



**Minutes of the
Colonial Beach Town Council
Work Session held on
Saturday, July 14, 2018 at 8:00 a.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

All Council Members were present.

Also Present

Town Manager, Quinn Robertson
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Zoning Administrator, Allyson Finchum
Building Official, Kevin Wightman
Acting Chief of Police, Bruce Hough

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.

Approval of the Agenda

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

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

The motion to approve the agenda passed with a unanimous vote.

Motion to Adjourn

Mr. Leamon made a motion to adjourn the meeting at 11:00 a.m. Mr. Cirbee seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Alger voted “aye,” Mr. Lyburn voted “aye,” Mr. Leamon voted “aye,” Mr. Rogers voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “nay,” and Mayor Blunt voted “aye.”

The motion to adjourn the meeting at 11:00 a.m. passed with a 6-1 vote.

Presentations

Code Requirements for Work Performed by Unlicensed Contractors by Allyson Finchum and Kevin Wightman

Ms. Finchum introduced Mr. Wightman.

Mr. Wightman referenced a packet he had provided to Council.

Mr. Wightman noted that providing information to educate the consumer at the counter, he has been able to reduce the number of unlicensed contractors in Caroline.

Mr. Wightman noted there are great builders in town.

Mr. Wightman holds a seminar every three years to keep builders informed of changes.

Mr. Wightman recommended no business license be issued unless the applicant produces a state contractor’s license or a tradesman license and, when they apply for a building permit, they produce licenses for any subs working under them.

Mr. Wightman noted the State of Virginia allows homeowners to pull a permit and as long as he follows the Code, it is not noted whether his workers are licensed or not. There is nothing the town can do about that.

Mr. Wightman further noted that working without a license is a Class 1 Misdemeanor and he is able to ask to see a license from a contractor when he is performing an inspection.

Mr. Wightman noted for the most part, Colonial Beach does not have a large problem with this.

Mr. Cirbee agreed that handouts are good and the owners are required by law to swear they are using licensed contractors.

Mr. Cirbee then noted that the building permit should not be the only safeguard to protect our citizens as there is a lot of types of work that does not require a permit.

Mr. Cirbee then noted that insurance certificates should be provided, as well.

Mr. Wightman responded that in order to verify license holders would demand an increase in staff.

Mr. Robertson noted that Council would have to approve additional funding to cover hiring additional enforcement staff.

Ms. Erard suggested the Town Manager provide a report regarding whether or not town staff is doing what they should be doing or whether or not additional staff might be needed and what the cost of that would be.

Mayor Blunt asked how many complaints Mr. Wightman has received from citizens about contractors who have not performed as they should.

Mr. Wightman responded “A few.” And explained that they were all licensed contractors and each incident was resolved.

Mr. Wightman further responded that he has received no complaints from citizens about unlicensed contractors.

Mayor Blunt thanked Ms. Finchum and Mr. Wightman for the presentation.

Old Business

There was no old business.

New Business

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

Ms. Erard noted it is not necessary for Council to pass a resolution to issue an RFP.

Mr. Cirbee noted he had requested a plan for the use of the property and a financial analysis for this project.

Mr. Robertson responded that it had been discussed in a Council meeting. It has been determined that 12-14 parking spaces could be designed with meters.

Mayor Blunt noted that a comprehensive parking plan presentation had been made, which indicated the Klotz building would be demolished and used for parking.

Mr. Cirbee would like to see staff reports and plans.

Ms. Erard asked Council if they wanted to provide more detailed direction to the Town Manager or let Mr. Robertson proceed in compliance with local laws and regulations.

Mr. Dellar asked Ms. Flanagan to provide notes on the previous discussion regarding a plan and financial analysis.

Mayor Blunt noted that the building is unsafe and has to come down and Council should not hinder the process of demolition.

Mr. Cirbee agreed, but again noted that Council and the public needs to be kept informed.

Mayor Blunt asked for consensus from Council regarding the demolition of the Klotz Building.

Mr. Lyburn, Mr. Leamon, Mr. Alger, Mr. Dellar, Mr. Rogers, Mr. Cirbee and the Mayor all had no objection.

There was Council consensus for the Town Manager to proceed with demolition of the Klotz Building.

Resolution #26-18, Banners on Colonial Avenue

Mayor Blunt noted this resolution will appear for action at the upcoming Town Council Regular Meeting to be held on July 18, 2018.

Resolution #27-18, Authorizes Town Manager to Execute Dispatch Agreement with Westmoreland County

Mr. Robertson summarized that he received the Agreement for renewal on Tuesday with a deadline for Council approval of Friday.

Mayor Blunt noted that there is a six-month opt out provision.

Mr. Dellar reminded Council that the same last minute option was offered by the County regarding the new communications equipment.

Mr. Dellar also noted there is no “Attachment A” and the there is an ‘estimated cost.’

Mr. Dellar suggested before Council ratify the contract, they get it right.

Mayor Blunt suggested advising the County now via letter that before the next renewal, the town requires 60 days notice.

Mayor Blunt then reminded Council (as to the Klotz Building) that there is a Memorandum of Intent signed by the town regarding the Klotz Building noticing the intent to demolish the building and use the property as public parking.

Ms. Erard agreed with Mr. Dellar that Town Council needs to ratify the agreement regarding dispatch.

Mr. Alger noted the contract reads a five year renewal.

Resolution #28-18, Appoints Fletcher Lee to the Planning Commission

Mayor Blunt noted there is a recommendation from the Planning Commission to appoint Mr. Lee.

Mayor Blunt recognized Mr. Lee.

Mr. Lee introduced himself and explained that he is a recent high school graduate, attends community college, and would like to ‘do something for his town.’

Mr. Cirbee thanked him for applying.

Mr. Lyburn made a motion to approve Resolution #28-18 as written. Mr. Alger seconded the motion.

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

Resolution #28-18 was adopted as written with a unanimous vote of Council.

RESOLUTION #28-18, 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.

Discussion of Amending Zoning Ordinance, Accessory Structures

Mayor Blunt noted there is a recommendation from the Planning Commission to appoint Mr. Lee.

Mayor Blunt suggested that Planning Commission be asked for a recommendation.

Ms. Schick spoke from the audience and noted this issue arose recently.

Ms. Erard suggested Town Council refer this topic and two others that will follow to the Planning Commission for their recommendation.

Ms. Erard noted the language is not clear and the ordinance should be reviewed.

Ms. Finchum noted there is also an issue that was raised by the Planning Commission as to Accessory Apartments, which have been permitted for several years in residential zones. The Planning Commission would like to recommend Accessory Apartments also be allowed in commercial zones.

Mayor Blunt noted the size of the Accessory Apartments is also an issue to be reviewed.

Ms. Finchum noted there are two issues here, one is the classification and the other issue goes to dimensions, etc.

Mr. Cirbee suggested the issue of non-conforming structures be reviewed, i.e., handicap ramps.

Mayor Blunt summarized noting the issues of Accessory Structures, Trees, and Houseboats will be set for action in a resolution at the Wednesday Regular Meeting.

Mr. Cirbee asked if the caregiver issue could be included.

Discussion of Draft Agreement/MOU with Colonial Beach Foundation re: Torrey Smith Project

Mayor Blunt noted this is a staff function.

Mr. Dellar raised the question of pricing the property – having it appraised as a park or as residential or at its highest and best use.

Mr. Dellar recommended having it appraised at its highest and best use.

Mayor Blunt referenced an agreement with the school that when that property was sold it was to go toward the construction cost as repayment to the town.

Mr. Robertson responded there had been an analysis was done based on residential use.

Mr. Dellar responded Coldwell Banker had performed a market analysis and, based on ten lots, the total value was placed at \$574,000.

Mr. Alger asked if the \$574,000 would be applied to the \$765,500.

Mayor Blunt responded that it would.

Mr. Alger noted that the Memorandum of Understanding states that those properties would only be applied to the schools.

Ms. Erard noted she had provided a memo to Council outlining steps.

Ms. Schick spoke from the audience and asked if that was something Planning Commission should look at.

Ms. Erard responded “not right now.”

Mr. Cirbee noted Ms. Erard had provided a lot of information and was asking for a summary.

Ms. Erard responded that the highlights were spelled out in the memo and she provided a background information for Council’s review.

Discussion of Amending Town Code, Rental Program

Ms. Erard and Ms. Finchum have begun review of the current ordinance.

Mr. Robert Vaughn spoke from the audience and asked that the revised ordinance include B&Bs as well as other forms of rental properties.

Ms. Finchum noted there is a distinction between transient occupancy and rentals.

Mr. Cirbee asked if the state legislature has offered legislation on Air BnB’s.

Ms. Erard responded she has prepared and presented a draft ordinance to Council.

Mayor Blunt noted there is another separate issue – turning homes into multiple occupancy.

Ms. Finchum noted she has begun a list and will report on the items in her monthly department report.

Ms. Erard suggested that if Council members wish to continue discussion on a specific issue, they should inform the Clerk or the Town Manager.

Ms. Erard noted that an agenda is the roadmap to running a meeting.

Mr. Cirbee reiterated that he would like a list of “Old Business” to be included with each agenda.

Mr. Dellar agreed.

Ms. Erard asked if Council would like the Town Manager to keep a list.

Mr. Robertson noted that in the past those types of issues have appeared on the agenda and they were asked to take them off.

Ms. Erard noted that Council is asking for a separate list, not as part of the agenda.

Mr. Cirbee agreed and called it an ‘open item list.’

Mr. Alger suggested this list be kept separate.

Mayor Blunt suggested an addendum to the agenda.

Ms. Erard summarized, saying ‘the Town Manager will keep a list which will be attached to the agenda as an appendix.’

There was no objection from Council as to the issue of the Town Manager keeping a list of open items and attaching the list to the agenda as an appendix.

Piers

Ms. Erard noted that the town does not need a pier ordinance in order to lease the piers.

To date, one complete application has been received. As soon as several more applications are received, staff will run an ad for a public hearing.

Mayor Blunt noted that Council had expressed a desire not to hold up new pier construction and, based on that, staff was interpreting the pier license agreement to cover new pier construction as well as repair to existing piers.

Mr. Cirbee noted the license agreement came about as an emergency measure to allow pier owners the ability to repair and sell piers while Town Council looked at the issue of constructing new piers.

Ms. Erard noted that Council has made it publicly known that Council is allowing residents to lease piers and submit applications to the Town. Once several applications have been processed, staff will schedule a Public Hearing and then Council will take action.

Mr. Dellar noted Resolution #11-17 approved the license agreement to make repairs on existing piers and did not address the approval of new pier construction.

In the interim a new pier build has been approved by the Town. The question is – should it have been approved and; if yes, is it Council’s intention to continue the approval of new construction of piers without a formal licensing agreement.

Ms. Erard noted that ‘approval’ means the execution of a license agreement.

Mr. Cirbee stated that a lot of consideration was given to the original pier ordinance passed in 1983, such as minimum distance between piers, a requirement for insurance, etc.

Mayor Blunt noted that this issue has been undecided since 2015 and it is now 2018 and it is not fair to punish the citizens who want to make improvements to their property because of this delay by Council.

Mayor Blunt signed the documents for the new pier when he was Acting Town Manager as he believed that Council had agreed to not stop citizens from making improvements to their property.

Mr. Cirbee stated that the reason the ordinance was deleted is because the town had never done the public hearings needed to lease the piers.

Ms. Erard noted that the ordinance did, in part, conflict with the Building Code and VMRC provisions.

Mr. Cirbee responded saying that VMRC permits the part over the water and the town should permit the structure on the land.

Mr. Cirbee noted currently there is nothing in place as to riparian rights and extension of property rights.

Ms. Erard responded saying that issues are resolved through the process.

Mr. Cirbee asked Ms. Erard to review the minutes from 1983 to ascertain what issues prompted creation of the original pier ordinance.

Ms. Erard asked for Council consensus.

There was Council consensus as to Mr. Cirbee’s request – Mr. Alger, Mr. Lyburn and Mr. Leamon all verbally agreed.

Mr. Dellar asked if there was a lease agreement developed.

Ms. Erard responded that there was and she would provide it ahead of the public hearings for Council review.

Mr. Dellar asked if there are any requests pending for new pier construction.

Mr. Robertson responded that there is two, maybe three.

Mr. Dellar asked how Council proposes to respond to those new requests to build piers that are attached to town property.

Ms. Erard responded that the requestor needs to request a lease agreement. Moving forward, the lease agreement should be in place before the VMRC permits are required.

Mr. Dellar would like to see a copy of the lease so Council can approve it.

Ms. Erard responded the lease would be approved at the public hearing.

Mr. Cirbee noted that now the town will ask for a building permit for construction on town property.

Mr. Cirbee suggested looking at Westmoreland County's documents regarding piers.

Mr. Robertson requested clarification of process.

Mr. Cirbee responded saying the town cannot sign a VMRC permit until the requestor has a signed lease agreement with the town.

Ms. Erard agreed with Mr. Cirbee, saying the requestor should have a legal right to access town property prior to requesting a permit from VMRC.

Mr. Robertson requested further clarification regarding pier repairs.

Mr. Cirbee clarified saying this is for any VMRC permit because the town as land owner is the only one who can sign.

Ms. Erard believes there needs to be clarity as to what the town requires from citizens and clarity as to what the town's process is.

Mayor Blunt requested that the Town Manager and Town Attorney meet with VMRC to determine what they need from the town.

Mr. Cirbee asked to be a part of that meeting.

Ms. Erard believes there is no problem with respect to piers. "Right now the town is welcoming, soliciting and accepting applications for leases for piers. I just want to dispel the notion that there is some problem. There is no problem."

Ms. Finchum expressed her opinion that an ordinance is needed pertaining to issues from Planning and Zoning, for example, safety issues such as how close piers can be built to each other.

Mr. Cirbee noted the deleted ordinance also covered shoreline maintenance agreements.

Ms. Erard suggested that if Council would like to discuss shoreline maintenance agreements, that it be included on the next agenda.

Ms. Erard suggested Town Council limit its focus in order for staff to be able to be more responsive to each issue.

Mayor Blunt noted Council has decided on leasing piers and now the town needs to reach out to citizens.

Ms. Erard responded saying “In fairness to Council, there had been a void before we had a Town Manager. We do now have a town manager. You pay him to make decisions and to bring recommendations to you. And so, if you have individual suggestions that really should be done privately so that it can be prepared and presented as a package to the Council. That way, there is a message to the public that the town manager is doing his job and then the Council looks like you’re doing your job rather than us sitting here on a Saturday morning trying to run the town by a committee.”

Mr. Cirbee would like to see staff reports and staff recommendations.

AVENU-LTC

Mr. Robertson noted that Mr. Adam Schaefer recommended the Council look into the services provided by this company, which recoups lost revenue for a percentage of the revenue recouped.

Mr. Rogers and Mr. Alger have reviewed the documents.

Mr. Dellar supports the process.

Mr. Dellar noted there is roughly \$100,000 in uncollected personal property taxes and asked if this company would go after property taxes and is losing 20% of those revenues worth it.

Mayor Blunt noted there are state regulations on the collection of real estate taxes.

Mr. Dellar noted on page 17, the company states some cases where the town elects not to collect, that the company will still be entitled to payment.

Ms. Erard recommended that Mr. Dellar and Mr. Robertson follow up on this issue before it comes again before Council.

Items Submitted by Council Members

Water & Sewer System (B. Dellar)

Mr. Dellar referred to past discussions on increases in the water and sewer system.

Mr. Dellar distributed paperwork and asked to be continued for discussion to the next Work Session.

Statues (B. Dellar)

Mr. Dellar reported that the statues are in Town Center.

Mayor Blunt referred to his research, and noted the statues were procured in 2012/2013 and were in the conversation as far back as 2010. They were delivered in June 2017 and have sat at 700 Colonial Avenue. Mayor Blunt noted that none of the Council Members, including the previous Mayor were copied on any emails regarding the statue.

Mayor Blunt summarized saying no one on this Council had anything to do with the procurement, purchase or anything with the statues.

Mr. Cirbee asked if there was still committees set up to manage the loans that were part of the revitalization grant.

Ms. Flanagan noted there were two committees that were appointed by Council and she will pull the resolutions for distribution.

Dr. Peter Fahrney spoke from the audience and offered to provide his notes and meet with staff as he was appointed to both committees.

Town Business Licenses (B. Dellar)

Mr. Dellar noted town staff is working on this item.

Piers (B. Dellar)

Mr. Dellar noted town staff is working on this items.

July 4th Lessons Learned (B. Dellar)

Mr. Robertson has prepared a summary for distribution to Council.

Closed Meeting

There was no closed meeting.

Adjournment/Recess

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

At 11:00 a.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk