



**Minutes of the  
Colonial Beach Town Council  
Regular Meeting held on  
Wednesday, March 15, 2017 at 6:00 p.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, with the exception of Mr. Cirbee.

**Also Present**

Town Manager, Val Foulds  
Town Attorney, Andrea Erard  
Police Chief, Danny Plott  
Zoning Administrator, Brendan McHugh  
Town Clerk, Kathleen Flanagan

**Call to Order**

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

*All Council Members were present, with the exception of Mr. Cirbee.*

**Prayer and Pledge of Allegiance**

Without objection, Ms. Erard recited a short prayer and all in attendance recited the Pledge of Allegiance.

### **Approval of the Agenda**

Mr. Rogers made a motion to approve the agenda as presented. Mr. Leamon seconded the motion.

Mayor Blunt requested a voice vote. All in favor, signify by saying “aye.” Mr. Alger, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Rogers and Mayor Blunt all voted “aye.”

*The motion to approve the agenda, as amended, passed unanimously by council members present.*

### **Approval of Minutes**

A motion was made by Mr. Lyburn to approve the minutes for the February 15, 2017 Regular Meeting. Mr. Rogers seconded the motion.

Mayor Blunt requested a voice vote. All in favor of amending the motion, signify by saying “aye.” Mr. Alger, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Rogers and Mr. Blunt all voted “aye.”

*The minutes for the February 15, 2017 Regular Meeting were unanimously approved by council members present.*

### **Council Announcements**

**Mr. Alger** reported that a tour of the new elementary school building was held on March 8<sup>th</sup> and was happy to report that it is coming along on time.

**Mr. Rogers** reported that he stopped by the new carwash to let the owner know how great it looked and what a great addition it is to the town.

**Mayor Blunt** reported that he attended the Board of Supervisors meeting and presented Resolution #13-17 which stated the town’s opposition to fracking.

### **Presentations**

**Downtown Colonial Beach, Maureen McCabe** reported that a letter was presented to the Council from the DCB and Ms. McCabe asked Council to consider those recommendations.

Ms. McCabe briefly touched on the idea of setting up an information kiosk at 700 Colonial Avenue.

**Police Chief Danny Plott** reported that in 2016, statistics show that for every traffic stop that ends up in court, the driver has received an average of four warnings.

**Robin Schick, Chairperson, Colonial Beach Planning Commission** reported that there had been a one new applicant for a vacancy on the Commission.

Mayor Blunt noted that Mr. Quinn Robertson was approved at Saturday's Town Council Work Session.

### **Old Business**

There was no old business.

### **New Business**

#### **Resolution #14-17, Establishes Time for Adjournment**

Mayor Blunt suggested taking no action on this resolution.

Without objection, no action was taken on Resolution #14-17.

*No action was taken on Res #14-17.*

#### **Resolution #15-17, Appoints Gary L. McIrvin to the Redevelopment & Housing Authority**

Mayor Blunt invited Mr. McIrvin to the podium. Mr. McIrvin said he "wanted to give back to the community." Mr. and Mrs. McIrvin purchased their home in Colonial Beach in 1995 and spent four years rehabbing their home.

Mr. Leamon made a motion to adopt Resolution #15-17 as written. Mr. Leamon seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Alger voted "aye," Mr. Leamon voted "aye," Mr. Dellar voted "aye," Mr. Rogers voted "aye," Mr. Lyburn voted "aye," and Mayor Blunt voted "aye." The motion to adopt Resolution #15-17, as written, passed with a unanimous vote.

*The motion to adopt Resolution #15-17, as written, passed with a unanimous vote of council members present.*

#### **RESOLUTION #15-17, Appoints Gary L. McIrvin to the Redevelopment & Housing Authority**

WHEREAS, there are vacancies on the Redevelopment and Housing Authority; and

**WHEREAS**, Gary L. McIrvin has indicated his willingness to serve and has submitted an application; and

**WHEREAS**, the Redevelopment and Housing Authority has considered the submitted application and recommends that Gary L. McIrvin be appointed to serve on the Redevelopment and Housing Authority.

**NOW, THEREFORE**, the Town Council, meeting in regular session, Wednesday, March 15, 2017 hereby appoints Gary L. McIrvin to the Redevelopment and Housing Authority, for a four-year term expiring on March 31, 2021.

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**Resolution #16-17, Directs the Town Manager to Put Procedures in Place to Provide Leaf and Yard Debris Collection**

Mayor Blunt summarized the resolution.

Mr. Dellar asked if there were any restrictions on the type of debris being picked up. Ms. Foulds noted there are regular restrictions, such as bundling.

Mr. Leamon noted he is supportive of the resolution and believes this is a start and will get the town headed in the right direction.

Mr. Leamon made a motion to adopt Resolution #16-17 as written. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*The motion to adopt Resolution #16-17, as written passed with a unanimous vote by council members present.*

**RESOLUTION #16-17, Directs the Town Manager To Put Procedures In Place To Provide Leaf and Yard Debris Collection**

**WHEREAS**, The Colonial Beach Town Council has reviewed the need for a structured and controlled program for the collection of leaves and other yard debris; and

**WHEREAS**, Town Council accepts the recommendation from Town staff to have two weeks of leaves and yard debris collection on a quarterly basis; and

**WHEREAS**, collection schedules will be driven by seasonal needs and not exclusively by calendar quarters and will be advertised in advance in order to provide citizens with an opportunity to make arrangements to meet the schedule.

**NOW, THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council, meeting in regular session on Wednesday, March 15, 2017 directs the Town Manager to put the procedures in place to provide leaf and yard debris collection at least eight weeks each year; and

**BE IT FURTHER RESOLVED**, that the Town will provide a scheduled leaf and yard debris collection during the last week of March 2017, beginning Monday, March 27<sup>th</sup> to March 31<sup>st</sup>.

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### **Resolution #17-17, Directs the Town Manager to Obtain a Survey**

Mr. Lyburn made a motion to adopt Resolution #17-17 as written. Mr. Dellar seconded the motion.

Mr. Alger noted that as far back as 1989 councils have been trying to sell this property and once the survey is done, the citizens will again say they don't want to sell this.

Mr. Alger suggested obtaining a survey for the land that abuts piers so it can be sold to the pier owners.

Mr. Alger then suggested selling the community center property and building a new community center at Eleanor Mobile Park.

Mr. Lyburn suggested getting the land surveyed and put it up for sale.

Mr. Dellar agreed with getting the land surveyed and noted the town needs the revenue. Mr. Dellar suggested having overlays done that show the maximum number of lots and other lot configurations.

Mr. Rogers agrees with moving ahead and getting the survey done.

Mayor Blunt concurs with the majority of council.

Mayor Blunt requested a roll call vote. All in favor, signify by saying "aye." Mr. Alger voted "nay," Mr. Dellar voted "aye," Mr. Leamon voted "nay," Mr. Lyburn voted "aye," Mr. Rogers voted "aye," and Mayor Blunt voted "aye."

*The motion to adopt Resolution #17-17, as written passed with a 4-2 vote.*

### **RESOLUTION #17-17, Directs the Town Manager to Obtain a Survey**

**WHEREAS** during the summer of 2016 the Virginia Outdoors Foundation expressed interested in possibly purchasing a conservation easement on the property located at the intersection of Irving Avenue, Dandridge Lane, and Lossing Avenue, which consists of 1.89 acres, and is identified as Tax Parcel 3A1-2-9-1, commonly also known as Eleanor Trailer Park; and

**WHEREAS** the Colonial Beach Town Council has diligently pursued the potential purchase of a conservation easement with the Virginia Outdoors Foundation since the summer of 2016 to no avail; and

**WHEREAS** the Colonial Beach Town Council wishes to move forward with the sale of Eleanor Trailer Park; and

**WHEREAS** the Colonial Beach Town Council would like to ascertain the maximum number of lots that could be derived out of Eleanor Trailer Park; and

**WHEREAS** the Colonial Beach Town Council also seeks to identify any and all other issues that might be involved in the development of Eleanor Trailer Park

**NOW THEREFORE BE IT RESOLVED** by the Colonial Beach Town Council at its regular monthly meeting on March 15, 2017, that the Town Council directs the Town Manager to obtain a survey from a licensed surveyor that illustrates the maximum number of buildable lots that could be created if Eleanor Trailer Park were subdivided; and

**BE IT FURTHER RESOLVED** that the Town Council requests that the Town Manager obtain several different configurations of the subdivision of Eleanor Trailer Park if more than one configuration is feasible; and

**BE IT FURTHER RESOLVED** that the expense of the survey(s) shall be paid for out of line item #4-100-012100-3150 from the current budget; and

**BE IT FINALLY RESOLVED** that the Town Manager shall present any and all surveys to the Mayor and Town Council upon receipt and then seek direction for the next step(s) to be taken with respect to the sale of Eleanor Trailer Park.

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### **Resolution #18-17, Approves the 2017 Bylaws and Rules of Procedure**

Mr. Alger made a motion to adopt Resolution #18-17 as written. Mr. Leamon seconded the motion.

Mr. Rogers thanked Ms. Erard for reviewing the bylaws and providing advice.

Mr. Lyburn thanked all Council members who made suggestions and took part in the revisions made.

Mayor Blunt thanked Mr. Rogers and Mr. Cirbee for their input and time and Ms. Erard for her efforts.

Mayor Blunt requested a roll call vote. All in favor, signify by saying "aye." Mr. Alger voted "aye," Mr. Dellar voted "aye," Mr. Leamon voted "aye," Mr. Lyburn voted "aye," Mr. Rogers voted "aye," and Mayor Blunt voted "aye."

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

## **RESOLUTION #18-17, Approves the 2017 ByLaws and Rules of Procedure**

**WHEREAS** the Colonial Beach Town Council has conducted a thorough review of its Bylaws and Rules of Procedure; and

**WHEREAS** the Colonial Beach Town Council has made a few revisions to the Bylaws and Rules of Procedure.

**NOW THEREFORE, BE IT RESOLVED** by the Colonial Beach Town Council, at its regular monthly meeting on March 15, 2017, that the 2017 Bylaws and Rules of Procedure, as attached, are approved.

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## **Resolution #19-17, Authorizing Contract to Market School Properties with Coldwell Banker**

Mr. Leamon made a motion to adopt Resolution #19-17 as written. Mr. Lyburn seconded the motion.

Mr. Dellar noted that the listing agreement is incomplete as it does not include the water tower property.

Ms. Erard responded saying those other properties could be added.

Mr. Dellar opined that signing the listing agreement now is premature as the value of the property is not known.

Mayor Blunt asked about the contract provision that says if the property sells within 12 months after the contract term, Colwell Banker would still receive a commission.

Ms. Erard noted she had suggested a six-month provision and was informed that it has to be 12 months.

Mayor Blunt suggested Mr. Dellar work with Ms. Foulds.

Mr. Dellar then noted the majority of the property is zoned R-2 and asked if, by considering “highest and best use” other zoning designations may be appropriate.

Ms. Erard suggested putting that on the work session agenda.

Mr. Dellar noted that the Planning Commission issued a report in 2015 recommending that the old school property be rezoned to CR.

## **Withdrawal of motion**

Mr. Leamon withdrew his motion. Mr. Lyburn withdrew his second.

*Without objection, no action was taken on Resolution #19-17.*

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**Resolution #20-17, Refers Text Amendment Regarding Fracking to the Planning Commission**

Ms. Erard reported that when reviewing the town’s Zoning Ordinance, oil and gas well drilling is allowed with a conditional use permit in A-1.

Mr. Leamon made a motion to adopt Resolution #20-17 as written. Mr. Lyburn seconded the motion.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*The motion to adopt Resolution #20-17, as written passed with a unanimous vote of council members present.*

**RESOLUTION #20-17, REFERS TEXT AMENDMENT REGARDING FRACKING TO THE PLANNING COMMISSION**

**WHEREAS** the Colonial Beach Town Council has approved Resolution #13-17 urging the Westmoreland County Board of Supervisors to enact a ban on fracking; and

**WHEREAS** the Colonial Beach Town Council also seeks to prohibit any type of fracking activity within the Town of Colonial Beach.

**NOW THEREFORE, BE IT RESOLVED** by the Colonial Beach Town Council, at its regular monthly meeting on March 15, 2017, that Ordinance No. 680 is hereby referred to the Colonial Beach Planning Commission for a recommendation.

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**Request for a Authority to hold a Public Hearing on Ordinance No. 681, Amends Town Code, Chapter 2, “Administration”**

Ms. Erard reported that Mr. Dellar had requested this change to Chapter 2, “Administration” and that the town will have to hold a public hearing.

Mr. Alger made a motion to authorize advertisement of Ordinance No. 681. Mr. Leamon seconded the motion.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Dellar voted “aye,” Mr. Leamon voted “aye,” Mr. Lyburn voted “aye,” Mr. Rogers voted “aye,” and Mayor Blunt voted “aye.”

*The motion to authorize advertisement for a Public Hearing on Ordinance No. 681 passed with a unanimous vote of council members present.*

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## **Referrals from Planning Commission**

### **2017 Capital Improvement Plan**

Mr. McHugh summarized the revisions made to the Capital Improvement Plan.

Mr. Dellar noted on page 2, the Pedestrian Plaza deadline for completion has been extended to December 2017.

Mr. Dellar then noted on page 4, six of the seven highest priority items in the CIP require funding from the sale of property.

### **Amendments, Article 12, Signs**

Mr. McHugh noted Article 12 includes mural regulations, which is why this was referred to the Planning Commission.

Ms. Erard noted commercial speech can be more regulated than non-commercial speech, but she is concerned about a lack of definition for a “yard sign.”

Mayor Blunt noted there are a lot of signs that are non conforming.

Ms. Erard noted that “grandfathered” signs are usually expressly identified in an ordinance.

Ms. Schick noted that the review of Article 12 was exclusively for murals.

Ms. Erard asked Council if it would be possible to “carve out” the mural part, which would give Council additional time to review the rest of the ordinance.

Ms. Schick noted the sign ordinance that is in place was recently approved.

Mr. Erard expressed concern that the ordinance did not comply with the Reed decision and noted that she has a model ordinance developed after the Reed decision, which she would send to Ms. Schick.

Mr. Leamon noted the ordinance needs to be enforceable and suggested that the Town Attorney look over the ordinance.

Mayor Blunt agreed with Mr. Leamon.

*Without objection, Council agreed to have the Town Attorney review Article 12 of the Zoning Ordinance.*

### **Amendments, Article 13, Parking**

Mr. McHugh summarized the recommendation of Planning Commission.

Mr. Dellar questioned why there was no dimensions listed for handicapped spaces.

Ms. Erard asked if Council would like her to review this Article as well.

Mr. Lyburn answered “yes.”

*Without objection, Council agreed to have the Town Attorney review Article 13 of the Zoning Ordinance.*

### **Pending Items for Future Discussion**

Mayor Blunt read the list of pending items for future discussion and action.

Mr. Dellar went over each item.

VMRC Citations, one is being processed for a license; one has claimed relief, but that claim has been rejected; and two are still outstanding.

Status of Eleanor Park was already addressed.

Evaluations of appointed staff has been deferred until June.

Status of sunken boat is under investigation by VMRC.

Bikefest 2017 is ongoing.

Street signs, boat ramp – town needs to find an alternate boat ramp.

North end of boardwalk is going to be cleaned by the end of the month.

Lawn ordinance was already addressed.

Town/School budget format will be addressed at next work session.

Mayor Blunt noted he gets many requests for a dog park with Robin Grove being the most logical place. There is a citizen who has the funding for fencing.

Mayor Blunt noted having a dog park would alleviate problems with dogs on the beach.

Mayor Blunt then discussed out of state tags. Recently King George County just passed an ordinance that will allow up to a \$250 fine to be assessed on residents who fail to register and pay personal property taxes on their cars.

Chief Plott recommended Mayor Blunt look at two state codes – 46.2-656 or 46.6-62. Chief Plott noted he commonly hears from people that say they have two homes, one here and one in Maryland.

## **Citizen Input**

Robert Vaughn, Riverview Inn distributed handouts to Council and noted he is the recent purchaser of Riverview Inn, which he is in the process of refurbishing.

Mr. Vaughn expressed his frustration at the procedures and processes in the town's Building and Zoning Office regarding building permits and building inspections. Mr. Vaughn then outlined his interactions with town staff and described how it has impacted the rehabilitation work on his newly purchased hotel, the Riverview Inn.

Of special concern to Mr. Vaughn is the fact that the town has required a certified engineer stamp on the plans for the building. Mr. Vaughn asked why the town is, instead of trying to facilitate businesses in town, but instead is stymying progress.

Mr. Vaughn provided Council a letter from an engineer who had reviewed the plans and noted he had provided this letter to the town on February 23<sup>rd</sup>.

Ms. Erard asked Mr. Vaughn where was the certification in the letter. Mr. Vaughn noted the letter says the plans comply with all code requirements.

Mr. Vaughn noted the town needs to have property certified individuals in positions of power.

Walter Kern, Meadow Avenue talked about two issues: recreation and golf carts. Mr. Kern noted a town official made a comment at the last council meeting that basically stops the work on a project to bring a mini golf course to town.

Mr. Kern then discussed golf carts and the increasing use of gators and ATVs, as well as the disparity of fees between the town and the county.

Ms. Erard noted that for someone to purchase a decal for their golf cart, that golf cart has to be inspected in our locality.

## **Adjournment/Recess**

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

Mayor Blunt requested a voice vote. All in favor, signify by saying "aye." Mr. Alger, Mr. Dellar, Mr. Leamon, Mr. Lyburn, Mr. Rogers and Mayor Blunt all voted "aye."

*The motion to adjourn passed with a unanimous vote of council members present.*

*At 7:48 p.m. the meeting was adjourned.*

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Kathleen Flanagan, Town Clerk