



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, February 15, 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
Member, Phil Rogers

Absent

All Council Members were present.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 6:01 p.m.

All Council Members were present.

Prayer and Pledge of Allegiance

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

Approval of the Agenda

Mr. Alger requested to add to the agenda a Proclamation re: School Board Appreciation Month. There was no council objection to adding the Proclamation to the Agenda.

Mr. Lyburn made a motion to approve the amended agenda. Mr. Leamon 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, Mr. Rogers and Mayor Blunt all voted “aye.”

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

Approval of Minutes

A motion was made by Mr. Lyburn to approve the minutes for the January 12, 2017 Regular Meeting, the September 22, 2016 Work Session, the October 13, 2016 Regular Meeting and the November 21, 2016 Special Meeting. Mr. Leamon seconded the motion.

Mr. Leamon made a motion to remove the October 13, 2016 minutes. Mr. Lyburn seconded the motion.

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

Mayor Blunt then requested a voice vote. All in favor of approval of the amended motion, signify by saying “aye.” Mr. Alger, Mr. Cirbee, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Rogers and Mayor Blunt all voted “aye.”

The minutes for January 12, 2017, September 22, 2016 and November 21, 2016 were unanimously approved.

Council Announcements

Mr. Alger noted that February is School Board Appreciation Month. The School Board announced at its meeting that they have saved \$80,000 to date and have a goal of saving \$100,000 by the time the project to build a new elementary school is complete.

Mr. Dellar introduced himself and noted he had been appointed to fill a portion of the seat vacated by Mayor Blunt. Mr. Dellar thanked the Mayor and members of council and assured the citizens that he will work tirelessly on their behalf.

Mr. Rogers called attention to an article published, written by Linda Farneth, in the Westmoreland News titled “What Do Local Leaders Think of Trump?” Mr. Rogers noted rebuilding infrastructure is expected to be fully funded and he would like to see some of that funding make its way to counties, cities and towns.

Presentations

Proclamation

125th Anniversary of the Town’s Incorporation

Mayor Blunt read the Proclamation.

Proclamation

***WHEREAS**, the Town of Colonial Beach was incorporated on February 25, 1892; and*

***WHEREAS**, the upcoming date of Saturday, February 25, 2017 will commemorate the 125th - year anniversary of the Town’s incorporation;*

***WHEREAS**, the Mayor and the Colonial Beach Town Council hereby make a public proclamation expressing their pride, commitment and dedication to the founding principles in commemorating this very distinguished date in our Town’s history;*

***THEREFORE, BE IT PROCLAIMED**, that the Mayor, Town Council, town staff and all citizens and visitors of the Town of Colonial Beach reflect and acknowledge with pride the historical importance of February 25th as the date commemorating and celebrating the incorporation of our town.*

Virginia School Board Appreciation Month February 2017

Mr. Alger read the Proclamation.

Proclamation

Virginia School Board Appreciation Month February 2017

Whereas, the education of Virginia’s school-aged children is the foundation upon which the economic, social and intellectual capital of our town, our state and our nation is built; and

Whereas, local school board members work with parents, businesses, education professionals and other community members to create the educational vision we want for our students; and

Whereas, this year's theme – *Lead to Inspire* - reflects the top priority of our local school board members as they advocate for public education with local, state, and federal leaders; and

Now, Therefore, Be It Proclaimed the Mayor and Town Council hereby declares February 2017 as School Board Member Appreciation Month and hereby recognizes our town's dedicated school board members.

Eric Callocchia, Senior Manager, Municipal & Financial Services Group

Mayor Blunt summarized the May 16, 2016 (see Res #28-16) agreement the town has with Municipal & Financial Services Group, which includes development of a long term utility rate financial plan and the development of water and sewer rates for each of the next five fiscal years and development of a public education program.

Mr. Callocchia thanked Mayor Blunt and presented a Power Point presentation. MFSG helps utility providers set rates and plan for operational and capital expenses. Water systems are self-supporting. There is a three point test that is recognized nationally to determine if a charge is a fee or a tax. First, a fee must serve a regulatory purpose. Second, it must be proportionate to the necessary cost of service. Third, it must be voluntary.

When looking at rate setting, the first step is to determine what your costs are. Step two is to allocate those costs among your customers. Step three, determine a policy. Step four, implementation.

Costs include operation and maintenance, existing debt service, long-term capital improvement projects, contribution to reserves.

As it currently exists, the cost to run the town's water, sewer and waste water system is about \$2 million per year. The existing debt service is about \$500,000 and capital improvement projects have averaged somewhere in the \$300,000 to \$400,000 range. That gives you \$3 million total cost to run the water system.

The estimated calculated replacement cost of the water system is approximately \$66 million to \$70 million dollars.

Town Council should begin formulating a rate setting philosophy in order to formulate a policy.

Question and Answer

Mr. Cirbee asked if a fair value of the water system will be a product of this study and if future expansion issues will be looked at.

Mr. Cirbee also asked if, in today's market, is it a popular trend to sell or lease the asset to an authority or a franchise. Would your study provide any answers to that question.

Mr. Callocchia answered saying we could look at your options.

Mr. Cirbee asked if future regulations on stormwater could impact our town.

Mr. Callocchia answered saying stormwater regulations are expensive and he does not see anything on a state-wide level that would potentially impact our town, considering the size of our system.

Mr. Dellar asked for the timeline for the final report.

Mr. Callocchia answered they will provide a report for the next fiscal year, 2018, in 30-60 days.

Mr. Dellar asked when Council would be provided the kind of information pertaining to the sale or lease of the water system.

Mr. Callocchia answered that information could be prepared fairly quickly, but would need an addendum to their current contract.

Recess

At 6:40 p.m. Mayor Blunt called for a five-minute recess.

Reconvene

At 6:47 p.m. Mayor Blunt reconvened the meeting.

Presentations Con't

Legislative Update, Town Attorney

Ms. Erard provided Council a legislative update.

Ms. Erard suggested Council consider implementing a legislative agenda and what types of legislation the town would like to request.

A bill was considered to mandate localities post on their website a checkbook register of expenses and revenues. VML has opposed this bill as it would require the purchase of new software by most localities.

House Bill 1595 would allow towns to partner with counties for the collection of delinquent personal property bills.

House Bill 1585 would require party identification on local ballots.

A compromise has been worked out for the “Broadband” bill. Some counties have instituted “dark fiber” or created an authority that makes high speed internet available to residents and businesses. The bill would prohibit localities from making high speed available.

The wireless infrastructure bill looks at whether a locality has any say in where or how structures for wireless cells might be placed. A compromise has been worked out for this year.

Several pieces of legislation relate to FOIA. HB 2143 outlines the training local FOIA officers need to have and provides for an online training course.

A public comment form on the Freedom of Information Act’s website will be required and localities must post a link on their website.

HB 2402 allows a willful violation of FOIA to be grounds for termination.

There is also legislation that would allow companies to request that certain information be excluded from disclosure. Those companies include those who are engaged in fracking and it is possible the chemicals used would be excluded information.

Mayor Blunt noted King George has restricted fracking and Westmoreland County has scheduled public hearings.

Piers, History and Process, Town Attorney and Town Manager

Ms. Erard noted the last ordinance had been updated in 1997, and a year ago staff was tasked to review the ordinance.

In place at the time, citizens would apply for a pier lease for five or ten years, paid a fee and then paid an annual fee unless there was a shoreline maintenance agreement. Pier construction regulations in the ordinance did not align with state regulations. Also, not all citizens were following their leases.

State law requires a public hearing before you can lease any type of public property and a council vote would require a super majority. The pier leases were handled administratively.

The lease agreements also did not specifically define with a legal description what was being leased.

Currently, the town is in the process of getting surveys for some pieces of property and prioritizing properties according to citizen needs.

Mr. Dellar asked if a decision has been made to sell.

Ms. Erard answered staff is proceeding under the current direction of Council which is to proceed with getting everything together so that parcels of land could be sold.

Mr. Cirbee asked if there is an outline to follow.

Mayor Blunt responded that there was discussion that up to four feet on either side of the pier would be sold.

Mr. Cirbee asked what are the parameters being used to identify parcels and is there a document.

Ms. Erard answered staff was proceeding based upon their notes.

Mr. Cirbee requested a copy of the notes being used. Ms. Erard agreed.

Mr. Cirbee then noted citizens who are selling their homes are unable to provide disposition of their piers to potential purchasers.

Ms. Erard replied that Council had previously directed that citizens should have a space to be able to walk and then there were specific dimensions.

Mr. Cirbee suggested once a solution is reached, the town could petition the legislature to include the changes in the Town Charter.

Mayor Blunt noted some pier owners are facing large fines.

Mr. Dellar noted that by way of the current agreement, the town is not living up to its obligations.

Mr. Dellar then spoke to a citizen who, since before June, has been trying to get approval and a permit to install electricity on his pier.

Mayor Blunt asked how to speed up the process.

Ms. Erard responded she will work with the Town Manager and get back to Council at the work session.

Mr. Cirbee brought up that, due to erosion, a lot of the properties appear to be in the VDOT right of way, which will have to be addressed.

Mr. Dellar asked if the town could “simply allow individuals that have property across the street and adjacent” and just grant them access and collect our money through tax assessments on the pier.

Mr. Cirbee asked “what are our options” to create access? Do we have to sell?

Ms. Erard responded there are three ways to allow someone to use your property: give them a license; give them a lease; or sell.

Mr. Dellar noted Virginia Code allows leases without public bid for piers/wharves if the leases are for five years or less.

Val Foulds, Town Manager requested Chief Plott to discuss golf cart regulations.

Police Chief Danny Plott addressed golf cart regulations in order to clarify some issues. There are two crossings on Route 205 – golf carts are not allowed to be driven on Route 205 as it is a state route, not a town street – one, at Colonial Avenue, go straight across to McDonald’s parking lot and then use the trail; two, at First Street, cross Route 205 to the golf cart trail next to McDonalds. You can also cross Route 205 to the condos across from Food Lion.

Chief Plott further reminded that all regulations pertaining to automobiles pertain to golf carts, such as child safety seats and seat belts.

Mr. Cirbee suggested putting signs up.

Mayor Blunt suggested Chief Plott visit the golf cart rental companies and an insert with the rules of golf cart usage be included with the treasurer’s bills.

Robin Schick, Planning Commission

Ms. Schick briefly discussed the following updates:

- (1) Sign ordinance, including mural regulations, are ready for Council review.
- (2) Housing Chapter is under review in a committee.
- (3) Review of the water tower field is ready for Council review.
- (4) Town owned property report is ready for Council review.
- (5) New meeting dates are scheduled for the fourth Thursday of every month at 5:30 p.m.
- (6) Applicants to the Planning Commission awaiting Council direction.
- (7) Revisions to the Capital Improvement Plan has been forwarded with a recommendation to Council.
- (8) Recommendation regarding mini golf found the town is not suitable as an investor.

Mr. Dellar suggested the town seek investors in a miniature golf course, then the town could lease land to them at a very reasonable lease rate in order to promote economic growth.

Mayor Blunt reported that Mr. Kern may have an interested investor.

Ms. Schick responded that according to her research the majority of successful mini golf courses are attached to an recreational facility.

Ms. Schick then requested clarification from Council. As Planning Commission revised their by laws, and after a request to remove the clerk position from the by laws, it became apparent that Town Council could authorize the Planning Commission regarding including the duties of the Clerk to the by laws.

Ms. Erard recommended this issue be placed on the work session agenda.

Maureen McCabe, Downtown Colonial Beach is working towards Main Street affiliation and summarized ongoing projects.

Ms. McCabe requested Council consider providing grants to the marinas in town for façade improvement and to provided funding for an economic development person.

Recess

At 8:00 p.m. Mayor Blunt called for a five-minute recess.

Reconvene

At 8:03 p.m. Mayor Blunt reconvened the meeting.

New Business

Resolution #06-17, Black History Month

Mayor Blunt read the resolution.

Mr. Leamon made a motion to adopt Resolution #06-17. Mr. Rogers seconded the motion.

Mayor Blunt called for a voice vote. Mr. Alger voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” Mr. Lyburn voted “aye,” and Mayor Blunt voted “aye.” The motion to adopt Resolution #06-17, as written, passed with a unanimous vote.

The motion to adopt Resolution #06-17 unanimously passed.

Resolution #06-17, 2017 Black History Month

WHEREAS, Virginians of all backgrounds and experiences contribute to our Commonwealth’s rich cultural diversity, storied history and promising future, and it is important for Virginians to recognize the positive contributions to our society made by people of all heritages and races; and

WHEREAS, African-Americans play an important role in Virginia and American history, and the famous historian Dr. Carter G. Woodson, a native Virginian and the son of former slaves, brought this fact to the world’s attention by founding the Association for the Study of Negro Life and History, publishing significant scholarly works and establishing Negro History Week, the precursor to Black History Month; and

WHEREAS, countless African-Americans have figured prominently in their respective professions throughout the past century, including such distinguished Virginians as Spotswood William Robinson, III, of Richmond, former Chief Judge of the United States Court of Appeals for the District of Columbia; Oliver Hill, Esquire, of Richmond, whose 1952 case, Davis v. County School Board of

Prince Edward County, argued that Virginia's segregated schools were unconstitutional, which later became part of the 1954 Brown v. Board of Education of Topeka, Kansas case which ended decades of racial segregation in America's public schools; and

WHEREAS, many distinguished African-American athletes and entertainers are Virginians including; Wendell Scott, of Danville, the first African-American to win a NASCAR event; Gabrielle "Gabby" Douglas, of Virginia Beach, the first African-American woman to become the all-around gymnastics champion at the Olympics; the late Arthur Ashe, of Richmond, winner of the U.S. Open, the Australian Open, and Wimbledon tennis championships; and

WHEREAS, many other African-Americans have made important contributions to our country, including Martin Luther King, Jr., our nation's greatest civil rights leader; Ida B. Wells, the renowned writer, teacher, women's suffragist and anti-lynching crusader; Katherine Johnson, Dorothy Vaughan, and Mary Jackson, the first African-American women to be included in an elite team of mathematicians at the NASA Langley Research Center; and Rosa Parks, whose famous decision to remain in her bus seat symbolized the spirit of the Civil Rights Movement; and

WHEREAS, it is important to learn from the many lessons found in history's failures, successes, disappointments and triumphs as we continue to pursue our Founding Fathers' visions of liberty, justice and equality for all.

NOW, THEREFORE BE IT RESOLVED by the Colonial Beach Town Council, at its regular monthly meeting on February 15, 2017, that the Mayor and Town Council hereby recognize February 2017 as BLACK HISTORY MONTH and calls this observance to the attention of all our citizens.

Resolution #07-17, Fiscal Year 2018 Budget Timeline

Mayor Blunt noted this sets out a timeline for submission of budget items and meeting schedules with a May 10, 2017 budget approval date.

Mr. Leamon made a motion to adopt Resolution #07-17 as written. Mr. Lyburn seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Alger voted "aye," Mr. Leamon voted "aye," Mr. Cirbee voted "aye," Mr. Dellar voted "aye," Mr. Rogers voted "aye," Mr. Lyburn voted "aye," and Mayor Blunt voted "aye." The motion to adopt Resolution #07-17, as written, passed with a unanimous vote.

The motion to adopt Resolution #07-17, as written, passed with a unanimous vote.

Resolution #07-17, Fiscal Year 2018 Budget Timeline

WHEREAS Virginia Code Section 22.1-93 requires that the Town Council approve the budget for the Colonial Beach School Board by May 15, 2017; and

WHEREAS state law also prescribes the deadlines for the setting of tax rate(s) by the Colonial Beach Town Council as well as the adoption of the FY 2018 budget.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on February 15, 2017 that the FY 2018 budget shall be developed/approved in accordance with the following timelines:

February 24, 2017

CFO Revenue Projections Due to Town Manager

March 2, 2017

Town Manager to Meet with Department Heads to Discuss Budget Requests

March 15, 2017

Budget Requests due to Town Manager

March 24, 2017

Pre-Budget Meeting With School Board

April 5, 2017

Work Session – Budget

April 10 - 14, 2017

Town Manager & Budget/Finance Liaison to Schedule Meetings with Council Members to Discuss the Budget

April 17, 2017

Town Manager Presentation of Recommended Budget and Request to Advertise For Public Hearing

May 3, 2017

Town Council Budget Public Hearing

May 10, 2017

Budget Approval & Appropriation

Resolution #08-17, Process for Planning Commission Appointments

Mayor Blunt noted Mr. Dellar had provided revisions to the resolution and that everyone has a copy of those revisions.

Mr. Dellar made a motion to adopt Resolution #08-17 as written. Mr. Leamon seconded the motion.

Mr. Dellar briefly summarized his revisions and read the “Be It Resolved” paragraph, which outlined the process for appointments.

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

The motion to adopt Resolution #08-17, as written passed with a unanimous vote.

Resolution #08-17, Process for Planning Commission Appointments

WHEREAS Va. Code § 15.2-2210 required that the Colonial Beach Town Council create a planning commission; and

WHEREAS Va. Code §15.2-2212 sets forth the requirements under state law for service on the planning commission and vests the responsibility for appointments to the planning commission with the Colonial Beach Town Council; and

WHEREAS the membership of the planning commission is an important responsibility of the Colonial Beach Town Council.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on February 15, 2017:

- that vacancies on the planning commission shall be advertised by the Town Council on the Town’s website within a week of the vacancy occurring; and
 - as applications to serve on the planning commission are received by the Town, individuals shall be scheduled for an interview with the Town Planning Commission ; and
 - once interviewed the Planning Commission shall make recommendations to the Town Council; and
 - the Town Council after reviewing the recommendations of the Planning Commission shall interview the applicant; and
 - the Town Council shall make appointments to the Planning Commission as soon as is practically possible in accordance with state law and this prescribed process.
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Resolution #09-17, Schedules a Work Session

Mayor Blunt read the resolution.

Mr. Leamon made a motion to adopt Resolution #09-17 as written. Mr. Alger seconded the motion.

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

The motion to adopt Resolution #09-17, as written passed with a unanimous vote.

Resolution #09-17, Schedules a Work Session

WHEREAS the Colonial Beach Town Council seeks to enhance the efficiency and effectiveness of actions by the Town Council; and

WHEREAS the Colonial Beach Town Council has matters that require in-depth study and review by the Colonial Beach Town Council.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on Wednesday, February 15, 2017 that there will be a work session of the Council held on **Wednesday, February 22, 2017 from 6:00 p.m. until 8:00 p.m.**

Pending Items for Future Discussion

Mayor Blunt read the list of pending items for future discussion and action.

Citizen Input

Walter Kern, Meadow Avenue representing Colonial Beach Recreation. Mr. Kern detailed his history with the Athletic Association, following the County’s removal of a joint program. Mr. Kern noted there are 45 children currently in the program. Mr. Kern noted an investor is very impressed with the water tower site for a possible mini golf location.

Mr. Kern then discussed fire hydrants. Currently there are 189 fire hydrants in town. 18% of the hydrants are not functioning.

Mayor Blunt asked Ms. Foulds to provide information to Council on fire hydrants.

Jeannette Holman, 156 4th Street, spoke to two issues: (1) requested the town provide pickup for yard debris, and, (2) require monthly department reports to Council and citizens.

Richard Sharpe, 931 Bryant Avenue, has been a resident since 2012 and is concerned that there are no sidewalks on 1st Street near the school campus and the children are walking in the middle of the road.

Mayor Blunt, without objection, requested this item be placed on the agenda for the next work session.

Mr. Cirbee suggested there is a new cut-through at the back of the school campus that should remain open for students to walk.

Adjournment/Recess

Mr. Leamon made a motion to adjourn. 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, Mr. Rogers and Mr. Blunt all voted “aye.”

The motion to adjourn passed with a unanimous vote.

At 8:30 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk