



**Minutes of the  
Colonial Beach Town Council  
Work Session held on  
Saturday, September 9, 2017 at 8:00 a.m.**

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

**Present**

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

**Absent**

All Council Members were present.

**Also Present**

Town Attorney, Andrea Erard  
Town Clerk, Kathleen Flanagan  
Police Chief, Danny Plott  
Director Public Works, Rob Murphy  
Planning and Zoning, Kelly DeJesus

**Call to Order**

Mayor Blunt called the meeting to order at 8:02 a.m.

**Roll Call of Members**

Mayor Blunt noted that all council members were present.

*All Council Members were present.*

## **Approval of Agenda**

Mr. Leamon made a motion to strike Tab L, Grass Ordinance from the agenda. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Dellar voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*Tab L, Grass Ordinance was removed from the agenda.*

Mr. Leamon made a motion to add “Police Department Lease” to the agenda. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Dellar voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*The “Police Department Lease” was added to the agenda.*

## **Presentations**

Police Chief Plott reported that the Department answered 749 calls in August, with 553 of those calls becoming a report at a total of 370 hours. The Department issued 84 parking tickets.

Chief Plott reported that last month there was a homicide in town stemming from a domestic situation.

Mr. Cirbee asked a question about jurisdiction. Chief Plott noted the town always has jurisdiction and when they need help, they will ask.

Mr. Murphy, Director of Public Works, summarized several projects, such as Robin Grove, water and sewer line repair, and the boat ramp replacement.

Ms. Schick, Chair, Planning Commission reported that Mr. Busick’s term on the Commission expires in November and he is not planning to renew his term.

## **Closed Meeting**

Mr. Leamon made a motion to go into closed meeting pursuant to VA Code Section 2.2-3711-(A)(8) for consultation with legal counsel regarding a specific legal matter – interpretation and guidance regarding specific contracts. Mr. Alger seconded the motion.

Mayor Blunt requested a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Dellar voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

At 8:18 a.m. Council went into Closed Session.

## **Reconvene**

At 8:24 a.m. Mayor Blunt reconvened the regular meeting.

Ms. Erard asked for a motion to certify that only those matters that were identified in the motion to go into closed meeting occurred, discussed or were considered during the closed meeting. Mr. Dellar made a motion to certify. Mr. Alger seconded the motion.

Mr. Alger, Mr. Lyburn, Mr. Leamon, Mr. Cirbee, Mr. Dellar, Mr. Rogers and Mayor Blunt each so certified.

## **Old Business**

### **Acting Town Manager Update**

Mayor Blunt thanked Mr. Rogers for his time spent in the Finance Office and Mr. Dellar, as well. Mayor Blunt noted it truly takes a team.

Mayor Blunt summarized some changes made in the last month: new bill design for real estate and personal property tax; town hall will get wireless internet; customers will be able to pay their bills using credit cards at the counter; ready to install two 50-inch monitors at town center; issuance of procurement cards; streamline bill paying; placed all but one employee on direct deposit; added signatories to checking accounts; increased dollar amount of purchase orders made in-house; authorized commission of two notary publics in town hall; began a process to catalog all files in town manager’s office; removed the bollards and changed the traffic pattern at the end of Hawthorn; work with VDEM to recover storm recovery funds; discussed each department’s 60-day work plan; authorized department heads more signatory authority in specific projects; issued cell phones to department heads; reached out to new cable company, Atlantic Broadband, regarding our government access channel, Channel 8, and requested cable service be provided to Public Works;

Mr. Cirbee requested that as we interact with franchise holders in town, the town encourage they clean up all the ‘dead wires’ on poles throughout town.

Mayor Blunt continued, noting he has had conversations with Dominion regarding removing wires from poles.

Mr. Rogers reported that he has spent much time in the Treasurer’s Office inventorying files and familiarizing himself with the office. Mr. Rogers noted all vendor payments are being made on

on-time, checks are being issued. Mr. Rogers further noted Lisa and Adam have been overloaded, but nothing is being overlooked or set aside.

Mr. Rogers thanked the staff for their hard work and said the entire town hall staff has really pulled together to get us through this unusual time.

Mayor Blunt noted “until you get in a seat, you don’t really know. This has been extremely difficult circumstances, obviously. But I have to tell you, I couldn’t be more proud of the employees we have in this town across the board. Knowing what they do now, I have a little bit better idea of what they do day-to-day, and I understand the frustrations from the citizens who want things done right away – I get that – but they really do care about you and they really do care about the town and they are working at the pace that they can with what they have to work with.

We’re going to help them get as many resources as they possibly can to provide for the rest of the town. Public Works has been outstanding. Planning and Zoning Office has done a wonderful job. The Finance Office is doing outstanding. The Clerk’s Office – everybody there has pulled together and done a really, really good job in a difficult time.”

### **Contractor’s Business License Requirements**

Mayor Blunt noted this item is in response to a question as to whether or not outside contractors had to pay for a business license in the Town of Colonial Beach.

Mayor Blunt noted that after reading Town Code and State Code, it is pretty clear that they do.

Mr. Cirbee asked if the Mayor would explain the difference between primary business location and in town and out of town contractors.

Ms. Erard noted “all contractors do have to pay business license taxes.”

Mr. Cirbee asked Ms. Erard to point out where in Town Code the specifics are regarding out of town contractors.

Ms. Erard directed Mr. Cirbee to 13.1-4 there is a license requirement. Then, 3-iii pertains to out of town contractors – contractors subject to 58.1-3715.

Mr. Cirbee then asked about enforcement for contractors who should have a business license, but do not have business licenses in the town.

Mr. Cirbee then noted there are a lot of businesses operating in town who do not hold state licenses.

Ms. Erard noted she agrees there is always room for improvement.

Mayor Blunt reiterated that if you are a contractor in this town, you do have to hold a business license and pay the required tax.

### **Resolution #38-17, 2017 Capital Improvement Plan**

Mayor Blunt noted this issue has been discussed for quite some time. Mayor Blunt noted there are several entities recognized in the plan that are independently chartered and not governmental entities, specifically the fire department.

Mayor Blunt specifically is concerned about the town purchasing a fire truck for the fire department, as shown on the CIP as it is written.

Ms. Erard noted she would not include it in the CIP.

Mr. Cirbee asked if this issue has anything to do with the unfulfilled promise or proffer to purchase a fire truck made by a developer several years ago.

Mayor Blunt noted the condos have been sold since then.

Mayor Blunt noted that a lot of fire departments are using leases for fire trucks, which may be an option for the town.

Ms. Schick, having been recognized by Mayor Blunt, suggested Council take the truck out of the CIP and still pass the CIP. Ms. Schick noted the CIP is a planning and development tool for the future.

Ms. Erard noted that the General Assembly modified the law regarding proffers; removing the authority to negotiate for anticipated needs – the need for the proffer must be directly generated by the development itself.

Mr. Dellar noted that acquisition of the pump truck is identified on the CIP as the highest priority.

Mr. Leamon stated that he agrees with Mr. Dellar and he would like to approve the CIP.

Ms. Erard noted that other localities have a different approach to preparation of a CIP. Typically the finance person or town manager takes the CIP to the Planning Commission, who holds a public hearing, and then sends the CIP to Town Council in conjunction with the budget.

### **Motion to Strike**

Mr. Leamon made a motion to strike the fire truck from the CIP and authorize advertisement of a public hearing.

Mr. Leamon suggested having a joint meeting with the Planning Commission for next year's CIP planning.

Ms. Erard suggested Mayor Blunt identify a staff person to update the CIP.

Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Dellar voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*There was consensus among Council members to strike the fire truck and authorize advertisement of a public hearing.*

### **Ordinance No. 685, Housing Chapter, Comprehensive Plan**

Mr. Dellar reviewed the document with the approach that the Colonial Beach community is much larger than just the town. When it comes to affordable housing, it is necessary to look beyond town limits and to partner with the county; Mr. Dellar cited the upcoming Project Faith apartments.

Mr. Cirbee noted that Public Works needs to provide input for development in Classic Shores.

Mr. Leamon made a motion to advertise and hold a public hearing at the October regular meeting. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Cirbee voted “aye,” Dellar voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*There was consensus among Council members to authorize advertisement of a public hearing.*

### **Ordinance No. 686, Amends Comprehensive Plan, Future Land Use Map**

Ms. Schick explained that the rezoning would create an island of property owned by Cathy Bokman and recommended including Ms. Bokman’s property in the rezoning.

Ms. Erard responded that Ms. Bokman would need a separate application.

Ms. Bokman responded that they are happy to rezone to keep consistency in the zoning, but does not feel they should incur costs to do so.

Ms. Erard suggested separately studying the issue of the Bokman’s property.

Ms. Erard noted the law does not allow Town Council to enrich any individual citizen and must exercise caution.

### **Ordinance No. 687, Zoning Map Amendment of Parcel B1**

Mayor Blunt summarized Ordinance No. 687.

Ms. Erard asked if Council wish to advertise and hold public hearings at the October regular meeting for Ord Nos. 686 and 687.

*There was consensus among Council members to authorize advertisement of two public hearings.*

### **Town Council Performance of Direct Hires**

Mr. Dellar asked Chief Plott if he has received evaluations.

Mr. Dellar asked Ms. Flanagan if she has received evaluations or has established goals and objectives.

Ms. Erard noted the Clerk reports directly to Council and the Police Chief reports to the Town Manager and has been evaluated.

Ms. Flanagan suggested she would draft up proposed goals and objectives and send those to Council for their review.

### **Outstanding VMRC Citations**

Mayor Blunt noted that Potomac River Charters has a pier on Monroe Bay Avenue and there is disagreement over who owns the shore property. Mayor Blunt noted that the town owns the shore property and Potomac River Charters owns the wharf or pier.

Ms. Erard noted that one of the two violators is working to become compliant. As to the second property, Mr. Cirbee has expressed his belief that he owns the pier.

Ms. Erard noted that in the event the town has to take action, there does not need to be an impression of an attorney/client relationship.

Ms. Erard's information is that the town owns the property. If Mr. Cirbee owns the property, he may have to file an action in court to get a court order to establish his ownership.

Mr. Cirbee would like to go through the deeds from the early 1900's.

Mr. Cirbee noted that Potomac River Charters applied for an obtained a permit, but now VMRC is saying the permit needs to be in the town's name.

Mr. Cirbee noted the work that is in question was temporary.

Mr. Dellar asked if the town could file with the court for an answer to this.

Ms. Erard answered, yes, the town could file for declaratory action.

Ms. Erard asked Mr. Cirbee if he had an objection to removing the items that VMRC are claiming are not permitted.

Mr. Cirbee responded that there is nothing to remove.

Ms. Erard suggested she and Mayor Blunt work on resolution to this issue.

Mayor Blunt noted he is concerned about boats being kept at the pier and insurance issues.

Mayor Blunt noted the town is being charged up to \$10,000 by VMRC; the town is claiming that it is town property.

Mr. Cirbee said Potomac River Charters has a permit and pays taxes every year and has a tax ID.

Ms. Erard asked what taxes he pays.

Mr. Cirbee responded “It’s a real estate tax parcel” and continued that it is the only pier in Colonial Beach with a Tax ID number.

Mr. Cirbee noted that Council needs to push forward with a new pier ordinance.

Mr. Dellar noted the town manager was due to present a new pier ordinance in October.

Mr. Leamon noted this is a complex issue and that Mr. Cirbee, as a Council member, should probably not speak on this, and, if Mr. Cirbee is speaking as a citizen, well, we don’t allow any other citizen at a work session to speak.

Mr. Leamon noted it appears that the town needs to identify who owns this property and until then, it’s a moot point.

Mayor Blunt asked who’s burden of proof it is.

Mr. Leamon responded that someone needs to prove whether we own that property or if Mr. Cirbee owns that property.

Mr. Leamon asked Council to move on.

Ms. Erard said she would be happy to review documents if Mr. Cirbee would provide those documents to her and then she would report back to Council.

***There was consensus among Council members as to Ms. Erard reviewing the documents and reporting back to Council.***

## **Eleanor Trailer Park Survey**

Mayor Blunt reported the survey has been completed.

Mr. Cirbee asked if the plan included the town improving the property by providing water and sewer to individual lots.

Mayor Blunt noted if each lot already has water and sewer, the town can maximize the sale price.

Mayor Blunt noted the overlay showed 13-14 lots with the back lots being larger.

Mr. Cirbee asked if Council has passed a resolution to sell the property.

Ms. Erard stated that the town can subdivide property that it owns.

Mr. Cirbee stated that Council needs to be clear on its intention to sell the property, not just to market the property.

Mr. Dellar asked if the next step was to subdivide the property.

Mr. Cirbee responded the next step is to decide to sell.

Ms. Erard responded “If you’re going to subdivide it and put in infrastructure, I would do that. And then when you go to sell either four lots or all lots or one lot, then you would have the public hearing at that time.”

Ms. Erard further responded saying “You could do a resolution for the October meeting expressing Council’s intent to move forward with the installation of infrastructure, the subdivision of lots and, ultimately, the sale of the property.”

***There was Council consensus to entertain a resolution in October regarding Council’s intent to move forward.***

## **BikeFest 2017**

Mr. Leamon summarized that he and Mr. Rogers have determined the town breaks even and recommended that the BikeFest Committee pay for local law enforcement for the Town Police Department as a stipulation of the next bike fest.

Mr. Leamon also recommends requiring an entrance fee be charged to at least the main concert and that money come back to the town.

Mr. Rogers stated the next step is to get an MOU in writing with expectations of both parties.

Mayor Blunt noted this event is sponsored by the Chamber of Commerce in order to support the local businesses and the town supports this effort.

Mr. Leamon agrees with Mayor Blunt, but opposes using taxpayer dollars to pay for overtime for the police department.

Mayor Blunt agreed with Mr. Leamon and proposed looking at year five and comparing the results from this year, year four, noting that good weather will make some difference.

Chief Plott noted that Virginia State Troopers will be about half of last year's because the State Fair is scheduled the same weekend.

Mr. Dellar asked on behalf of citizens why establishment of On the Beach Productions is necessary.

Mayor Blunt responded that it may be for liability reasons.

Mayor Blunt further noted the Chamber of Commerce is the sponsor of this event and is the entity that submits the special event application.

### **Street Signs**

Mayor Blunt noted that 100 new sign posts have been delivered. Mr. Walter Kerns had mapped out signs in disrepair and crews have begun working on replacing the signs.

### **North End of Boardwalk**

Mayor Blunt reported that the boardwalk from Colonial Avenue up to Virginia and Maryland Avenues is a mess.

Mr. Murphy reported that the Corps of Engineers have said there is no money available.

Mr. Cirbee stated that the problem is the 'road ends.' Mr. Cirbee is concerned that Council needs to come up with a fix for the 'road ends' before a full solution can be found.

Mr. Cirbee stated you can create a safe walkway by taking the concrete out.

Mr. Murphy noted the drainage is an issue and a pipe is not necessarily going to fix it.

Mr. Muphy noted it is currently dangerous and should be closed as an access way or make it safe by removing the concrete on the town-owned portion.

Mayor Blunt agreed with Mr. Murphy.

(Simultaneous conversation.)

Mayor Blunt asked Ms. Erard if Council needs a resolution to take the concrete up.

Ms. Erard agreed.

Mr. Dellar asked if where the concrete is located is on an easement or right of way, but is privately owned, will that also be removed.

Ms. Erard stated if it were an access easement only, then the town cannot disturb the land.

Ms. Erard suggested staff continue to work on this issue and bring an update back to the next work session.

### **Dog Park**

Ms. Erard noted that when you have a public recreation facility, it needs to be in the Comprehensive Plan. The next step would be to go before the Planning Commission for a determination that it is consistent with the goals of the Comp Plan.

*There was Council consensus to entertain a resolution in October regarding referring this matter to the Planning Commission.*

Mr. Cirbee noted the excavation shown on the Comp Plan for the living shoreline at Robin Grove Park should be looked at in conjunction with the dog park issue.

Mayor Blunt noted this would be looked at by the Planning Commission.

### **Police Department Lease**

Chief Plott stated that the current leased building needs new carpet, the roof leaks, and there is a sewer backup.

Chief Plott has been in touch with BB&T for the vacant space in their building on Colonial Avenue for \$3,000 per month to start, which includes electricity. Currently, the Department pays \$2,500 per month in rent and \$500 per month in utilities.

Chief Plott further noted the Department is on a month-to-month lease so there will be no penalty to give notice.

Chief Plott noted there are four small offices downstairs which would be used for a booking room, Ms. Peyton's office and there is room in the building if Council decides to bring dispatch back.

Chief Plott would hope to move in November.

Ms. Erard noted she will prepare a resolution approving a new lease for the next meeting.

### **Status of Search for Town Manager and Chief Financial Officer**

Mayor Blunt noted there are several options, using a search firm, working with VML or performing our own recruitment.

Mr. Leamon would like to set up a citizen advisory committee to assist the Council with this search.

Mayor Blunt suggested a citizen group be organized who can provide to Council what they want in a town manager.

## **New Business**

### **Lease Renewals**

Mayor Blunt noted the lease renewals for the Community Garden, the museum, and the School Board are being advertised and will be on the agenda at the next Council meeting.

*(Mr. Lyburn excused himself from the rest of the meeting due a scheduling conflict.)*

### **MetroCast sale to Atlantic Broadband**

Mayor Blunt recommended Council consider modifying a resolution acknowledging the sale with language re: Channel 8 government access channel and access for the public works building.

### **Town Code, Chapter 21, Water & Sewer**

Mayor Blunt noted the entire chapter needs to be rewritten, but of special note is the provision in Chapter 21 which requires a homeowner to come before Council for approval to tie into the sewer system, although this requirement has not been followed in many years.

### **No Wake Zone**

Mayor Blunt noted a citizen has requested that the issue of requiring a “No Wake Zone” on Monroe Bay.

Mayor Blunt noted not having a no wake zone creates dangerous conditions and promotes shore erosion.

Mayor Blunt further noted that Monroe Bay has split ownership between Colonial Beach and Westmoreland County and, if the County does not agree to a no wake zone, the town can require its half to be a no wake zone.

### **Golf Carts**

Mayor Blunt reported that currently utility vehicles are not included in the ordinance allowing golf carts to be driven on town roads.

Mr. Cirbee noted that state code allows UTV and the town has not updated its ordinance.

Mr. Rogers recommended utility vehicles be subject to the same rules as golf carts. Mr. Alger and Mr. Leamon agreed.

Mayor Blunt recommended a leaflet be provided to all inspectors of golf carts.

### **Adjournment/Recess**

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

*At 11:27 a.m. the meeting was adjourned.*

---

Kathleen Flanagan, Town Clerk