



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, November 9, 2017 at 6:00 p.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.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 6:01 p.m.

Mayor Blunt noted that all Council Members were present.

All Council Members were present.

Motion to Adjourn at 8:00 p.m.

Mr. Leamon made a motion to adjourn at 8:00 p.m. Mr. Lyburn seconded the motion.

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

The motion to adjourn at 8:00 p.m. passed unanimously.

Moment of Silence

Mayor Blunt called a Moment of Silence.

Pledge of Allegiance

Mayor Blunt led the members in reciting the Pledge of Allegiance.

Approval of the Agenda

Mr. Lyburn made a motion to approve the agenda. Mr. Leamon seconded the motion.

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

The motion to approve the agenda passed unanimously.

Approval of the minutes of the September 9, 2017 Work Session

Without objection, Mayor Blunt noted the clerk has requested approval be deferred until December.

Council Announcements

Mr. Alger noted the School would hold a Veteran’s Day Ceremony on Nov 10th at 2:00 p.m. The varsity football team will participate in a playoff game against W&L.

Mr. Lyburn thanked all veterans.

Mr. Leamon recognized the Chamber of Commerce and citizens who volunteered for the Fall Festival program.

Mr. Dellar thanked everyone who supported him in the election and recognized Robin Schick for the great write-in vote results.

Mr. Rogers thanked everyone who supported him in the election and complemented Robin Schick for increasing turnout.

Mayor Blunt congratulated Mr. Dellar and Mr. Rogers on their election to Council. Mayor Blunt congratulated Ms. Schick on a great turnout.

Presentations

Chief Plott reported there has been a drop in vandalism, but encouraged residents to lock their cars and not leave valuables in plain sight.

Chief Plott, in response to Mr. Dellar's question, reported the status of the old police department lease was under review by the town attorney.

Larry Roberson, County Supervisor reported that staffing remains an issue at Oak Grove Rescue.

Mr. Roberson reminded that the communication system needs to go digital. A new tower will be located at the James Monroe refuse station.

The town has four options regarding the new system, one, do nothing; two, join the county now; three, join the county later; or, four, set up your own system.

Mr. Cirbee suggested county staff give a presentation to Council about the status of the rescue squad.

Robin Schick, Planning Commission noted the Commission will follow up with its past vacant property studies.

Ms. Schick will send the currently existing studies to Council. Mr. Cirbee asked that Ms. Schick provide those copies on paper and distribute them to Council in boxes at Town Hall.

Rob Murphy, Director, Public Works reported they have been working on trimming road edges and overgrown areas that are affecting sight lines around corners.

Mr. Murphy noted as the water project proceeds, new water connections are being made and may result in a temporary loss of service.

Mr. Cirbee asked about the depth of drainage ditches on 1st Street. Ms. Erard noted she will send a memo to Council regarding liability issues.

Mr. Cirbee requested a visual of progress made in the water project, showing where and what is left.

Mr. Murphy suggested the Council relook at the need for a GIS system and person.

Old Business

Public Hearing

Ordinance No. 688, Amends Colonial Beach Town Code to Allow Utility Vehicles to be Operated in the Town of Colonial Beach

Open Public Hearing

At 6:34 p.m. Mayor Blunt opened the public hearing.

Luke Sydnor, 215 Ball Street spoke to his concern about adding utility vehicles before fixing issues with golf carts. Mr. Sydnor believes there is an enforcement problem of safety requirements and a lack of understanding of having insurance on the golf carts.

Mr. Sydnor noted that homeowner's policies do not cover golf carts being driven on town roads.

Walter Kern, Meadows Avenue noted he puts about 20 miles a day on his golf cart and rides year round. Golf carts have a serial number. Utility vehicles have a VIN because West Virginia allow them on certain roads.

Pete Bone, 516 Taggart Street recalled that the vote in the Virginia House to allow golf carts in Colonial Beach was 29 yes and 11 no.

Robin Schick, 4th Street noted her concern that the definition of utility vehicles is that it does not say "four wheels."

Close Public Hearing

At 6:47 Mayor Blunt closed the Public Hearing.

Motion Discussion and Vote

Mr. Alger made a motion to adopt Ordinance No. 688. Mr. Dellar seconded the motion.

Mr. Alger pointed out two typos, one on page 3 where it says "Section 14.93" and should say "Section 14.94." The second typo says "Section 14.92" and should say "Section 14.93."

Mr. Lyburn suggested further review of this proposal to make sure it meets state standards.

Mr. Leamon recommended a requirement to provide proof of insurance coverage when you purchase a decal. Currently the town only requires that you sign that you have insurance.

Mr. Cirbee suggested the definition of utility vehicle, which states it is used for "general maintenance, security, horticultural or agricultural purposes" be revised.

Ms. Erard noted that everything in the ordinance is straight from State Code, which means that there is nothing more the town can do other than go to the General Assembly.

Mr. Dellar asked if a sentence saying that utility vehicles do not include straddled ATVs could be added.

Mr. Cirbee noted he does not believe the Council can add anything not in State Code.

Ms. Erard suggested if Council approves the Ordinance in accordance with State Code, Council should hold a separate work session to talk about enforcement.

Motion to Extend the Meeting

Mr. Dellar made a motion to extend the meeting. There was no second. The motion failed.

Request for Consensus

Mayor Blunt asked Council if they wished to delay the vote or move forward and vote now.

There was Council consensus to move forward.

Ms. Erard stated that, in State Law, language regarding a speed governor is not included. But the locality can adopt more stringent regulations, which is where the authority comes from.

Mayor Blunt requested a roll call vote. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Cirbee 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 Ordinance No. 688 passed unanimously.

ORDINANCE NO. 688, AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 14, “MOTOR VEHICLES AND TRAFFIC” ARTICLE V, “OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS”

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 14, “Motor Vehicles and Traffic,” Article V, “Operation of Golf Carts on Public Highways,” be amended to read as follows:

“ARTICLE V. - OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS

Sec. 14-90. - Authority to regulate.

Pursuant to section 46.2-676(E) of the Code of Virginia (1950) as amended, the Town of Colonial Beach is authorized, by ordinance, to impose limitations and restrictions on the

operation of golf carts upon public highways within the town.

Sec. 14-91. - Definitions.

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Golf cart means a self propelled vehicle that having at least four wheels which is designed to transport persons playing golf and their equipment on a golf course.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

Sec. 14-92. - Required safety equipment.

In addition to any safety equipment required by the Code of Virginia for golf carts and utility vehicles, such shall have the following safety equipment installed:

- (1) Speed governor if gasoline powered.
- (2) Safety lap belts.

Sec. 14-93. - Town safety inspection.

Golf carts and utility vehicles shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with section 46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts. Such safety inspection shall only cover the following items:

- (1) Headlights, tail lights and turn signals, if the golf cart is driven between sunset and sunrise.
- (2) Rubber or equivalent tires.
- (3) Windshield wipers if equipped with permanent windshield.
- (4) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror,

adequately fixed driver's seat.

(5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.

(6) Speed governor if gasoline powered.

(7) Safety lap belts.

The owner of the golf cart or utility vehicle shall be responsible for obtaining a certification from the inspection station that the golf cart or utility vehicle passed the inspection.

Sec. 14-94. - Insurance required.

Every golf cart or utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in section 46.2-472 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart or utility vehicle upon public highways.

Sec. 14-95. - Operation on public highways.

It is unlawful to operate a golf cart or utility vehicle on a public highway within the Town of Colonial Beach unless the following requirements are met:

(1) Golf carts and utility vehicles may not be operated on State Route 205 and may only cross State Route 205 at designated golf cart crossing locations.

(2) Golf carts and utility vehicles must display a slow-moving vehicle emblem in conformity with section 46.2-1081 of the Code of Virginia (1950) as amended.

(3) Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such lights as are required in Article 3 of Chapter 10 of Title 46.2 of the Code of Virginia (1950) as amended.

(4) No person may operate a golf cart or utility vehicle unless that person is licensed to drive upon highways of the Commonwealth of Virginia and then, only in accordance with such driver's license.

(5) Golf carts and utility vehicles must be operated in accordance with all applicable

state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.

(6) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(7) Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

(8) Golf carts and utility vehicles may be operated in bicycle lanes provided they do not impede bicycle traffic.

(9) Golf carts and utility vehicles shall not be operated during inclement weather; nor when visibility is impaired by weather, smoke, fog or other conditions.

(10) The chief of police, or his designee, may prohibit the operation of golf carts and utility vehicles on any highway if the chief determines that the prohibition is necessary in the interest of safety.

Sec. 14-96. - Local vehicle license.

No golf cart or utility vehicle shall be used on the public highways unless it has obtained a Colonial Beach vehicle license under article II of the chapter. No vehicle license shall be issued until the owner of the golf cart or utility vehicle presents evidence that the golf cart or utility vehicle is insured in accordance with the requirements of section 14-94 and that the golf cart or utility vehicle has been received and passed a safety inspection required by section 14-93.

Sec. 14-97. - Liability disclaimer.

This article is adopted to address the interest of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on the public streets, and the Town of Colonial Beach in no way advocates or endorses their operation on public streets or roads.

The Town of Colonial Beach, by regulating such operation is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts or utility vehicle on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Colonial Beach has no liability under any theory of liability and the town assumes no liability, for permitting golf carts and utility vehicles to be operated on the public streets and roads under the special legislation granted by the Virginia General Assembly. Any

person who operates a golf cart or utility vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.”

Resolution #57-17, Rescinds and Replaces Res #37-17, which amends the FY 2018 Budget for the School Fund

Mr. Rogers made a motion to approve Resolution #57-17 as written. Mr. Leamon seconded the motion.

Motion to Amend

Mr. Rogers made a motion to change the title to read “Amends Res #37-17, which amends the FY 2018 Budget for the School Fund.” Mr. Leamon seconded the motion.

Mayor Blunt requested a roll call vote on the amendments. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Cirbee 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 amend Resolution #57-17 passed unanimously.

Mr. Rogers summarized that Resolution #37-17 did not indicate where the additional funding would come from. Upon review of town financial information, it was determined that one-half the amount, \$382,750 would come from the Capital Improvement Fund and one-half, \$382,750, would come from the General Fund.

Mayor Blunt requested a roll call vote on the amendments. All in favor, signify by saying “aye.” Mr. Alger voted “aye,” Mr. Cirbee 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 #57-17, as amended, passed unanimously.

RESOLUTION # 57-17, Amends Resolution #37-17

WHEREAS, on July 28, 2017 Town Council adopted Resolution #37-17, Amendment of Fiscal Year 2018 Budget for the School Fund; and

NOW, THEREFORE, BE IT RESOLVED that Town Council at a regular meeting held on Thursday, November 9, 2017 hereby amends Resolution #37-17 as follows:

“**WHEREAS**, the Colonial Beach School Board has requested an additional appropriation in the amount of \$765,500 to complete and close-out the elementary school construction project; and

WHEREAS, this funding will supplement the funding provided by Resolution # 17-16; increasing the total amount of funding provided for this project by \$765,500 from \$8,737,368.24 to \$9,502,868.24.

WHEREAS, on Friday, July 28, 2017 the Colonial Beach Town Council conducted a duly advertised public hearing to seek public input.

NOW THEREFORE BE IT RESOLVED that the Town Council meeting in a specially called Meeting on Friday, July 28, 2017, hereby adopts and appropriates an amendment to the Fiscal Year 2018 budget as follows:

	FY 2016-17 (ADOPTED)	FY 2016-17 (REVISED)	CHANGE
School Construction Fund	\$1,769,457	\$2,534,957	**\$765,500 +

These funds will expire at the end of FY 2018.

Funds to be taken from the following sources respectively:

From the Capital Improvement Fund \$382,750

From the General Fund \$382,750

Total: \$765,500"

Citizen Input

Robert Vaughn, Riverview Inn noted he is a business owner in town and a resident of Westmoreland County.

Mr. Vaughn implored Council to take advantage of all the benefits and pluses this community has to offer, saying the town administration is losing that opportunity.

Mr. Vaughn spoke to the temporary suspension of the liaison to administration and to the outcome of yesterday’s court hearing where the court ordered the town to turn over the building permit that it has withheld for about five months.

Mr. Vaughn was subsequently told that upon his arrival the police had been called at least once.

Mr. Vaughn also noted one individual in the office held a recording device while he was there, which he found very unwelcoming.

Mr. Vaughn also noted he asked a member of staff a question unrelated and found the answer to be not expected of a “public servant,” but something he has come to expect.

Mr. Vaughn then noted he has met with the Police Chief on two occasions regarding allegations of behavior in town hall. The allegations against Mr. Cirbee are unsubstantiated from the town staff and this is unfortunate for the town, its citizens and its reputation.

Mr. Vaughn said there is a light at the end of the tunnel. This community has so much to offer and because of the attitude of a few of town staff, that opportunity is being missed.

Mr. Vaughn implored council members to be good stewards of this town and take affirmative action to address those issues and concerns.

Luke Sydnor, 215 Ball Street is disappointed to hear a new business addressing such concerns in our town.

Mr. Sydnor was a rider on the ferry to Potomac Beach from Morgantown, Maryland.

Mr. Sydnor noted there never has been a ferry to the town pier, ever.

Mr. Sydnor further noted he is aware of at least ten businesses that never heard of this authorizing group or this name for this district.

Mr. Sydnor is upset that the citizens are not being considered or asked for input.

Mayor Blunt responded that the town pier work has been contracted and work on the boat ramp will begin in October.

Mayor Blunt then responded that Town Council can hold on the Proclamation until it is determined if it is historically correct or not.

Mayor Blunt looked to the Council for agreement. Mr. Alger, Mr. Lyburn, Mr. Leamon, Mr. Cirbee, Mr. Dellar, Mr. Rogers and Mayor Blunt all agreed to hold action on the Proclamation.

Steve Kennedy, Boundary Street noted citizens have felt there is a need for better communication regarding the agendas.

Mayor Blunt explained the two resolutions that were in regard to school budgets and explained the resolution that temporarily suspended the liaison to administration, all of which have been discussed at work sessions.

Eric Christensen, 18 Washington Avenue noted this isn't the first time new businesses have come to Council with problems and referenced Beach Gate Motel and the Riverview Inn.

Mr. Christensen requested Council to review the qualifications of administrative personnel so that citizens can know they are being represented.

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. Rogers, Mr. Cirbee and Mayor Blunt all voted “aye.”

The motion to adjourn passed with a unanimous vote.

At 6:25 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk