



**Minutes of the
Colonial Beach Town Council
Work Session held on
Saturday, March 10, 2018 at 8:00 a.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

Dallas Leamon, Vice Mayor
Frank Alger, III, Council Member
Bill Dellar, Council Member
Burkett Lyburn, Council Member
Phil Rogers, Council Member

Absent

Mayor Eddie Blunt and Councilman Steve Cirbee were absent.

Also Present

Town Manager, Quinn Robertson
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Chief of Police, Danny Plott
Planning Administrator, Kelly DeJesus

Call to Order

Vice Mayor Leamon called the meeting to order at 8:00 a.m.

Roll Call of Members

Vice Mayor Leamon noted that all Council Members were present except Mayor Blunt and Mr. Cirbee.

Approval of the Agenda

Mr. Lyburn made a motion to strike “Discussion of development of Eleanor Trailer Park” from the agenda and approve the revised agenda. Mr. Alger seconded the motion.

Vice Mayor Leamon called for a roll call vote to strike the discussion and approve the revised agenda. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Vice Mayor Leamon voted “aye.”

The motion to strike the discussion and approve the revised agenda passed with a unanimous vote of council members present.

Presentations

There were no presentations.

Old Business

Discussion of proposed amendments to Zoning Ordinance, Article 12, Signs

Ms. Erard noted the ordinance needs to be revised in light of a new Supreme Court ruling out of Gilbert, Arizona. The Supreme Court ruling says you cannot categorize signs based on the content of the sign.

Ms. Erard further noted she will work with Ms. DeJesus and will bring back a revised sign ordinance at the April Work Session for initial Council review before it goes back to the Planning Commission.

Mr. Dellar noted it appeared what was needed was “easy fixes” and it would be time consuming to go through a lengthy process, when this has already been before Council for quite some time.

Vice Mayor Leamon suggested Ms. Erard and Ms. DeJesus bring a revised edition to Council at the April Work Session.

Mr. Dellar questioned the restrictions placed on funeral signs. Ms. Schick, speaking from the audience, noted there was a more recent version that addressed funeral signs.

Ms. Erard and Ms. DeJesus will bring a revised edition to Council at the April Work Session.

Ordinance, Amends Town Code, Chapter 21, Water and Sewer

Ms. Erard summarized that the practice was not matching the ordinance as it was currently written. The changes presented will mirror the accepted practice.

Vice Mayor Leamon asked for Council consensus to advertise the amendments for a Public Hearing to be held at the April regular Town Council meeting. There was Council consensus.

There was Council consensus to hold a Public Hearing on an ordinance to amend Town Code, Chapter 21, Water and Sewer at the April 18, 2018 regular Town Council meeting.

Ordinance No. 682, Amends Town Code, Chapter 15, Nuisances

Ms. Erard summarized the changes made, such as inserting a civil penalty provision and allowing one notice per growing season to be sufficient provision of notice.

Mr. Dellar noted he sees a potential issue in the provision of one notice per growing season for multiple violations.

Ms. Erard suggested it can be kept at one letter, but provide the violator an option to receive an email for any other violation notices.

Mr. Dellar would like to see a schedule inserted which showed the progression of fines, such as \$50 for the first violation, \$100 for the second violation, and \$150 for the third violation.

Vice Mayor Leamon agreed with Mr. Dellar and further noted a set schedule would ensure everyone would be treated the same.

Ms. Erard clarified that, for example, for a first time violation, the charges would be a civil penalty of \$50 in addition to charges for staff time, postage and the contractor charges.

Mr. Murphy would like to see violations, such as piles of trash and debris left in right of ways included in this language, especially if such violations are considered “littering.”

Ms. Erard responded that the civil violations do not extend to right of ways.

Vice Mayor Leamon noted that violations of littering are criminal charges and not civil charges.

Mr. Dellar further suggested inserting a new section, 15.3, on reporting and said he would send his suggestions to Council and Ms. Erard for inclusion.

New Business

Res #11-18, Changes the date for the Regular Town Council meeting to be held in March 2018

Vice Mayor Leamon noted that Mayor Blunt requested the change.

Mr. Alger made a motion to adopt Resolution #11-18, as written. Mr. Dellar seconded the motion.

Vice Mayor Leamon called for a roll call vote to adopt Resolution #11-18, as written. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Vice Mayor Leamon voted “aye.”

The motion to adopt Resolution #11-18, as written passed with a unanimous vote of council members present.

RESOLUTION #11-18, Changes the date for regular Town Council meeting to be held in March 2018

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution; and

WHEREAS, Resolution #08-18 adopted on February 21, 2018 established Wednesday, March 21, 2018 for the March Regular Town Council regular meeting; and

WHEREAS, the Mayor has requested and the Town Council has agreed to change the date from Wednesday, March 21, 2018 to Friday, March 23, 2018 at 6:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the March Regular Town Council meeting be held on Friday, March 23, 2018 at 6:00 p.m. in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Revisions to Job Description (CFO/Treasurer)

Ms. Erard noted Mr. Robertson has been looking to insure town staff works efficiently and maximizes all possible cost savings.

Ms. Erard presented a sample ordinance that will eliminate the CFO position and also a revised job description for the Treasurer position.

Ms. Erard requested Council approval to advertise a Public Hearing for elimination of the CFO position.

Ms. Erard noted that State Code uses the term “Treasurer” when granting certain authorities.

Mr. Rogers would like to add requirements to the Treasurer position such as a thorough understanding of auditing standards, accounting, grant administration, job cost accounting and so on.

Mr. Dellar asked where staff is on filling these positions.

Ms. Erard noted that once the CFO position is eliminated, the town would have Ms. Gomez as a consultant.

Ms. Erard then noted it was her opinion, as requested by Mr. Dellar, that it is better not to have a contractor providing direct supervision to staff.

Mr. Dellar asked, if we don't have a CFO anymore, but we do have a Treasurer, who is going to be the Treasurer.

Mr. Robertson responded that, in that department, we are looking to have two assistant managers, one who is running the office, such as billing and the other manager running HR, with both managers reporting to the Town Manager.

We would also have contractor support.

Mr. Dellar clarified, the CFO position/vacancy will be gone. With regard to the consultant, as a result of this reorganization, the cost for the consultant will go back down to normal levels.

Mr. Dellar noted the original scope of work for the contractor included: audit preparation in July and August; consolidated annual financial report support, November; and quarterly accounting support, April, July and October.

Mr. Dellar noted any increase to the scope of work will increase the cost.

Mr. Robertson noted it will increase the cost – the answer is “yes” but the current work load will be reduced drastically.

Mr. Dellar asked if there will be a new agreement and if Council will see that.

Mr. Robertson answered “yes” to both questions.

Ms. Erard asked if there was Council consensus to advertise the ordinance eliminating the CFO position.

Vice Mayor Leamon indicated there was Council consensus, with the addition of duties suggested by Mr. Rogers to the Treasurer position.

Discussion of Commercial Purchase Agreement dated February 26, 2018 re: 10 North Irving Avenue

Mr. Dellar summarized the offer to purchase the property for \$105,000, noting the appraised value is set at \$125,000 and the assessed value is set at \$241,400.

Mr. Dellar noted the property has not been actively marketed and if we bring in a realtor/broker, we would then have to pay that commission.

Mr. Dellar further noted he does not want to lose the potential purchaser, but also does not want to give away property, either.

Vice Mayor Leamon agreed with Mr. Dellar and further expanded that the intent of the prospective buyer is to create a restaurant/business and that will take a lot of money.

The building has been sitting empty for many, many years and will need rehabilitation from the ground up.

Mr. Rogers noted the difference between the appraised value and the assessed value is that the appraised value takes into consideration the condition of the building.

Mr. Rogers suggested Council entertain a counter offer.

Ms. Erard suggested Council go into closed meeting to discuss any counter offers.

Mr. Robertson then suggested that, if Council moves forward, Ms. Erard prepare a letter/memorandum to the purchasers with a proposed timeline to make renovations and have a business up and running.

Closed Session

Mr. Lyburn made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711(A)(3) for the discussion of the disposition of publically held real property because discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the Town Council --- 10 North Irving Avenue. Mr. Rogers seconded the motion.

Vice Mayor Leamon called for a roll call vote to go into Closed Session. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Vice Mayor Leamon voted “aye.”

At 8:50 a.m. Town Council moved into Closed Session.

Certification/Reconvene

Mr. Rogers made a motion to reconvene and certify that only those matters that were identified in the motion to go into closed meeting were heard, discussed and considered.

Mr. Alger, Mr. Lyburn, Mr. Rogers, Mr. Dellar and Vice Mayor Leamon all certified.

At 9:10 a.m. Town Council reconvened.

Status Items

No Wake Zone, Monroe Bay

Ms. DeJesus recommended the Town move forward on its own with creating a No Wake Zone in Monroe Bay.

Mr. Robertson noted he would remain a part of any effort by the county to address a No Wake Zone in Monroe Bay, but will not let those efforts stop the town from proceeding.

Ms. Erard asked if there was Council consensus to hold a Public Hearing.

There was Council consensus to hold a Public Hearing in April.

North End of the Boardwalk

Mr. Murphy noted that funding needs to be identified for preliminary design such as looking to a Transportation Alternative Grant through VDOT. The application process will open in November 2019. Prior to that, other projects also need to be reviewed and a prioritization list needs to be created.

Mr. Dellar asked if this item could be removed from the agenda and moved to the Town Manager.

There was Council consensus to remove this item from future Work Session agendas.

Down the River Up the Bay

Mr. Murphy noted that this is basically the same answer as the north end of the boardwalk – priorities need to be set and we can look to Transportation Alternative Grants, which application process will open in November 2019 or alternate funding routes are identified.

There was Council consensus to remove this item from future Work Session agendas. Mr. Robertson further agreed to provide Council with a prioritization list at the April Work Session.

Comprehensive Parking Plan for the Town

Mr. Murphy reported on staff efforts to identify on-street parking areas in the downtown area, address signage concerns in the downtown area, and resident-only parking areas.

Mr. Robertson reported that staff is in the beginning phases of looking at parking in the revitalization area and beyond to the point, including Irving Avenue.

Mr. Murphy requested that any overages in parking revenues be identified and re-invested to use in those downtown parking areas.

Mr. Robertson expanded upon Mr. Murphy's request, saying that is the direction staff is headed.

Piers

Ms. Erard noted that if Council agrees to lease the piers, the procedural requirements are different than if Council agrees to sell the land.

Ms. Erard is waiting direction from Council.

Mr. Dellar mentioned that on April 13 2017 Council made a motion to direct staff to perform a study for leasing and a study for licensing and a study for selling. The studies were due to Council in six months.

Vice Mayor Leamon said he would support a leasing program for piers.

Ms. Erard said she and the Town Manager will provide Council with an outline of steps to proceed forward with leasing, if there is Council consensus to lease, at the next Work Session.

There was Council consensus to lease. Ms. Erard and Mr. Robertson will provide Council with an outline of steps to proceed forward with leasing at the April 14, 2018 Work Session.

Outstanding VMRC Violations

Ms. Erard reported that some of those violations are related to the town not offering leases.

Ms. Erard asked for Council consensus to include this items under the issue related to piers.

There was Council consensus.

Vacant Foreclosed Property Registration

Ms. Erard reported that at this time we do not have the authority to do this. Ms. Erard recommended that next year we request to be added to the list of localities who are permitted to do this through the Virginia legislature.

Ms. Erard suggested that the Town Council add a legislative agenda and place this item on that agenda.

There was Council consensus to add a legislative agenda.

Town Revenues for BikeFest, years 0-4

Mr. Rogers referenced a fact sheet he provided which listed revenues through 2017. Concerns have been expressed in the past that holding the bikefest cost the town revenues. According to Mr. Rogers' numbers, the town is breaking even and that includes overtime costs for our police officers.

The next BikeFest is scheduled for October 11-14, 2018. Mr. Rogers suggested the Town Manager approve the application to hold the 5th Annual Bike Fest.

Mr. Rogers further suggested that a Memorandum of Understanding be prepared setting forth specific reimbursable items, as was prepared and signed last year.

Mr. Dellar suggested looking at transient vendor fees.

Ms. Erard asked if she, Ms. Gomez and Mr. Robertson should work on that.

Mr. Dellar responded “yes.”

Items Submitted by Council Members

Vehicle Parking Stickers – New Placement (Submitted by B. Dellar)

Chief Plott recommended the decals be placed on the bottom left side of the front window.

Ms. Erard noted Town Code Section 14-29 will need to be revised.

There was Council consensus to advertise a change to Town Code, Section 14-29.

Adjournment/Recess

Mr. Lyburn made a motion to adjourn the meeting. Mr. Alger seconded the motion.

At 9:50 a.m. Vice Mayor Leamon adjourned the meeting.

Kathleen Flanagan, Town Clerk