



**Minutes of the
Colonial Beach Town Council
Work Session held on
Wednesday, August 15, 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
Financial Consultant, 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 6:22 p.m.

Roll Call of Members

Mayor Blunt noted that all Council Members were present.

Motion to Amend the Agenda

Mr. Dellar made a motion to amend the agenda to include a discussion on Eleanor Mobile Home Park. Mr. Lyburn 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 amend the agenda passed with a unanimous vote.

Approval of the Agenda

Mr. Lyburn made a motion to approve the amended agenda. 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 amended agenda passed with a unanimous vote.

Presentations

Larry Roberson, Supervisor, Westmoreland County Board of Supervisors

Mr. Roberson reported the Board voted to increase the salaries of the paid rescue squad members.

The Commissioner of Revenue has worked to increase the relief offered for personal property taxes.

Mr. Roberson thanked the town for making an announcement regarding the mosquito bricks and reminded people that they are on sale through the county extension agent.

Mr. Dellar asked Mr. Roberson if he had gotten Council the promised break out of taxes. Mr. Roberson responded that Mr. Risavi is still working on those numbers.

Mr. Dellar then asked Mr. Roberson to confirm that county real estate taxes in town have gone up \$.02 per \$100, with a new tax rate of \$.42 per \$100.

Old Business

There was no old business.

New Business

Offer to Purchase Eleanor Mobile Home Trailer Park

Mr. Dellar reported that Council had received an offer to purchase Eleanor Mobile Home Trailer Park about 30 days ago. The terms are: “as is – where is;” purchase price is \$900,000; and, closing date is prior to October 31.

The offeror is looking to build six homes on the property.

Council directed the Town Manager to enter into negotiations with the offeror in order to solicit a best and final offer, which is for \$900,000 and the six lots. It’s an all cash deal.

Mr. Dellar opined that Council should be ready to consider the offer and hold public comment.

Mr. Dellar asked Council to vote on directing the Town Attorney to prepare an announcement for a public hearing at the September 19th meeting.

Mayor Blunt noted that Council has also requested an initial showing of where the six houses will be built on the lot.

Ms. Erard asked for a motion.

Motion to Direct Town Attorney

Mr. Lyburn made a motion to direct the Town Attorney to prepare a Notice for a Public Hearing and directs the Clerk to advertise for a public hearing to be held on September 19 at 6:00 p.m. to consider the offer to sell the property known as Eleanor Mobile Home Trailer Park under the terms as outline in the offer letter dated July 19, 2018. Mr. Cirbee seconded the motion.

Mayor Blunt stressed that he needs to have an initial drawing of the placement of the six homes.

Mr. Cirbee stated Council may need more time to determine if there are any chances for finding a middle ground and for public feedback.

Mr. Dellar urged the public hearing to be held on September 19.

Mayor Blunt suggested having discussion at the September 8th work session and holding the public hearing on September 19th.

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 passed with a unanimous vote.

Mr. Leamon noted that Council will have another opportunity at the September 8th Work Session for further discussion.

Mr. Cirbee noted that perhaps there can be middle ground.

Mr. Dellar noted he is not sure how to find middle ground with an offer to purchase.

Mr. Cirbee stated that Council can determine and answer questions, such as trading an asset for an asset and what to do with the proceeds.

Mayor Blunt requested that the questions of what to do with the proceeds be placed on the agenda for the work session.

Mr. Rogers suggested Council members submit issues or questions ahead of time.

Mr. Robertson responded that staff will be able to put together a list of issues.

Mr. Cirbee responded that council needs to build consensus within Town Council and not rely on staff reports.

Mr. Dellar responded the first question is whether to sell or not sell.

Mr. Cirbee responded that use of the proceeds is important and that he will not vote to sell property without that issue being answered.

Resolution # -18, Authorizes Town Attorney and Town Clerk

BE IT RESOLVED that Town Council, at its meeting on August 15, 2018, hereby authorizes Town Attorney to prepare and Town Clerk to advertise a Notice for a Public Hearing on September 19, 2018 Regular Meeting to consider the request to purchase the property known as Eleanor Mobile Home Trailer Park as outlined in the offer letter dated July 19, 2018.

DRAFT Resolution #30-18, Ratification of Memorials Advisory Commission

Ms. Flanagan reported that in 2002 the Town created a Memorials Advisory Commission and that the Commission has been out of operation since about 2012.

Ms. Flanagan noted that two council volunteers are needed in order to review and make recommendations of citizens to sit on the Commission.

Mr. Cirbee and Mr. Dellar volunteered.

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

There was Council consensus for Resolution #30-18 to be placed on the Regular Meeting agenda.

DRAFT Resolution #31-18, Appoints Steve Kennedy to Tourism Advisory Council

Mayor Blunt noted this resolution will appear for action at the upcoming Town Council Regular Meeting to be held on September 19, 2018.

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

DRAFT Resolution #32-18, Appoints Anthony “Tony” Swinson as Building Official

Mayor Blunt reported that Mr. Swinson came highly recommended and that he is in the process of getting all certifications necessary.

Mr. Robertson noted he fully anticipates Mr. Swinson having all his certifications within the next twelve months.

Mr. Cirbee noted that in most municipalities the Building Official oversees the building aspects and that building and zoning are not typically one department. Mr. Cirbee further noted that at one time the Zoning Official was also the Building Official and that is when the Code Enforcement position was changed to fall under the Zoning Official.

Mr. Cirbee further noted it should be set up that the Building Official answers to the Town Manager as does the Zoning Administrator.

Mr. Dellar noted he finds this resolution wholly insufficient and that does not satisfy the requirements set out in Ordinance No. 681. Ordinance No. 681 calls for a resolution authorizing the hiring if the employee is not fully certified and also requires the offer for employment to be contingent upon a signed agreement setting forth terms to become fully licensed.

Mr. Dellar suggested this is a ratification and there clearly needs to be timelines established.

Ms. Erard asked if Council would also like to address to whom the Building Official reports.

Mr. Cirbee asked why Council has to pass resolutions when there are state law requirements and time frames are included in state law and the town is required to follow those requirements.

There was no objection by Council members to placing this resolution on the September Regular Meeting.

Mayor Blunt, with no objection from Council members, requested Mr. Robertson to prepare and submit a timeline of when Mr. Swinson would complete his certification coursework.

Draft Resolution #33-18, Amends Town of Colonial Beach Procurement Policy

Ms. Erard summarized the Government Procurement Act and reported that, as authorized by State Code, the town has a local procurement policy. The last time the policy was updated was in 2010.

Staff would like to update the policy.

Ms. Gomez noted this is a first draft at revising or updating the current Procurement Policy.

Ms. Gomez further noted she added in language recommending the use of a requisition. A requisition should always precede a purchase order.

Ms. Gomez noted a policy is necessary to maintain oversight and fiscal responsibility.

Ms. Gomez further recommended looking at travel and reimbursement policy and the use of P-Cards.

Ms. Erard provided a Power Point presentation to Council.

Ms. Erard noted the town did not become subject to the Government Procurement Act until 2010 when our population rose to 3,500-plus.

The Procurement Act requires a locality to use competitive principles for the purchase and lease of goods, services, insurance and construction.

Generally there is a requirement to procure three telephone quotes.

Mayor Blunt noted that currently if a purchase needs to be paid by credit card, then someone on staff typically uses their own credit card and then requests reimbursement.

There was no objection by Council members to placing this discussion on the September work session.

Request for Referral

Ms. Finchum requested Town Council to refer to Planning Commission to provide a recommendation at the September meeting for an amendment to the Zoning Ordinance to eliminate the requirement to install curb, gutter and sidewalk prior to issuance of a Certificate of Occupancy on all undeveloped lots, with exceptions.

Motion to Refer

Mr. Lyburn made a motion to refer the issue to Planning Commission. Mr. Alger seconded the motion.

Mr. Cirbee noted there are undeveloped lots located throughout town where VDOT right-of-ways are already established and there are already established requirements for driveways.

Mr. Cirbee further noted that VDOT has exclusive right over the driveways.

Mayor Blunt explained that if you have a lot and you build a home, you have to put in curb, gutter and sidewalk in front of that house. The problem is you could end up with a small piece of curb in front of a newly-built house and the rest of that block would have no curb, which causes more problems.

Mayor Blunt urged Council to move quickly on this issue to amend the language so the builders can continue to build houses.

Mr. Cirbee noted that our zoning permit is within the property lines and the VDOT permit is within the right-of-way. The issue we're discussing is in the right-of-way, so it does not pertain at all to our zoning issues and, as such, why are we discussing this now.

Mr. Cirbee further noted the driveway and the drainage is under a VDOT permit and not our zoning permit.

Mr. Murphy reported that VDOT has turned some of that responsibility to us and the town is issuing the land use permits.

Mayor Blunt asked about making a temporary amendment to the current law so builders are able to continue to build.

Mr. Cirbee requested Ms. Erard to make a determination as to whether the Zoning Administrator has jurisdiction over curbs, sidewalks and gutters.

Ms. Erard suggested Council consider a motion directing the Zoning Administrator to suspend implementation of Curb, Gutter and Sidewalk requirements pending review by the Town Council at its regular meeting in October.

Mayor Blunt made a motion to consider. Mr. Lyburn 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."

There was Council agreement to direct the Zoning Administrator to suspend implementation of curb, gutter and sidewalk requirements pending review by the Town Council.

Closed Meeting

Mr. Alger made a motion to go into Closed Meeting pursuant to VA Code 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to litigation because such consultation briefed in an open meeting would adversely affect the negotiation or litigation posture of the public body – Bailey v. Town of Colonial Beach. 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.”

At 7:28 p.m. Council moved into Closed Session

Certification/Reconvene

At 7:38 p.m. Mayor Blunt reconvened the meeting.

Mr. Lyburn made a motion that Council certify that only those matters as were identified in the motion to go into closed meeting were heard, discussed or considered. Mr. Alger seconded the motion.

Mr. Alger, Mr. Lyburn, Mr. Leamon, Mr. Rogers, Mr. Cirbee, Mr. Dellar and Mayor Blunt all certified.

Adjournment/Recess

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

At 7:39 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk