



**Minutes of the
Colonial Beach Town Council
Work Session held on
Saturday, March 11, 2017 at 8:00 a.m.**

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

Present

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

Absent

All Council Members were present except Mr. Cirbee.

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 8:00 a.m.

Roll Call of Members

Mayor Blunt noted that all council members were present with the exception of Mr. Cirbee who is ill.

All Council Members were present, except Mr. Cirbee.

Presentations

Interview with Quinn Robertson, applicant for Planning Commission

Mayor Blunt thanked Mr. Robertson for his volunteerism and his service to our country.

Mayor Blunt introduced Mr. Robertson and opened up a question and answer session with Council Members.

Mayor Blunt noted there was a favorable recommendation from Planning Commission and recommending taking a vote on Resolution #12-17.

Resolution #12-17, Appoints Quinn Robertson to the Colonial Beach Planning Commission

There was consensus among Council to move consideration of Resolution #12-17 to next on the agenda.

Mr. Leamon made a motion to approve Resolution #12-17 as written. Mr. Lyburn seconded the motion.

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

The motion to adopt Resolution #12-17, as written, passed with a unanimous vote of council members present.

RESOLUTION #12-17, APPOINTS QUINN ROBERTSON TO THE COLONIAL BEACH PLANNING COMMISSION

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

WHEREAS, Quinn Robertson 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 Quinn Robertson be appointed to serve on the Colonial Beach Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting in a work session on Saturday, March 11, 2017 hereby appoints Quinn Robertson to the Colonial Beach Planning Commission for a four-year term expiring on March 31, 2021.

Town Manager Update

Ms. Foulds updated Council on three items:

- (1) The town has approved three applications for pier licenses so far.
- (2) The town has received preliminary approval from the Virginia Department of Health for a \$4.082 million loan for the water improvement project. Mr. Rogers has been kept informed of each step of the project.
- (3) Ms. Foulds will defer comments on property sales/Coldwell Banker until those topics come up under agenda item discussion.

Motion to Adjourn

Mr. Leamon made a motion to adjourn the work session at 10:00 a.m. Mr. Lyburn seconded the motion.

Mayor Blunt called for a voice vote. Mr. Alger, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Rogers and Mayor Blunt all voted “aye.”

Council members present agreed unanimously to adjourn the work session at 10:00 a.m.

Old Business

Status of Revisions to By Laws and Rules of Procedure

Mr. Rogers noted that an up-to-date copy with revisions has been distributed and there is one additional edit needed on page 4: strike out “has been made” at the top of the page.

Ms. Erard will review the by laws and provide an opinion on the need for bylaws at the March 15, 2017 regular meeting.

Mr. Rogers asked that consideration of a motion to approve the bylaws be included on the agenda for the March 15, 2017 meeting.

Ms. Erard spoke to a presentation made by Ms. Dooley at the VML Conference that “governing bodies only have that authority that is given by the Code of Virginia or the Charter or the Constitution.”

Ms. Erard noted it is common practice for localities to adopt Rules of Procedure or ByLaws for the conducting of their business.

Although it is not expressly stated in our Charter, Ms. Erard opined that “It is absolutely, necessarily implied that it is watchful that we have the ability to make rules for the conducting and administration of the powers and duties of the Town Council.”

Council Member Requests

(A.) Town Council Direct Hires has been deferred until June.

(B.) Revision of Town Ordinance, Chapter 2, Administration, Article II. Ms. Erard will present a draft ordinance on March 25, 2017.

(C.) Piers. Ms. Erard asked for direction from Council, now that there is a license agreement available to pier owners. Mr. Dellar suggested waiting to discussion lease versus sale in order to give more preparation time.

(D.) Status of Sunken Boat in Monroe Bay. Ms. Erard contacted Mr. Deemer who indicated that it is impossible to determine who is the owner of the boat; and the pier as well appears to have no owner. Mr. Deemer suggested working with a local non-profit to have the boat removed or the town could force remove it themselves at their cost.

Mr. Dellar noted Mr. Deemer has been instructed to complete his investigation and to make the results of his investigation available to Town Council.

(E.) Fracking.

Resolution #13-17, Opposing Hydraulic Fracturing

Mayor Blunt recommending Council oppose fracking and he will deliver Resolution #13-17 to the Board of Supervisors at its next meeting.

Mr. Lyburn made a motion to approve Resolution #13-17 as written. Mr. Leamon seconded the motion.

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

The motion to adopt Resolution #13-17, as written, passed with a unanimous vote of council members present.

RESOLUTION #13-17, OPPOSING HYDRAULIC FRACTURING

WHEREAS fracking operations pump secret, potentially hazardous chemicals into the ground, where a large part of our drinking water is located; and

WHEREAS groundwater, which was previously potable, has become undrinkable and, in some cases, flammable; and

WHEREAS scientists at the United States Geological Survey have observed that the rapid changes in the rate of earthquakes correlated with the disposal of fracking chemicals deep underground; and

WHEREAS earthquakes are occurring in areas where fracking-fluid disposal wells are located, areas where earthquakes were not seen before fracking began; and

WHEREAS a tremendous amount of water is necessary for fracking at a time when water is increasingly becoming a scarce resource; and

WHEREAS fracking is damaging our environment.

NOW THEREFORE, BE IT RESOLVED by the Colonial Beach Town Council, at its Work Session on March 11, 2017, that the Mayor and Town Council hereby urge Westmoreland County Board of Supervisors to protect Westmoreland County from the negative effects of hydraulic fracturing; and

BE IT FINALLY RESOLVED that the Colonial Beach Town Council requests that the Westmoreland County Board of Supervisors enact a total ban on hydraulic fracturing in Westmoreland County.

Ms. Erard questioned Council as to whether she should prepare an ordinance addressing the issue of completely banning fracking to the Planning Commission.

There was Council consensus that Ms. Erard prepare and present a resolution referring the issue to the Planning Commission.

(F.) VMRC citations within the Town. Mr. McHugh provided a list of citations.

(G.) Status of Eleanor Park. Ms. Erard reported that Ms. Thomas of the Virginia Outdoors Foundation may not be in a position to respond to the town's request for a meeting and that the issue be deferred until June or July.

Mr. Dellar suggested continuing to hold the option open, but take constructive action on the property.

Mr. Dellar suggesting having a surveyor determine how many lots there are to sell and then moving forward.

Mr. Rogers asked about clear title. Ms. Erard offered to provide the information on the title to Council members.

Mayor Blunt agreed with Mr. Dellar and suggested preparing a resolution directing the Town Manager at the March 15 meeting.

Mr. Dellar asked if the first step would be determining how many lots there are.

Ms. Foulds recommended a step approach; complete each step and then report back to Council.

(H.) Bikefest 2017. Ms. Erard provided a memo regarding BPOL taxes and the Peddler and Itinerant Merchant taxes.

Mr. Dellar suggested looking into Itinerant Merchant fees of up to \$500 in order to help recoup costs the Town expends.

Mr. Leamon noted he, Mr. Rogers and Ms. Grant reviewed revenue numbers in relation to bikefest going back several years. Detailed information will be available by next work session.

(I.) Budget Schedule FY 2018. Ms. Foulds provided Mr. Dellar a sample format.

Mr. Dellar suggested adding another column of ‘appropriated amount and actual costs/expenses’ which will be helpful in determining a future budget.

Ms. Foulds responded she and Ms. Grant will check with Bright regarding his suggested new column.

(J.) New Property Tax Bill. Mr. Dellar would like to know the schedule for roll out and would like to have input as to content.

Ms. Grant noted the new bill is still in the design/coding phase.

Mr. Rogers noted he would like to see a draft format.

Mr. Dellar requested this item remain on agendas so Council can receive periodic updates.

(K.) Yard debris/leaf pickup. Ms. Foulds summarized the data provided

(L.) Mr. Leamon noted citizens are not happy about leaf and yard debris not being picked up. This service is very valuable and has been provided in the past.

Ms. Foulds responded that leaf pickup is scheduled seasonally at the same time as household refuse. Previously, a leaf pickup was initiated by a citizen call but the requests have escalated.

Ms. Foulds suggested scheduling a quarterly pickup for leaf and yard debris.

Mr. Dellar noted that if staff is going to check into yard debris being picked up by an outside contractor, then all trash pickup should be looked at as well.

Mr. Leamon suggested prior to another scheduled pickup time, allow citizens to call in and request pickups or schedule another week soon.

Mayor Blunt noted that this is a value added service and going forward we may want to put the costs in a line item in order to identify the totals.

In an effort to refine the process, a week in November was scheduled.

Mayor Blunt, Mr. Dellar, Mr. Rogers, Mr. Alger and Mr. Lyburn all agreed that Ms. Foulds schedule another week of leaf and yard debris pickup.

New Business

Mayor Blunt noted that Resolution #12-17 has already been heard.

Items from Planning Commission Ready for Town Council to Review

(A) The 2017 Capital Improvement Plan. Mr. Dellar suggesting giving Council more time to review the Plan and, at the next meeting, have the Planning Commission here to answer questions.

(B) Amendments, Article 13, Parking – no discussion

(C) Amendments, Article 24, Landscaping – no discussion

(D) Amendments, Article 12, Signs – no discussion

(E) Amendments, Article 10, Agricultural – no discussion

(F) Vacant Property Study, Wilder Avenue Parking Lot – no discussion

(G) Vacant Property Study, Town Hill – no discussion

Discussion Items

Street signs, boat ramp and boat ramp parking

Mayor Blunt reported that street signs are not uniform; some are made of wood, some are made of metal; some signs are green, some are white or blue.

Mayor Blunt recommended looking at grants and determining a cost to making the street signs uniform.

Mayor Blunt reported that the construction of the new boat ramp at Castlewood is now projected to begin and run through spring and summer. The project was awarded, after review of three bids, at a reasonable cost.

Mayor Blunt is concerned that the boaters who pay to park at Castlewood will not be able to launch their boat. Mayor Blunt is reaching out to an adjacent marina to determine if a launch could be made available to those boaters.

Mr. Dellar is concerned that closing the boat ramp during boating season is unfortunate.

Mayor Blunt noted the original intention was that the work would be complete by March.

Ms. Foulds reported that there was a second RFP issued as the first RFP did not generate any responses.

Ms. Foulds asked Council if it would be helpful if staff were to come to a meeting to discuss signs.

Mayor Blunt agreed and asked if Ms. Foulds would provide Council information ahead of time.

Lawn Ordinance

Mr. Leamon asked if a resolution was needed to include a date for leaf pickup.

Ms. Erard recommended a resolution about the leaf and debris pickup for the March 15th meeting. Ms. Foulds will prepare a resolution.

Mayor Blunt noted a lawn ordinance is needed to give the town enforcement power to those property owners that do not maintain their lawn.

Ms. Erard noted the town's ability to address tall grass and weeds is hampered by its own ordinance because of notice provisions that are not required by state law and tend to be cumbersome for staff to implement.

Ms. Erard proposed to prepare a draft ordinance for Council consideration.

There was Council agreement that Ms. Erard prepare a draft ordinance for Council consideration.

North End of Boardwalk

Mr. Dellar noted he and Mr. Leamon have received citizen complaints/concerns regarding the north end of the boardwalk. According to an email from the Director of Public Works, it is the intent of the town to clean that portion of the boardwalk sometime between now and the end of March.

Mr. Dellar suggested once it is cleaned up, Council needs to take a look at it as right now it is treacherous with some of the boardwalk being broken or washed away. Council can then decide if the town should refurbish it and maintain it or give it up – get the concrete out of there.

Mr. Lyburn asked if the people who live there would be able to purchase that property.

Mr. Dellar responded in some instances we have a right of way and in others, we own the property.

Mayor Blunt noted this has been going on for a long time.

Mr. Dellar suggested once Council looks at the area, then they must decide if there is any of the area worth repairing.

Mayor Blunt asked Ms. Foulds to let Council know when the area is cleaned so Council can take a look at it.

Town Budget Format

Ms. Foulds and Mr. Dellar have discussed this item.

School Budget Format

Mr. Dellar asked if the power point presentation provided was adequate to consider the school budget for purposes of appropriating funds.

Ms. Foulds noted that once the budget is appropriated, the school turns over a very detailed format that has to be entered into the Bright System.

Mayor Blunt recognized Tim Trivett, School Board Chair.

Mr. Trivett reported that a much more detailed budget cannot be completed until the school knows how much funding they will receive from the State.

Mr. Trivett noted the initial presentation is prepared by the Superintendent based on the number of children anticipated, which this year is 575, and then estimates of the state and federal funding numbers.

Mr. Trivett noted it is typically in May when the funding number is received from the State.

Mr. Trivett further noted in the past the School Board and the Council have held joint budget sessions.

Citizen Requests

Sidewalks on 1st Street

Mayor Blunt noted there was previous discussion about crosswalks.

Ms. Foulds noted she meets monthly with the School Superintendent and discussed possible VDOT grant funds.

Ms. Foulds requested a delay in the request for those grants until the two current grants are complete.

Ms. Foulds reported that, as to crosswalks, VDOT approval is necessary. Ms. Foulds requested if Dr. Newman provide a design proposal, the town would then work with VDOT to do what we can to get crosswalks in the area.

Ms. Foulds then noted the two current grants will wrap up in December 2017.

Mr. Dellar asked about the easement area where the children could walk instead of 1st Street on Given Street as an alternative.

Mr. Trivett responded that there is a fence there.

Fire Hydrants

Mayor Blunt noted when a fire hydrant has a bag over it, it means there is no water in that hydrant; as hydrants were bagged, new hydrants were put into place.

Mayor Blunt suggested the old “dry” hydrants should be removed.

Ms. Foulds noted staff is discussing removal of the old hydrants and training opportunities with the Volunteer Fire Department.

Mayor Blunt suggested color coding the tops of hydrants as different colors denote different levels.

Listing Agreement

Ms. Foulds requested Council authorization to move forward with the listing agreements for the school properties.

Ms. Erard noted that because this meeting was set by resolution and was not a special meeting, this item could be discussed.

Mr. Dellar asked if Council is interested in getting “highest and best use” for these properties or if there is another use in mind. “Highest and best use,” for example, may be commercial, but the property may not be located where commercial would fit.

Mayor Blunt questioned having a long distance relationship with Coldwell Banker and the previous relationship with a local Coldwell Banker representative and the Eleanor Park property.

Mayor Blunt would like the sale of the properties to go forward with no hindrances.

Motion to Adopt

Mr. Dellar suggested using Coldwell Banker with a highest and best use of particular properties, such as the school properties.

Mr. Dellar made a motion to “move forward with the sale of the school properties, once identified, for highest and best use sale and proceed with Coldwell Banker to market those properties.”

Ms. Erard reiterated the motion “to enter into an agreement with Coldwell Banker for the marketing of the school properties at their highest and best use.”

Mr. Leamon seconded the motion.

Mr. Rogers noted Council has to decide whether it would market those properties as residential or commercial so the broker has a clear idea of the vision for the property.

Ms. Foulds will send copies of surveys for the school properties to Council for their review.

Mr. Dellar withdrew his motion.

Mr. Leamon withdrew his second to the motion.

Ms. Erard agreed to prepare a resolution for Council’s consideration.

Adjournment/Recess

Mr. Rogers made a motion to adjourn. Mr. Dellar seconded the motion.

At 9:55 a.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk