



Before the
Colonial Beach Town Council

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

Saturday, July 14, 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
 - Code Requirements for Work Performed by Unlicensed Contractors by Allyson Finchum, Zoning Administrator and Kevin Wightman, Building Official *(Tab A)*
5. Old Business
6. New Business
 - Res #25-18, Authorizes Issuance of an RFP to demo Klotz Building *(Tab B)*
 - Res #26-18, Banners on Colonial Avenue *(Tab C)*
 - Res #27-18, Authorizes Town Manager to Execute Dispatch Agreement with Westmoreland County *(Tab D)*
 - Res #28-18, Appoints Fletcher Lee to the Planning Commission *(Tab E)*
 - Discussion of amending Zoning Ordinance, Accessory Structures *(Tab F)*
 - Discussion of amending Zoning Ordinance, Trees 2/1 *(Tab G)*

- Discussion of amending Zoning Ordinance, House Boats *(Tab H)*
- Discussion of Draft Agreement/MOU with Colonial Beach Foundation re: Torrey Smith Project *(Tab I)*
- Discussion of amending Town Code, Rental Program *(Tab J)*
- Piers *(Tab K)*
- Discussion of AVENU-LTC Proposal *(Tab L)*

7. Items Submitted by Council Members

- Discussion of water/sewer system *(submitted by B. Dellar)*
- Discussion of Statues *(submitted by B. Dellar)*
- Discussion of Town Business Licenses *(submitted by B. Dellar)*
- Discussion of Piers *(submitted by B. Dellar)*
- Discussion of July 4th Lessons Learned *(submitted by B. Dellar)*

8. Closed Meeting

9. Adjournment/Recess

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

- Referral of amendments to the Zoning Ordinance
- 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

§ 54.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Contractors.

"Class A contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$120,000 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12-month period is \$750,000 or more.

"Class B contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$10,000 or more, but less than \$120,000, or (ii) the total value of all such construction, removal, repair or improvements undertaken by such person within any 12-month period is \$150,000 or more, but less than \$750,000.

"Class C contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over \$1,000 but less than \$10,000, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12-month period is less than \$150,000. The Board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, ventilation and air conditioning contractors.

"Contractor" means any person, that for a fixed price, commission, fee, or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by him or another person or any other improvements to such real property. For purposes of this chapter, "improvement" shall include (i) remediation, cleanup, or containment of premises to remove contaminants or (ii) site work necessary to make certain real property usable for human occupancy according to the guidelines established pursuant to § [32.1-11.7](#).

"Department" means the Department of Professional and Occupational Regulation.

"Designated employee" means the contractor's full-time employee, or a member of the contractor's responsible management, who is at least 18 years of age and who has successfully completed the oral or written examination required by the Board on behalf of the contractor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Owner-developer" means any person who, for a third party purchaser, orders or supervises the construction, removal, repair, or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by the owner-developer, or any other improvement to such property and who contracts with a person licensed in accordance with this chapter for the work undertaken.

"Person" means any individual, firm, corporation, association, partnership, joint venture, or other legal entity.

"Value" means fair market value. When improvements are performed or supervised by a contractor, the contract price shall be prima facie evidence of value.

Code 1950, § 54-113; 1954, c. 428; 1970, c. 319; 1972, c. 771; 1977, c. 640; 1978, c. 521; 1980, c. 634; 1984, c. 434; 1987, c. 358; 1988, c. 765; 1990, c. 911; 1992, cc. 330, 713, 715, 812; 1993, cc. 499, 815; 1994, cc. [601](#), [754](#); 1995, c. [581](#); 1997, c. [885](#); 1998, c. [754](#); 2005, c. [348](#); 2010, c. [62](#); 2016, c. [527](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.

A. The provisions of this chapter shall not apply to:

1. Any governmental agency performing work with its own forces;
2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;
3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;
4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair or improvement of any highway or bridge;
5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;
6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;
7. Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;
8. Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;
9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;

10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ [55-248.2](#) et seq.);
11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party;
12. Work undertaken by students as part of a career and technical education project as defined in § [22.1-228](#) established by any school board in accordance with Article 5 (§ [22.1-228](#) et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes;
13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property;
14. Any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § [40.1-120](#); and
15. Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$5,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7, 10, 11, or 12 shall obtain a certificate of occupancy for any

building constructed, repaired or improved by him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ [36-97](#) et seq.).

D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month period shall constitute a Class 6 felony.

Code 1950, § 54-141; 1970, c. 319; 1980, c. 634; 1988, c. 765; 1990, c. 911; 1998, c. [754](#); 2003, c. [1025](#); 2004, c. [189](#); 2005, c. [348](#); 2007, c. [332](#); 2016, c. [527](#); 2017, cc. [132](#), [135](#); 2018, c. [767](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-1103. Necessity for license; requirements for water well drillers and landscape irrigation contractors; exemption.

A. No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter. The Board may waive any provision of this chapter for Habitat for Humanity, its local affiliates or subsidiaries, and any other nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) for the purpose of constructing or rehabilitating single-family dwellings that will be given to or sold below the appraised value to low-income persons. Prior to a joint venture engaging in, or offering to engage in, contracting work in the Commonwealth, (i) each contracting party of the joint venture shall be licensed under the provisions of this chapter or (ii) a license shall be obtained in the name of the joint venture under the provisions of this chapter.

B. Except as provided in § [54.1-1117](#), the issuance of a license under the provisions of this chapter shall not entitle the holder to engage in any activity for which a special license is required by law.

C. When the contracting work is for the purpose of landscape irrigation or the construction of a water well as defined in § [32.1-176.3](#), the contractor shall be licensed, regardless of the contract amount, as follows:

1. A Class C license is required when the total value referred to in a single contract or project is no more than \$10,000, or the total value of all such water well or landscape irrigation contracts undertaken within any 12-month period is no more than \$150,000;

2. A Class B license is required when the total value referred to in a single contract is \$10,000 or more, but less than \$120,000, or the total value of all such water well or landscape irrigation contracts undertaken within any 12-month period is \$150,000 or more, but less than \$750,000; and

3. A Class A license is required when the total value referred to in a single contract or project is \$120,000 or more, or when the total value of all such water well or landscape irrigation contracts undertaken within any 12-month period is \$750,000 or more.

D. Notwithstanding the other provisions of this section, an architect or professional engineer who is licensed pursuant to Chapter 4 (§ [54.1-400](#) et seq.) shall not be required to be licensed or certified to engage in, or offer to engage in, contracting work or operate as an owner-developer in the Commonwealth in accordance with this chapter when bidding upon or negotiating design-build contracts or performing services other than construction services under a design-build contract. However, the construction services offered or rendered in connection with such contracts shall only be rendered by a contractor licensed or certified in accordance with this chapter.

E. Notwithstanding the other provisions of this section, any person licensed under the provisions of Article 4 (§ [9.1-138](#) et seq.) of Chapter 1 of Title 9.1 as a private security services business shall not be required to be licensed or certified to engage in, or offer to engage in, contracting work in the Commonwealth in accordance with this chapter when bidding upon or performing services to install, service, maintain, design or consult in the design of any electronic security equipment as defined in § [9.1-138](#) including but not limited to, low voltage cabling, network cabling and computer or systems integration.

F. Notwithstanding any other provisions of this section, persons bidding upon or performing services to design or undertake public works of art commissioned by the Commonwealth; a political subdivision of the Commonwealth, including any county, city, or town; or a nonprofit corporation exempt from taxation under § 501(c)(3) of the Internal Revenue Code shall not be required to be licensed or certified in accordance with this chapter. However, the installation of the artwork and related construction services offered or rendered in connection with such commission shall only be rendered by a contractor licensed or certified in accordance with this chapter.

Code 1950, § 54-128; 1972, c. 16; 1980, c. 634; 1988, c. 765; 1990, c. 911; 1992, c. 713; 1994, cc. [601](#), [754](#); 1995, cc. [581](#), [771](#); 1997, c. [885](#); 1998, cc. [271](#), [754](#); 1999, cc. [959](#), [977](#), [991](#); 2002, c. [653](#); 2004, c. [190](#); 2005, c. [348](#); 2010, c. [62](#); 2012, c. [308](#); 2013, c. [298](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Tab B

COUNCIL PAPER

At the Work Session held on Saturday, July 14, 2018 at the Colonial Beach Town Center

RESOLUTION #25-18, Authorizes Issuance of an RFP to demo Klotz Building

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting on Saturday, July 14, 2018, hereby authorizes the Town Manager to advertise a Request for Proposals for the demolition of the Klotz Building as soon as practicable.

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 C

COUNCIL PAPER

At the Work Session held on Saturday, July 14, 2018 at the Colonial Beach Town Center

RESOLUTION #26-18, Banners on Colonial Avenue

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting on Saturday, July 14, 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.

Moved By _____ Secoded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt

Steve Cirbee

Dallas Leamon

Bill Dellar

Frank Alger III

Burkett Lyburn

Phil Rogers

Adopted _____

Tabled _____



LAND USE PERMIT
LUP-LS

Landscape Installation & Maintenance

Permittee Agreement for Land Use Permit Issuance

Section **24VAC 30-151-620** of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that permits may be issued of the placement and maintenance of plant materials by individuals or organizations on non-limited access state maintained highways.

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a VDOT Land Use Permit authorizing the installation and maintenance of plant material on state maintained highways:

Applicant Name: Town of Colonial Beach and Downtown Colonial Beach, Inc., a 501 (c) (3) organization
Quinn Robertson, Town Manager. Glenda Chiarello, Downtown Colonial Beach, Inc. President

Applicant Signature:  _____

Project Name: Colonial Avenue Street Banners _____

County: Westmoreland _____ **Route Number:** 205 _____

Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the installation of private entrances on state maintained highway right-of-way through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in **§33.2-210** of the Code of Virginia

Application Requirements

- 1) All proposed landscaping activities shall be clearly outlined and a sketch/plan of same shall be submitted to the district administrator's designee with the permit application and all other information necessary to process the permit request.
- 2) The permittee and/or their agent shall be responsible for completion of all landscaping installed under the auspices of a land use permit.
- 3) The permittee and/or their agent shall be responsible for the perpetual maintenance of all landscaping installed within state maintained rights-of-way under the auspices of a land use permit.
- 4) The permittee and/or their agent shall notify the local VDOT permit office prior to initiating the installation and/or maintenance of landscaping within state maintained rights-of-way.
- 5) The installation of landscaping within state maintained right-of-way must not obstruct or interfere with existing drainage conveyance.
- 6) The permittee and/or their agent shall be responsible for removal, disposal and clean-up of all debris generated by the installation and/or maintenance of authorized landscaping located within state maintained rights-of-way.



LAND USE PERMIT
RESOLUTION
August 26, 2014

Town of Colonial Beach

"RESOLUTION" regarding Installation of Banners on Approved Utility Poles on Colonial Avenue

WHEREAS, it becomes necessary from time to time for the **Town of Colonial Beach of Westmoreland County, VA** to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the **Town of Colonial Beach of Westmoreland County, VA** by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the **Town of Colonial Beach Town Council** this _____ day of _____
(Month, Year):

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the **Town of Colonial Beach of Westmoreland County, VA** does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the **Town of Colonial Beach of Westmoreland County, VA** and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the **Town of Colonial Beach of Westmoreland County, VA** all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the **Town of Colonial Beach of Westmoreland County, VA** shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

*The foregoing Resolution was adopted by the **Town of Colonial Beach** at its regular meeting held on _____
(Day, Month, Year) in **Westmoreland County, VA, Virginia**.*

(Authorized Signature)

(Printed Name & Title)

(County, City or Town Name)

- 7) The permittee and/or their agent must request an amendment to the current land use permit to install new plant material not authorized under the auspices of the original land use permit.
- 8) The permittee and/or their agent must obtain VDOT approval prior to the storage of materials within state maintained rights-of-way.
- 9) VDOT shall have the authority to remove any landscaping placed within state maintained rights-of-way if it is determined that the landscaping is deemed a traffic hazard, or is found in conflict with future utility operations, roadway improvement projects and/or roadway maintenance activities.

The district administrator's designee will coordinate review and approval of the request with appropriate VDOT personnel prior to permit issuance.

Application, forms and general information regarding VDOT land use permitting for the installation of utility on state maintained highways right-of-way are included below.

In addition to an executed copy of this document, the following forms are necessary to make application:

LUP-A, LUP-SB Permit Surety Bond or, LUP-LC Irrevocable Letter of Credit Bank Agreement. **Governmental customers may use a Resolution in lieu of a Permit Surety Bond or Irrevocable Letter of Credit Bank Agreement.**

Contact Information

A list of counties with their corresponding VDOT district offices and contact information may be obtained on the VDOT web site at: <http://www.viriniadot.org/about/districts.asp>

Permit Fees & Charges

The land use permit application shall include a check or cash in the amount of \$100.00 for processing of the request.

Surety Requirement

The permittee and/or their agent shall provide surety to guarantee the satisfactory performance of the activity authorized under the auspices of the land use permit issued for the initial installation. The surety shall be based on the estimated cost of work to be performed within the right-of-way and the amount shall be determined by the district administrator's designee. The surety may be in the form of a check, cash, irrevocable letter of credit, insurance bond, or any other VDOT-approved method. This surety will be refunded or released upon satisfactory completion of the initial installation and inspection by VDOT. Prior to release of the performance surety provided for the initial installation the permittee shall provide VDOT with a continuous surety in an amount sufficient to restore the right-of-way in the event of damage, failure or default. The surety amount shall be determined by the district administrator's designee and may be in the form of a check, cash, insurance bond, or any other VDOT-approved method.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Permit Revocation

The permit may be terminated in the following cases:

- By the permittee, upon ten (10) days written notice to VDOT.
- By VDOT, in accordance with §24VAC30-151-50, failure to comply with provisions of the Land Use Permit Regulations (24VAC30-151) or the conditions of this permit. If at any time the permittee fails to comply with the terms and conditions of the Land Use Permit Regulations, VDOT reserves the right to reclaim and restore the landscaped area to its original condition or establish grass.
- By VDOT, upon written notice to the permittee.

All costs associated with the removal of landscape features and right-of-way restoration shall be borne by the permittee should they violate conditions of the permit or request termination of the permit.

VDOT Recommend Approval:

Date Residency Administrator

Approved:

Date District Roadside Manager

Any of the following provisions that may apply, shall apply:

General Requirements

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 2) The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.
- 3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 6) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel.
- 8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.
- 9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed. Additional information can be found at:
http://www.virginiadot.org/business/resources/IIM/TE-383_Request_for_Marking_VDOT_UTILITY_Location.pdf

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: <http://www.vdotutilitymarking.virginia.gov>

Failure to carry out this requirement may result in permit revocation.

- 10) The permittee shall to notify "Miss Utility" (or each operator of an underground utility where no notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.

- 11) It is the duty of the district administrator's designee to keep all roads maintained in a safe and travelable condition at all times. Therefore, any permit may be denied, revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at any time due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department's standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.
- 13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.
- 15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.
- 16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.

Insurance Requirements (excluding County, Town or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Traffic Control and Safety

- 1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.

- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities.
- 10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 12) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 13) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator's designee.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.
- 15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).
- 16) The permittee shall notify the following appropriate VDOT Transportation Operations Center (TOC) 30 minutes prior to the installation of a lane closure or shoulder closure on non-limited access primary routes and within 30 minutes of removing the lane or shoulder closure:
 - Eastern Region (757) 424-9920: All localities within the Hampton Roads construction district excluding Greenville County and Sussex County
 - Northern Virginia (703) 877-3401: All localities within the NOVA construction district including Spotsylvania County and Stafford County
 - Central Region (804) 796-4520: All localities within the Richmond construction district including Greenville County and Sussex County. All localities within the Fredericksburg district excluding Spotsylvania County and Stafford County
 - SW Region (540) 375-0170: All localities within the Salem, Bristol, and Lynchburg construction districts
 - NW Region (540) 332-9500: All localities within the Staunton and Culpeper construction districts

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual's job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

- **Basic** – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.
- **Intermediate** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.
- **Advanced** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification.

To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

http://www.virginia.gov/business/resources/wztc/wztc_inst_app_form.pdf

Once a person has become an approved instructor, training material can be obtained from VDOT using the order form obtained from the following location (requires an approved instructor identification number):

http://www.virginia.gov/business/resources/wztc/WZTC_order_form.pdf

OPTION 2 – Obtain the services of an approved instructor from VDOT's Approved WZTC Instructor List to teach the course or courses you need for your employees.

The Approved WZTC Instructor's List can be obtained at the following location:

http://www.virginia.gov/business/resources/wztc/Approved_WZTC_Instructors.pdf

A list of Approved Providers of training can be obtained at the following location:

http://www.virginia.gov/business/resources/wztc/wztc_training_sponsors.pdf

OPTION 3 – Send personnel to classes conducted by approved sources such as ATSSA Virginia or the Virginia Local Technical Assistance Program (LTAP).

Courses by ATSSA Virginia can be found at the following location:

http://atssa.com/cs/course_information/courses_by_state?state=56

Courses by the Virginia LTAP can be found at the following location:

<http://ltap.cts.virginia.edu/2%20Page%20Calendar%20June%20-%20Sept%2009.pdf>

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:

<http://www.vrwa.org/> (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location: <http://vtca.org/>

Visit the following site for additional information regarding Virginia's Work Zone Traffic Control training program:

<http://www.virginia.gov/business/trafficeng-WZS.asp>

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:

http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the utility owner must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
- Cutting the highway pavement or shoulders.

The district administrator's designee shall determine the applicable permit fee for emergency repair permits.

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

Excavation

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleaned (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Inspection and Restoration

- 1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (current edition).
- 2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.
- 3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.
- 4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
 - The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.

- The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications.
 - The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications prior to completion of the work authorized by the permit.
- 6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.
 - 7) All crossing of existing pavement shall be bored, pushed or jacked an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.
 - 8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.
 - 9) Pavement restoration shall be in accordance with the attached VDOT LUP-OC Pavement Open Cut Special Provisions.
 - 10) Where the pavement is disturbed or deemed weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification §107.16, all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.
- 2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required remediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

1. Plans for the proposed installation of entrance(s) to state maintained highway right-of-way shall be designed in accordance with the current edition of VDOT's Road and Bridge Standards, VDOT's Road and Bridge Specifications and per VDOT Road Design Manual, Appendix F located at http://www.extranet.vdot.state.va.us/locdes/Electronic_Pubs/2005%20RDM/AppendF.pdf.
2. VDOT's authority to regulate highway entrances is provided in §, §33.2-240, and §33.2-241 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in §33.2-210 of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to §33.2-245 of the Code of Virginia.
3. The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.
4. Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT land use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

- 1) Prior to any excavation, the permittee shall comply with the terms of Title 56, Chapter 10.3 of the Underground Utility Damage Prevention Act and §56-265.14 through §56-265.20 of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.
- 2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.
- 3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
- 4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.
- 5) All overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Permit Revocation

At the discretion of the district administrator's designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way.

The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the **Land Use Permit Regulations**.

Tab D

COUNCIL PAPER

At the Work Session held on Saturday, July 14, 2018 at the Colonial Beach Town Center

RESOLUTION #28-18, Authorizes Town Manager to Execute Renewal of E911 Dispatch Services Agreement with Westmoreland County

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting on Saturday, July 14, 2018, hereby authorizes the Town Manager to execute the attached Agreement titled "E911 Dispatch Services Between the Town of Colonial Beach and Westmoreland County, VA."

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 _____

**AGREEMENT
E911 DISPATCH SERVICES
BETWEEN THE TOWN OF COLONIAL BEACH
and WESTMORELAND COUNTY, VA**

THIS AGREEMENT made this _____ day of June, 2018, by and between the Town of Colonial Beach (hereinafter "Town"), whose address is 18 North Irving Avenue, Colonial Beach, Virginia 22443, and the County of Westmoreland (hereinafter "County"), whose address is 111 Polk Street, Montross, VA 22520.

That for and in consideration of the mutual covenants and promises herein contained, the Town and County hereby agree as follows:

The purpose of the Agreement is to establish a mutually beneficial partnership that provides benefits to all of the parties by sharing the costs associated with providing dispatch services. The Town agrees to provide compensation to the County for furnishing dispatch services for the Colonial Beach Police Department, the Colonial Beach Volunteer Fire Department, the Colonial Beach Volunteer Rescue Squad, and the Colonial Beach after hours water/utility dispatch functions for the Town. The County shall be responsible through its Sheriff's Department for all dispatch operation, including the E911 System, for the Town. The County will also receive all after hour non-emergency calls for the Colonial Beach Police Department.

The Agreement shall be for a period of five (5) years commencing on July 1, 2018. The Agreement shall annually renew thereafter unless one of the parties to the Agreement notifies the other with six (6) months advanced notice of their intent to cancel the terms of this Agreement.

The County shall name the Town as an additional named insured on its liability policies that apply to the operations of the E911 Dispatch Center indicating that such insurance shall be deemed primary.

The terms and provisions of this Agreement create no employment relationship between any person conducting dispatch operation and the Town. All individuals performing dispatch services shall be considered to be employees of the County. The County shall be responsible and hold harmless the Town with regard to any and all claims asserted directly or indirectly by any such persons or employees relating to their claim status as an employee of the County.

The County shall provide the Town with an estimated annual budget cost (see Attachment A) no later than April 1st prior to the next upcoming fiscal year. The estimated cost for the Fiscal Year 2018-2019 is \$216,240.00. The County will invoice the Town on a monthly basis for the actual cost incurred during that month.

The County agrees to furnish dispatch services to the Town at a level commensurate to dispatch services provided on behalf of its own emergency providers.

The County Sheriff or his designee shall be solely responsible for operation of the dispatch center and personnel. The Sheriff's Department will provide all documentation and information pertaining to calls reported to the 911 Center in a format that is mutually agreeable to Town and County.

Any amendments to this Agreement must be made in writing and approved by the governing bodies of each jurisdiction party to this Agreement.

Town of Colonial Beach

County of Westmoreland

Darryl E. Fisher

Title

Chairman, Board of Supervisors
Title

Date

Date

Approved to Form
Town Attorney

Approved to Form
County Attorney

Tab E

COUNCIL PAPER

At the Work Session held on Saturday, July 14, 2018 at the Colonial Beach Town Center

RESOLUTION #29-18, Appoints Fletcher Lee to the Planning Commission

WHEREAS, there is a vacancy on the Colonial Beach Planning Commission; and

WHEREAS, Fletcher Lee has indicated his willingness to serve on the Planning Commission and has submitted an application and participated in an interview by the Planning Commission; and

WHEREAS, the Planning Commission has considered the submitted application and recommends that Fletcher Lee be appointed to serve on the Colonial Beach Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Town Council, in a meeting held on July 14, 2018 hereby appoints Fletcher Lee to the Colonial Beach Planning Commission for a four-year term expiring on July 31, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting on Saturday, July 14, 2018, hereby

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt
Dallas Leamon
Frank Alger III

Steve Cirbee
Bill Dellar
Burkett Lyburn
Phil Rogers

Adopted _____

Tabled _____

Kathy Flanagan

From: Fletcher Lee <fletcherslee@yahoo.com>
Sent: Wednesday, July 11, 2018 12:25 AM
To: kflanagan@colonialbeachva.net
Subject: Council Meeting

Hello, I was just emailing you to let you know that I will not be available for the Town Council Meeting on Wednesday the 18th as I will be leaving for a mission trip that morning and will be gone until that Saturday night.

Thank You,
Fletcher Lee

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, June 28, 2018 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission has reviewed the application submitted by Mr. Fletcher Lee to serve on the Colonial Beach Planning Commission.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends the appointment of Mr. Fletcher Lee to the Planning Commission to the Town Council for a term expiring on July 28, 2022.

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> x </u>	_____			
MS. McCABE	<u> x </u>	_____	MR. CHRISTIANSEN	Abstained	_____
MS. TOLSON	<u> x </u>	_____	MR. NELSON	<u> x </u>	_____

ADOPTED BY _____ TABLED FOR _____

Tab F

ISSUE 1

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, June 28, 2018 AT THE COLONIAL BEACH TOWN CENTER

The Planning Commission is requesting that Town Council allow review and recommendation of a proposed amendment to Article 9 Commercial-Residential (CR) District of the Colonial Beach Zoning Ordinance by referring the matter back to the Planning Commission for public hearing. The proposed amendment would allow Accessory Apartments as an accessory use in the Commercial-Residential District.

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> x </u>	—			
MS. McCABE	<u> x </u>	—	MR. CHRISTIANSEN	<u> x </u>	—
MS. TOLSON	<u> x </u>	—	MR. NELSON	<u> x </u>	—

ADOPTED BY _____ TABLED FOR _____

ISSUE 2

**ARTICLE 4
RESIDENTIAL LIMITED R-1 DISTRICT**

Statement of Intent

The general intent of this district is to promote single-family dwelling units and open areas. The district is established to protect and enhance the essential characteristics of residential communities and to promote a suitable environment for family life. The housing pattern is a typical suburban style with a density of 2 to 4 units per acre. Single-family residential properties of various types and sizes are contributing to a collaborative and harmonious community.

4-1 Permitted Principal Uses:

- A. Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan:
1. Church/House of Worship
 2. Family day homes
 3. Group homes
 4. Minor home occupations.
 5. Parish house
 6. Public parks/playgrounds
 7. Private boat pier
 8. Public facility
 9. Single-family dwelling
 10. Subdivisions (major and minor)

4-2 Accessory Uses:

- A. Within this Zoning District, a building and/or land shall be used for the following. All accessory uses shall need to be shown on the approved site plan. Accessory uses cannot be established until the principle use has been established.
1. Accessory Apartment
 2. Accessory structures
 3. Church cemetery accessory with Place of Worship
 4. Family healthcare structure
 5. Fence(s)
 6. Home gardens
 7. Storage of operable motor vehicles and operable recreational vehicles, trailers, and marine vehicles provided the vehicles are parked in the side or rear yards in accordance with Article 18 of this ordinance.
 8. Storm water management facilities/BMP
 9. Yard sales

4-3 Conditional Uses (Conditional Use Permit Required)

- A. The following uses require a Conditional Use Permit. If after a review of the application and public hearing, in accordance with Article 16, if the Town Council finds that the proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted. Subject to an approved site plan and any conditions imposed by Town Council.

1. Accessory Apartment in excess of 750 square feet
2. Assisted living facility
3. Bed & Breakfast
4. Community center
5. Library
6. Major home occupation
7. Nursing home/Convalescent center
8. School

4-4 Bulk & Area Regulations

Table 4.4-1 Principal Structure Requirements

Zoning District – R-1: Bulk & Area Regulations for the Principle Structure	
Minimum lot area	12,000-square feet
Maximum lot coverage w/out mitigation	36%
Front Setback minimum	20-feet from Road Right-of-way
Front Setback maximum	35-feet from Road Right-of-way
Rear Setback minimum	35-feet
One-side setback	7-feet
Sum of side setbacks (left & right)	15-feet
Minimum street frontage	50-feet
Minimum street frontage on cul de sac/curve	30-feet
Minimum lot width at front setback	50-feet
Maximum height	35-feet above finished grade
Off-street parking	2-spaces (380 sq. ft. total)
Flood proofing	3-feet above base flood elevation
Landscaping (new construction)	2-Street trees in the front yard
Minimum caliper (size) of street trees	2.5 inches at time of planting
Floor area ratio (FAR)	0.4

Table 4.4-2 Accessory Structure Requirements

Zoning District – R-1: Bulk & Area Regulations for the Accessory Structure	
Front setback	Must be located in rear/side yard
Rear setback	3-feet
Side setback	3-feet
Setback from principal structure	10-feet
Maximum size	30% of gross square footage of principal structure
Maximum height	34-feet above finished grade or 1-foot below principal structure or whichever is less
Flood Proofing	3-feet above base flood elevation
Fence height in Front Yard	4-feet
Fence height in Side & Rear Yards	6-feet (per USBC)
Fence Setback	0-feet; except corner lots
Fence Setback for Corner Lots	15-ft; from intersection (sight triangle)
Accessory structures cannot have separate meters/service connections for utility services	

Table 4.4-3 Accessory Apartment Requirements

Zoning District – R-1: Regulations for the Accessory Apartment	
Number of Units	1 permitted with single family dwelling
Bedrooms	Maximum of 2
Entrances	Located to the side or rear of the principal structure (not facing a public right-of-way) or to the side/above of accessory structure.
External Appearance	Consistent with single-family dwelling
Maximum size*	750 square feet or 25% of the habitable space of the principal structure with a maximum building footprint of 20 ft. by 20 ft.
Addresses & Utilities	No separate 911 addresses or utility connections. Billing registration shall be in the name of the owner(s) of the principal structure
Parking	1 additional space (190 square feet)
Use	The accessory apartment shall be used as a residential structure and no commercial or home occupation may be conducted from the accessory apartment
Building Code	All accessory apartments shall be subject to the requirements of the Statewide Uniform Building Code in particular sections 309, 406 and 508
Deed Restriction	Prior to occupying an accessory apartment a deed restriction stipulating the accessory apartment will be constructed, used, occupied and maintained in accordance with these provisions. The owner must reside in either the principal structure or the accessory structure.
Setbacks:	
Attached	Adhere to the setbacks of the principal structure (Table 4.4-1)
Detached	Adhere to setbacks for accessory structure (Table 4.4-2)
Height	35-feet maximum
None of the following may be used as an accessory apartment: travel trailers, campers, motor homes/recreational vehicles, tents, camp cabins, shipping containers, auto-trailers or semi-trailers, or mobile/manufactured homes.	

***Note:** An accessory apartment (AA) in excess of the 750-square feet or 25% of the habitable space may be permitted by conditional use provided the maximum size of the accessory apartment does not exceed 950-square feet or 40% of the habitable space, whichever is less. Accessory apartments in existence at the time of adoption of this ordinance are grandfathered and are not subject to these regulations.

4-5 Fencing

- A. Fences cannot impair vehicular or pedestrian visibility
- B. Finished sides shall face toward neighboring properties
- C. Fences shall not be taller than six (6) feet above finished grade

4-6 Development Standards for the R-1 District

A. R-1 Development Standards

1. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).
2. Surveys/site plans shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.
3. Site surveys shall provide for the management of stormwater in accordance with State regulations
4. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure
5. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s)
6. Curb, gutter and sidewalks shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. If during construction of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.
7. Minor home occupations may have a sign which is no more than three (3) square feet in size (1.5 feet long and 1.5 feet wide).
 - i. Sign shall not be illuminated
 - ii. Sign shall be affixed to exterior wall of the principal structure
8. Minor home occupations may see clients on an appointment only basis
9. All principal structures shall be placed on a permanent foundation.
10. Barbed or razor wire fence is prohibited.
11. Setbacks shall be measured from exterior foundation walls.
12. Projections beyond the foundation wall may extend up to 3-feet into the setback.
13. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.
14. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas shall be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.
15. Any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood.

4.7 Additional Standards

- A. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
- B. See Article 12 for Sign Regulations and Article 18 Supplementary Regulations

Tab G

22-9 Performance Standards.

A. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural groundcover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential. The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a ten (10) percent reduction in nonpoint source pollution from redevelopment; and achieve a forty (40) reduction in nonpoint source pollution from agricultural uses.

B. General Performance Standards for Development and Redevelopment

1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. The Zoning Administrator shall review and approve the construction footprint through the plan of development process. These limits shall be clearly shown on submitted plans and physically marked on the development site.
 - b. The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
 - c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
2. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use and development permitted and in accordance with the *Virginia Erosion and Sediment Control Handbook*.
 - a. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed when approved by the Zoning Administrator. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
 - b. When a diseased tree or tree weakened by age, storm, fire, or other injury is to be removed and the tree is outside the RPA, it shall be replaced at a 2:1 ratio.
 - i. Specifications for Tree Restoration:
 1. All replacement plantings shall be a native species as identified in Table 24.1 of this ordinance or as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "*Native Plants for Conservation, Restoration and Landscaping for the Coastal Plain of Eastern Virginia*".
 2. If the replacement planting is to be a deciduous tree it shall have a minimum two and one-half (2.5) inch caliper at breast height at the

time of planting.

3. If the replacement planting is to be an evergreen tree it shall have a minimum height of six (6) feet at time of planting.

c. When a diseased tree or tree weakened by age, storm, fire, or other injury is to be removed and the tree is inside the RPA, it shall be replaced at a 3:1 ratio as specified in Section 22-11 of this article.

i. Specifications for Tree Restoration:

1. All replacement plantings shall be a native species as identified in **Table 24.1** of the Colonial Beach Zoning Ordinance or as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "*Native Plants for Conservation, Restoration and Landscaping for the Coastal Plain of Eastern Virginia*".
2. If the replacement planting is to be a deciduous tree it shall have a minimum 3.5 inch caliper at breast height at the time of planting.
3. If the replacement planting is to be an evergreen tree it shall have a minimum height of 6 feet at time of planting.

ii. Woodlot Management Permit Required

1. When requesting to remove trees in the Town of Colonial Beach which are larger than six (6) inches diameter at breast height, a property owner shall obtain a woodlot management permit.
2. The woodlot management permit shall be reviewed by the Zoning Administrator prior to removal of the tree(s). Upon approval of the permit the property owner may remove the tree(s) specified in the permit.
3. Tree restoration shall be required within six (6) months of removal. A subsequent inspection for the replanting of tree(s) shall be performed by the Zoning Administrator. If in the opinion of the Zoning Administrator, the replanting requirements may lead to further future structural damage to the principal building, the replanting requirement may be reduced or waived.
4. Site clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator through the plan of development review process outlined under Section 22-11 of this Article.
5. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

3. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development. Use of low impact development as specified in the Town Code shall be used to the

maximum extent possible to promote infiltration.

- a. Porous asphalt pavements shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning Administrator.
- b. Parking space size shall be one-hundred sixty-two (162) square feet. Parking space width shall be nine (9) feet; parking space length shall be eighteen (18) feet. Two-way drives shall be a maximum of twenty-two (22) feet in width (Handicapped Parking spaces shall be as specified in the Virginia Uniform Statewide Building Code).

Notwithstanding any other provisions of this Article or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields shall comply with the requirements of the Colonial Beach Erosion and Sediment Control Ordinance.

4. All development and redevelopment within RMAs and RPAs that exceed 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provision of the Zoning Ordinance; or a subdivision plan in accordance with the Subdivision Ordinance; or a Water Quality Impact Assessment in accordance with Section 22-10 of this Article
5. All on-site sewage disposal systems not requiring Virginia Permitted Discharge Effluent Standards permit shall be pumped out at least once (1) every five (5) years, in accordance with the provisions of the Westmoreland County Health Code.
6. For any development or redevelopment, stormwater run-off shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.):
 - a. For **development**, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on Colonial Beach's watershed default value of **thirty-six (36) percent** (impervious cover) as calculated by the Chesapeake Bay Local Assistance Department. Undeveloped property that was annexed by the Town from Westmoreland County in 1993 or any undeveloped property that may be annexed in the future shall meet the Westmoreland County standard of sixteen (**16) percent** impervious cover.
 - b. For **redevelopment** sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
 - i. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
 - ii. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
 - iii. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this

Article.

- c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
7. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section 22-13, of this Article.
8. Land upon which agricultural activities are being conducted shall have a soil and water quality conversation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this Article.

Tab H

Tab I



The Law Office of
Andrea G. Erard

TO: The Honorable Mayor of the Town of Colonial Beach
The Honorable Members of the Colonial Beach Town Council
Quinn Robertson, Town Manager

FROM: Andrea G. Erard, Town Attorney

RE: Recreational Facility/Donation by Torrey Smith

DATE: June 28, 2018/July 11, 2018

Mr. Torrey Smith has offered to donate approximately \$180,000 funds for the construction of two tennis courts, two basketball courts and a pavilion with the stipulation that these facilities be constructed on the "Ballfield Property" where the water tower is located which is on the corner of Dennison Street and Wilder Avenue. The Colonial Beach Foundation is also in the process of collecting additional funds for this project from the community.

The purpose of this Memo is to highlight legal requirements regarding this proposed project and assist in the formulation of the process for the finalization of this project.

Currently, the property referred to as the "Ballfield Property" consists of 14 lots (10 are buildable) that are zoned R-2. The R-2 district permits public parks and playgrounds. The Comprehensive Plan designates the future land use of the property as "parks," but there is no classification or definition of "parks" in the Comprehensive Plan.

On October 27, 2016 the Colonial Beach Town Council accepted the "Ballfield Property" from the Colonial Beach School Board. I have requested all historical information from the Town Clerk and I enclose everything that she has provided to me.

Suggested Process/Requirements

1. I recommend that there be one point of contact for the Town and one point of contact for Mr. Smith. Then there needs to be something in writing that outlines Mr. Smith's requirements for the proposed project so that the Town Council has a basis for its actions.

2. Town Council needs to designate (by formal resolution) the use of the Ballfield Property as a park/recreational facility.¹ (Is there going to be a name?) The Town Council needs to indicate in some level of detail how the property should be developed and authorize the development of a Concept Plan. The Comprehensive Plan also should be amended to identify a new public facility and correct the classification. In order to accomplish this, the Planning Commission and the Town Council each need to conduct a public hearing on a proposed amendment to the Comprehensive Plan. This could be accomplished more quickly (and inexpensively) by a joint public hearing between the Planning Commission and the Town Council. After advertisement once a week for two weeks, the joint public hearing could be held and all the actions listed in this paragraph could be completed.
3. Once the Concept Plan has been developed, the Town Manager should obtain a cost estimate and the Concept Plan should be approved by the Town Council. (At this point it would be ideal to identify the sources of funding for the project. In addition, maintenance costs will need to be considered and incorporated into future budgets.)
4. Town staff will need to ascertain the necessary site development, and then issue the appropriate IFB/RFPs. The necessary contracts need to be awarded; depending upon the amount of the contract(s) they may require Council approval. (Prior to the contracts being awarded, the funding needs to be received and the budget may need to be amended.)
5. Town Council needs to authorize an application on behalf of the Town to dissolve the interior lot lines as well as any other required permitting for the project.
6. Once the lot lines have been dissolved, permitting requirements met, and the necessary contracts awarded, construction of the facility can begin. (The first phase of this will be site prep work.)

¹ § 15.2-1806. Parks, recreation facilities, playgrounds, etc.

A. A locality may establish parks, recreation facilities and playgrounds; set apart for such use any land or buildings owned or leased by it; and acquire land, buildings and other facilities pursuant to § [15.2-1800](#) for the aforesaid purposes.

In regard to its parks, recreation facilities and playgrounds, a locality may:

1. Fix, prescribe, and provide for the collection of fees for their use;
2. Levy and collect an annual tax upon all property in the locality subject to local taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;
3. Operate their use through a department or bureau of recreation or delegate the operation thereof to a recreation board created by it, to a school board, or any other appropriate existing board or commission.

B. A locality may also establish, conduct and regulate a system of hiking, biking, and horseback riding trails and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it. A locality may also establish, conduct and regulate a system of trails for all-terrain vehicles, off-road motorcycles, or both, as those terms are defined in § [46.2-100](#), and may set apart for such use any land or buildings owned or leased by it and may obtain licenses, easements, leases, or permits for such use on land not owned or leased by it.

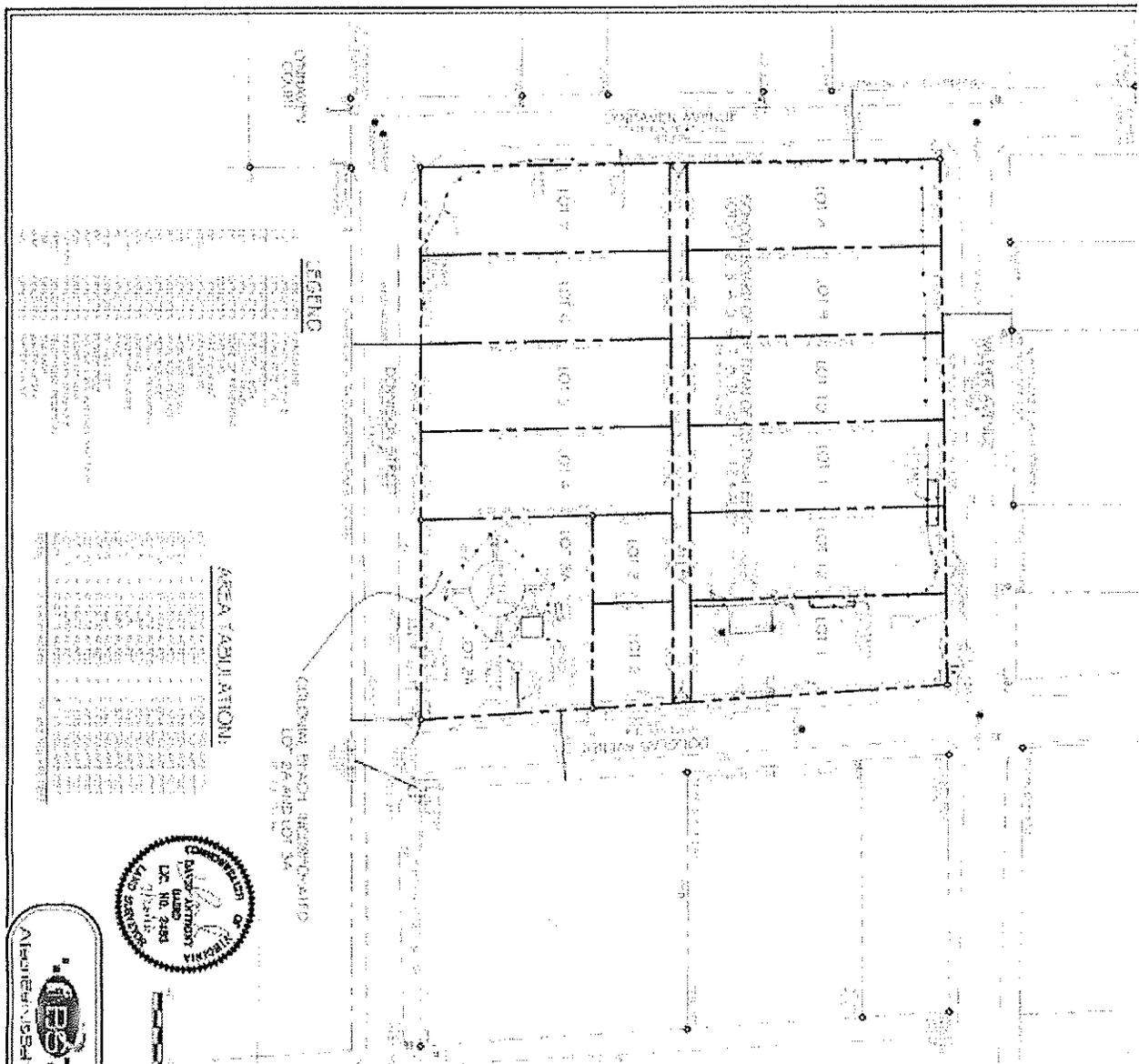
In furtherance of the purposes of this subsection, a locality may provide for the protection of persons whose property interests, or personal liability, may be related to or affected by the use of such trails.

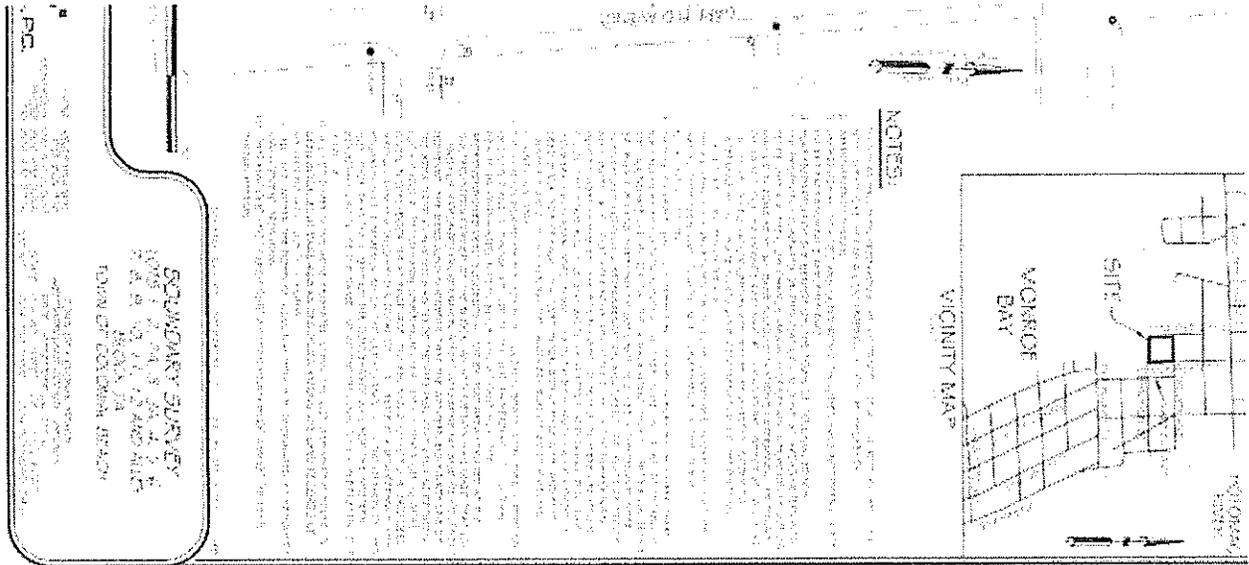
From: **Kathy Flanagan** kflanagan@colonialbeachva.net 
Subject: Water Tower Field documents
Date: June 26, 2018 at 2:42 PM
To: Andrea Erard erardlaw@aol.com



Here is what I found...let me know if there is something more specific you need.

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net





RESOLUTION #53-16, Accepting Water Tower Property

WHEREAS, the Colonial Beach School Board has declared a 2.1439-acre parcel of land located at 122A Lynnhaven Court in the Town of Colonial Beach, which is bounded by Dennison Street, Douglas Avenue, Wilder Avenue and Lynnhaven Avenue surplus in accordance with VA Code Section 22.1-129; and

WHEREAS, the Colonial Beach School Board wishes to convey the aforementioned parcel, which comprises the water tower property, to the Town of Colonial Beach for the purpose of selling the property.

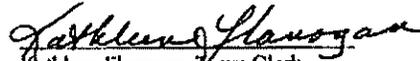
NOW, THEREFORE, BE IT RESOLVED by the Colonial Beach Town Council at its regularly scheduled work session on October 27, 2016 that, in accordance with VA Code Section 22.1-129, the Colonial Beach Town Council accepts the transfer of a 2.1439-acre parcel of land located at 122A Lynnhaven Court in the Town of Colonial Beach, which is bounded by Dennison Street, Douglas Avenue, Wilder Avenue and Lynnhaven Avenue, and authorizes the Town Manager to execute any and all documents necessary for, or related to, the transfer of the aforementioned property to the Town of Colonial Beach; and

BE IT FURTHER RESOLVED by the Colonial Beach Town Council that this Resolution shall be recorded in the land records of the Westmoreland County Circuit Court; and

BE IT FINALLY RESOLVED that the net sales proceeds will be placed in the School's Construction Fund until appropriated by the Town Council.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION, adopted by the Town Council at a Work Session of Council held Thursday, October 27, 2016

at the Colonial Beach Town Center, with a quorum of Council being present.


Kathleen Flanagan, Town Clerk

Upon motion made by Mr. Lyburn and seconded by Mr. Edwards, Resolution #53-16, as written, passed with a unanimous vote.

Resolution 2015-4 of the Colonial Beach School Board Declaring its Intention for the Disposition of the Property Located at 122A Lynnhaven Court, Colonial Beach, Virginia 22443

Whereas, the Colonial Beach School Board is the owner of certain real property and improvements thereto located at 122A Lynnhaven Court, Colonial Beach, Virginia 22443 which property is commonly referred to as the "The Water Tower Ball Park Playground," (the "Property"), and is responsible for the use of the Property to meet the educational needs of Colonial Beach Public Schools; and

Whereas, the building is not currently being used for classroom space and the Colonial Beach School Board does not have an on-going educational need for the Property; and

Whereas, the School Board intends to market the property for sale with a licensed realtor to obtain the assessed value of the property, which the School Board desires to retain and use for capital improvement projects if permitted to do so by the Town Council; and

Whereas, the Colonial Beach School Board held a duly noticed public hearing on September 9, 2015 and declared the Property to be surplus to the needs of the Colonial Beach Public Schools; and

Whereas, the Colonial Beach School Board desires to cooperate in the mutual interests of economic development that benefits the Schools and the Town of Colonial Beach.

Now, Therefore, Be It Resolved by the Colonial Beach School Board that:

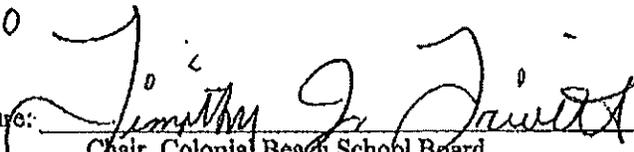
1. The Colonial Beach School Board declares that the Property is surplus to the needs of the Colonial Beach Public Schools, as authorized by Virginia Code Section 22.1-129.
2. That the Colonial Beach School Board desires to convey the Property to a private purchaser in an amount not less than its assessed value.
3. The Colonial Beach School Board respectively requests authorization from the Town Council to use any proceeds from the disposition of the Property, for capital improvement projects.

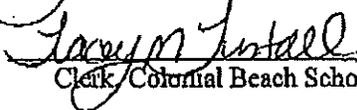
4. That the Colonial Beach School Board directs its Chairman to sign all documents necessary for the proper conveyance of the Property to the purchaser, upon the approval of the School Board's legal counsel and to arrange to have such documents recorded in the Clerk's Office of the Circuit Court.

Date: 9-9-2015

Ayes: 5

Nays: 0

Signature: 
Chair, Colonial Beach School Board

Signature: 
Clerk, Colonial Beach School Board

RESOLUTION #53-16, Accepting Water Tower Property

WHEREAS, the Colonial Beach School Board has declared a 2.1439-acre parcel of land located at 122A Lynnhaven Court in the Town of Colonial Beach, which is bounded by Dennison Street, Douglas Avenue, Wilder Avenue and Lynnhaven Avenue surplus in accordance with VA Code Section 22.1-129; and

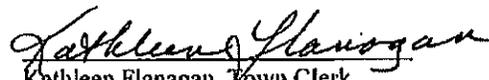
WHEREAS, the Colonial Beach School Board wishes to convey the aforementioned parcel, which comprises the water tower property, to the Town of Colonial Beach for the purpose of selling the property.

NOW, THEREFORE, BE IT RESOLVED by the Colonial Beach Town Council at its regularly scheduled work session on October 27, 2016 that, in accordance with VA Code Section 22.1-129, the Colonial Beach Town Council accepts the transfer of a 2.1439-acre parcel of land located at 122A Lynnhaven Court in the Town of Colonial Beach, which is bounded by Dennison Street, Douglas Avenue, Wilder Avenue and Lynnhaven Avenue, and authorizes the Town Manager to execute any and all documents necessary for, or related to, the transfer of the aforementioned property to the Town of Colonial Beach; and

BE IT FURTHER RESOLVED by the Colonial Beach Town Council that this Resolution shall be recorded in the land records of the Westmoreland County Circuit Court; and

BE IT FINALLY RESOLVED that the net sales proceeds will be placed in the School's Construction Fund until appropriated by the Town Council.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION, adopted by the Town Council at a Work Session of Council held Thursday, October 27, 2016 at the Colonial Beach Town Center, with a quorum of Council being present.


Kathleen Flanagan, Town Clerk

Upon motion made by Mr. Lyburn and seconded by Mr. Edwards, Resolution #53-16, as written, passed with a unanimous vote.

From: **Kathy Flanagan** kflanagan@colonialbeachva.net
Subject: RE: Minutes Oct 13 2016
Date: June 26, 2018 at 4:20 PM
To: Andrea Erard andreaerard@aol.com



Minutes from 2017:

From: Andrea Erard [<mailto:andreaerard@aol.com>]
Sent: Tuesday, June 26, 2018 3:42 PM
To: Kathy Flanagan
Subject: Re: Minutes Oct 13 2016

What did Council discuss regarding this property after Mayor Blunt took office?

Andrea Erard

On Jun 26, 2018, at 3:37 PM, Kathy Flanagan <kflanagan@colonialbeachva.net> wrote:

As requested...

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net

<Oct 13 2016 Reg Mtg Minutes.pdf>



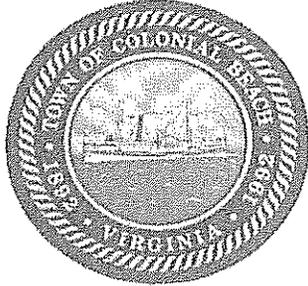
June 17 2017 Work
Session Minutes.doc



July 22 2017 Spec Mtg
Minutes.pdf



Res #19-17.pdf



**Minutes of the
Colonial Beach Town Council
Work Session held on
Saturday, June 17, 2017 at 10:00 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, Phil Rogers

Absent

All Council Members were present except Mr. Lyburn.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 10:00 a.m.

Roll Call of Members

Mayor Blunt noted that all council members were present with the exception of Mr. Lyburn.

All Council Members were present, except Mr. Lyburn.

Presentations

Dr. Peter Fahrney, Colonial Beach Foundation

Dr. Fahrney, representing the Board of Directors of the Colonial Beach Foundation, stated that one of their goals has been to develop a community center for all of the citizens.

In 2014, upon vacation of the property by the Lions Club, the Foundation saw a short term solution to achieving the goal of a community center. In 2015 the Foundation entered into a lease for a period of five years.

Since that time, the Foundation has invested more than \$15,000 to date in the maintenance of the property. Citizens contributed directly \$5,000. There have also been donated over 1,000 hours of community service. Hundreds of manhours of free labor and materials have been donated by local businesses. The Town Council has provided a new HVAC system.

In 2016 there were 116 events at the community center.

The recent storm has brought damage and has brought some inside activities to a standstill.

The Board of Directors will continue to plan and promote and manage the activities and facilities of the community center, but require three concessions from the town:

- (1) an annual stipend of \$4,000 to offset general operating expenses;
- (2) the town become responsible for the heavy maintenance items of outside maintenance and repair items, such as hanging branches, drainage ditch clearing, etc.; and
- (3) be responsible for all required capital expenditures to keep the facility functional as approved by the Town Council, and pay for all required permits.

Dr. Fahrney reminded Council that this property has always been a 'short-term solution' and also that the Planning Commission has recommended support in the development of a community center.

Council must plan for and commit to a permanent location which will not be sold off for short term fiscal relief.

The Foundation has previously submitted a list of current town-owned properties that should be considered for a permanent community center.

Mr. Dellar asked what has changed that the Foundation is asking for a yearly stipend.

Dr. Fahrney responded the Foundation cannot afford the costs of running and maintaining the building. The yearly costs include water and sewer, trash pickup, and utilities.

Mayor Blunt asked if the yearly stipend is above and beyond the \$15,000.

Dr. Fahrney responded the \$15,000 has already been invested into the building.

Monthly Department Reports

Chief Plott summarized the activity report for May 2017.

Ms. Grant was available for questions.

Mr. Dellar asked what the 'out of balance issue' was. Ms. Grant responded that it was a matter of negotiating with the technology and had been solved.

Mr. Cirbee asked if the list of business license holders provided is just the town.

Ms. Grant responded it is all holders through the date provided.

Mr. Cirbee noted he sees a number of businesses missing from the list, and cited contractors who hold a King George license and a Colonial Beach license.

Mr. Cirbee noted he had questions for Public Works and asked who provides the payroll for Public Works. Ms. Grant responded that the Public Works Director provides payroll information.

Mr. Cirbee asked: regarding the water project, what was the pricing for materials to install items and how much is being done in house.

Old Business

- Town Council performance evaluations of direct hires. Mayor Blunt noted this item has been delayed until, at least, October. Initially Mr. Cirbee and Mayor Blunt were to work on the process, but in light of recent pending events, Mayor Blunt recommended consideration this item be delayed. Mr. Dellar agrees with the Mayor.
- 2017 Capital Improvement Plan. Mr. Dellar urged Council to approve the CIP at the same time it approves the FY 2018 budget. Ms. Erard noted there has to be a public hearing advertised and held. Mayor Blunt noted he had questions.

Mr. Dellar turned his attention to page 2, under "New Elementary School," and stated the total is listed at \$9.6 million instead of \$9.3 million and would like to know what the difference is. Mr. Dellar also noted the water line replacement should be \$4.3 million not \$4.1 million.

Mr. Cirbee noted he would like to see actual costs on completed items, not just estimated costs.

Ms. Erard agreed with Mr. Cirbee that the CIP is typically projected numbers and that accounting for individual projects are done separately.

Mayor Blunt asked Ms. Erard if the town is responsible for meeting all criteria set for bond holders. Ms. Erard agreed.

Mr. Cirbee noted, again, he would like to see cost detail on completed projects like the new restrooms on the boardwalk.

Mr. Dellar noted that the 6,000 linear feet that is being paid for through the bond is less than 5 percent of the total water line replacement need.

Mr. Cirbee noted he wants to insure that the work being performed is being performed by people with the proper certifications, such as Master Plumbers, et cetera and that Council is fully informed as to costs and the full scope of work needed.

- Fracking. In the Zoning Ordinance there is one conditional use in the Agricultural District that should be deleted.

Ms. Erard noted this will need a public hearing.

- Status of sunken boat in Monroe Bay. Mayor Blunt spoke to Brad Martin, who has agreed to remove the boat which is almost completely submerged. Mr. Martin has several liability questions and wants the town to sign a release. There is a suggestion that the town could work with Mr. Martin to remove the boat.

On July 11th at 10:00 a.m. there is a proceeding regarding the boat.

Ms. Erard reported that when she called VMRC, they were not helpful.

Mr. Cirbee noted there are new officers at VMRC and asked ‘what about the pier?’ Ms. Erard noted the ‘pier’ is not on the agenda.

- Status of outstanding VMRC Citations in town. Mayor Blunt noted two citations remain out of four. Staff will provide a recommendation to Town Council at a later time after the budget is completed.

Mr. Cirbee noted the violations issued were based on the town’s pier ordinance which ordinance has been deleted while waiting for a recommendation from the town manager.

Ms. Erard noted the violations are issued based on the town’s ordinances as well as state law.

Mr. Cirbee and Ms. Erard disagreed about the ownership of a pier on Monroe Bay.

Mr. Cirbee and Ms. Erard discussed FOIA requests, with Ms. Erard stating that all requests to a governmental entity are regarded as FOIA requests and directed Mr. Cirbee to send any requests to the Clerk.

- Eleanor Trailer Park survey. Mayor Blunt reported that he had been informed by Ms. Foulds that she had received three quotes, which quotes included overlays of several different arrangements. Once the work is completed, Council can make a decision.

Mr. Cirbee noted that Council has never agreed to sell the property.

Mayor Blunt noted that the property is currently for sale.

- Sale of school properties (one parcel) and Water Tower property. Ms. Erard noted the listing agreements have been signed.
- Bikefest 2017. Mr. Rogers noted the Special Event application has been received. There are no new updates.

Mr. Dellar asked when Council takes action.

Mayor Blunt noted it is up to Ms. Foulds, as the Special Events Coordinator, to approve the application.

Mr. Dellar asked if there is a way to fix the vendor/peddler issue.

Ms. Erard noted she had provided Council a draft, which contained a wide range of options, which allows for someone, as a promoter, such as the Chamber, to be responsible for getting the peddlers' licenses. There are also record keeping requirements to be provided to the town, both before and after the event. It includes the requirement that a roster be available during the event.

Once Council approves a policy, then Ms. Erard would work with Ms. Foulds and Ms. Grant.

Mr. Cirbee asked if any document provided to Council include the authorship. Mr. Cirbee noted he has often questioned where documents have originated.

Mr. Leamon noted he and Mr. Rogers met with Ms. Grant and determined that the town is breaking even with bikefest. Most special events pay for additional police coverage.

Mr. Leamon recommends that the sponsors of bikefest be required to pay for local police coverage.

Chief Plott noted that the dates for bikefest this year coincide with the Virginia State Fair, which may cut the number of available State Police officers available.

Mr. Leamon noted there is overtime costs built into the police department budget.

Mr. Cirbee asked if the additional revenues for meals tax and lodging tax cover the costs

of the town during bikefest.

Mr. Rogers responded it's about 'break even.'

Mayor Blunt summarized saying the businesses are making money and the revenues are covering the town's expenses.

Mr. Cirbee asked Chief Plott if there are hidden costs that have to come out of the department's budget.

Chief Plott noted there are and pointed to the cost of feeding the law enforcement officers, which the Fire Department does and then requests reimbursement.

Mr. Rogers noted the past two years were examined and costs were projected in developing this year's budget.

- Yard Debris/leaf pickup. Mayor Blunt noted Ms. Foulds reported that yard debris pickup is being scheduled once each quarter. An alert was sent out with the next scheduled time.

Mr. Dellar noted that quarterly pickups are not enough.

Mr. Cirbee noted that having a designated drop off area for grass clippings with accessible hours may be a good alternative.

- Street signs. Mayor Blunt noted many signs around town need repair or replacement. According to Ms. Foulds, 100 new poles have been ordered.
- North end of boardwalk. Mr. Dellar noted this came about from a citizen inquiry into the condition of the north end of the boardwalk. In some cases the land is owned by the town and in some cases the land is owned by residents.

Mr. Dellar suggested that the Town Manager and the Director of Public Works make a recommendation to Council on how to maintain the boardwalk going forward.

- Dog Park at Robin Grove Park. Mayor Blunt noted Dr. Karen has been researching this issue.

Mayor Blunt noted the town has been busy with storm cleanup.

- Out of state tags/Personnel property tax. Mayor Blunt reported that once you move to town and become a permanent resident, you have 30 days to change your address and registration.

Ms. Erard reported that King George County has gone to a permanent decal, so rather than paying a decal fee every year, they are collecting just the tax.

Ms. Erard suggested enacting a parking ordinance town-wide where people would have to apply to park.

Mayor Blunt suggested including a flyer with information on registering your vehicle in future mailings for utility bills.

Ms. Grant noted that using Code Red alert messages has been very effective in reaching residents.

- Itinerant Merchants/Peddlers Ordinance. Mr. Dellar noted this was covered in the discussion about bike fest.
- Douglas Avenue, revert to 2-way traffic. Mayor Blunt reported that in order to have handicap parking, it has to remain one way.

Mr. Dellar noted there are no handicap signs on the street.

Mayor Blunt noted the curbs are painted blue, which indicates handicapped access.

- JLUS MOU. Mr. Dellar reported that the MOU is a result of the Joint Land Use Study conducted by the Dahlgren base and local communities with a goal of increased communication and cooperation between all parties.

Mr. Dellar recommended approval of signing the MOU at the June meeting.

Mr. Dellar further noted representatives from the base would like to provide a presentation to Council at a meeting this year.

Recess

At 11:35 a.m. Mayor Blunt called a recess.

Reconvene

At 11:40 a.m. Mayor Blunt reconvened the meeting.

Old Business Con't

- Housing Chapter, Comprehensive Plan 1.6. Mr. Dellar noted Planning Commission had made changes to the Executive Summary, but made no changes to the recommendations.

Mr. Dellar then made changes for Council's consideration. Mr. Dellar noted the town is only 2.8 square miles, but noted the community is much larger. Mr. Dellar wants to acknowledge the community is much larger than just the town and that the county has an obligation to provide more affordable housing in our community as well.

Mr. Dellar directed Council's attention to changes made to page 63.

Mr. Dellar further noted that while running an internet search for "affordable housing," four out of six results are in Colonial Beach.

Mayor Blunt noted that the "Angelwood" affordable housing community has been approved by the County and will be built just outside of the town.

Mayor Blunt asked Council to read the recommendations for the Housing Chapter.

Mr. Leamon asked this item to be moved to the top of the list at the next work session.

New Business

Resolution #31-17, Temporary Suspension of Liaison to Administration

Mr. Cirbee asked where this came from and who initiated this.

Mr. Leamon responded that he initiated this "after phone conversations with a majority of Council, after seeing several emails where town employees felt threatened and basically notified me that we were allowing a hostile work environment by employees that work for Town Council."

Mr. Leamon noted that once an employee comes to Council, whether it be in writing or verbally or a complaint, when someone says we are creating a hostile work environment, I feel like we have to do something about it.

Mr. Cirbee responded that this resolution would suspend Mr. Cirbee from working with Ms. Foulds.

Resolution #29-17, Water Project Bond

Mr. Dellar noted that last May 17th the Colonial Beach Town Council approved Res #29-17 which authorized the issuance of a general obligation water bond in the amount of \$4,374,004. Mr. Dellar still does not know how that number was developed.

Two weeks after the resolution was approved, Council received a document that contained: information on improvements to Robin Grove facility, as well as information provided by the Public Works Director on meters, an email from a consultant contractor to the Virginia Department of Health, and a Virginia Resources Authority letter of intent dated March 17, 2017 and accepted by the Town Manager on June 1, 2017.

In March, 2013 the Town Manager was directed to seek a grant for water system upgrades by way of Res #21-13.

Once it was known the town was not eligible for a grant because of our inability to monitor water use through metering, then instead of spending the next four years installing meters, spent four years pursuing a loan and bond issuance agreement.

Mr. Dellar further noted a modest increase of \$40-\$50 per quarter for one year would have paid for water meters and made the town susceptible to possible grant funding.

Mr. Dellar noted the information provided to Council lists the following: \$1.4 million to repair the reservoir at the Robin Grove facility; replace approximately 6,000 linear feet of undersized, failing water mains at a cost of \$1.2 million; purchase water meters at a cost of \$789,000.

Mr. Dellar asked Council to reconsider the \$4 million bond at this time and to modify the bond agreement to allow the water system to be operated by others.

Ms. Erard noted closing is set to occur next week on Thursday with a return of documents by June 20th.

Ms. Erard noted the adopted resolution authorized the documents to be executed .

Mayor Blunt noted that since 2013 the town has been working to repair and replace water lines.

Mr. Cirbee stated his concern is that this is a big financial concern and Council has had very little information provided to them.

Mr. Alger noted there is a binder at the front reception desk that contains all the documents pertinent to the water project bond.

Mr. Cirbee noted he would like more specific information rather than general information.

Mr. Dellar would like to make sure the course of action being taken is the course that is most appropriate.

New Elementary School, Appropriations vs Obligations

Mr. Dellar noted this came about as he researched what amount would be necessary to cover the elementary school construction budget. Mr. Dellar noted there had been commitments made which went beyond appropriated funds to date.

Mr. Dellar noted the bond amount was \$8.9 million for construction of the new school; and Res #17-16 appropriated \$8,512,259 million. Prior to this the school was required to pay \$225,000 in capitalized interest. The total was then \$8,512,259.

Mr. Alger brought up and directed Mr. Dellar's attention to Res #12-16.

Mr. Dellar is concerned about two issues: whether the town formally passed a budget for the elementary school construction; and –

Mayor Blunt noted property exchanges took place in lieu of funds and those properties are in the process of being sold.

Mr. Cirbee said Council needs to pass an appropriation from the General Fund to cover the construction.

Mr. Dellar noted the Southwood Construction Co. is in the amount of \$765,000.

Mr. Trivett noted the alternates were in the original bid. Town Council asked the school to wait a month before they were all approved.

Mr. Trivett noted initially the town was going to get an appraisal for the building and buy that building from the School Board. In lieu of that, Town Council passed a resolution that said any money from the sale of the properties will be turned over to the construction fund to pay any additional cost for the school so that taxes do not have to be raised.

The additional five cent tax increase recommended by Davenport – I think it was raised two cent and a three cent increase the following year did not occur.

Mayor Blunt recounted that at a meeting with previous Mayor Ham, it was explained to him that any shortfalls would be covered by the general fund until we could sell the properties.

Mr. Cirbee noted we will need to authorize additional appropriations.

Mr. Trivett responded that the School Board should have those numbers .

Nuisance and Violation Form

Mr. Dellar noted this form used by the Planning and Zoning Office, promises anonymity to anyone who makes a complaint against their neighbor. Mr. Dellar believes you have a right to know your accuser.

Mr. Dellar suggested the complainer's name, address and phone number be included on the form.

Mr. Cirbee agrees with Mr. Dellar.

Mayor Blunt agrees with Mr. Dellar.

Ms. Erard noted that Mr. Dellar's proposal is legal.

Mayor Blunt asked Council for consensus on the question.

Mr. Dellar, Mr. Alger, Mr. Cirbee, Mr. Rogers and Mayor Blunt all agreed with changing the form. Mr. Leamon disagreed.

Town Parking Revenues

This issue came up in response to an email that thought the town didn't typically receive the revenues usually made during a festival weekend.

The Town Manager had noted that money totals were not complete at that time.

Items from the Planning Commission

Mayor Blunt read the items that are ready for Town Council review.

Closed Meeting

Mayor Blunt made a motion to go into closed meeting pursuant to VA Code Section 2.2-3711(A)(7) for the purpose of discussing the matter in litigation, B&K Hotels LLC vs Town of Colonial Beach. Mr. Dellar seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Alger voted "aye," Mr. Cirbee voted "aye," Mr. Dellar voted "aye," Mr. Leamon voted "aye," Mr. Rogers voted "aye," and Mayor Blunt voted "aye." The ayes were unanimous of council members present.

At 1:00 p.m. Council moved into Closed Session.

Certification

Ms. Erard asked if there is a motion to certify that only those matters identified in the motion to go into closed meeting were heard, discussed or considered during the closed meeting?

Mr. Blunt so moved. Mr. Alger seconded.

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

Reconvene

At 1:03 p.m. Mayor Blunt reconvened the meeting.

Adjournment

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

Mayor Blunt called for a voice vote, Mr. Alger, Mr. Leamon, Mr. Rogers, Mr. Dellar and Mayor Blunt voted "aye." Mr. Cirbee voted "nay."

The motion to adjourn passed with a 5-1 vote.

At 1:04 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

COUNCIL PAPER

At the Regular Meeting held on Wednesday, March 15, 2017 at the Colonial Beach Town Center

Mr. Leamon made a motion to approve; Mr. Lyburn seconded.
Mr. Leamon withdrew his motion; Mr. Lyburn withdrew his second.

NO ACTION TAKEN

**RESOLUTION #19-17, AUTHORIZING CONTRACT
TO MARKET SCHOOL PROPERTIES WITH COLDWELL
BANKER**

WHEREAS the Colonial Beach Town Council previously authorized the execution of contracts with Coldwell Banker to list town owned properties; and

WHEREAS to date, no contract has been executed; and

WHEREAS the Town Council now has reservations about contracting with Coldwell Banker for the listing of town owned properties based upon the statements and conduct of one or more local Coldwell Banker agents; and

WHEREAS the Colonial Beach Town Council would like to execute an agreement with Coldwell Banker to market the school properties at their highest and best use.

NOW THEREFORE, BE IT RESOLVED by the Colonial Beach Town Council, at its regular monthly meeting on March 15, 2017, that the Town Manager is authorized to execute a listing agreement with Coldwell Banker for the following properties (as shown on the attached plat):

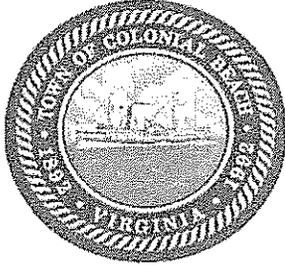
BE IT FURTHER RESOLVED that the Town Manager is not authorized to enter into any other listing agreement with Coldwell Banker at this time; and

BE IT FINALLY RESOLVED that any and all offers received as a result of the listing agreement with Coldwell Banker shall be promptly presented to the Colonial Beach Town Council.

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 _____



**Minutes of the
Colonial Beach Town Council
Meeting held on
Saturday, July 22, 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, Phil Rogers

Absent

All Council Members were present with the exception of Mr. Lyburn.

Also Present

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

Call to Order

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

Roll Call of Members

Mayor Blunt noted that all council members were present with the exception of Mr. Lyburn.

All Council Members were present except Mr. Lyburn.

Appropriation for Elementary School Construction Project

Mayor Blunt opened discussion and noted Council had in front of them a packet prepared by Mr. Dellar and Mr. Rogers.

Mr. Rogers noted the School Board made a request dated July 13, 2017 for an additional appropriation of \$765,500. This request gave rise to Council looking into the status to date.

Mr. Dellar expressed concern several months ago that obligations may have exceeded appropriations. Subsequently, Mr. Dellar and Mr. Rogers have spent several days reviewing numerous documents including bond issuance, the town's appropriated amount to the School Board, signed contract obligations, expenditures to date through June 30, 2017, and numerous resolutions, Memorandum of Understanding, and memorandums to the record.

Without getting into a lot of detail, the results indicate that current obligations have exceeded the appropriations by \$212,062. The cause for these issues can be shared on both sides, the School Board, Town Council and staff.

This issue occurred primarily through the misunderstandings and miscommunications. A major cause deals with the School Board property transferred to the town and the fact that this property has not yet sold. Therefore, anticipated funds from the sale have not materialized.

The following recommendations were made to address the School Board's request for additional appropriations. First, given that the School Board has contractual obligations that exceed the amounts appropriated, and that this potential violation is in violation of Virginia Code, it is recommended the Town Attorney provide Council with guidance on how best to proceed. Secondly, the School Board, Town Council and staff need to both acknowledge mistakes were made and to establish safeguards to ensure that these mistakes are not repeated. Thirdly, if consistent with the guidance provided from the Town Attorney, the Town Council should immediately appropriate \$250,000 to cover current contract obligations as well as incidental costs, if necessary, with a detailed funding request, itemize any additional costs with completing the construction project, provide that request to the Town Council for immediate consideration.

Mr. Cirbee agrees with the summary and the recommendations. Mr. Cirbee asked what other costs are, what other requests are there.

Mr. Alger noted there is one small issue, saying the final bond number given to the School was \$8.5 million. Resolution #17-16 the amount that was actually appropriated to the School was \$8,512,259, which is \$12,259 more.

Dr. Kevin Newman, School Superintendent, noted the request was sent and what it will take to complete the work is \$765,500 over the \$8.5 million to get to \$9,226,500 for everything.

Dr. Newman noted that Vice Mayor Leamon had provided a timeline to Council that lists everything.

Dr. Newman expressed his concern and that of the School Division when they hear they spent money that was not appropriated and referred Council to the timeline. The School understood that if the property sales were not done in time, the money would come out of reserve fund and then the property sales money would be returned to the town.

The bond was approved on November 12, 2015. The money was transferred on November 15, 2015. And the first contract was signed on November 20, 2015. Alternatives 3 through 6 were not signed until the School was told the Council approved the Capital Improvement Plan.

Dr. Newman said “we were only doing what we were told. If that was wrong, we apologize. But we did not violate any law on purpose. We were only following direction.”

Mr. Dellar said “we have to start when the bonds were appropriated.” Mr. Dellar further noted “You can’t obligate or commit the town or the school to pay obligations that you have not received money for.”

Mr. Dellar said “You may have very well been told to go ahead and do it, but without an appropriation document, that was not the right thing to do.”

Mr. Dellar asked if there were Council minutes that reflect what the School was told.

Dr. Newman answered “No, sir. I had monthly meetings with Mr. Looney. I had monthly meetings with Mr. Looney and Ms. Foulds. And we had meetings at other times with Mr. Trivett, myself, Ms. Foulds, Mr. Looney and Mayor Ham.”

Mr. Dellar noted the contracts were awarded prior to the appropriation. That issue continues to be a problem, even today. It appears the School issued change orders in the amount of approximately \$500,000.

Mr. Dellar said he was not saying anyone did something intentionally wrong, but was looking for acknowledgement and a correction of processes.

Dr. Newman responded he did not mind putting a plan together to make sure that issues do not happen again.

Mr. Rogers noted there were miscommunications and misunderstandings on both sides and we need to move forward from that and correct the issues.

Mr. Alger noted that there is a recommendation to appropriate the \$250,000, but there is also the question of the FFE in the amount of \$765,500.

Dr. Newman noted that Ms. McConnel, the project manager, will be available on Friday and will be able to answer specific questions.

Mr. Cirbee and Mr. Dellar expressed they had questions about change orders.

Dr. Newman re-stated that Ms. McConnel will be at the meeting on Friday to answer specific questions.

Mayor Blunt asked former Mayor Mike Ham to speak.

Former Mayor Ham stated "When we went into this, we had an agreement that it would cost \$9.2 million. We got the bond for \$8.5 million. There was some money at that time left from the insurance proceeds. There was an agreement that the town would buy Town Hall from the School. We are still paying \$1 per year in rent. We should have bought that a year and a half ago.

Last year, when we went through the capital improvement plan, those bathrooms, the boat ramp and all, and we all said 'we need to leave at \$400,000 to \$500,000 in the capital improvement plan to buy Town Hall. That money is still sitting there. That's more than half of what they're going to need.

I've gone over the figures with Frank and I've talked to Tim, it appears that \$765,500 is the final amount they're going to need to complete it. If you backed out \$300K or \$400K, which is what the town would buy town hall for, you're talking \$300K to \$400K. That will be reimbursed once property sells, which we've got the large lot next to the old school and the ball field.

As far as the deducts, I thought there was a decision up front that a lot of the equipment that was going to go in there – they decided to go out on direct purchase orders to get a better price. So there is the big deduct. I can't guarantee that's it, but I know they went out for direct purchase orders. That way, the air conditioning systems, heating systems, a lot of stuff got taken out of the original contract bid because Southwood said 'if you can get a better price, go ahead and do that.'

The bottom line is, we got a school that, obviously -- \$765,000, half of that money the town already owes the school because we're sitting in town hall basically debt free for going on three years now."

Mr. Cirbee noted that there is no question Council has to appropriate the money to the school, but his questions are to the details, such as huge deducts in steel, sand and gravel.

Mr. Cirbee noted Council should not be fixing things. "We've got a tenured School Board, we've got a tenured Town Manager, we've got an attorney that's been here forever and ever. These things should never get this far. Never.

Former Mayor Ham continued "There is enough blame to go around.

At the time we signed the contract, they had sufficient money to cover it because there total costs were not earmarked for anything at that time. Yes, they may have closed down the school a month early or something if we hadn't located the money, but at this point, sometime either prior

to 1 January or between 1 January and 30 June, the Council should have taken action to go ahead and appropriate additional money, money we told them we would guarantee.

Yes, there is enough blame for everybody. We're derelict in not getting bids on town hall and just buying it. That's half of what they need right there.

We've been playing with the contract with Coldwell for two years almost. We got wound up with Eleanor Park. We haven't sold anything.

There is enough blame for everybody to go around.

In a perfect world, everything works perfect.

I would suggest that you, Mr. Cirbee, should be recusing yourself from this because you're in a law suit with the School Board."

Mayor Blunt noted he didn't vote for the new school because he thought it came too fast, there wasn't enough information from the very beginning.

But the School did agree to put a generator in so the community now has a shelter after a storm.

Mayor Blunt sees no criminal intent at all, but does see a lack of understanding of appropriations.

Mayor Blunt stated that the town will do better; this kind of thing won't happen again.

Mayor Blunt asked this Council and future Councils to be more patient, to do their due diligence and expressed his hope that more citizens will become involved.

Mayor Blunt would like to see the schools opened up for the communities.

Former Mayor Ham remarked that the last tax increase included two cents being earmarked to pay the bond. There was also anticipated the following year another three cents tax increase, which was not enacted because of increased revenues in meals and lodging taxes.

Mayor Blunt noted the town had a surplus without raising any additional taxes.

Mayor Blunt suggested Mr. Dellar and Mr. Rogers meet with Ms. McConnell before the Friday meeting.

Mr. Dellar asked "Is it the intention of this Council to ignore the potential violation of law with regard to the appropriation and obligations?"

Mayor Blunt suggested asking the Town Attorney to reach out to the Commonwealth Attorney with a brief overview.

Ms. Erard noted to Mr. Cirbee “You indicated that you were going to abstain from voting. If you believe you have a conflict, usually you also abstain from discussion.”

Mr. Cirbee responded that he probably understands the process better than anyone on Council.

Mr. Cirbee stated that Council needs to step back and get in line with the processes and asked ‘how does this keep happening?’

Ms. Erard noted that based on all the information she has heard today “I am not aware of any violation of the law that the Town Council has committed.”

Mr. Cirbee noted “we are one town.” “We are all to blame.” And “We have all got to do better in the future.”

Mayor Blunt summarized saying the next course of action is that Mr. Rogers and Mr. Dellar will have a conference call with Megan.

Mayor Blunt noted he personally would not vote for any kind of criminal...Mr. Dellar, Mr. Rogers, Mr. Cirbee, Mr. Leamon, and Mr. Alger all agreed.

Mr. Leamon stated he believes that even if there is a violation of law, there is no malice and that we built the school, we’ve got to fill it with furniture, with children.

Mr. Cirbee asked Council to look at the ramifications of going to the Attorney General and does not feel it needs to be exasperated any further.

Mr. Dellar agrees and does not see any criminal intent on the part of anyone and there was no personal enhancement of any kind. His concern is that if this was a violation, any citizen could raise this issue to the Commonwealth Attorney and press the issue forward.

Ms. Erard stated she would contact Ms. Sichols on Monday.

Ms. Erard further stated “I am not aware of anything that I’ve heard that would give rise to that. Furthermore, I just want to make it clear, I think most of you understand this, but the only people who have any power or authority really is the Town Council. The Town Council makes all of the decisions and directs staff. I, myself, have no authority. I respond to the questions that I’m asked. I indicate what the law is. And sometimes Council chooses to take my advice. And sometimes they choose to go in another direction. Likewise, I believe that Ms. Foulds works at the pleasure and direction of Council as well.

So, I think, Mr. Cirbee, if you’re concerned about mistakes, the place we should start is with Council education.”

Adjournment/Recess

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

At 9:02 a.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

From: **Kathy Flanagan** kflanagan@colonialbeachva.net &
Subject: Water Town Field
Date: June 27, 2018 at 4:41 PM
To: **Andrea Erard** erardclaw@aol.com



Andrea,

Please find attached:

- Excerpt from Oct 27, 2016 Work Session
- Copy of Res #56-15
- Minutes from Dec 17, 2015 Town Council Work Session

Kathy

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net



Verbatim Excerpt Oct 27
2016.doc

RESOLUTION #56 -15, Ratifies School Board Resolution

WHEREAS the Colonial Beach School Board owns certain real property and improvements located at 122A Lynnhaven Court, Colonial Beach, Virginia 22443. (the "Property") which is commonly referred to as "The Water Tower Ball Park Playground;" and

WHEREAS the Colonial Beach School Board approved Resolution 2015-4 on September 9, 2015 requesting authorization from the Colonial Beach Town Council to sell the Property to a private purchaser for an amount not less than the assessed value of the Property, and to use the proceeds from the sale for capital improvement projects; and

WHEREAS Virginia Code § 22.1-129 requires that the Town Council provide authorization to the School Board to sell property owned by the School Board; and

WHEREAS the Colonial Beach Town Council seeks to provide its approval for the transaction proposed in Resolution 2015-4.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council, at a meeting on December 17, 2015, that the Colonial Beach School Board is authorized to sell 122A Lynnhaven Court for not less than the assessed value, and to use the proceeds of the sale for capital improvement projects.

the process in the same for capital improvement projects.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION,
adopted by the Town Council at a work session of Council held Thursday, December 17,
2015 at the Colonial Beach Town Center, with a quorum of Council being present.

.....
Kathleen Flanagan, Town Clerk

1 | Page



Dec 17 2015 Work
Session Minutes.doc

From: **Kathy Flanagan** kflanagan@colonialbeachva.net 
Subject: School Board Res 2016-3
Date: June 27, 2018 at 4:46 PM
To: **Andrea Erard** erardlaw@aol.com



One more SB resolution...

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net



School Board Res 2016-
3.pdf

COLONIAL BEACH SCHOOL BOARD RESOLUTION NO. 2016-3
RESOLUTION OF THE COLONIAL BEACH SCHOOL BOARD
DECLARING THE WATER TOWER BALL PARK PLAYGROUND
PROPERTY SURPLUS PURSUANT TO
VIRGINIA CODE § 22.1-129

WHEREAS a 3-acre parcel of land located at 122A Lynnhaven Court in the Town of Colonial Beach, which is identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 Block 7A at Deed Book 93, Page 428 in the land records of the Circuit Court of Westmoreland County, Virginia, and which is more commonly referred to as part of the "Water Tower Ball Park Playground" (hereinafter "the Parcel") is no longer useful to the Colonial Beach School Board; and

WHEREAS, by Resolution 2015-4 on September 9, 2015 the School Board requested authorization from the Colonial Beach Town Council to sell the Property to a private purchaser; and

WHEREAS, by Resolution #56-15 on December 17, 2015, the Colonial Beach Town Council ratified the School Board's resolution and authorized it to sell 122A Lynnhaven Court and use the proceeds of the sale for capital improvement projects; and

WHEREAS, to date the property has not been sold and the Town of Colonial Beach has agreed to sell the property on the School Board's behalf; and

WHEREAS the Colonial Beach School Board wishes, in accordance with Va. Code § 22.1-129, to declare the Parcel surplus, and to convey the Parcel to the Town of Colonial Beach; and

WHEREAS, the School Board understands that it is the intent of the Town of Colonial Beach to place the proceeds from the sale of the Parcel in a restricted account to be used in the future for school capital improvement projects; and

NOW THEREFORE BE IT RESOLVED by the Colonial Beach School Board at its meeting on June 8, 2016 that, in accordance with Virginia Code § 22.1-129, the Colonial Beach School Board hereby declares the Parcel surplus, and authorizes the Chairman to execute any and all documents necessary for, or related to, the transfer of the Parcel to the Town of Colonial Beach;

BE IT FURTHER RESOLVED by the Colonial Beach School Board that this Resolution shall be recorded in the land records of the Westmoreland County Circuit Court when the deed transferring the Parcel is recorded; and

BE IT FURTHER RESOLVED that when the Town of Colonial Beach sells the property that it will appropriate the proceeds of such sale for use by the School Board for capital improvement projects.

Mrs. Payne – AY Mrs. Roberson – AY Mrs. Lyburn- AY
Mr. Trivett – AY Mr. Foster-AY

Certified to be a true and accurate reflection of the action taken by the Colonial Beach School Board on June 8, 2016.

Clerk, Colonial Beach School Board

School Board Chairman

From: **Kathy Flanagan** kflanagan@colonialbeachva.net 
Subject: **Water Tower Property**
Date: **June 28, 2018 at 10:10 AM**
To: **Andrea Erard** erardlaw@aol.com
Cc: alinchum@colonialbeachva.net



Andrea,

I went to the video tape from Oct 27, 2016 and created a verbatim excerpt from the discussion re: Resolution #53-16, Accepting Water Tower Property.

Kathy

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net



Excerpt from October
27, 2016 W...ession.doc

**EXCERPT from video recording of
October 27, 2016 Work Session
Colonial Beach Town Council**

All Town Council Members were present.
Also present was Joan Grant, Bruce Hough and Kathleen Flanagan

Prepared by: Kathleen Flanagan, Town Clerk

Mayor Ham: The next item on the agenda is Resolution #53-16, which accepts the water tower property. Action was postponed at our regular meeting until our work session today.

In meeting with the Chairman of the School Board, Mr. Looney and I talked to him and the Superintendent and we came up with a couple of words we added that I believe satisfies what they wanted to see in it.

That was that the school is being turned over to the town for the town to sell it. We will execute any and all documents related to the transfer. It will be recorded.

And be it finally resolved that the net sales proceeds will be placed in the school's construction fund until appropriated by the Town Council.

I believe Mr. Trivett was satisfied with that – he was going to go back and talk one on one with the School Board members.

I haven't heard back from him, so I assume he is satisfied with that. I don't know if you've talked to him, Mike or not.

Mr. Looney: I haven't, but I have talked to Dr. Newman this afternoon. He didn't see any problem with it. He thought that the resolution handled things all right.

He said Mr. Booth (sp) was going to be here to represent the School Board, so I wonder if we should ask Mr. Booth.

Mayor Ham: Do you have any comments, Mr. Booth?

Mr. Booth: Good evening. I was directed to make sure that it said the word "construction." I did hear that, so I thank you. I appreciate it. If you have any questions...

Mayor Ham: That being said, is there a motion?

Mr. Lyburn: Motion.

Mayor Ham: Is there a second?

Mr. Edwards: Second.

Mayor Ham: Mr. Looney?

Mr. Looney: Yes, Mr. Mayor. The resolution does say “the School Board wishes to convey the aforementioned parcel to the Town of Colonial Beach, which comprises the water tower property, to the Town of Colonial Beach for the purpose of selling the property.” To show that’s true, I wondered if we could attach the School Board’s resolution to this resolution.

Mayor Ham: Yes. The other thing – in the third paragraph we need to change “meeting on October 13, 2016” to “work session on October 27, 2016.”

Mr. DiRosario: (Inaudible)

Mayor Ham: It’s on the next page.

Any other discussion? Hearing none, all in favor signify by saying “aye.” Opposed?

Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Looney, Mr. Lyburn and Mayor Ham all voted “aye.”

The “ayes” were unanimous. The motion to adopt Resolution #53-16 passes with a unanimous vote.

End of Excerpt.

From: **Kathy Flanagan** kflanagan@colonialbeachva.net 
Subject: Minutes and excerpts re water tower property
Date: July 10, 2018 at 4:47 PM
To: **Andrea Erard** erardlaw@aol.com



As requested...

Kathleen Flanagan
Town Clerk
Town of Colonial Beach
315 Douglas Avenue
Colonial Beach, VA 22443
804-224-7181
kflanagan@colonialbeachva.net



Excerpt from October
27, 2016 W...ession.doc



Verbatim Excerpt Oct 13
2016.doc



Dec 17 2015 Work
Session Minutes.doc

RESOLUTION #56 -15, Ratifies School Board Resolution

WHEREAS the Colonial Beach School Board owns certain real property and improvements located at 122A Lynnhaven Court, Colonial Beach, Virginia 22443, (the "Property") which is commonly referred to as "The Water Tower Ball Park Playground;" and

WHEREAS the Colonial Beach School Board approved Resolution 2015-4 on September 9, 2015 requesting authorization from the Colonial Beach Town Council to sell the Property to a private purchaser for an amount not less than the assessed value of the Property, and to use the proceeds from the sale for capital improvement projects; and

WHEREAS Virginia Code § 22.1-129 requires that the Town Council provide authorization to the School Board to sell property owned by the School Board; and

WHEREAS the Colonial Beach Town Council seeks to provide its approval for the transaction proposed in Resolution 2015-4.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council, at a meeting on December 17, 2015, that the Colonial Beach School Board is authorized to sell 122A Lynnhaven Court for not less than the assessed value, and to use the proceeds of the sale for capital improvement projects.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION

**THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION,
adopted by the Town Council at a work session of Council held Thursday, December 17,
2015 at the Colonial Beach Town Center, with a quorum of Council being present.**

Kathleen Flanagan, Town Clerk

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Excerpt: Town Council Meeting Oct 13 2016

Mr. Looney: Reads Resolution #56-15.

Ms. Erard: I believe there was a later resolution.

Mayor Ham: Mr. Trivett, correct me if I'm wrong. They had talked to the real estate vendor that we're working with to get a contract to sell town property. Rather than them going to a separate contract with them, they passed a resolution, I believe, that said they were going to convey it to the town and that way the town could use the one overall real estate contract.

Century 21 could not sell it for the school unless the school would sign a separate contract with them.

So we agreed that we would take it and let them sell it. Once the town owns it, then our contractor can offer it for sale like any other town property.

Like I said, all along we had talked about this property being sold to help pay for building the elementary school. Right now the town is funding the bond payments, all the demolition work we did, all the survey work we had to do. We're funding everything and we had to make the bond payments because the auditors said it is a town responsibility. They told us we could try to own the school and do it as a construction in progress type thing, but they recommended highly against doing that.

So the new school will be in the name of the Colonial Beach School Board. The funds to pay for it are coming from two sources, the bond issue and the sale of school property that the school board has conveyed to the town.

They've already conveyed the old high school property and then this will complete it, to convey this property. Then any proceeds will go toward paying the bond.

Mr. Looney: Mr. Mayor, I understand everything you said. I would just like to see in writing a statement from the school board to convey the property to the town. And we do not have that at the present time.

Mayor Ham: You all passed that, didn't you, Tim?

Mr. Trivett: I believe we did. But it's been a while back now, so I...

Mayor Ham: What I would suggest at this point is that we postpone action on this until the work session and we will get a copy of that unless a majority of the Council would rather go ahead and vote on it tonight.

It's on the table now.

Mr. Looney: As long as we don't say table, we say postpone.

Mr. Looney: I motion that we postpone action on Resolution #53-16 to the October 27th work session.

Ayes have it...Postponed.

**EXCERPT from video recording of
October 27, 2016 Work Session
Colonial Beach Town Council**

All Town Council Members were present.
Also present was Joan Grant, Bruce Hough and Kathleen Flanagan

Prepared by: Kathleen Flanagan, Town Clerk

Mayor Ham: The next item on the agenda is Resolution #53-16, which accepts the water tower property. Action was postponed at our regular meeting until our work session today.

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Mayor Ham: Do you have any comments, Mr. Booth?

Mr. Booth: Good evening. I was directed to make sure that it said the word "construction." I did hear that, so I thank you. I appreciate it. If you have any questions...

Mayor Ham: That being said, is there a motion?

Mr. Lyburn: Motion.

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Mr. Looney: Yes, Mr. Mayor. The resolution does say “the School Board wishes to convey the aforementioned parcel to the Town of Colonial Beach, which comprises the water tower property, to the Town of Colonial Beach for the purpose of selling the property.” To show that’s true, I wondered if we could attach the School Board’s resolution to this resolution.

Mayor Ham: Yes. The other thing – in the third paragraph we need to change “meeting on October 13, 2016” to “work session on October 27, 2016.”

Mr. DiRosario: (Inaudible)

Mayor Ham: It’s on the next page.

Any other discussion? Hearing none, all in favor signify by saying “aye.” Opposed?

Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Looney, Mr. Lyburn and Mayor Ham all voted “aye.”

The “ayes” were unanimous. The motion to adopt Resolution #53-16 passes with a unanimous vote.

End of Excerpt.



**Minutes of the
Colonial Beach Town Council
Work Session held on
Thursday, December 17, 2015 at 4:30 p.m.**

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

Present

Mayor, Mike Ham
Vice Mayor, Eddie Blunt
Member, Tommy Edwards
Member, Mike Looney

Absent

Member, Wayne DiRosario
Member, Wanda Goforth
Member, Burkett Lyburn

Also Present

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

Call to Order

Mayor Ham called the Work Session to order at 4:33 p.m.

Roll Call of Members

Mayor Ham noted Mr. Blunt, Mr. Edwards and Mr. Looney were present and that Mr. DiRosario, Ms. Goforth and Mr. Lyburn were absent.

Presentations (by Council request)

Ms. Flanagan, provided handouts and gave a Power Point Presentation titled "2015 End of Year Review."

Town Manager Update

Ms. Foulds reported on the town's application for a grant to pave the municipal parking lot. Although the grant application was not initially approved, the approving agency provided advice and encouragement to re-submit our application.

In February the town and the Chamber of Commerce will host a two-day "Lunch and Learn" workshop administered by Virginia Tourism. Lunch will be provided.

The town received one application in response to the advertised RFP for real estate broker services.

The town has awarded grants to several local businesses for façade improvement. By springtime we will start to see new facades on buildings in the downtown area.

Town staff has applied for a grant to repair the boat ramp.

Since 2013 the town manager has been working with Verizon to make sure the billing and services provided are correct. After reaching out to other localities for advice, the town retained a professional company to look over the billing. This has resulted in a tremendous savings to the town at no cost to the town. Ms. Foulds acknowledged Adam Schaefer and Sherri Wilkerson for their hard work on this issue.

Mayor Ham noted that the Town of Montross recently reported that their recent revitalization efforts resulted in 40 new jobs and nine new businesses.

Mayor Ham further noted that Montross has created an ordinance that forms a Mural Committee so that private businesses who would like to put a mural on a building will have to work with and get approval from the Mural Committee.

November Department Reports

Chief Plott said his department wants to make this one of the best holiday seasons they can.

Ms. Foulds acknowledged the Les Parsons and Sara Lombrana of the Police Department and the recent training provided to educate town staff in cases of active shooters.

Mayor Ham then noted that real estate assessments are up 7.4% from last year. Personal property tax assessments are up \$427,000.

Mr. Blunt noted the town had over \$7 million in new construction.

Old Business

There was no old business to discuss.

New Business

Resolution #56-15, Ratifies School Board Resolution 2015-4

Mayor Ham noted that this resolution refers to the “water/town ball park playground” property. The School Board declared the ball field as excess property and Town Council needs to authorize the School Board to sell that property.

Mr. Looney made a motion to adopt Resolution #56-15 as written. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. Mr. Blunt voted “aye,” Mr. Edwards voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.”

Upon a vote of four ayes, Resolution #56-15 was adopted by council members present.

RESOLUTION #56 -15, Ratifies School Board Resolution

WHEREAS the Colonial Beach School Board owns certain real property and improvements located at 122A Lynnhaven Court, Colonial Beach, Virginia 22443, (the “Property”) which is commonly referred to as “The Water Tower Ball Park Playground;” and

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Resolution #01-16, Appointment to the Redevelopment & Housing Authority

Mayor Ham noted that this is a First Read Resolution and would appoint Judi Morris to the Authority.

There was council approval to consider Resolution #01-16 for action at the January 14, 2016 Regular Town Council meeting.

Resolution #02-16, A Resolution to Opt Out of Tenancy in Common for the School Board Property, Pursuant to VA Code Section 15.2-1800.1

Mayor Ham noted that this is a First Read Resolution and asked Ms. Foulds to provide background information.

Ms. Foulds noted adoption of this Resolution would result in stronger financial statements and was recommended by the town's auditors.

Mr. Looney suggested the last two "Whereas" paragraphs be deleted as they are not necessary once the town opts out. Ms. Foulds agreed.

There was council approval to consider Resolution #02-16, as amended, for action at the January 14, 2016 Regular Town Council meeting.

Resolution #03-16, Rescinds and Clarifies Resolution #40-15

Mayor Ham noted that this is a First Read Resolution and would provide for "separate accounting for construction of a new school facility" and that the two cent tax increase will go to "service the debt created by the 2015C VPSA Bond."

There was council approval to consider Resolution #03-16 for action at the January 14, 2016 Regular Town Council meeting.

Ordinance No. 672, Amends Town Code, Chapter 5, Special Events Permit

Mayor Ham noted that this is a First Read Ordinance. Council will hold a public hearing on Ord No. 672 on January 14, 2016.

Ms. Foulds noted that the current Special Event Permit section is outdated and in need of revision. Staff recommends the passage of Ord No. 672.

Ms. Foulds further noted that this ordinance has also been called "Resolution #57-15" before being changed to an ordinance.

There was council approval to hold a public hearing and to consider Ordinance No. 672 for action at the January 14, 2016 Regular Town Council meeting.

Discussion to Schedule an Additional Work Session/Retreat to Set Priorities

Mayor Ham opened discussion to schedule an additional work session to set priorities and goals.

Mayor Ham also noted that Council needs to make a decision regarding the current town hall building, which the town is leasing from the School Board. Mayor Ham also noted Council has been considering solutions for: (1) public restrooms; and, (2) tar and chipping gravel roads in town, including Riverside Meadows.

Mr. Blunt noted he would like a presentation by town staff on the benefits of purchasing the current town hall benefit, including future growth options.

Mayor Ham asked Ms. Flanagan to coordinate a date and time for an additional full-day work session.

Discussion re: lease of 108 Taylor Street

Mr. Cox made a formal request to lease 108 Taylor Street. Mayor Ham noted that the current lessee would have to terminate their lease, and council would have to advertise and hold a public hearing in order to entertain bids/proposals from the public.

Adjournment/Recess

Mr. Edwards made a motion to adjourn. Mr. Blunt seconded the motion.

Mayor Ham called for a voice vote on the motion to adjourn. Mr. Edwards, Mr. Blunt, Mr. Looney, and Mayor Ham all voted “aye.”

At 5:41 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor