



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, April 19, 2017 at 6:00 p.m.**

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

Present

Mayor, Eddie Blunt
Member, Frank Alger III
Member, Steve Cirbee
Member, Bill Dellar
Member, Dallas Leamon
Member, Burkett Lyburn

Absent

All Council Members were present, with the exception of Mr. Rogers.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 6:00 p.m.

Mayor Blunt noted Councilman Rogers was absent and Town Manager, Ms. Foulds was also absent.

All Council Members were present, with the exception of Mr. Rogers.

Prayer and Pledge of Allegiance

Without objection, Ms. Erard recited a short prayer and all in attendance recited the Pledge of Allegiance.

Approval of the Agenda

Mr. Lyburn made a motion to approve the agenda as presented. Mr. Alger seconded the motion.

Mayor Blunt requested a voice vote. All in favor, signify by saying “aye.” Mr. Alger, Mr. Cirbee, Mr. Dellar, Mr. Leamon, Mr. Lyburn, and Mayor Blunt all voted “aye.”

The motion to approve the agenda passed unanimously by council members present.

Motion to Adjourn

Mr. Leamon made a motion to adjourn the meeting at 8:00 p.m. Mr. Alger seconded the motion.

Mayor Blunt requested a voice vote. All in favor, signify by saying “aye.” Mr. Alger, Mr. Cirbee, Mr. Dellar, Mr. Leamon, Mr. Lyburn, and Mayor Blunt all voted “aye.”

The motion to adjourn the meeting at 8:00 p.m. passed unanimously by council members present.

Approval of Minutes

A motion was made by Mr. Lyburn to approve the minutes for the February 22, 2017 Work Session and the March 11, 2017 Work Session. Mr. Alger seconded the motion.

Mayor Blunt requested a voice vote. All in favor, signify by saying “aye.” Mr. Alger, Mr. Cirbee, Mr. Dellar, Mr. Leamon, Mr. Lyburn, and Mayor Blunt all voted “aye.”

The minutes for the February 22, 2017 Work Session and the March 11, 2017 Work Session were unanimously approved by council members present.

Council Announcements

Mr. Dellar reported that he, Kelly DeJesus, Office of Planning and Zoning, and Quinn Robertson, Planning Commissioner attended the JLUS meeting at Dahlgren. A Memorandum of Understanding will be forthcoming for the town’s consideration.

Presentations

Police Chief Danny Plott reported that in March 2017, the department answered 486 calls, of which 391 required some type of report.

Downtown Colonial Beach, Maureen McCabe reported that this Saturday is the 1st annual Earth Day celebration at Town Hill.

Robin Schick, Chairperson, Colonial Beach Planning Commission reported on the proposed Capital Improvement Plan using a power point presentation.

Old Business

There was no old business.

New Business

Public Hearing

Ordinance No. 681, Amends Town Code, Chapter 2, “Administration,” Article II, “Town Manager,” Section 2-18

Mayor Blunt summarized Ordinance No. 681.

Open Public Hearing

At 6:39 p.m. Mayor Blunt opened the public hearing.

Steve Kennedy, noted he has already received clarification on his question.

Steve Cirbee, 809 Washington Avenue noted that all state codes governing certifications already have time frames and putting an 18-month timeframe on new hires goes against state code requirements.

Eric Christenson, 18 Washington Avenue noted he does not believe it is appropriate to put a hard date in the ordinance.

Close Public Hearing

At 6:44 p.m. Mayor Blunt closed the public hearing.

Mr. Alger made a motion to adopt Ordinance No. 681 as written. Mr. Lyburn seconded the motion.

Mr. Leamon asked Ms. Erard about having a date in the ordinance.

Ms. Erard noted the date was requested by the council member who requested the ordinance and if state code requires an earlier date, that state code date will apply.

Mr. Cirbee noted he will recuse himself from the vote.

Mayor Blunt called for a roll call vote. Mr. Alger voted “aye,” Mr. Leamon voted “aye,” Mr. Dellar voted “aye,” Mr. Lyburn voted “aye,” and Mayor Blunt voted “aye.” Mr. Cirbee voted “abstain” due to the fact that he is the one who brought up an individual’s lack of certification. The motion to adopt Ordinance No. 681, as written, passed with a unanimous vote.

The motion to adopt Ordinance No. 681, as written, passed with a 5-0-1abstention vote of council members present.

ORDINANCE NO. 681

ORDINANCE NO. 681, AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 2, “ADMINISTRATION,” ARTICLE II, “TOWN MANAGER,” SECTION 2-18” TO PROVIDE FOR REGULATIONS AS TO CERTIFICATIONS/LICENSURE OF TOWN EMPLOYEES.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 2, “Administration,” Article II, “Town Manager,” Section 2-18, “General Authority with respect to personnel” be amended to read as follows:

“Sec. 2-18. - General authority with respect to personnel.

Exclusive of elective officials, all organized departments of the town shall report to the town manager and the appointment and removal of town employees shall be the prerogative of the town manager, subject to any determination that may be reached under the grievance procedure, provided for in article III of this chapter, if such grievance procedure is utilized by the employee concerned. The town manager may call upon subordinate department heads to make recommendations concerning the employment or

dismissal of town employees, but shall not be bound by their recommendation.

By June 30th of every year, the Town Manager shall provide a written statement certifying to the Town Council that all town employees have the proper licensure and/or certifications necessary under state law and regulation to perform the functions of their respective positions. In the event that a town employee is provisionally licensed and/or certified in accordance with state law and regulation, the Town Manager shall ensure that the employee is fully licensed and/or certified no later than December 31, 2018. No new employee may be hired by the Town Manager if the employee is not fully licensed and/or certified in accordance with state law and regulation, unless a resolution shall have been approved by the Town Council authorizing such hire. In addition, the offer of employment shall be contingent upon the employee signing an agreement to become fully licensed and/or certified within such reasonable time identified by the Town Manager, and agreed to by resolution of the Town Council.”

Public Hearing

Ordinance No. 682, Amends Town Code, Chapter 15, “Nuisances,” Article I, “Trash, Gabage, Weeds, Grass,” and Article II, “Public Nuisances”

Ms. Erard summarized Ordinance No. 682.

Open Public Hearing

At 6:51 p.m. Mayor Blunt opened the public hearing.

Eric Christenson, 18 Washington Avenue noted he does not believe seven days is enough time to respond and suggested fourteen days.

Close Public Hearing

At 6:54 p.m. Mayor Blunt closed the public hearing.

Mr. Alger made a motion to adopt Ordinance No. 682 as written. Mr. Dellar seconded the motion.

Mr. Lyburn noted he agrees that seven days is not a long enough time.

Mr. Cirbee asked if we respond only to complaints when enforcing ordinances.

Ms. Erard responded that was her understanding.

Mayor Blunt said no, if the code enforcement officer sees a situation, they can ask for correction.

Mr. Leamon agrees with Mr. Lyburn that seven days is not long enough. Mr. Leamon further noted he knows that the Code Enforcement officer does go out and initiate enforcement.

Mayor Blunt noted the seven day period only begins after the grass is already too high.

Mr. Dellar called the question as presented.

Mayor Blunt called for a roll call vote. Mr. Alger voted “nay,” Mr. Leamon voted “nay,” Mr. Dellar voted “aye,” Mr. Lyburn voted “nay,” Mr. Cirbee voted “aye,” and Mayor Blunt voted “aye.” With a tie vote of 3-3, the motion to adopt Ordinance No. 682 failed.

The motion to adopt Ordinance No. 682, as written, failed with a 3-3 vote of council members present.

Motion to Amend

Mr. Leamon made a motion to amend Ord No. 682, Section 15, paragraph (d) to say ten days and Section 15 (b) to reflect ten days. Mayor Blunt seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Alger voted “aye,” Mr. Leamon voted “aye,” Mr. Dellar voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” and Mayor Blunt voted “aye.” With a unanimous vote of 6-0, the motion to adopt Ordinance No. 682, as amended passed.

The motion to adopt Ordinance No. 682, as amended, passed with a unanimous vote of council members present.

ORDINANCE NO. 682

ORDINANCE NO. 682 AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 15, "NUISANCES," ARTICLE I, "TRASH, GARBAGE, WEEDS, GRASS," AND ARTICLE II, "PUBLIC NUISANCES" TO PROHIBIT ITEMS SUCH AS UNUSABLE MACHINERY COMPONENTS, DILAPIDATED EQUIPMENT, APPLIANCES OR FURNITURE IN YARDS; TO MODIFY THE NOTICE PROVISIONS REGARDING VIOLATIONS AND TO REMOVE THE APPEALS PROVISION. ORDINANCE NO. 682 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA. CODE §§15.2-1102 & 15.2-901.

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL that the Colonial Beach Town Code, Chapter 15, "Nuisances," Article I, "Trash, Garbage, Weeds, Grass," Section 15-1, "Unlawful conditions of trash, garbage, refuse, litter and other substances generally," Section 15-2, "Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally," ARTICLE II, "Public Nuisances," Section 15-11, "Prohibited," Sec. 15-12, "Abatement authority of town," Section 15-13, "Notice to property owner and occupant," and Section 15-14, "Appeal Hearing" be amended to read as follows:

**"Chapter 15 - NUISANCES
ARTICLE I. - TRASH, GARBAGE, WEEDS, GRASS**

Sec. 15-1. - Unlawful conditions of trash, garbage, refuse, litter and other substances generally.

(a) No owner of any lot or parcel of land within the town shall permit trash, garbage, refuse, litter and other substances which are reasonably liable to endanger the health of any person or injuriously affect public health or safety to remain on the lot or parcel.

(b) The exterior of all properties in the town shall be kept free of items not designed or intended for exterior use including, but not limited to, unusable machinery components, dilapidated equipment, appliances or furniture.

(c) Whenever the town manager, or the official designated by him, determines that any such unlawful condition(s) exist, he shall send a written notice to the property owner of record by first class mail sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. In the event that the address listed in the real estate tax records is different than the address of the property where the unlawful condition(s) exist, then a written notice by first class mail shall also be sent to the address where the unlawful condition(s) exist and it shall be addressed to the property resident.

(d) If the condition is not corrected within ten (10) days of the date of the notice, the town manager or his or her designee may order such condition to be corrected, either by town forces or by a private contractor. The actual cost shall be billed to the property owner and if not paid, shall be added to and collected in the same manner as taxes are collected.

Sec. 15-2. - Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally.

(a) General prohibitions.

(1) No owner of any vacant developed, or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of the town shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height.

(2) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon; or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.

(3) Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.

(b) Abatement and penalty.

(1) Whenever the town manager, or the official designated by him, has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within ten (10) days. Such notice shall be in writing, shall be sent by first class mail to the address listed in the real estate tax records, requiring such property owner to correct the condition. In the event that the address listed in the real estate tax records is different than the address of the property where the unlawful condition exists, then a written notice by first class mail shall also be sent to the address where the unlawful condition(s) exist and it shall be addressed to the property resident.

(2) If such grass, weeds, brush or other uncontrolled vegetation as prohibited by paragraph (a)(1) are not cut within the required time, the town manager or his designee shall cause them to be cut and the costs and expenses thereof shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as taxes are collected.

(3) Any owner who violates this section shall be guilty of a class 4 misdemeanor.

ARTICLE II. - PUBLIC NUISANCES

Sec. 15-11. - Prohibited.

(a) No person shall, within the corporate limits of the town, create, cause to be created, or permit the continuation of, a public nuisance which is injurious to the public morals or the health, safety or property of the citizens of the town.

Sec. 15-12. - Abatement authority of town.

The town may compel the abatement or removal of all nuisances including, but not limited to, the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises, the filling in, to the street level, fencing or protection by other means of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; and the raising or draining of grounds subject to be covered by stagnant water.

Sec. 15-13. - Notice to property owner and occupant.

(a) Whenever it appears to the town manager or the official designated by him, that any nuisance or condition referred to in section 15-12 exists, the town manager, or his designee shall notify the property owner of record of such determination by first class mail, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. In the event that the address listed in the real estate tax records is different than the address of the property where the unlawful condition(s) exist, then a written notice by first class mail shall also be sent to the address where the unlawful condition(s) exist and it shall be addressed to the property resident. If the condition is not corrected within fifteen (15) days of the date of the notice, the town manager or his designee may order such condition to be corrected, either by town forces or by a private contractor. The actual cost of abating, removing or obviating the condition or nuisance, shall be billed to the property owner, and if not paid shall be added to and collected in the same manner as taxes are collected.”

Resolution #22-17, Authorizing Advertisement of School Budget and Establishment of Meeting Dates

Mr. Alger made a motion to adopt Resolution #22-17 as written. Mr. Lyburn seconded the motion.

Mr. Dellar noted a typo in the sixth paragraph down, which was corrected.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Cirbee voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” and Mayor Blunt voted “aye.”

The motion to adopt Resolution #22-17, as written passed with a unanimous vote by council members present.

Resolution # 22-17, School Budget Adoption

WHEREAS Virginia Code section 22.1-93 requires that the Town of Colonial Beach approve a school budget no later than May 15, 2017.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on April 19, 2017 that the Town Manager is directed to advertise a budget for Colonial Beach Public Schools in the amount of \$7,187,797 for a public hearing on April 27, 2017; and

BE IT FURTHER RESOLVED that the Colonial Beach Town Council will conduct a work session and a public hearing on the budget for Colonial Beach Public Schools on April 27, 2017 at 6:00PM; and

BE IT FURTHER RESOLVED that the Colonial Beach Town Council reiterates the request made to the Colonial Beach School Superintendent for supplemental information regarding the school budget; and

BE IT FURTHER RESOLVED that the Colonial Beach Town Council asks that the supplemental information regarding the school budget be provided as soon as possible to enable the Town Council to act on the school budget; and

BE IT FURTHER RESOLVED that the Colonial Beach Town Council asks that when the supplemental information is provided that it be certified to be current, accurate and complete; and

BE IT FURTHER RESOLVED that the Colonial Beach Town Council requests that the Superintendent of Schools and the School Board Chairman attend the public hearing on April 27, 2017 and make a presentation.

BE IT FINALLY RESOLVED that the Colonial Beach Town Council will conduct a meeting on May 8, 2017 at 6:00PM for the purpose of voting on the budget for Colonial Beach Public Schools.

Resolution #23-17, Authorizes Rezoning of School Property

Ms. Erard summarized Res #23-17.

Mr. Leamon made a motion to adopt Resolution #23-17 as written. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” and Mayor Blunt voted “aye.”

The motion to adopt Resolution #23-17, as written passed with a unanimous vote of council members present.

Resolution # 23-17, Authorizes Rezoning of school properties

WHEREAS the Colonial Beach Town Council desires to sell a 2.2630 acre parcel identified as parcel B1 on the survey prepared by Allison, Baird & Sehl, P.C., entitled “Boundary Line Adjustment Showing Parcel A Revised and Parcel B1 Revised” dated September 26, 2016; and

WHEREAS the parcel identified as parcel B1 is zoned R-2; and

WHEREAS the Colonial Beach Town Council seeks to rezone the parcel identified as B1 to CR.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on April 19, 2017 that the Town Manager is directed to initiate a rezoning application for the 2.2630 acre parcel identified as parcel B1 on the survey prepared by Allison, Baird & Sehl, P.C., entitled "Boundary Line Adjustment Showing Parcel A Revised and Parcel B1 Revised" dated September 26, 2016 so as to request that the property be rezoned CR.

Resolution #24-17, Authorizes one-year extension of contract with auditor

Mr. Leamon made a motion to adopt Resolution #24-17 as written. Mr. Lyburn seconded the motion.

Mr. Cirbee proposed putting off the vote until Mr. Rogers is present.

Mr. Dellar agreed with Mr. Cirbee.

Mr. Leamon withdrew his motion to adopt. Mr. Lyburn withdrew his second to the motion.

The motion to adopt Resolution #24-17 was withdrawn with no action taken.

Motion to Place Res#24-17 on the next work session agenda

Mr. Cirbee made a motion to place Res #24-17 on the next work session agenda. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. All in favor, signify by saying "aye." Mr. Alger voted "aye," Mr. Dellar voted "aye," Mr. Leamon voted "aye," Mr. Lyburn voted "aye," Mr. Cirbee voted "aye," and Mayor Blunt voted "aye."

The motion to place Resolution #24-17, on the next work session agenda passed with a unanimous vote of council members present.

Resolution #25-17, Authorizes the Beach Enhancement Program

Mayor Blunt summarized Res #25-17.

Mr. Leamon made a motion to adopt Resolution #25-17 as written. Mr. Lyburn seconded the motion.

Mr. Cirbee objected to voting to plant trees when he witnessed public works tear up birch trees that had been planted by volunteers several years ago.

Mr. Alger asked if the palm trees would be stored and where or will we purchase new palm trees each year.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “nay,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “nay,” and Mayor Blunt voted “aye.”

The motion to adopt Resolution #25-17 passed with a 4-2 vote of council members present.

Resolution # 25-17, Authorizes Beach Enhancement Program

WHEREAS tourism is important to the local economy of the Town of Colonial Beach; and

WHEREAS attractive surroundings encourage tourism; and

WHEREAS the Colonial Beach Town Council seeks to enhance the beach areas by installing palm trees.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on April 19, 2017 that the Town Manager is authorized to order up to six palm trees for installation on the beach areas in the Town of Colonial Beach; and

BE IT FINALLY RESOLVED that the funds for this expenditure shall come from line 4-100-012100-3602 in the Colonial Beach FY 2018 Town Budget.

Resolution #26-17, Permits & Inspections, Riverview Inn

Mayor Blunt summarized Res #26-17.

Mr. Leamon made a motion to adopt Resolution #26-17 as written. Mr. Alger seconded the motion.

Mr. Cirbee maintains that the county is not taking over the building inspector duties, so he does not understand what this resolution accomplishes.

Mr. Leamon believes it is a conflict of interest for Mr. Cirbee.

Mr. Cirbee said he will not vote on this resolution.

Mr. Leamon called the vote.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mayor Blunt voted “aye,” and Mr. Cirbee voted “abstain” due to a conflict of interest in that he is the general contractor on the project.

The motion to adopt Resolution #26-17, as written passed with a 5-1abstention vote of council members present.

Resolution # 26-17, Resolution – Permits & Inspections/Riverview Inn

WHEREAS the Building Inspector for the Town of Colonial Beach works under the auspices of the Westmoreland County Building Official pursuant to an agreement.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on April 19, 2017 that any and all approvals related to building permits and building inspections pursuant to the Uniform Statewide Building Code (USBC) at the Riverview Inn located at 24 Hawthorne Street, Colonial Beach, shall be conducted exclusively through the Westmoreland County Building Official; and

BE IT FURTHER RESOLVED that no staff from the Town of Colonial Beach are to have any involvement in any permits, inspections or approvals related to work that is governed by the USBC at the Riverview Inn; and

BE IT FINALLY RESOLVED that should any staff member of the Town of Colonial Beach receive an inquiry from anyone regarding permits, inspections or approvals related to work that is governed by the USBC at the Riverview Inn, the person making the inquiry is to be directed to the Westmoreland County Building Official.

Citizen Input

Walter Kern, McKinney Boulevard discussed three issues: (1) golf cart inspection fees disparity between town and county; (2) trash pickup situation on Monroe Bay Avenue; and, (3) zoning ordinance.

Pam Tolson, 134 10th Street spoke to the spending of \$2,000 for palm trees while the citizen volunteers are struggling to fund a \$4,000 project on Colonial Avenue.

Hank Ward, Cedar Avenue discussed the microphones and the website.

Maureen McCabe, 732 Monroe Bay Avenue noted that for part of Earth Day on Saturday, there is a commercial truck in the area of the pedestrian plaza where a concert is scheduled.

Jeanette Holman, 156 4th Street noted she and other members of the garden group could have easily used the \$2,000 set for palm trees.

Diane Pearson, 300 Billingsley Avenue asked that trees not be removed from the boardwalk, but instead replant them. Ms. Pearson would like the town to survey town businesses, especially to the bollards on Hawthorn.

Steve Cirbee, Washington Avenue noted wherever the town has on street parking we should also provide handicap spaces.

Joyce Gunderson, 919 Bryant Avenue noted that if palm trees were supposed to be here, they would already be here.

Eric Christensen, 18 Washington Avenue asked if an RFP was sent out when looking for a realtor to list town-owned properties.

Mayor Blunt responded that an RFP was issued and one bid was received by a commercial office, Coldwell Banker Commercial Elite out of Fredericksburg.

Adjournment/Recess

Mr. Alger made a motion to adjourn. Mr. Leamon seconded the motion.

Mayor Blunt requested a voice vote. All in favor, signify by saying “aye.” Mr. Alger, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Cirbee and Mayor Blunt all voted “aye.”

The motion to adjourn passed with a unanimous vote of council members present.

At 7:48 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk