



Before the
Colonial Beach Town Council

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

Saturday, January 6, 2018 at 8:00 a.m.

Town Council Work Session

AGENDA

1. **Call To Order**
2. **Roll Call of Members**
3. **Approval of the Agenda**
4. **Presentations**
5. **Old Business**
 - Monthly Department Reports *(Tab A)*
 - Search for Town Manager, CFO and Building Official *(Tab B)*
 - Sale of 18 North Irving Ave (old town hall/Westmoreland Bank Bldg) *(Tab C)*
 - Piers *(Tab D)*
6. **New Business**
 - Discussion of Vacant Foreclosed Property Registration *(Tab E)*
 - Draft Resolution # ___-18, Budget Adoption Calendar *(Tab F)*
 - Resolution # _-18, Reappoints Maureen McCabe to the Planning Commission *(Tab G)*

7. Organizational Items

- Draft Resolution #01-18, Establishes dates and times for regular Town Council meetings *(Tab H)*
- Draft Resolution #02-18, Establishes dates and times for Town Council work sessions *(Tab I)*
- Draft Resolution #03-18, Adoption of the 2018 Town Council By Laws and Rules of Procedure *(Tab J)*
- Discussion of appointing Deputy Town Manager

8. Status Items

- Outstanding VMRC Citations in the Town
- Ord re: Town Code, Chapter 21, Water & Sewer
- No Wake Zone, Monroe Bay
- North End of the Boardwalk

9. Items Submitted by Council Members

- Status of Ordinance #682 (Submitted by B. Dellar)
- Discussion of Resolution #59-17 (Submitted by B. Dellar)
- Down the River Up the Bay (Submitted by B. Dellar)
- Bike Fest Revenues year 0-4 (Submitted by B. Dellar)
- Planning Commission use of town streaming equipment (Submitted by B. Dellar)
- Status of PRE Resolution #60-17 (Submitted by B. Dellar)
- Comprehensive Parking Plan for the Town (Submitted by B. Dellar)

10. Closed Meeting**11. Adjournment/Recess**

ATTACHMENT TO AGENDA**Items from Planning Commission Ready for Town Council Review**

- Referral of amendments to the Zoning Ordinance
- Amendments-Article 12 Signs
- Amendments-Article 13 Parking
- Amendments-Article 24 Landscaping
- Amendments-Article 10 Agricultural
- Vacant Property Study-Wilder Avenue Parking Lot
- Vacant Property Study-Town Hill

Tab A

Tab B

Tab C

Tab D

Tab E



Colonial Beach, Virginia Department of Planning and Community Development

Colonial Beach Vacant Foreclosed Property Registration

Information regarding the registration program, including who must register, is provided on page 2 of this form.

Registration Type: Initial Registration: Renewal Registration:

Property Owner: _____
Property Address: _____

Lending Institution, Mortgagee, Creditor or Owner (required):

Business Address (No P.O. Boxes) _____

Phone Number: _____ Email Address: _____

Preservation Company (if applicable):

Business Address (No P.O. Boxes) _____

Phone Number: _____ Email Address: _____

Local Maintenance Provider Contact Name & Title (required) :

Business or Home Address (No P.O. Boxes) _____

Phone Number: _____ Email Address: _____

PIDN: _____ Date of Initial Foreclosure Filing: _____

Mortgagees shall pay any required fees and maintain accurate registration information until the property is transferred to an unaffiliated third party.

Please include registration fee with application: \$150 Initial Registration Fee \$150 Renewal Fee

The mortgagee or agent of this building and undersigned does hereby certify that the information and statements given on the registration are to the best of his or her knowledge, true and correct. I acknowledge and understand the property maintenance expectations for registered properties.

Applicant Signature _____ Date _____

Return this registration form, along with your fee to:

Department of Planning and Zoning Community Development Office
Property Maintenance Code Enforcement
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7506



Colonial Beach, Virginia
Department of Planning and Community Development

Colonial Beach Vacant Foreclosed Property Registration

Who Must Register?

A mortgagee who files a foreclosure on a residential property within Colonial Beach, VA and when that property is vacant, must file a registration with the Colonial Beach Vacant Foreclosed Property Registry. A property that is in a foreclosure proceeding and is not vacant, need not be registered. Any foreclosure action brought before DATE, 2017 must be registered by DATE, 2017. Any foreclosures filed after DATE, 2017 must be registered by DATE, 2017. Any foreclosures filed after DATE, 2017 must be registered within 10 days of the foreclosure filing.

How do I register?

The mortgagee or agent must complete the registration form at the Planning and Development Department and pay the registration fee of \$150.00 per parcel. For more information, call (804) 224-7506.

Property Maintenance Expectations:

- Properties must be maintained free of outwards appearances of foreclosure and vacancy during the registration period.
- No signs or placards may be placed on the exterior of the building on the windows or doors indicating that the property is vacant or foreclosed;
- Grass shall be no higher than 10 inches at any time and the property must be maintained free of all noxious weeds, and litter.
- The premises shall remain secure and locked. Broken windows and doors which are visible from the right-of-way may be covered with plywood or similar boarding material on an emergency basis, but for no more than ten business days, while arrangements are being made to replace broken glass or broken parts of existing windows and doors. Otherwise windows and doors visible from the public right-of-way must be maintained in good repair and not boarded. Clear, plexiglass material may be used to secure a property for a period longer than 10 days.
- Handbills, circulars, and advertisement shall be removed from the porches and yards (within 5 business days of being notified).
- Standing water on the premises, including but not limited to standing water in swimming pools, shall be eliminated.
- All other applicable property maintenance provisions as listed within the International Property Maintenance Code, local Zoning Ordinances and Nuisance Codes remain in effect.

Periodic Inspections:

The Town Code Enforcement Official may inspect the property to ensure compliance with applicable property maintenance, zoning and nuisance code requirements. The code enforcement official will notify the registered local contact of any violations identified at the time of inspection. Any violations must be corrected within 14 days or code enforcement orders will be filed and placed as a lien on the property for the total cost to bring the property into compliance with Town Codes, Zoning, Nuisance and Property Maintenance Codes.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 11. Powers of Cities and Towns

§ 15.2-1127. Vacant building registration; penalty.

The Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, and any city, by ordinance, may require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more, and which meet the definition of "derelict building" under § 15.2-907.1, to register such buildings on an annual basis and may impose an annual registration fee not to exceed \$100 to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the locality and filed with the agency designated by the locality. Failure to register shall be a \$200 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, shall be punishable by a civil penalty not exceeding \$400. Notice shall be mailed to the owner or owners, at the address to which property tax notices are sent, at least 30 days prior to the assessment of the civil penalty.

1993, c. 829, § 15.1-29.24; 1997, c. 587; 1999, c. 250; 2006, c. 299; 2013, cc. 253, 355, 405.

Vacant Foreclosed Property Registration

What is the purpose of the registry?

The Vacant Foreclosed Property Registry increases the efficiency and effectiveness of code enforcement activities conducted in Colonial Beach. The registry requires a mortgagee to name a local contact who can remedy any property maintenance issues associated with a foreclosed, vacant property. By requiring a local contact, issues such as tall grass and weeds, disrepair or other property maintenance violations will be addressed in a timely manner.

**COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
KENTON COUNTY, KENTUCKY**

ORDINANCE NO. 950.87

**AN ORDINANCE OF THE KENTON COUNTY FISCAL COURT ESTABLISHING
REGISTRATION PROCEDURES FOR VACANT OR ABANDONED FORECLOSED
PROPERTY LOCATED IN KENTON COUNTY.**

WHEREAS, the presence of vacant residential property in foreclosure may constitute a threat to the public health, general welfare, and safety of the citizens of Kenton County, AND

WHEREAS, the presence of vacant residential property in foreclosure may depreciate property values and contribute to the deterioration of surrounding neighborhoods, AND

WHEREAS, the presence of vacant or abandoned buildings in foreclosure can discourage potential buyers from purchasing property adjacent to, or within the area of, vacant and abandoned property, AND

WHEREAS, in many instances, the owners, lenders, and lienholders fail to adequately maintain and secure these vacant or abandoned foreclosed properties, and code enforcement officials are hampered in their efforts to enforce various building and nuisance codes without information regarding the current status of ownership of vacant and abandoned foreclosed properties, AND

WHEREAS, it is in the best interests of Kenton County to ensure sufficient information is made available to code enforcement officials to assure effective maintenance and preservation of vacant and abandoned foreclosed properties.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court, County of Kenton, Commonwealth of Kentucky, that:

Section I

(1) **Purpose** – It is the purpose and intent of the Kenton County Fiscal Court, through the adoption of this Chapter, to establish a vacant and abandoned residential property registration program for properties in foreclosure as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant and abandoned foreclosed properties.

(2) **Severability** - The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

(3) **Remedies** – The provisions of this code shall not be construed to abolish or impair existing or other remedies of the County or its officers or agencies relating to the removal or demolition of any buildings that are dangerous, unsafe, or unsanitary.

(4) **Effective Date** – This Ordinance shall take effect and be in full force thirty (30) days from and after its passage.

Section II

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning of the word being defined:

VACANT OR ABANDONED – A property with no legal resident or tenant. Evidence of vacancy or abandonment includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant or abandoned. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings, furnishings, and/or personal items consistent with habitation, and statements by neighbors, delivery persons, or government employees indicating an absence of inhabitants.

CREDITOR – Any person or any federal or state chartered bank, savings bank, savings and loan association, credit union, or any other financial institution or entity acting on behalf of the Creditor named in the debt obligation, including, but not limited to, servicers.

DWELLING UNIT – A group of rooms located within any building, structure, or house used for residential purposes, forming a single housekeeping unit with facilities which are designed and used for living, sleeping, cooking, and/or eating.

PROPERTY – Any real property and the improvements, buildings, structures, houses, or residential units thereon, whether single or multi-family, whether or not owner occupied, used for residential purposes, containing one (1) or more dwelling units.

OWNER - Any person, co-partnership, association, corporations, fiduciary or other legal entity having a legal or equitable title or any interest in any real property.

Section III

(1) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on property located in Kenton County, a petitioning Creditor or Owner shall inspect the property to determine whether the property is vacant or abandoned. If the property is vacant or abandoned, the petitioning Creditor or Owner shall, within ten (10) days of filing the complaint for foreclosure or the deed in lieu of foreclosure is executed, register the property as a vacant property with Planning and Development Services of Kenton County for the purpose of minimizing hazards to persons and property values as a result of the vacancy.

(2) If a property is occupied, but remains in default and subject to an action for foreclosure, the property shall be inspected by the petitioning Creditor, Owner, or its designee, no less than once every thirty (30) days until:

- a. The foreclosure action is dismissed, OR
- b. The property is transferred to an unaffiliated third party via Master Commissioner's deed, OR
- c. The property is otherwise transferred to an unaffiliated third party.

(3) Within ninety (90) days of this ordinance becoming effective, the petitioning Creditor or Owner of any complaint of foreclosure shall inspect any property which is the subject of the legal action to determine whether the property is vacant or abandoned. If the property is vacant or abandoned, the petitioning Creditor or Owner shall, within ten (10) business days after inspecting the property, register the property as a vacant property with Planning and Development Services of Kenton County for the purpose of minimizing hazards to persons and property values as a result of the vacancy.

(4) If a property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within ten (10) business days after obtaining knowledge of the vacancy, register the property as a vacant property with Planning and Development Services of Kenton County.

(5) The petitioning Creditor or Owner of vacant property shall pay an initial registration fee of One Hundred Fifty Dollars (\$150.00) renewable annually thereafter until such time that the foreclosure action is dismissed, the property transferred to an unaffiliated third party via Master Commissioner's deed, the property is legally reoccupied, or the property is otherwise transferred to an unaffiliated third party.

Section IV

Registration of a property as a vacant foreclosed property shall include the address of the property, the name of the petitioning Creditor or Owner, and the name, address, and telephone number of a person located within the Commonwealth of Kentucky who is authorized to accept service of process on behalf of the Creditor or Owner.

Section V

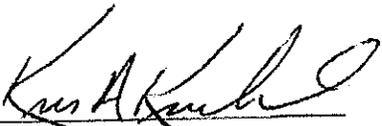
Any Owner or Creditor that fails to register vacant residential foreclosed property with Planning and Development Services of Kenton County shall be subject to a civil fine of one hundred dollars (\$100.00) for each day of delinquency.

Adopted this 9th day of November, 2016.

1st Reading October 25, 2016
2nd Reading November 9, 2016

Vote: Yes; X No; _____

Fiscal Court of
Kenton County, Kentucky

By: 
Kris Knoche
Judge/Executive

Attest:

Sue Kaiser, Fiscal Court Clerk

Tab G

COUNCIL PAPER

At the meeting held on _____, 2018 at the Colonial Beach Town Center

Resolution #04-18, Reappoints Maureen McCabe to the Colonial Beach Planning Commission

WHEREAS, Maureen McCabe was appointed on December 12, 2013 by Town Council to serve on the Colonial Beach Planning Commission for a term expiring on December 31, 2017; and

WHEREAS, the Planning Commission is highly pleased by the performance and dedication displayed by Maureen McCabe and has considered her application to serve another four year term; and

WHEREAS, the Planning Commission unanimously recommends the reappointment of Maureen McCabe.

NOW, THEREFORE, the Town Council, meeting on _____ hereby reappoints Maureen McCabe to the Colonial Beach Planning Commission for a second four-year term expiring on December 31, 2021.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, December 28, 2017 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission is highly pleased by the performance and dedication displayed by Ms. Maureen McCabe and supports her decision to serve an additional four years on the Colonial Beach Planning Commission.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends to Town Council the reappointment of Ms. Maureen McCabe to the Planning Commission for an additional term expiring on December 28, 2021.

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> X </u>	___	MR. CHRISTIANSEN	<u> X </u>	___
MS. McCABE	Absent	___	MR. ROBERTSON	<u> X </u>	___
MS. TOLSON	<u> X </u>	___	MR. NELSON	<u> X </u>	___
MR. KOSSLER	<u> X </u>	___			

ADOPTED BY _____ TABLED FOR _____

Resolution #55-13, Appointments to the Colonial Beach Planning Commission

WHEREAS, there are two vacancies on the Colonial Beach Planning Commission; and

WHEREAS, Maureen McCabe and Robert Busick, Jr. have indicated their willingness to serve on the Planning Commission and each have submitted an application; and

WHEREAS, the Planning Commission has considered the submitted applications and recommend that Maureen McCabe and Robert Busick, Jr. be appointed to serve on the Colonial Beach Planning Commission.

NOW, THEREFORE, the Town Council, meeting in regular session, Thursday, December 12, 2013 hereby appoints Maureen McCabe and Robert Busick, Jr. to the Colonial Beach Planning Commission for a four-year term expiring on December 31, 2017.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION, adopted by the Town Council at a regular meeting of Council held Thursday, December 12, 2013 at the Colonial Beach Town Center, with a quorum of Council being present.

Kathleen Flanagan, Town Clerk

Tab F

Tab H

COUNCIL PAPER

At the regular meeting held on Wednesday, January 24, 2018 at the Colonial Beach Town Center

Resolution #01-18, Establishment of dates and times for regular Town Council meetings

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

NOW THEREFORE BE IT RESOLVED, that the following dates have been established for the Town Council Regular Meetings:

Wednesday	February 21, 2018	6:00 p.m.
Wednesday	March 21, 2018	6:00 p.m.
Wednesday	April 18, 2018	6:00 p.m.
Wednesday	May 16, 2018	6:00 p.m.
Wednesday	June 20, 2018	6:00 p.m.
Wednesday	July 18, 2018	6:00 p.m.
Wednesday	August 15, 2018	6:00 p.m.
Wednesday	September 19, 2018	6:00 p.m.
Wednesday	October 17, 2018	6:00 p.m.
Wednesday	November 21, 2018	6:00 p.m.
Wednesday	December 19, 2018	6:00 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Tab I

COUNCIL PAPER

At the regular meeting held on Wednesday, January 24, 2018 at the Colonial Beach Town Center

Resolution #02-18, Establishment of dates and times for Town Council Work Sessions

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

NOW THEREFORE BE IT RESOLVED, that the following dates have been established for the Town Council Work Sessions:

Saturday	February 10, 2018	8:00 a.m.
Saturday	March 10, 2018	8:00 a.m.
Saturday	April 14, 2018	8:00 a.m.
Saturday	May 12, 2018	8:00 a.m.
Saturday	June 9, 2018	8:00 a.m.
Saturday	July 14, 2018	8:00 a.m.
Saturday	August 11, 2018	8:00 a.m.
Saturday	September 8, 2018	8:00 a.m.
Saturday	October 13, 2018	8:00 a.m.
Saturday	November 10, 2018	8:00 a.m.
Saturday	December 8, 2018	8:00 a.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Tab J

COUNCIL PAPER

At the regular meeting held on Wednesday, January 24, 2018 at the Colonial Beach Town Center

Resolution #03-18, Adoption of 2018 Bylaws and Rules of Procedure

BE IT RESOLVED, that the Town Council meeting in regular session, Wednesday, January 24, 2018 hereby adopts the attached 2018 Bylaws and Rules of Procedure.

Moved By _____ Seconded By _____

AYE NAY AYE NAY

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

Adopted _____ Tabled _____

**BYLAWS AND RULES OF PROCEDURE
Colonial Beach Town Council**

Preamble

The Colonial Beach Town Council operates in accordance with federal and state laws at all times. If there should be any conflict between these Bylaws and federal, state, or local law or regulation, the federal, state or local law or regulation shall be followed.

The citizens and businesses of the Town of Colonial Beach, Virginia are entitled to have fair, ethical, and accountable local government, so as to earn the public’s full confidence and trust. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Colonial Beach Town Council has adopted these Bylaws and Rules of Procedure to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 Meetings

Section 1-1 Annual organizational meetings

A. The Town Council shall conduct an organizational meeting at its first meeting in January of every year.

B. At the organizational meeting in January, the Council shall establish the date, time and place for its regular monthly meetings for the remainder of the calendar year. Following the election of a Mayor, at the organizational meeting the Town Council shall elect a Vice-Mayor.

Section 1-2 Meeting Cancellations and Postponements

The Mayor may cancel or postpone any meeting because of inclement weather or disaster and will reschedule any postponed meeting at the earliest possible date when a quorum is available.

Section 1-3 Special Meetings

A special meeting of the Council shall be held when called by the Mayor, or requested by two or more Members of the Council in accordance with state law.

46 The Council may hold such special meetings as it deems necessary at such times and places,
47 as it may find convenient.

48

49 **Section 1-4 Quorum and method of voting**

50

51 A. A quorum shall consist of a majority of the members of the Town Council, which is four.

52

53 B. It shall be the duty of every member to vote on issues before the Town Council. Each
54 member shall vote by stating “aye,” “nay” or “abstain.” If a member chooses to abstain, the
55 member shall state the reason for abstaining for the record and shall do so at the time the
56 vote is taken.

57

58 **Section 2 Officers**

59

60 **Section 2-1 Mayor and Vice Mayor**

61

62 The Mayor shall preside over all meetings of the Town Council. The Vice- Mayor serves in
63 the absence of the Mayor. In the absence from any meeting of both the Mayor and the Vice-
64 Mayor, the members present shall choose one of their members to preside over the meeting.

65

66 The Mayor shall appoint individual Council members as the Liaison for the following areas:

67

- 68 ■ Public Safety
- 69 ■ Economic Development and Department of Planning & Zoning
- 70 ■ Finance
- 71 ■ Administration
- 72 ■ Public Works
- 73 ■ Schools

74

75 The Mayor may appoint Liaisons for other areas as necessary and may establish other
76 committees when needed. As with nominations for any committee or appointment, the
77 Council Member nominated may decline.

78

79 The Liaison shall serve in a role similar to that of a committee chair. The Liaison shall be
80 responsible for ensuring that matters related to the designated area of the Liaison are
81 thoroughly researched so as to then provide the Town Council with a comprehensive
82 overview. The Liaison shall keep the other members of Council informed in a timely
83 manner, but at least on a monthly basis of the matters that the Liaison is addressing. The
84 function of the Liaison is to make the deliberations by the Town Council more efficient.

85

86 **Section 2-2 Preservation of order**

87

88 At meetings of the Council, the Mayor shall preserve order and decorum.

89

90

91

92

93 **Section 2-4 Parliamentarian**

94

95 Except as modified herein or as provided by Virginia law, the most current edition of
96 Robert's Rules of Order shall be the parliamentary authority at all meetings of the Town
97 Council with the following exceptions:

98

99 ■ Members may raise a hand instead of standing when seeking to obtain the floor, and
100 may remain seated while making motions or speaking.

101 ■ There is no limit to the number of times a member may speak to a debatable
102 question.

103 ■ Informal discussion of a subject is permitted while no motion is pending.

104 ■ The chairman need not rise while putting questions to a vote.

105 ■ If the chairman is a member, he may, without leaving the chair, speak in informal
106 discussion and debate, and vote on all questions.

107

108 The Town Attorney shall act as Parliamentarian to the Council. Any questions involving the
109 interpretation or application of Robert's Rules of Order shall be addressed to the Town
110 Attorney. If the Town Attorney is unavailable, the Town Manager shall serve as the
111 Parliamentarian.

112

113 **Section 3 Conduct of Business**

114

115 **Section 3-1 Order of business**

116

117 A. At the Council's meeting, the order of business shall be generally as follows:

118

- 119 • Call to Order
- 120 • Roll call of members
- 121 • Additions to the Agenda
- 122 • Approval of the Agenda
- 123 • Approval of the minutes
- 124 • Council Member Announcements
- 125 • Presentations
- 126 • Unfinished business
- 127 • New Business
- 128 • Citizen Input
- 129 • Closed meeting (if necessary)
- 130 • Recess/Adjournment

131

132 **Section 3-2 Agenda Details**

133

134 Every ordinance or resolution which involves the expenditure of funds shall identify the
135 budget line item number that will be used to fund the expenditure.

136

137 **Section 3-3 Motions**

138

139 The Mayor (or presiding officer) may make a motion without relinquishing the chair.

140

141 **Section 3-4 Appeal to Council**

142

143 Any member of the Council may appeal to the Council from the decision of the Mayor on
144 any question of order or the interpretation of these Bylaws. A majority vote of those present
145 is necessary to overrule the Mayor. No second is required on a member's appeal.

146

147 **Section 3-5 Suspending Rules**

148

149 At any time when Council Members wish to proceed on an item or discussion, in a manner
150 that is not in accordance with these Bylaws, a motion to suspend is in order. A vote of two-
151 thirds of the members present is required to suspend the Bylaws.

152

153 **Section 3-6. Public Comment**

154

155 Individuals may speak during the portion of the agenda designated for public comment and
156 may speak for up to three (3) minutes. An individual who is representing a group of people
157 may speak for up to five (5) minutes. The Mayor may exercise discretion in these time limits
158 based upon the circumstances, but should do so only rarely.

159

160 Council members may not interrupt citizen speakers.

161

162 **Section 3-7 Citizen Questions, Complaints and Suggestions**

163

164 The purpose of the Public Comment portion of the agenda is to permit citizens an
165 opportunity to address statements to the Town Council. The Public Comment period is not
166 intended as a question and answer session with the Town Council.

167

168 Citizen questions, complaints, concerns, requests, etc. should instead be addressed to the
169 Receptionist at Town Hall, who will either answer the questions or refer them to the proper
170 administrators for answers.

171

172 Citizen complaints should also first be addressed to the Receptionist at Town Hall. The
173 Receptionist will either have the complaint taken care of, or refer the complainant to the
174 proper administrator.

175

176 If citizens have not been satisfied with responses they have received from Town Hall, they
177 may then present their complaints to Council.

178

179 The Mayor may, in his discretion, answer a question or a complaint if the answer is brief or
180 may recognize a Council Member to respond. For more involved answers to questions, the
181 Mayor will respond to the citizen by saying that the question has been referred to the Town
182 Manager who will see to it that an answer is provided if the citizen provides their contact
183 information.

184

185 Citizen suggestions about the day-to-day practical operations of the Town should be made
186 to the Receptionist at Town Hall, who will direct them, if necessary, to the appropriate
187 departments.

188 Citizen suggestions about Town Council policies and actions may be made during the Public
189 Comment period of Council meetings. The Town Clerk will keep a record of these
190 suggestions. And the Town Council will consider them at its next work session, to determine
191 which suggestions may be appropriate for action at the next, or later, regular meeting.
192

193 **Section 3-8 Work Sessions**
194

195 When items are to be included in the agenda for consideration at a work session, a summary
196 sheet providing an overview (including pros and cons) shall be prepared by the appropriate
197 liaison member, or Town Manager, provided to the Clerk and distributed to the Council
198 Members in advance of the work session by the Clerk.
199

200 At every work session of the Town Council, the Town Manager shall provide a
201 comprehensive list of all pending items and shall include the most recent status of each
202 item.¹
203

204 At least twenty-four (24) hours prior to every work session, the Town Manager shall also
205 provide the Town Council with a written, monthly report as to the current workload being
206 carried and performed by each department so that the Council is aware of pending projects
207 as well as whether additional resources may be needed to support the staff.
208

209 On a quarterly basis during the months of April, July, October and January, at least twenty-
210 four (24) hours prior to the work session, the Town Manager and the Chief Financial Officer
211 shall provide budget updates. These updates shall state the current revenues and
212 expenditures and the projected end of year outcome. The budget update shall include all
213 funds.
214

215 Routine administrative matters, may be introduced by motion, including but not limited to
216 simple referral of items to the planning commission and authorization to advertise a public
217 hearing, may be voted on by the Town Council at work sessions.
218

219 **Section 4 -- Public Hearings**
220

221 **Section 4-1 Mayor to conduct public hearings**
222

223 The Mayor shall conduct all public hearings.
224

225 **Section 4-2 Hearing presentations**
226

227 Hearings shall begin with a brief presentation from a staff member and/or representative
228 from the relevant board, authority, commission or committee. The presentation shall
229 summarize the facts about the issue. Council members' inquiry during the staff's
230 presentation shall be limited to questions about the issue. Discussion or debate about the
231 merits of the proposal shall occur after the close of the public hearing. Council members

232 shall be mindful of their obligation keep an open mind regarding matters involving public
233 hearings.

234

235 **Section 4-3 Order of public hearings**

236

237 The order of public hearings shall be as follows:

238

239 A. The Mayor shall open the public hearing.

240

241 B. The applicant (or his or her representative) shall be the first speaker(s). Any and all
242 representations made by the applicant to the Town on the record during the application
243 process, whether written or verbal, shall be deemed a part of the application and may be
244 relied upon in good faith by the Town.

245

246 C. The Mayor shall then solicit comments from the public. Each speaker must clearly state
247 his name and address.

248

249 D. After public comments have been received, the applicant, at his or her discretion, may
250 respond with additional information.

251

252 E. Upon the conclusion of the applicant's comments, the Mayor shall close the public
253 hearing.

254

255 **Section 4-4 Members' participation**

256

257 Council members shall withhold their comments in public hearings to ensure participation
258 by the public without Council interference.

259

260 **Section 4-5 Close of hearing**

261

262 When a public hearing has been closed by the Mayor, no further public comments shall be
263 permitted. Council members, however, may direct questions to the applicant, the
264 representative of the relevant board, authority, commission, committee or a staff member
265 for clarification prior to taking any vote, if a vote is in order.

266

267 **Section 4-6 Debate**

268

269 Following the close of the public hearing, the Mayor entertains a motion and a second to
270 address the issue and the Council may debate the merits of the issue.

271

272 **Section 5 – Agenda**

273

274 **Section 5-1 Preparation**

275

276 A. The Clerk shall prepare an agenda for each regular and special meeting conforming
277 generally to the order of business specified in Section 3-1(A) entitled "Order of Business".
278 The Town Manager shall coordinate the scheduling of items on the agenda with the Mayor.
279 Every item that is placed on an agenda shall be accompanied by a cover sheet that identifies

280 the action that is recommended, the pros and cons, and relevant background information.
 281 Complete agenda packets shall be distributed to the Council and made available to the public
 282 by noon on the Friday immediately preceding the Town Council meeting.

283
 284 B. Council members may request that items be placed on the agenda of a Work Session, for
 285 discussion, by contacting the Town Manager and Town Clerk at least eight business days
 286 prior to that Work Session. No such item shall be removed without the consent of the
 287 requesting Council member.

288
 289 Before an item is placed on the Agenda of a Regular Meeting for action, that item shall have
 290 been discussed and vetted at the Council work session the previous month. While it may not
 291 always be possible because of time constraints to discuss a matter at a work session the
 292 month before the Council meeting, in order to promote thoroughness and attention to
 293 detail, this shall be the generally accepted practice.

294
 295 C. Appointments may be placed on the agenda for consideration at any time.

296
 297 D. Any matter not on the printed agenda may be heard, provided that every member of
 298 Council shall have been previously notified and that such a request is in the form of a
 299 motion to amend the agenda, is duly seconded, and then voted upon by a majority of the
 300 Council. If a resolution for consideration by Council is not included with the printed agenda,
 301 Council shall not vote on any such resolution unless a copy of the proposed resolution shall
 302 have been provided to every member of the Council prior to the start of the meeting.

303

304 **Section 5-2 Minutes**

305

306 The Clerk of the Council shall prepare and maintain minutes of the proceedings of the
 307 Council, and Council committees, in accordance with the requirements of the Code of
 308 Virginia (1950), as amended. Each recorded vote shall indicate how each member of the
 309 Council voted as required by law. Preparation of minutes will not include every aspect of the
 310 Council's meetings relating specifically to discussion and debate, but will include all
 311 significant events relating to official action. The Clerk will make every effort to provide draft
 312 minutes to the Council within thirty (30) days or less of the date of the meeting.

313

314 **Section 6 -- General Operating Policy**

315

316 **Section 6-1 Actions by individual members of the Board**

317

318 A. It shall be the policy of the Council that no one member shall exert individual action or
 319 direct any Town employee or independent contractor(s), or any board, authority,
 320 commission or committee of the Council, to initiate any action that would require a Town
 321 employee or independent contractor(s) to perform any action contrary to the laws,
 322 ordinances or policies of the Town, or which would require the expenditure of public funds
 323 in any amount without the approval of the Council.

324

325 No individual member of the Colonial Beach Town Council possesses any individual
 326 authority, much less the authority to require Town Manager, Town Attorney, Town Clerk,
 327 Chief Financial Officer, the Police Chief, or any other employee of the Town of Colonial

328 Beach, to engage in any work unless that work is requested by a majority of the Colonial
329 Beach Town Council.

330

331 When one or more members of Council and/or the Mayor respond to the media, they shall
332 make it clear whether they are expressing a personal opinion or whether they are
333 representing a formal Council position or decision.

334

335 B. It is further the policy of the Council that when the Mayor and/or individual members of
336 Council interact with employees or independent contractor(s) of the Town, that the Mayor
337 and/or individual members of Council conduct themselves in a respectful, civilized and
338 appropriate manner at all times. Under no circumstances is it appropriate for the Mayor
339 and/or any individual member of Council to shout or yell at, or shout or yell in the presence
340 of, any Town Employee or independent contractor(s). Neither the Mayor nor any individual
341 member of Council shall make a comment or statement to any Town employee or
342 independent contractor(s) that is vulgar, insulting, or sarcastic. The Mayor and individual
343 members of Council shall support the maintenance of a positive and constructive workplace
344 environment for Town employees or independent contractor(s) and for citizens and
345 businesses dealing with the Town. The Mayor and individual members of Council shall
346 recognize their special role in dealings with Town employees or independent contractor(s)
347 and shall in no way create the perception of any type of inappropriate direction to staff.

348

349 C. The conduct of the Mayor and individual members of Council must be above reproach
350 and must avoid even the appearance of impropriety. Under no circumstances shall the
351 Mayor or any member of Council threaten, either directly or indirectly, any Town employee
352 or independent contractor(s) with the loss of his or her job, position, and/or salary.

353

354 D. The Mayor and individual members of the Council shall prepare themselves for every
355 meeting by reading and reviewing the Council packet and they shall listen courteously and
356 attentively to all public discussions before the body and focus on the business at hand. They
357 shall refrain from interrupting other speakers and making personal comments that are not
358 germane to the business before the Council or otherwise interfering with the
359 orderly conduct of the meeting.

360

361 E. The Mayor and individual members of Council shall not use the public resources that are
362 not available to the public in general, such as Town staff time, equipment, supplies or
363 facilities, for private gain or personal purposes. The Mayor and individual members of
364 Council may seek assistance from Town staff with respect to official Town business, but
365 shall not monopolize Town staff or interfere in any way with the ability of Town staff to
366 perform their jobs.

367

368 F. The Mayor and individual members of Council shall respect the confidentiality of
369 information concerning the property, personnel and/or affairs of the Town. They shall
370 neither disclose confidential information without proper authorization of the Council, nor
371 use such information to advance their personal, financial, or other private interests.
372 Likewise, members of Council shall not use their position on Council for any type of
373 personal gain.

374

375 G. Recognizing that stewardship of the public interest must be their primary concern, the
376 Mayor and members of Council will work for the common good of the people of the Town
377 of Colonial Beach and not for any private or personal interest, and they will assure fair and
378 equitable treatment of all persons, claims, and transactions coming before the Colonial
379 Beach Town Council. No member of Council should engage in behavior that is self-
380 important or solicitous of special treatment.

381
382 H. No individual Council Member may pursue independently any mission, project or
383 commitment that is not in accordance with the majority of the Council, with the exception
384 of carrying out his or her duties consistent with his or her appointment as an advocate for a
385 specific area of Town government where those duties are in accordance with the consensus
386 of Council. Should any staff member have a question as to whether he or she may proceed
387 with work in response to the request of any one particular Council member, the staff
388 member shall ask that the Mayor indicate how the staff member should proceed.

389
390 **Section 6-3 Discussion of zoning and land use matters**

391
392 Town Council members shall not engage in negotiations with applicants on zoning or land
393 use matters.

394
395 **Section 6-4 Polling Procedure**

396
397 The Town Manager or his designee may separately contact members of the Town Council
398 for the purpose of ascertaining a member's position with respect to public business,
399 provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of
400 Virginia.

401
402 **Section 6-5 Sanctions**

403
404 Individual members of the Town Council may be held accountable for their actions in
405 violation of these Bylaws and/or state law by the Town Council in accordance with these
406 Bylaws and state law. For example, a member of Council may be punished or fined for
407 disorderly behavior in accordance with Virginia Code § 15.2-1400. Alternatively, the
408 Town Council may censure a member of Council for violation of these Bylaws or other
409 grossly inappropriate behavior.

410
411 **Section 7 – Amendments**

412
413 **Section 7-1 Amendments to the By-Laws and Rules of Procedure**

414
415 The Bylaws and Rules of Procedure may be amended as necessary by majority vote of the
416 Council.

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Colonial Beach Town Council

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Recognizing that elected officials hold office as a public trust, as a member of the Colonial Beach Town Council, I agree to abide by the Bylaws and Rules of Procedure and I will place the welfare of the community, and the best interests of the Town of Colonial Beach, above my loyalty to individuals or particular groups. I will ensure the integrity of the Town Council by not giving any special favors or privileges to anyone. I will not criticize or embarrass my colleagues, the Town staff, or citizens. I will behave in a professional, civilized manner at all times. I will not use my public position to benefit me personally. I will not make a private promise of any kind to anyone. I will be mindful that I am only one member of Council and that I possess no individual authority. I will preserve the confidentiality of information shared during a closed meeting. I will not use my elected office to gain any personal privilege. I will not engage in business with the Town, either directly or indirectly and I will not use my position on Council to solicit business.

Given under my hand, this ____ day of _____, 2017.

Council Member