a letter sent to the Maryland House Ways and Means Committee. Mayor Ham testified on March 7, 2016 saying it would be a good addition and would be good for the town. Proceeds would be earmarked to replacing the Harry Nice Bridge.

## **Adjournment/Recess**

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

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying "aye." Mr. Blunt, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, Ms. Goforth, Mr. Looney, and Mayor Ham voted "aye." The motion to adjourn passed unanimously by Council members present.

**At 5:52 p.m. the meeting was adjourned.**

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Kathleen Flanagan, Town Clerk

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Mike Ham, Mayor