



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, June 20, 2018 at 6:00 p.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
Finance, Gladys Gomez
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Zoning Administrator, Allyson Finchum
Acting Chief of Police, Bruce Hough

Call to Order

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

Moment of Silence/Pledge of Allegiance

Mayor Blunt asked for a Moment of Silence.

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 to approve the Agenda. 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.”

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

Approval of Minutes

Mr. Rogers made a motion to approve the minutes of the June 2, 2018 Work Session and the May 16, 2018 Regular Meeting. Mr. Lyburn seconded the motion.

Mayor Blunt called for a roll call vote to approve the Minutes. 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.”

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

Council Announcements

Mr. Leamon recognized the volunteers that worked on the flower bed near Wilkerson’s.

Mr. Dellar noted he attended the May 31 Planning Commission meeting. The Planning Commission have submitted items and would like those items to be considered by Council. The Planning Commission needs a copy of the Housing Chapter.

Mr. Dellar met with Norm Risavi, Sheriff Balderson, and Mr. Roberson about the consolidation of the Police Department. Mr. Risavi believed it would be cost prohibitive.

Mr. Rogers noted the town had a good turnout for the antique car show, which has grown each year.

Mayor Blunt thanked all the citizens and volunteers for a great festival weekend.

Presentations

Colonial Beach Schools

Ms. Vicki Roberson noted that the schools were all fully accredited.

Ms. Roberson noted she wanted to make folks aware, regarding the resolution before Council concerning the property being used as town hall, that the property has been appraised at \$600,000.

Also, Ms. Roberson noted she wanted to make folks aware that out of the \$2.2 million the town provides to the school each year, that \$964,000 comes from the town and \$1.3 million of that comes from the county.

Ms. Roberson then announced that the School Board has named DeShawn Turner as the new Superintendent.

Mr. Turner has an extensive resume, having been a principal for Westmoreland, Essex and King George counties.

Mr. Dellar asked if there was a copy of the appraisal.

Mr. Robertson noted the appraisal came in at \$580,000.

Mayor Blunt noted the county appraises the property at \$380,000. So the agreed-upon value of the property was \$480,000.

Ms. Roberson asked what are the logistics behind the water tower being used for the Torrey Smith project.

Ms. Erard responded saying she, and town staff members, are actively working on the project.

Mr. Robertson responded that he has spoken to the School Superintendent and several School Board members several months ago.

Downtown Colonial Beach

Mr. Carl Thor spoke on behalf of Downtown Colonial Beach, which is a local subsidiary of the Main Street organization.

Mr. Thor thanked A&B Landscaping for contributing the landscaping at the sign near Wilkerson's. DCB is organizing a water brigade to take care of the plantings.

Mr. Thor noted the decorative banner project is close to completion.

Mr. Thor further noted Earth Day was successful.

Colonial Beach Foundation will fund the banners for the banner project. DCB will be asking for individual memorial donations to fund planting of trees.

This year is the second annual call for the display of red geraniums.

Mayor Blunt noted he had previously met with Glenda Chiarello and Maureen McCabe and understood the insurance issues had been resolved.

Mr. Thor noted they had procured insurance. What he is talking about is insurance covering “if someone falls off a ladder.”

Mr. Thor noted Ms. Joyce Reimherr will contact the Town Manager to discuss this issue.

Mr. Leamon complemented Mr. Thor on the recent Earth Day.

Mr. Thor thanked Colonial Beach Outfitters for their organization and assistance.

Chamber of Commerce

Ms. Susan Mack reported the festivities were all successful and thanked Sally Adams and Rhonda Pitts.

Ms. Mack reported that on June 8th the town was selected Number One in the USA Today’s Readers’ Choice Award for the Best Beach in Virginia.

(Applause)

Ms. Mack thanked Mary Carter for her donation of prints to support the Torrey Smith project.

The Chamber is currently supporting the Boat to the Beach initiative.

The Bike Fest committee is meeting weekly and looking to use local talent to play on Town Hill.

Art Walk is scheduled for July 9th and will feature the works of deceased artist Lawrence Harris.

Mr. Cirbee asked about the status of the special event permit for bikefest in relation to the individual vendors.

Mr. Robertson noted he is reviewing the current policy for vendor permits for events.

Mr. Cirbee asked if the town was monitor revenue from the vendors at chamber events.

Mr. Robertson noted that is an area he is aggressively looking at.

Ms. Erard reported she and Ms. Finchum are working on this issue.

Mayor Blunt noted there is a policy developed for special events. However in the past, the previous CFO felt that it was a waste of staff time to verify business licenses. Council has reviewed charging flat fees and/or percentages.

It is Mayor Blunt’s understand that all vendors currently must have a business license.

Mr. Leamon called for a Point of Order and noted he was recognized by the Chair. Mr. Leamon asked that Council move on to the next item on the agenda.

Mr. Cirbee noted he wanted to clarify that he asked two meetings ago what the town was doing to straighten out the vendor situation for this summer.

Ms. Erard noted she has been researching ways to maximize revenue under State law.

Ms. Erard requested this issue come before Council at the July work session.

Colonial Beach Foundation

Dr. Peter Fahrney noted the Foundation has been very active and is helping to coordinate the Torrey Smith project.

Dr. Fahrney noted the cooperation has been intense between all interested parties.

Dr. Fahrney invited all citizens to make a tax-deductible donation to this project.

Planning Commission

Ms. Robin Schick welcomed the new staff in the Planning Department.

Ms. Schick the Commission is looking to update the Comp Plan starting with the Housing Chapter and an update on the Future Land Use map.

Planning Commission meets the last Thursday of every month at 5:30 p.m. at Town Center.

In response to Mr. Cirbee, Ms. Schick noted the water tower property is currently listed as public/park space in the Comprehensive Plan.

Mr. Cirbee asked Mr. Erard if Council needs to entertain a resolution regarding use of the water tower field.

Ms. Erard responded that there was a vote to sell and list that property. Ms. Erard recommended Council address that previous resolution and further noted that there needs to be a vote by the Planning Commission if the specific recreational public facility is not already shown on the Comp Plan that it is in substantial accord with the Comp Plan.

Monthly Department Reports

Town Manager

Mr. Robertson discussed the Torrey Smith project, saying the site plan has to be tied to a specific build. Therefore, the initial step is to decide on a specific build.

Mr. Robertson noted the Foundation is taking the lead on accepting donations, but that illuminates new questions about procurement and payment issues.

Mayor Blunt asked if the Foundation should take the lead on the actual build out.

Mr. Robertson responded the Foundation may not have the current capability to do that, but that would certainly expedite the project.

Ms. Erard recommended that the Town Council enter into an agreement with the Foundation.

Ms. Erard has been identifying options for both the Town Manager and the Council for consideration.

Dr. Fahrney noted the Foundation's 501(C)(3) status dictates to whom grant money is given.

Ms. Erard noted she is happy to talk to Dr. Fahrney and was planning to reach out to Mr. Savage, who is the attorney working with the Foundation.

Dr. Fahrney believes there should be a meeting of the principals on this project.

Mayor Blunt requested Mr. Robertson to arrange a meeting.

Mr. Cirbee noted the engineering needs to be done ahead of time -- the design needs to be done based on the preliminary plan as presented at the last meeting.

Ms. Erard noted she is incorporating that into the recommended steps.

Mr. Robertson noted the demolition of the Klotz Building is proceeding.

Mr. Cirbee asked if there is a plan for the parking once the building is torn down.

Mr. Murphy noted there is a preliminary plan.

(Multiple conversations occurring.)

Mayor Blunt noted it's about 14 spaces; it will be paved parking; and it will be additional parking. It will also provide access for delivery trucks.

Mr. Cirbee said he would like to see the total costs.

Mr. Robertson said he would put together a preliminary plan.

Mr. Robertson reported that paving projects are underway.

Mr. Cirbee said the current paving contractors does not hold a business license nor pay town taxes.

Mayor Blunt addressed Mr. Cirbee and requested he announce who the paving company is and how he knows that they haven't paid taxes and how he knows they don't have a business permit.

Mr. Cirbee said he is concerned that the Council gave up \$130,000 in personal property taxes and have probably missed out on well over \$100,000 in gross receipt taxes from businesses who are not licensed to operate in the town and \$90,000 for statues. There is your tax increase.

Mr. Cirbee stated he requested and received a list of current business license holders through the end of May and he suggested other council members do the same thing.

Two months ago Mr. Cirbee provided two contractors names: Brad Martin, who has been in business 20 years and has not paid gross receipt taxes; and, Taylor Pitts, who was hired by the town to work on federal grant projects.

Mayor Blunt opined that if he worked for a Class A contractor, that's how it got through.

Mayor Blunt asked if companies have to pay gross receipts if they are from out of town.

Ms. Erard answered "Yes, if they are a contractor."

Mayor Blunt responded saying Council lowered the personal property tax as a benefit to the people that live here full time.

Mayor Blunt responded further by reading Mr. Cirbee's email to council members regarding "the statues."

Mayor Blunt responded further by saying Mr. Cirbee's insinuation was that council members were not honest and he finds that appalling. Mayor Blunt noted Mr. Cirbee has missed 47% of the meetings.

Mayor Blunt responded saying "the statues are at 700 Colonial Avenue." And that information has been discussed in a public meeting.

Mayor Blunt said Mr. Cirbee's behavior was unacceptable and he should be censored for it.

(Multiple conversations.)

Mr. Lyburn asked if the Council could move on.

Mayor Blunt called for a 5-minute recess.

Recess

At 7:01 p.m. Council went into a 5-minute recess.

Reconvene

At 7:07 p.m. Mayor Blunt reconvened the Council meeting.

Town Manager Continued

Mr. Robertson reported that the town is increasing the kiosks and increasing the parking fees.

Mr. Robertson noted there has been a rental tax statute that has not been followed, which he is looking into.

Mr. Robertson noted the town's new website is nearly at completion.

Mr. Dellar requested to discuss the tourism merger with the museum, noting he had requested any action be deferred until Council had an opportunity to discuss this issue.

Mr. Robertson noted this discussion began several months ago with suggestions to change the bylaws of the Tourism Advisory Council to increase membership, which was down to three members.

Mr. Robertson further noted the issue of moving the Tourism volunteers to the museum was brought to Council.

Mr. Robertson noted the majority of volunteers for both groups are on board with the changes and what Council is hearing from is a vocal minority.

Mr. Dellar noted that although this issue does come under the purview of the Town Manager, when he hears concern from constituents, it then becomes an issue for Council.

Mayor Blunt noted that the Tourism Council was down to one member and volunteerism had been dwindling, while one block away, was the museum, which has a wealth of information to share with interested tourists.

Mayor Blunt continued that merging the two functions will make available a prime waterfront property, which provides the town with several options, as well as increasing the number of volunteers.

Mayor Blunt noted the constituents he has talked to about this were on board with the move.

Mr. Dellar asked Mr. Robertson for his plan to develop the property and what is the urgency.

Mayor Blunt reminded Council that on June 2 Council voted to allow people who do not live full time in town to serve on the Advisory Council. This was done because there was only one voting member and volunteerism was down.

Mayor Blunt believed there was agreement from all interested parties at that time to consolidating the two efforts.

Former Mayor Pete Bone spoke from the audience and recommended there be a MOU prepared with the Historical Society prior to any move.

Mayor Blunt recommended the building be vacated and that trailer either be moved or leased at increased revenue.

Mr. Lyburn also wants to know if there is any urgency to moving before the summer is over.

Ms. Betty Whitestone, the remaining voting member of the Tourism Council spoke from the audience and said she was not asked about the move and that she is not happy about it.

Motion

Mr. Dellar made a motion to recommend postponing the move from the Tourism Building until there is a business plan developed outlining cost savings and shows how the property will be marketed. Mr. Cirbee seconded the motion.

Motion to Amend

Mayor Blunt made a motion that the move be postponed until next year.

Motion to Amend

Mr. Rogers recommended saying ‘until the end of the season or until the town has an interested party, whichever comes first.’

Mr. Leamon called for the vote.

Ms. Flanagan read the original motion: to postpone the move until Council was presented with a business plan.

There were two un-seconded motions made after that.

Ms. Erard recommended Mr. Dellar withdraw his motion and restate it.

Motion to Withdraw

Mr. Dellar withdrew his motion and any amendments thereto. Mr. Cirbee seconded the motion.

Motion

Mr. Dellar made a motion that the Tourism stand not be moved and consolidated with the museum until a business plan has been developed which outlines the cost savings as well as a plan to market the vacated property. Mr. Cirbee seconded the motion.

Motion to Amend

Mr. Rogers recommending including “until the end of the season or until such time as someone has interest in the property, whichever comes first.”

Discussion

Mayor Blunt noted this issue arose from a concern for the visitors and tourists who come to the town.

Mayor Blunt asked Ms. Cathy Bokman, member of the Tourism Council, if there were enough volunteers.

Ms. Bokman responded that they do have enough volunteers through August.

Ms. Jean Conaty spoke from the audience on behalf of the Historical Society saying they had enough volunteers.

Mayor Blunt noted his agreement with Mr. Rogers’ suggestion to wait until the end of the season.

Mayor Blunt asked Ms. Robin Schick, member of the Planning Commission, how that property was zoned.

Ms. Schick responded that the Planning Commission could review the best use of that property prior to it being vacated.

Ms. Flanagan read the motion on the table “The tourism building is not to be moved and consolidated with the museum until a business plan that outlines cost savings and a plan to market the vacated property is presented.”

Mr. Leamon noted he will vote “nay.”

Motion

Mr. Alger made a motion and recommended just saying that the Tourism Council will not move at this time. Later on, if things change, then the other questions will become important.

Mr. Dellar said he was good with that.

Mr. Cirbee seconded the motion.

Motion to Withdraw

Mr. Dellar made a motion to withdraw his amendment.

Mr. Rogers made a motion to withdraw his amendment.

Mr. Cirbee removed his second.

Motion

Ms. Erard read a proposed motion: “No move will occur during this summer season and that this issue be placed on the September Work Session agenda for further clarification.” Mr. Lyburn made a motion to adopt. 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. Cirbee voted “aye,” Mr. Rogers voted “aye,” Mr. Dellar voted “aye,” and Mayor Blunt voted “aye.”

The motion was approved by a unanimous vote Re: Consolidation of Tourism Building with Museum -- No move will occur during this summer season and that this issue be placed on the September Work Session agenda for further clarification.

Monthly Department Reports

Department of Public Works

Mr. Murphy summarized his written report, including noting that the boat launch project and the Castlewood fence project were complete and the metering project is about 90 percent complete.

Mr. Murphy noted there is a map being developed that shows the proposed location of the No Wake Zone on Monroe Bay that is required by the Department of Game and Inland Fisheries.

Mr. Dellar asked about the redesign of the Pedestrian Plaza. Mr. Murphy responded there is a current redesign that is eligible to be paid from grant money.

Mr. Dellar asked about utilizing and being reimbursed for the money paid for the statues.

Mr. Murphy responded that he had gotten a “preliminary no.”

Mr. Dellar asked if the VDOT grant funds will expire at the end of calendar year 2018.

Mr. Murphy responded that the DHCD will be extended and there will be a cost share.

Ms. Gomez suggested trying to get an agreement that if there is groundbreaking, then we request another extension.

Ms. Gomez noted there is an 80:20 match for the Pedestrian Plaza.

Mayor Blunt noted the statues were procured before any money was granted because of the time it took to create the statues, at least that is what he was told. During that time, the principals at VDOT changed with one saying to go ahead. Then the town learned that the principal no longer worked at VDOT and they would not pay for the statues.

Mayor Blunt noted that the town has spent \$89,000 for two statues. This was done prior to this Council and unbeknownst to anyone on Council. The statues are sitting at 700 Colonial Avenue.

Finance Department

Ms. Gomez reported on \$526,000 in real estate payments that have already been received.

Ms. Gomez summarized the reports she furnished to Council, noting there has been progress made in collections.

Ms. Gomez noted that both the school and the town use one fund, the general fund.

Ms. Gomez noted the auditors will return in October.

Town Clerk

Ms. Flanagan reported that she is continuing to work on the backup of minutes.

Ms. Flanagan reported that the new website will provide better opportunity to keep up with publication of agendas, minutes, public notices, legal notices and et cetera.

Police Department

Acting Chief Hough reported there was no significant activities to report on.

Chief Hough then summarized his report for the month of May to Council.

Department of Planning and Community Development

Ms. Finchum reported that she has hired new staff and is currently training staff.

Ms. Finchum then summarized her report for the month of May to Council.

Old Business

Resolution #19-18, Approves and Adopts the Northern Neck Regional Hazard Mitigation Plan

Mr. Leamon made a motion to adopt Resolution #19-19 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 “nay,” and Mayor Blunt voted “aye.”

Resolution #19-18 was adopted as written with a unanimous vote of Council.

RESOLUTION #19-18, Approves the Northern Neck Regional Hazard Mitigation Plan 2017 Update

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments, develop, adopt, and update natural hazard mitigation plans to receive certain federal assistance, and

WHEREAS, a Local Emergency Planning Committee (LEPC) comprised of representatives from the counties of Lancaster, Northumberland, Richmond, and Westmoreland and the towns of Colonial Beach, Irvington, Kilmarnock, Montross, Warsaw, and White Stone was convened to study the risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Northern Neck region; and

WHEREAS, a request for proposals was issued to hire an experienced consulting firm to work with the LEPC to update the *Northern Neck Regional Hazard Mitigation Plan 2017 Update*; and

WHEREAS, the efforts of the LEPC members and the consulting firm of Dewberry, in consultation with members of the public, private and non-profit sectors, have resulted in an update of the 2011 Northern Neck Regional Hazard Mitigation Plan, including The Town of Colonial Beach.

NOW THEREFORE, BE IT RESOLVED by the Town of Colonial Beach that the *Northern Neck Regional Hazard Mitigation Plan 2017 Update* is hereby approved and adopted for the Town of Colonial Beach.

ADOPTED by the Town of Colonial Beach this 20th day of June, 2018.

Resolution #20-18, Approves the terms of Acting Police Chief Bruce Hough’s Employment Agreement

Mr. Leamon made a motion to approve Resolution #20-18 as written. Mr. Alger seconded the motion.

Upon discussion raised by Mr. Dellar regarding including Captain Hough's current annual salary in the contract, Mr. Leamon called for the vote.

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 #20-18 was adopted as written with a unanimous vote of Council.

RESOLUTION #20-18, Approves the terms of Acting Police Chief Bruce Hough's employment agreement

WHEREAS the Town of Colonial Beach (the "Town") wishes to retain the services of Bruce Hough as the Acting Police Chief beginning on May 30, 2018; and

WHEREAS the Town and the Acting Police Chief wish to set forth the terms of the Acting Police Chief's employment with the Town beginning on May 30, 2018.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

EMPLOYMENT AGREEMENT

Section 1. Duties

The Town hereby agrees to temporarily appoint Bruce Hough as the Acting Police Chief of the Town of Colonial Beach beginning on May 30, 2018 to perform the functions and duties specified in the Colonial Beach Town Code, position description (Appendix A), and to perform any and all such other legally permissible and proper duties and functions that the Town Council or the Town Manager (with the Council's approval) may assign. It is understood by the parties that the Acting Police Chief reports to the Town Council and shall coordinate with the Town Manager regarding day-to-day operations of the Police Department.

The Acting Police Chief shall be visible in the community and shall place particular emphasis on community policing. The Acting Police Chief shall also work cooperatively with the Westmoreland County Sheriff and take all necessary and appropriate measures to maintain the accreditation of the Colonial Beach Police Department. The Acting Police Chief shall attend the regular monthly meeting of the Colonial Beach Town Council and provide a monthly report. The Acting Police Chief shall wear a Colonial Beach Police uniform as necessary and appropriate.

Section 2. Termination

A. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Town Council to terminate the services of the Acting Police Chief at any time, with or without notice. In the event that the services of the Acting Police Chief are terminated, Bruce Hough shall resume his position as Captain with the Colonial Beach Police Department.

B. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Acting Police Chief to resign at any time from his position with the Town.

C. The Acting Police Chief may be terminated for cause by the Town Council. For cause includes but is not limited to:

- Conviction of a crime
- Immoral behavior or activities
- Untruthful conduct
- Failure to report to and/or follow the direction of the Town Manager
- Failure to perform the law-enforcement, supervisory or administrative functions of his position
- Failure to adhere to federal, state and local laws and/or the Town's policies and procedures
- Abuse of power/intimidation
- Failure to preserve the confidentiality of a matter that is confidential
- Failure to represent the Colonial Beach Police Department in a professional and appropriate manner
- An act of favoritism/failure to treat all employees in the same manner and/or failure to apply the same rules, regulations and requirements to all employees

Section 3. Salary

Town agrees to pay the Acting Police Chief for his services rendered pursuant hereto his current salary plus a stipend of \$ 500 per pay period. The Acting Police Chief shall also receive any and all other benefits that are available to and received by other employees of the Town generally.

Section 4. Hours of Work

Invariably the Chief of Police will be required to devote considerable time outside of the normal workweek in the execution of his duties. The position of Acting Chief of Police is an exempt position for purposes of the Fair Labor Standards Act.

The Acting Police Chief shall notify the Mayor or his designee in advance and receive prior approval before being absent from the Town during regular business hours, holidays, an emergency or during any time when an event involving a large number of people (more than fifty) is scheduled in the Town.

Section 5. Automobile

The Town will provide access to a vehicle for business use by the Acting Police Chief. The Town will be responsible for paying for liability, property damage, and comprehensive insurance on the vehicle, and for the operation, maintenance and repair of a vehicle. The vehicle is to be used only for official town business within the scope of the Acting Police Chief's employment.

When the town vehicle is not available for use, the Town also agrees to pay mileage for use of a personal vehicle for town business at a rate established in accordance with the Town Personnel Procedures Manual.

Section 13. Other Terms and Conditions of Employment

A. The Mayor or his designee shall fix and such other terms and conditions of employment, as he may determine from time to time, relating to the performance of the Acting Police Chief, provided such terms and conditions are not inconsistent with, or conflict with, the provisions of this agreement, the Town Charter, or any other law.

B. The Acting Chief of Police recognizes that the core foundation of the Manager-Chief relationship is the betterment of the entire community achieved through a seamless approach to securing the safety, health and general welfare of all citizens of the Town of Colonial Beach. In an attempt to meet this requirement, both the Town Manager and the Acting Chief of Police agree to manage risk and undertake all measures to reduce the Town's exposure to liability. With this end in mind, the Acting Chief of Police agrees to consult with the Mayor and the Town Manager and gain approval of the Mayor or his designee before committing Town property or Town resources to groups or individuals for any purpose, including but not limited to the use of inmates. In the event that the Acting Police Chief is approached by a citizen or group for services, the Acting Police Chief agrees to direct the requestor to the Town Manager. All policy decisions shall be referred to the Mayor or his designee and the Acting Police Chief acknowledges that he has no authority to make policy decisions on behalf of the Town. The Acting Police Chief may make policy and regulation decisions on behalf of the Police Department in consultation and with the approval of the Mayor or his designee. In addition, the Acting Police Chief agrees and acknowledges that he is part of the town and therefore part of a team, and he agrees to undertake a team approach in terms of the administration and operation of the Police Department.

C. The Acting Chief of Police shall make a monthly report to the Mayor and the Town Manager of any and all gifts received by him, whether monetary or in-kind, from citizens and/or businesses located in the Town of Colonial Beach.

Section 14: General Provisions

This Agreement sets forth the entire agreement between the parties relating to the employment of the Acting Police Chief. This Agreement may be amended or modified by the parties provided that any amendment or modification shall be set forth in writing and signed by both parties.

This Agreement shall be binding upon both parties and inure to the benefit of the heirs at law and executors of the Acting Police Chief.

This Agreement shall become effective May 30, 2018.

If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

The Town agrees to defend, save harmless and indemnify the Acting Police Chief against any tort, professional liability claim or demand or other legal action arising out of the employment activities of the Acting Police Chief. The Town shall not defend, save harmless or indemnify the Acting Police Chief for any legal action arising outside the scope of the Acting Police Chief's employment or for any act or omission that is grossly negligent or involves a wanton or willful act.

In the event that the Acting Police Chief should be charged with a crime or become the subject of an administrative investigation conducted by the department of social services or similar entity, he shall immediately notify the Mayor or his designee and the Town Manager and provide any and all relevant paperwork.

The Colonial Beach Town Council authorized the execution of this Agreement by the Mayor of Colonial Beach on behalf of the Town Council at a meeting held on June 20, 2019 with a properly recorded vote as duly attested by the Town Clerk. This Agreement is executed in duplicate originals.

MAYOR OF THE TOWN OF COLONIAL BEACH

ACTING POLICE CHIEF, BRUCE HOUGH

APPROVED AS TO FORM:

TOWN ATTORNEY

APPENDIX A

TOWN OF COLONIAL BEACH, VIRGINIA

Job Description

Title: **Chief of Police**
Reports to: Town Council and Town Manager
Classification: Exempt
Grade:

I. Primary Function/General Purpose

Performs a variety of complex administrative, supervisory and professional work in planning, coordinating and directing the activities of the police department. Develops policies and procedures for the department as mandated by law to ensure efficient operations. Collaborates with the Emergency Operations Director and the Coordinator for the Town to ensure the highest level of emergency operations response. Responsible for performance management activities for department employees, to include the administration of timely and effective performance appraisals.

II. Employment qualifications:

- Minimum of 10 years responsible management experience in the field of law enforcement
- Thorough knowledge of Virginia laws, current law enforcement principles, procedures, techniques and equipment
- Thorough knowledge of Town ordinances and department policies and regulations
- Thorough knowledge of and skill in the use of tools provided by the department to its officers
- Ability to train and supervise subordinate personnel
- Ability to perform work requiring good physical condition
- Ability to effectively communicate, both verbally and in writing, as well as the ability to give verbal and written instructions
- Ability to communicate with the public using courtesy, discretion and sound judgment
- Ability to establish and maintain effective working relationships with subordinates, peers and supervisors
- Ability to make independent decisions and judgments which have a positive impact on the organization

- Demonstrated management skills and practices to include budgeting, policy and procedures development (to include emergency preparedness) and personnel supervision
- Valid Virginia driver's license and insurance
- Must have and maintain current standing and certification with a criminal justice academy, to include a current firearms certification.
- BA/BS from an accredited college or university in police science, law enforcement, criminal justice, criminology or a closely related field

III. Essential job functions:

- Plans, coordinates, supervises and evaluates police department operations
- Develops policies and procedures for the department, mandated by law, to ensure efficient operations of the department and to implement directives from the Town Council or Town Manager, in keeping with Virginia laws
- Plans and implements a law enforcement program for the Town in order to better implement the policies and goals of Town Management and Council, in keeping with Virginia laws
- Reviews performance and effectiveness; formulates programs to alleviate observed deficiencies
- Supervises and coordinates the preparation and presentation of an annual budget for the Department, directs implementation of the budget and plans for and reviews specifications for new or replaced equipment
- Handles grievances, maintains departmental discipline and maintains conduct and general behavior of assigned personnel
- Cooperates with county, state and federal law enforcement agencies as appropriate where activities of the police department are involved
- Coordinates activities as necessary with supervisors and other Town departments, exchanges information with officers in other law enforcement agencies, the Commonwealth Attorney's Office and Circuit Court, as well as other government agencies
- Ensures that laws and ordinances are enforced and that public peace and safety is maintained
- Prepares and delivers timely and effective performance evaluations for direct reports

IV. Other job functions:

- Directs investigation of major crime scenes and acts as department spokesperson
- Analyzes and recommends improvements to equipment and facilities as needed
- Performs the duties of subordinate personnel as needed
- Attends or designates personnel to attend conferences to keep abreast of current trends in the field; represents the department at local, county, state and other meetings
- Attends Town Council and other meetings as necessary
- Represents the Town to the Public and other communities in a positive and professional manner

V. Physical demands:

- The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.
- While performing the duties of this job, the employee will spend some time sitting at a desk, working with a computer and speaking with employees and citizens in person and by phone. This will require that the employee be able to sit for moderate periods, speak and hear. The employee will need to have visual acuity to read a computer screen and the manual dexterity to key at a rate required by this position and be able to manipulate a mouse. The employee is required to stand, walk and occasionally run; use hands and fingers to feel, handle or operate objects, controls or assigned tools and equipment; reach with hands and arms; climb, balance, stoop, kneel, crouch and crawl as well as taste and smell
- The employee must occasionally lift and/or move more than 100 pounds. Likewise, the individual must be able to assist in the physical control and securing of another who may be resistant to these efforts
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus

VI. Work environment:

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. The duties listed are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position.
- While performing the duties of this job, the employee occasionally works in outside weather conditions, both daytime and nighttime. The employee is occasionally exposed to wet and/or humid conditions, fumes and airborne particles, toxic or caustic chemicals, extreme cold, extreme heat and vibration. It is expected that the individual may be exposed to blood or other potentially infectious materials during the course of his or her duties.
- The noise level in the work environment is usually moderate

Note: This description is intended to indicate the kinds and levels of work difficulty that will be required of the position that will be given the title and shall not be construed as declaring what specific duties and responsibility of any particular position shall be. It is not intended to limit or in any way modify the right of the supervisor to assign, direct, and control the work of employees under supervision. The use of a particular expression or illustration describing duties

shall not be held to exclude other duties mentioned that are of a similar kind or level of difficulty.

Resolution #21-18, Amends and Adopts the By-Laws of the Colonial Beach Tourism Advisory Council

Mr. Leamon made a motion to approve Resolution #21-18 as written. Mr. Lyburn seconded the motion.

Mr. Robertson explained to the Council that by opening the membership to include non-residents of the town, it allows, for example, FlackShack, the town’s marketing firm, to become a member as well as volunteers who may only live in town part-time. Every member shall be appointed by Town Council.

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 #21-18 was adopted as written with a unanimous vote of Council.

RESOLUTION #21-18, Amends and Adopts the By-Laws of the Colonial Beach Tourism Advisory Council

BE IT RESOLVED that the Town Council, meeting in Regular Session, on Wednesday, June 20, 2018 hereby amends and adopts the following amendment to Article III, Section 1, (Membership of the By-Laws of the Colonial Beach Tourism Advisory Council.):

1. The CBTAC shall be comprised of not greater than nine (9) members, all of whom shall be appointed by Town Council. ~~The members shall be citizens and residents of the Town of Colonial Beach.~~

Ordinance No. 693, Amends the Colonial Beach Town Code, Sec. 20-2, “Real Estate Tax,” to Increase the Real Estate Tax Rate From .70 to .80 of Assessed Value

Mayor Blunt noted that a public hearing was held on June 2, 2018.

Mr. Lyburn made a motion to approve Ordinance No. 693 as written. Mr. Alger seconded the motion.

Mr. Dellar noted that he may vote “nay” on this ordinance because it is (1) above and beyond what was requested by the Town Manager; and, (2) numerous other funding streams have been identified by Mr. Dellar, none of which were acted on; and, (3) this is a tax increase of ‘biblical proportions.’

Motion to Amend

Mr. Dellar made a motion to amend the ordinance to state that ‘after two years the tax increase goes away unless enacted upon by a successor Council.’

There was no second to the motion. The motion failed.

Vote on Ordinance No. 693

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

Ordinance No. 693 was adopted as written with a 5-2 vote of Council.

ORDINANCE NO. 693 AMENDS THE COLONIAL BEACH TOWN CODE, SEC. 20-2, “REAL ESTATE TAX,” TO INCREASE THE REAL ESTATE TAX RATE FROM .70 TO .80 PER \$100 OF ASSESSED VALUE.

BE IT ORDAINED by the Colonial Beach Town Council, that the Colonial Beach Town Code, Chapter 20, “Taxation,” Article 1, “In General,” Section 20-2, “Real Estate Tax” shall be amended to read as follows:

“Sec. 20-2. - Real estate tax.

(a) The amount of real estate taxes shall be 0.80 per one hundred dollars (\$100.00) of assessed value.

(b) Installments. The annual tax or levy on real estate shall be paid in installments during the tax year as follows:

(1) One-half (½) of the annual real estate tax or levy shall be due and payable by June 5 of the tax year; and

(2) The remaining balance due of the annual real estate tax or levy shall be due and payable by December 5 of the tax year.

(c) Penalty provisions. A penalty shall be added to such tax for failure to pay any installments on the day after the said installment is due, in the amount of:

Tax Due	Penalty
\$0.00--\$10.00	100% of tax
\$10.00 -- \$100.00	\$10.00
Over \$100.00	10% of tax

Any such penalty shall become a part of the tax.

(d) Interest provisions. Interest shall commence on the first day following the day each such installment is due at a rate of ten (10) percent per annum.

(e) The town council may provide for the waiver of the penalty and interest for failure to pay such tax if such failure was not in any way the fault of the taxpayer.

(f) The provisions set out herein shall be effective for the taxable year of 1983 and subsequent years.”

Resolution #22-18, Adoption and Appropriation of Fiscal Year 2019 Budget and Adoption and Appropriation by Category of the Fiscal Year 2019 Budget for the Colonial Beach School Board

Mayor Blunt noted that a public hearing was held on June 2, 2018.

Mr. Leamon made a motion to approve Resolution #22-18 as written. Mr. Lyburn 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 “nay,” Mr. Rogers voted “aye,” Mr. Dellar voted “nay,” and Mayor Blunt voted “aye.”

Resolution #22-18 was adopted as written with a 5-2 vote of Council.

RESOLUTION 22-18, ADOPTION AND APPROPRIATION OF FISCAL YEAR 2019 BUDGET AND ADOPTION AND APPROPRIATION BY CATEGORY OF THE FY 2019 BUDGET FOR THE COLONIAL BEACH SCHOOL BOARD

BE IT RESOLVED that the Town Council, meeting in Regular Session on Wednesday, June 20, 2018, hereby adopts and appropriates the Fiscal Year 2019 budget as follows:

PROPOSED FISCAL YEAR 2019 BUDGET

	FY 2018 Tax Rate	FY 2019 Tax Rate
Real Estate	.70	.80
Personal Property	3.20	3.20
Mobile Homes	.58	.58
Farm Machinery	2.60	2.60
Public Utilities	.70	.70
Boat Tax	.01	.01

All rates listed above are per \$100 of assessed value

PROPOSED FISCAL YEAR 2019 BUDGET

	FY 2018 (@.70 Tax Rate)	FY 2019 (@.78 Tax Rate)
Town Government. General Fund 100	\$7,767,556	\$7,006,014
Transfer to School Operating Fund, from General Fund 100	\$2,299,916	\$2,299,916
Sewer & WWTP, Fund 501	\$1,917,490	\$1,867,365
Water, Fund 503	\$ 764,929	\$1,096,960

SECTION 1

The following amounts are approved by category as set forth in Virginia Code §22.1-115 for the Colonial Beach School Board, subject to the conditions set forth in this Resolution, for the fiscal year beginning July 1, 2018 and ending June 30, 2019, as follows:

Instruction, Elementary, Fund 205	\$2,607,871
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Instruction, Secondary, Fund 205	\$2,170,557
Administration, attendance and health, Fund 205	\$ 509,966
Pupil transportation, Fund 205	\$ 396,970
Operation and Maintenance/Facilities, Fund 205	\$ 444,607
Federal Grants, Fund 205	\$ 514,972
Debt and Fund Transfers, Fund 205	\$0
Technology, Fund 205	\$ 493,674
Contingency Reserves, Fund 205	\$0
Total, Fund 205	\$7,138,617
School food services and other non-instructional operations, Fund 216	\$ 229,651
School CIP, Fund 210	\$0
TOTAL:	\$7,368,268

Funds appropriated in FY 2019 for Capital Improvements, including construction in progress, will not lapse at the end of the year, but shall remain appropriated for the life of the project(s) until completion or until the Town Council eliminates the appropriation.

- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do not obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*
- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*
- *The Town shall reserve the right to review the Charter, Mission Statement or other defining document of agencies who request funding from the Town as a condition of requesting funding.*

Resolution #23-18, Accepts the property located at 315 Douglas Avenue from the Colonial Beach School Board

Mr. Leamon made a motion to approve Resolution #21-18 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 #23-18 was adopted as written with a unanimous vote of Council.

RESOLUTION #23-18, Accepts the property located at 315 Douglas Avenue from the Colonial Beach School Board

WHEREAS the Colonial Beach School Board has declared the property located at 315 Douglas Avenue surplus; and

WHEREAS the Colonial Beach School Board has executed a deed to convey the property located at 315 Douglas Avenue to the Town of Colonial Beach; and

WHEREAS Virginia Code § 15.2-1803 requires that the Colonial Beach Town Council approve a Resolution accepting an interest in land.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regularly scheduled meeting on June 20, 2018 that, in accordance with Virginia Code § 15.2-1803, the Colonial Beach Town Council accepts the property located at 315 Douglas Avenue from the Colonial Beach School Board; and

BE IT FURTHER RESOLVED that the Town Manager is authorized to execute any and all documents necessary for, or related to, the conveyance, subject to review and approval of the Town Attorney; and

BE IT FINALLY RESOLVED by the Colonial Beach Town Council that this Resolution shall be recorded in the land records of the Westmoreland County Circuit Court.

Resolution #24-18, Amends Fiscal Year 2017-2018 Budget, General Fund and Capital Improvements Fund

Mr. Lyburn made a motion to approve Resolution #24-18 as written. Mr. Cirbee seconded the motion.

Motion to Amend

Mr. Dellar made a motion to amend the resolution so that narrative be included under number 2).

Mr. Cirbee seconded the motion.

Ms. Gomez provided the narrative, which was added to the resolution under number 2).

Mayor Blunt called for a roll call vote on the Motion to Amend. 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.”

The Motion to Amend Resolution #24-18 was adopted with a unanimous vote of Council.

Vote on Resolution #24-18, as amended

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 #24-18 was adopted as amended with a unanimous vote of Council.

RESOLUTION #24-18, Amends Fiscal Year 2017-2018 Budget, General Fund and Capital Improvements Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2017-2018 budget.

NOW THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Wednesday, June 20, 2018, hereby adopts and appropriates an amendment to Fiscal Year 2017-2018 budget as follows:

	FY 2017-18 Approved	FY 2017-18 Revised	Change
General Fund	\$8,350,306	\$8,351,455	+\$2,990
Capital Improvements Fund	\$0.00	\$148,117	+\$148,117

1) Increase of \$2,990 represents additional funding to the Colonial Beach Volunteer Fire Department from the Virginia Department of Fire Programs through the Aid to Localities effort. The revenue will be recognized in line item 3-100-024020-0001.

2) Increase of \$148,117 represents the sale of Town property during Fiscal Year 17-18.

The revenue will be recognized as follows:

Sales Proceeds, Fire Dept., 3-330-041020-0001	\$ 7,406
Sales Proceeds, Rescue Squad, 3-330-041020-0002	\$ 7,406
Sales Proceeds, Schools, 3-330-041020-0003	\$ 14,812

Citizen Input

Betty Whitestone, declined, stating she had already been heard. Ms. Whitestone thanked Town Council for their vote.

Walter Kern, The Meadows discussed several topics: (1) the resurfacing of Santa Maria Avenue saying the road did not need it; (2) no vote can be taken regarding Eleanor Mobile Home Park without public comment.

Jay Jarvis, 225 Boundary Street discussed two topics: (1) he did not agree with the move of the Information Center; (2) water leaks in town – Mr. Jarvis estimates we are losing 75-100 gallons per day from one leak on Weems; (3) sewer leak on Washington Avenue.

Mr. Jarvis noted he often watches the meetings on line and Council members need to speak into their microphones.

Cathy Bokman, 1501 Augustine Lane commented on the tax increase and asked about the school's transportation budget of \$396,000 which is a big number for as small as our school is.

Ms. Bokman noted as she has to make changes to her budget to accommodate the tax increase, she is asking that the town and school do the same.

Ms. Bokman complimented Mr. Robertson on how he handled the proposed moving of the Information Center and complimented the Town on its commitment to tourism.

Steve Kennedy, Boundary Street was no longer in attendance.

Peter Fahrney, 3419 Riverview Drive noted it was painful for audience members to not be able to hear the proceedings.

Jean Conaty, thanked Mr. Robertson and Town Council and left copies of three brochures from the museum.

Steve Kennedy, Boundary Street noted the Mayor owed 'everybody in this room an apology for not keeping control of this meeting'.

Joyce Gunderson, Bryant Avenue noted that the school can change their graduation date and has said next year they will change their graduation date, and that this year no Council members attended graduation.

Mr. Leamon responded to Ms. Gunderson saying there was nobody on Council invited to the graduation. Ms. Grigsby initially assured Mr. Leamon that invitations were mailed out, but later

sent an email stating it was her error that the admin assistant did not get those invitations in the mail.

Mr. Leamon further noted that Mr. Alger was not aware of graduation.

Adjournment/Recess

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

At 8:51 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk