



**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