



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, July 18, 2018 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

All Council members were present.

Also Present

Town Manager, Quinn Robertson
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Zoning Administrator, Allyson Finchum
Acting Chief of Police, Bruce Hough

Call to Order

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

Moment of Silence/Pledge of Allegiance

Mayor Blunt asked for a Moment of Silence and led the Council in the Pledge of Allegiance.

Roll Call of Members

Mayor Blunt noted that all Council Members were present.

Approval of the Agenda

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

Mayor Blunt called for a roll call vote to approve the Agenda. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Mayor Blunt voted “aye.”

The motion to approve the agenda passed with a unanimous vote.

Approval of Minutes

Ms. Flanagan requested that approval of the minutes of the June 20, 2018 meeting be deferred until the August meeting.

There was no objection to deferral of approval of the minutes of the June 20, 2018 meeting.

Council Announcements

Mr. Alger thanked Ms. Flanagan for updating the microphones in Town Center.

Mr. Lyburn thanked all departments for their hard work on the 4th of July.

Mr. Leamon thanked Public Works, as well.

Mr. Dellar thanked Mr. Robertson and the Police Department for their hard work on the 4th of July.

Mr. Dellar spoke as Liaison to the Department of Planning and Zoning and suggested that Mr. Cirbee would be a perfect liaison to the Department and asked Council to consider his suggestion.

Mr. Rogers thanked all departments.

Mayor Blunt noted this was the biggest July 4th crowd to date. Mayor Blunt thanked Mr. Robertson, the Police Department, and Public Works, as well as the citizens, for the July 4th holiday. Mayor Blunt thanked Ms. Flanagan and Steve Warner for the new communications/microphone system.

Presentations

Colonial Beach Schools

Vicki Roberson introduced the new Superintendent of Schools, Dashan Turner.

Mr. Turner thanked Town Council for his welcome and said he was looking forward to meeting with the Town Manager and town staff.

Mr. Trivett then spoke and informed Council that the schools' checks are not being signed by the Town Manager and this can't be allowed to go on.

Mr. Trivett does not know how this came about.

Mr. Trivett noted that Mr. Alger passed out a copy of applicable state law regarding separation of funds.

Mr. Trivett noted in the past few months the following issues have come up: (1) the school has been accused of overspending in the construction fund; (2) then we were told we were \$110,000 to the good and the town wants to use that money for an SRO; and, (3) the \$330,000 issue.

Mr. Trivett requested a joint meeting be held to resolve any issues.

Mr. Trivett also noted he has been questioned on "voided checks" and the Superintendent's discretionary fund.

Mr. Trivett further noted that as of today he has directed their attorney that the Board will no longer pay the bill for their attorney to talk to Council's attorney.

Ms. Erard noted that the Town Manager had informed her today that he had received checks with no supporting documentation and asked Ms. Erard to contact the School Board's attorney.

Mr. Cirbee said that he was not aware of any issues.

Mr. Dellar also said he was not aware of any issues.

Larry Roberson, Westmoreland County Board of Supervisors

Mr. Roberson spoke to the agreement with the County regarding dispatch.

Mr. Dellar asked Mr. Roberson if the County was raising the town's real estate taxes. Mr. Roberson answered "Two cents."

Mr. Dellar noted Attachment A was missing to the dispatch agreement.

Mr. Leamon noted Council needs to know about agreements that are up for renewal six months prior to that renewal date.

Mayor Blunt asked Mr. Roberson to find out if the town actually uses 75% of the legal system and social services' costs.

Planning Commission

Ms. Pam Tolson provided an update.

Ms. Tolson thanked Town Council for keeping up with those issues/items that Planning Commission has entertained.

Ms. Tolson informed Council the Planning Commission survey that had been provided to Council at its last work session needs to be returned.

Ms. Tolson then spoke to a request from Rivah Dogs and Dr. Caryn Self-Sullivan for Council to create a dog park, which would then allow Rivah Dogs to apply for grant funding.

Ms. Tolson noted it is the recommendation of Planning Commission that Town Council approve a dog park at either Robin Grove or the Community Center site.

Mr. Cirbee requested that staff prepare a recommendation for Council.

Chamber of Commerce

Ms. Susan Mack reported that she met with Eric Nelson and Jim Bell for the purpose of enhancing cooperation and relationships between the groups.

Ms. Mack reported that she also met with Kiki Apple who is exploring several Virginia Tourism grants for her winery, Monroe Bay Vineyard and for Monroe's Birthplace and is creating a wedding venue.

Classes will be available to Chamber members soon in business development, computer management skills, advertising, tax credits and financial incentives, and website development.

Mr. Dellar thanked Ms. Mack.

Mr. Leamon agreed and said Ms. Mack was a "breath of fresh air."

Downtown Colonial Beach

Ms. Glenda Chiarello reported on the newly planted flowers near the Welcome sign, which was paid for by grant money.

Ms. Chiarello noted there was a resolution in front of Council regarding hanging banners on Colonial Avenue. Ms. Chiarello thanked Joyce Gunderson and Cathy Bokman for their fundraising efforts.

Colonial Beach Foundation

Dr. Peter Fahrney noted the Foundation was able to send 16 children from town to 4-H Camp this year.

Dr. Fahrney noted that on September 22nd there will be a Beach Music Festival complete with shag dancing and instruction in shag dancing.

The Foundation has been raising funds for the banners for Colonial Avenue and has been very active helping to coordinate the Torrey Smith project.

Town Attorney, Andrea Erard presented The Role of the Town Council and the Role of the Town Manager

Ms. Erard presented a Power Point and recommended Council Members get a copy of Virginia Municipal League's book "Handbook for Virginia Mayors and Council Members."

The primary function of Town Council is legislative, to make policy.

Ms. Erard noted that as local elected officials, she recognizes the difficulties and appreciates the fact that each member is willing to take this on.

(Applause)

Each member's ability to get things done depends on their ability to influence one another.

Ms. Erard noted she would like to work with Council to come up with a way to insure that things are being done properly and that information is being shared.

Monthly Department Reports

Town Manager

Mr. Robertson noted Ms. Gomez was out of town and, therefore, there is no report from the Finance Office.

Mr. Robertson updated Council on the Torrey Smith project.

Mr. Robertson noted that the new webpage has the ability to accept payments made online.

Mr. Cirbee asked if there was a total cost prepared for the Torrey Smith project. Mr. Robertson deferred to Ms. Finchum and noted there are still quotes to be determined.

Mr. Robertson noted the changes to the hourly parking rate are nearing completion and parking rates will be increased to \$2.00 per hour.

Mr. Robertson then suggested that Council either recess their meetings in August or not hold a work session in August, that would allow staff to work to full capacity on the many issues before Council.

Mr. Robertson then noted that the town is updating to Office 365, which will improve all digital communications.

Mr. Robertson then reported on the upcoming need to change the town's accounting software from Bright.

Mr. Robertson noted the cost will be approximately \$80,000 to \$90,000.

Mr. Cirbee asked if the town budgeted for this cost. Mr. Dellar suggested the town put out a Request for Information to software vendors.

Mr. Dellar asked is there was still a hiring freeze on new employees. Mr. Robertson responded that as employees have left, there has been a critical number that requires replacement.

Mayor Blunt asked Council if they have consensus on changing the August schedule.

Mayor Blunt recommended holding one meeting, a work session, when the regular meeting was scheduled. Then in September, Council would hold a works session first and then a monthly regular meeting.

Mr. Leamon noted there are two issues on the table – adding time between work sessions and regular meetings and holding August meetings.

Ms. Erard suggested if Council was going to hold one meeting in August, they could also schedule the requested Joint Meeting with the School Board.

Mayor Blunt suggested holding a Joint Meeting with the School Board first and then holding a Work Session.

Mr. Leamon requested clarification from Mr. Robertson on the issues raised by Mr. Trivett.

Mr. Robertson reported that he has requested that any checks brought to him for signature have attached documentation and that discussions regarding this have been going on for several months.

Mayor Blunt asked if Mr. Robertson had checked with the current auditors.

Mr. Robertson replied he had checked with the current auditors and discovered that schools cannot carry forward cash from year to year.

Mr. Robertson then reported that Ms. Gomez had discovered a surplus in the school's construction funding of \$110,000, which is being disputed by the school.

Mayor Blunt suggested each council member take steps to be briefed on the issues brought up that will be discussed at the Joint Meeting to be scheduled on August 15.

Mr. Dellar further suggested that Council members be provided a list of issues from the School Board.

Motion Re: August meetings

Mr. Cirbee made a motion to cancel the August 11th Work Session and to invite the School Board for a joint meeting on August 15th to be followed by a Work Session of the Town Council. Mr. Alger seconded the motion.

Vote Re: August meetings

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

The motion passed with a unanimous vote of Council.

BE IT RESOLVED that the August 11th Work Session of Town Council is hereby canceled;

BE IT FURTHER RESOLVED that on August 15th a Joint Meeting is hereby called between the School Board and the Town Council beginning at 6:00 p.m.;

BE IT FURTHER RESOLVED that upon conclusion of the August 15th Joint Meeting, Council will hold a Work Session of the Town Council.

Department of Public Works

Mr. Murphy noted the air conditioning system in the meeting room is currently “frozen” and is not operational this evening, but will be thawed out by tomorrow.

Mr. Murphy noted the town is waiting on a Notice to Proceed for the revised pedestrian plaza.

Mr. Murphy summarized his report.

Public Works has completed drainage project on Santa Maria and completed road resurfacing project in the Meadows.

Mr. Murphy noted that initial phase of pipe replacement has been completed and recommended Council continue to fund pipe replacement.

Mr. Murphy reported that he is waiting for final decision regarding using buoys to delineate the No Wake Zone in Monroe Bay.

Mayor Blunt noted the town has approval from the Department of Inland Fisheries for implementation of the No Wake Zone in the town-owned portion of Monroe Bay.

Town Clerk

Ms. Flanagan reported that she is continuing to work on the backup of minutes.

Mr. Cirbee suggested Town Council be provided access to digital records so that they can better research topics.

Mr. Robertson responded that staff is working on changing over to Office 365, which is cloud based and is looking at that issue.

Police Department

Acting Chief Hough summarized his monthly report for June.

Chief Hough noted that the Special Olympics Torch Run was successful and thanked Hunan Diner for their assistance.

Chief Hough reported that in June the Department answered 518 calls for service, issued 22 traffic citations, wrote 75 parking tickets and arrested four subjects.

Department of Planning and Community Development

Ms. Finchum summarized her report.

Ms. Finchum then reported that her report included a listing of issues that need to be addressed by Town Council.

Ms. Erard noted she believed that the code enforcement official is keeping track of administration time spent on grass issues in order to charge the property owners for her time.

Old Business

Resolution #26-18, Banners on Colonial Avenue

Mr. Leamon made a motion to adopt Resolution #26-18 as written. Mr. Alger seconded the motion.

Motion to Amend

Mr. Alger made a motion to amend the date in the first paragraph to “July 18, 2018.” Mr. Lyburn seconded the motion.

Mayor Blunt called for a roll call vote on the Motion to Amend. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Mayor Blunt voted “aye.”

The Motion to Amend was passed with a unanimous vote of Council.

Vote on Amended Motion

Mayor Blunt called for a roll call vote on the amended motion. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Mayor Blunt voted “aye.”

Resolution #26-18 was adopted as amended with a unanimous vote of Council.

RESOLUTION #26-18, Banners on Colonial Avenue

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting on Wednesday, July 18, 2018, hereby authorizes the Town Manager to execute the attached VDOT Land Use Permit titled “Permittee Agreement for Land Use Permit Issuance” to allow the installation of banners on Colonial Avenue; and

BE IT FINALLY RESOLVED that the attached Resolution regarding the installation of banners on Colonial Avenue is approved.

Resolution #27-18, Ratifies Execution of Dispatch Agreement with Westmoreland County

Mr. Leamon made a motion to approve Resolution #27-18 as written. Mr. Lyburn seconded the motion.

Motion to Amend

Mr. Alger made a motion to amend the date in the first paragraph to “July 18, 2018.” Mr. Lyburn seconded the motion.

Mayor Blunt called for a roll call vote on the Motion to Amend. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Cirbee voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Mayor Blunt voted “aye.”

The Motion to Amend was passed with a unanimous vote of Council.

Vote on Amended Motion

Mr. Dellar asked about the fact that Ms. Erard has stated she is not able to approve the agreement as to form, and what is the urgency in signing the agreement.

Mr. Leamon noted the previous agreement was approved by a previous Council despite the same recommendation from the Town Attorney.

Mr. Cirbee asked Ms. Erard if she would be able to get the document revised to a point where she could support it.

Ms. Erard responded “I don’t know. I don’t know if Westmoreland will make changes to it.”

Mayor Blunt responded that Council could approve the agreement tonight and notes that there is a six-month termination clause.

Ms. Erard responded that her problems include: the contract is incomplete; there is no Attachment A; and, there are no definite numbers going forward.

Mr. Leamon believes this needs to be worked out between Ms. Erard and the County Attorney before Town Council approves this agreement.

Withdrawal of Motion

Mr. Leamon withdrew his Motion to Approve. Mr. Lyburn withdrew his second.

Ms. Erard notified Town Council that she will contact the County Attorney.

Town Council Action on Resolution #27-18 was withdraw.

Resolution #29-18, Planning Commission Referrals (Accessory Structures, Trees, House Boats)

Mr. Leamon made a motion to approve Resolution #29-18 as written. Mr. Lyburn seconded the motion.

Mr. Cirbee asked what initiated the issue of houseboats.

Ms. Finchum responded that a potential purchaser of a marina asked if houseboats could be rented out on a short term basis, similar to a ‘water B&B.’

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

Resolution #29-18 was adopted as written with a unanimous vote of Council.

**RESOLUTION #29-18, REFERRAL TO THE PLANNING COMMISSION
RE: REQUEST FOR PUBLIC HEARINGS AND RECOMMENDATIONS
OF SIX ISSUES BY THE TOWN OF COLONIAL BEACH PLANNING
COMMISSION ON AMENDING THE TOWN OF COLONIAL BEACH
ZONING ORDINANCE**

WHEREAS, the Colonial Beach Zoning Ordinance does not allow the use of *Accessory Apartments* in the Commercial-Residential (CR) District; and

WHEREAS, the Colonial Beach Zoning Ordinance has specific restrictions on the size, placement and use of *Accessory Structures* and *Accessory Apartments*; and

WHEREAS, the Colonial Beach Zoning Ordinance requirement of replacement of trees in the Chesapeake Bay Resource Management Area is 2:1 and the requirement of replacement of trees in the Chesapeake Bay Resource Protection Area is 3:1 and the species of replacement trees is not clearly defined; and

WHEREAS, the Colonial Beach Zoning Ordinance does not define *Houseboats* and *House Barges* or permit either use in any district; and

WHEREAS, the Colonial Beach Zoning Ordinance does not define *Homestay* or permit the use in any district; and

WHEREAS, the Colonial Beach Zoning Ordinance does not permit *Vendors* and *Peddlers* as a use allowed in commercial districts.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on July 18, 2018 that the following matters are hereby referred to the Colonial Beach Planning Commission for public hearings and recommendations in accordance with state law:

1. Accessory apartments in the CR District; and
2. Ratio of tree replacement in the Chesapeake Bay Resource Protection Area; and
3. Inclusion of houseboats/house barges as a permitted use.

Citizen Input

Steve Kennedy, Boundary Street, congratulated the town on handling the crowds present for the 4th of July.

Mr. Kennedy noted there has been an increase in golf carts riding on Route 205 and most of them are rentals.

Walter Kern, The Meadows discussed several topics: (1) dispatch – Mr. Kern noted most counties are charged with providing dispatch services; (2) suggested the town create a Parks and Recreation Authority.

Mr. Kern noted that 40 years ago CB Youth Athletics was formed by Bobby Duke, Sr. and himself.

Mr. Kern has a list of names he can provide to Council to start up a Parks and Rec Authority, such as Coach Swope, Keith Dickerson, Earl Peyton and Bobby Duke, Jr.

Jay Jarvis, 225 Boundary Street gave kudos to the Police Department and Public Works for a job well done on the 4th of July.

Mr. Jarvis brought up the fact that many visitors are grilling on the beach.

After Council discussion on grills, Mr. Robertson noted he would research other localities re: grilling on the beach.

Mr. Leamon clarified that only town police officers can enforce town ordinances, such as no bicycles on the beach or no grilling on the beach.

Closed Meeting

Mayor Blunt made a motion to go into closed meeting subject to VA Code Section 2.2-3711(A)(1) for the purpose of discussing the performance of the Town Manager. Mr. Alger seconded the motion.

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

The motion to move into closed session was approved by a unanimous vote of Council Members.

Mayor Blunt reported that this was not punitive at all, but rather a routine meeting.

At 8:52 p.m. Council moved into closed session.

Certification and Reconvene

Mr. Leamon made a motion to certify that only those matters that were identified in the motion to go into closed meeting were heard, discussed or considered. Mayor Blunt seconded the motion.

Mayor Blunt called for individual certifications. Mr. Alger so certified, Mr. Leamon so certified, Mr. Lyburn so certified, Mr. Cirbee so certified, Mr. Rogers so certified, Mr. Dellar so certified and Mayor Blunt so certified.

At 9:47 p.m. Mayor Blunt reconvened the meeting.

Adjournment/Recess

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

At 9:47 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk