



**Minutes of the
Colonial Beach Town Council
Work Session held on
Wednesday, February 6, 2019 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

Robin Schick, Vice Mayor
Frank Alger, III, Council Member
Steve Cirbee, Council Member
Patrick Ey, Council Member
Dallas Leamon, Council Member
Vicki Roberson, Council Member

Absent

All Council Members were present, with the exception of Mayor Blunt who was out of town. Mr. Alger arrived at 6:07 p.m.

Also Present

Town Manager, Quinn Robertson
Town Attorney, Jim Cornwell
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Zoning Administrator, Allyson Finchum
Acting Chief of Police, Bruce Hough

Call to Order

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

Roll Call of Members

Vice Mayor Schick noted that all Council Members were present, except for Mayor Blunt, who was out of town and that Mr. Alger was running late, but would be here shortly. Mr. Alger arrived at 6:07 p.m.

Motion to Amend the Agenda

Ms. Schick made a notation that under “Status Items” there will be presented a resolution for discussion.

Approval of the Agenda

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

Ms. Schick called for a roll call vote. Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to approve the agenda as written passed with a unanimous vote of council members present.

Presentations

There were no presentations.

Old Business

There was no old business.

New Business

Resolution #07-19, Accepts Resignation of Anthony “Tony” Swinson as Building Official

Ms. Schick noted that an exit interview was performed and will be discussed in closed session.

Mr. Cirbee made a motion to approve Resolution #07-19. Ms. Roberson seconded the motion.

Mr. Cirbee noted that Council was accepting this resignation as Mr. Swinson was appointed by Council. Mr. Cirbee further noted that hiring the Building Official was under the purview of the Town Manager.

Ms. Schick called for a roll call vote. Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to approve Resolution #07-19 as written passed with a unanimous vote of council members present.

RESOLUTION #07-19, Accepts the resignation of Anthony “Tony” Swinson as Building Official

WHEREAS, Anthony “Tony” Swinson has served as the Building Official for the Town of Colonial Beach since July 30, 2018; and

WHEREAS, Anthony “Tony” Swinson submitted his resignation on January 8, 2019 effective February 1, 2019.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at a meeting on February 6, 2019 that the resignation of Anthony “Tony” Swinson is hereby accepted.

Draft Resolution #08-19, Appoints _____ as Building Official

Ms. Schick noted that this draft resolution opens a discussion topic and this resolution will not be voted upon at this meeting.

Mr. Robertson noted he is in pursuit of a new Certified Building Official and there are several options to be considered which he will discuss in closed session, such as several internal options.

Mr. Cirbee asked if specific individuals would be discussed in closed session.

Mr. Cornwell responded “yes.”

Mr. Robertson noted the options are as follows: (1) to promote from within, or, (2) contract with a company to perform services, or, (3) look to neighboring counties.

Ms. Roberson asked why the county has not been considered.

Mr. Cirbee noted the town has the ability to piggyback on the county, which we are a part of.

Ms. Finchum noted the Town is allowed to pursue an arrangement with adjacent and some not adjacent counties.

Mr. Murphy noted the agreement with Westmoreland County was a short-term agreement and would have to be renegotiated.

Ms. Roberson offered that Mr. Roberson, Westmoreland County Board of Supervisors, has been in contact with Mr. Risavi and was present and willing to answer questions.

Mr. Roberson agreed with Mr. Cirbee, that the county has to have a Building Inspector, but the town is not mandated to have a Building Inspector, regardless of population.

Mr. Roberson further noted that we have to pay taxes to Westmoreland and this is an opportunity to use services provided by the county.

Ms. Schick clarified that Mr. Roberson and Mr. Robertson could work together to negotiate these services with the county.

Ms. Schick further clarified that citizens would continue to be able to get a zoning permit from the town, but would need to go to Montross to get building permits.

Mr. Leamon asked who is handling our inspections right now.

Ms. Finchum responded that the Caroline County Building Official is and has committed to be available for one to two weeks.

Mr. Leamon noted that citizens have to go to Montross for other issues, such as erosion and sediment control.

Mr. Leamon is in agreement that the services should be provided by the county.

Mr. Ey asked if there is a need for an agreement with the county.

Mr. Roberson noted there was a previous agreement for six months wherein the town was able to keep the revenue from the building permits.

Ms. Schick noted that an agreement could clarify the roles of each department, for example, callers with zoning questions should be queried as to whether they are residents of the town.

Mr. Roberson agreed with Ms. Schick.

Ms. Finchum noted the Building Code is what requires the Building Department to receive approval from the Zoning Department and/or Public Works.

Mr. Alger asked if a permit tech would help by keeping the paperwork and fees in town, and just scheduling an inspector.

Mr. Cirbee responded that the county has permit techs who are very experienced.

Mr. Cirbee summarized saying the town is not permitted to use a third party Building Official; the Code is clear that the county is automatically the building department.

Mr. Cirbee noted that what is important for our town is planning and zoning.

Ms. Schick asked if there was consensus that the Town Manager and County Supervisor work together to coordinate this, to have Westmoreland County as our Building Official.

Mr. Cornwell suggested the town prepare an MOU, including an understanding of enforcement of the town's building code.

Consensus from Council

Ms. Schick asked for consensus that there will be a Memorandum of Understanding presented to Council at the regular meeting that also outlines what the Town Manager and County Supervisor will work on.

Ms. Schick asked "All in favor, say 'aye.'" Mr. Alger, Mr. Ey, Mr. Cirbee, Mr. Leamon and Ms. Roberson all said "aye." There were no opposed.

Mr. Leamon asked Ms. Finchum to reach out to Mr. Wightman to see if he can help out while this is being worked out.

There was Council consensus to review a Memorandum of Understanding at the upcoming Regular Meeting.

Draft Resolution #09-19, Authorizes Mayor to execute Employment Contract and Appoints Bruce Hough as Police Chief

Ms. Schick noted this item will be deferred until after Closed Session.

Draft Resolution #10-19, Amends Resolution #30-18 Memorials Advisory Committee

Ms. Schick noted that Council needs to name two Council members to nominate potential advisory committee members.

Ms. Schick suggested Mr. Cirbee continue on this nominating committee and asked for a Council member volunteer. Mr. Ey volunteered.

Mr. Leamon made a motion to adopt Resolution #10-19 after adding in the names of Steve Cirbee and Patrick Ey. Mr. Cirbee seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted "aye," Mr. Cirbee voted "aye," Mr. Ey voted "aye," Mr. Leamon voted "aye," Ms. Roberson voted "aye," and Ms. Schick voted "aye."

The motion to approve Resolution #10-19 as written passed with a unanimous vote of council members present.

RESOLUTION #10-19, Amends Resolution #30-18, “Ratification of Memorial Advisory Commission and Appointment of Review Committee”

WHEREAS the Commission has been inactive and without members since 2012.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on February 20, 2019 that **Steve Cirbee and Pat Ey**, with assistance from the Town Manager and/or Town Attorney, are requested to review any and all available documents pertaining to the Colonial Beach Memorial Advisory Commission and interview those persons who possess information and historical knowledge and who are willing to serve on the Commission for the purpose of nominating candidates for the Wall of Honor.

BE IT FURTHER RESOLVED that upon review and after interviews are conducted, **Steve Cirbee and Pat Ey** will make a recommendation of three persons for membership in the Memorial Advisory Commission.

Draft Resolution #11-19, Approves Lease Agreement for Dock/Pier Construction

Ms. Schick asked for comments from Council members on the terms in the lease agreement as presented.

Mr. Cornwell presented a lease agreement for town-owned property between the homeplace and the Potomac River or Monroe Bay.

Mr. Cornwell referenced Virginia Code Section 15.2-2100, pointing out that the draft lease presented is in accordance with 15.2-2-2100, but suggested striking out paragraph 2) which provides for an additional term of up to five years.

Mr. Cornwell noted that technically a majority vote is sufficient to lease town owned property.

Mr. Cornwell then referenced Virginia Code Section 15.2-1800 which requires a public hearing before any lease of property, with advertising to publish twice.

Mr. Cornwell then recommended that individual lease agreements come before Council for approval.

Ms. Schick opened discussion.

Mr. Alger asked if the town has tax map ID numbers for all the property.

Ms. Finchum noted the town has acquired tax map ID numbers for most of the property on the Potomac River side and is working to identify the property on the Monroe Bay Side.

Mr. Leamon noted that citizens have reached out to him and expressed that \$500 per year is too high.

Mr. Leamon further noted that paragraph 4) states that the lease holder is responsible for installing rip rap or other erosion control measures.

Mr. Cornwell read paragraph 4) and said Council needs to determine if this provision is necessary.

Mr. Leamon asked Mr. Cirbee if rip rap or erosion control needs to be put in at the time of the pier build.

Mr. Cirbee noted that 90 percent of the property being discussed is VDOT roadway. There is already major erosion on Monroe Bay. For example, we should not have a pier owner go in and install measures on 10 feet and then VDOT patch the areas next to it.

VDOT is the entity that put the protections down on Irving Avenue.

Putting in erosion control on a 10-foot piece of shoreline actually increases the potential for erosion on other areas of shoreline.

Mr. Cirbee believes Council should approve the lease, but this paragraph has to be amended.

Ms. Schick suggested the lease read “the leasee must cooperate in a joint maintenance agreement for erosion control” which may mean coordination with VDOT.

Mr. Cirbee suggested language such as “if VDOT in the maintenance of our roads determines that a bank has been disturbed, then in order for them to perform their work, that responsibility in putting back that improvement falls on the lease holder, not the town.”

Ms. Schick agreed.

Ms. Schick summarized that paragraph 4) needs revision to include a joint maintenance agreement, erosion control or for VDOT access.

Mr. Cirbee suggested “at the time of request for a permit, issues regarding erosion control or bank stabilization will need to be reviewed and discussed with Public Works, VDOT, etc. to determine what may be needed as part of the submission to VMRC.”

Ms. Schick suggested “all piers must be in good standing with VMRC or the lease will be terminated.”

Ms. Schick further suggested that part of the shoreline maintenance agreement needs to meet Chesapeake Bay Act requirements.

Ms. Schick summarized comments saying “you want to add in, where it says ‘Virginia Uniform State Building Code, Colonial Beach Zoning Ordinance, and VMRC.’”

In response to Mr. Cirbee, Mr. Cornwell noted you do not have to have a public hearing to approve the lease agreement.

Ms. Schick reiterated “We have one public hearing, then we approve the lease.” Council will have to approve each lease.

Mr. Cornwell noted that each applicant will have to have a survey done which will show the property that is being leased.

Ms. Schick believed the lease agreement would be based on property extension lines.

Mr. Cirbee opined that the town needs to have a pier ordinance, which is a discussion for another day.

Mr. Alger asked if a public hearing would need to be held every five years and if years would be prorated.

Mr. Cornwell answered affirmatively and said the five years would begin when the lease is signed.

Ms. Schick asked Council if they wanted to request a draft of an ordinance that would complement the lease agreement to be presented at the same time as the public hearing.

Mr. Cornwell expressed his concern about the town adopting an ordinance to control its own property.

Ms. Schick then suggested that issue be placed on hold.

Consensus from Council

Ms. Schick asked for consensus to change the lease term from \$500 to \$250 (\$2,500 to \$1,250). Mr. Alger, Mr. Ey, Mr. Cirbee, Mr. Leamon and Ms. Roberson all expressed agreement.” There were no opposed.

There was Council consensus to change the lease terms from \$500 to \$250.

Continued Discussion Draft Resolution #11-19, Approves Lease Agreement for Dock/Pier Construction

Mr. Cornwell asked if Council wished to schedule a public hearing as soon as tax map IDs are procured.

Ms. Schick asked if that was reasonable to have by March.

Mr. Cornwell replied that he thought so.

Ms. Finchum responded that she would do her best.

Ms. Schick further noted the revisions in the lease could be discussed at the March work session.

Mr. Cirbee and Mr. Leamon agreed that the lease should be fast tracked.

Draft Resolution #12-19, Budget Timeline

Mr. Robertson reported that this is a placeholder resolution, and the budget timeline will be presented at the regular meeting.

Status Items

Santa Maria Drainage Issue Update

Mr. Murphy reported he is waiting on the design and an easement execution. Mr. Howeth is preparing the design and an elevation survey, which should be complete within the next 30 days.

Ms. Schick noted the cost estimate provided to Council may change once the design is presented.

Mr. Robertson noted that moving forward any decision will have a financial bottom line.

Ms. Schick asked if the design would include the entire drainage area.

Mr. Murphy reported he anticipated the Vaughan property would be done before the end of spring.

Mr. Cirbee stressed that this has to be a long term measure.

Mr. Cirbee asked about the status of the new roads maintenance request.

Mr. Murphy responded that some areas were too narrow, but they did as much drainage as possible. Each section will be evaluated.

Ms. Schick stressed that the town should be actively pursuing storm water grant money.

Town Council Priority List and Grant Opportunities

Ms. Schick noted that at its January 21st meeting Council discussed and prioritized over 60 outstanding issues. The first category of issues are projects with built-in or contractual deadlines, three issues having immediate deadlines.

Ms. Schick further noted the three issues are: 1) Town Manager contract (one year in); 2) Robin Grove shoreline protection has a grant opportunity for \$75,000 for a living shoreline; and, 3) Eleanor Park

Ms. Schick introduced Resolution #13-19.

Resolution #13-19, Authorizes and Directs Town Manager to Pursue Grant Opportunities

Mr. Robertson noted the grant opportunity for a living shoreline at Robin Grove with a February 15 deadline through the Nature Conservancy.

Mr. Cirbee replied that there is an extensive amount of grading that has to take place and the Conservancy needs to see the design that has been previously put together.

Ms. Schick also noted this includes the Eleanor Park conservation easement which has to be pursued in March.

Ms. Roberson read and made a motion to adopt Resolution #13-19. Mr. Alger seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to approve Resolution #13-19 as written passed with a unanimous vote of council members present.

RESOLUTION #13-19, Authorizes and Directs Town Manager to Pursue Grant Opportunities

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its monthly meeting on February 6, 2019 that the Town Manager is hereby authorized and directed to pursue grant opportunities for:

- (1) Robin Grove Living Shoreline
- (2) Eleanor Property Conservation

Continued Discussion Res #13-19, Authorizes and Directs Town Manager to Pursue Grant Opportunities

Mr. Leamon noted he has been asked by citizens to contact Senator Steward and Delegate Ransome to ask for their support and advocacy in regard to the Virginia Outdoor Foundation or other agencies in regard to Eleanor Park and would like to have Council agreement to proceed.

Council Consensus

Ms. Schick asked for Council consensus and agreement to proceed as requested.

Ms. Schick asked “All in favor, say ‘aye’.” Mr. Alger, Mr. Cirbee, Mr. Ey, Ms. Roberson and Ms. Schick all said “aye.” There were no opposed.

There was Council consensus for Mr. Leamon to proceed as requested.

Citizen Input

Tim Vaughan, Santa Maria Avenue. Mr. Vaughan thanked Council for acting so quickly in response to his drainage problem.

Walter Kern, The Meadows. Mr. Kern thanked the employees of Public Works for cleaning up the golf cart trail.

Mr. Kern then noted that the town has formerly said it would tear down the old Klotz Building and nothing has been done.

Robert Lillard. Mr. Lillard noted he has made a complaint to the Chief of Police about the shooting of birds in duck blinds inside of town limits where we are a bird sanctuary. There is a duck blind in Tides Mill Creek near Wilkerson’s within town limits.

Mr. Lillard was told that all that property is no longer zoned Agricultural, it’s zoned Public Urban Development, which prohibits discharging firearms. Hunters are coming from Maryland. Mr. Lillard suggested putting up signs.

Mr. Lillard further noted that he understands hunters are being allowed to hunt up near Public Works.

Request by Town Attorney

Mr. Cornwell requested to make a brief report.

Ms. Schick agreed.

Mr. Cornwell noted that his associate, Phyllis Katz will be here this Wednesday to meet with staff and work on personnel matters, including position descriptions and evaluation documents, which is being done for free.

Closed Meeting

Mr. Leamon made a motion to go into Closed Meeting pursuant to VA Code 2.2-3711(A)(1) for discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of three (3) employees. AND, (2) pursuant to VA Code 2.2-3711(A)(3) for discussion or consideration of the acquisition or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Mr. Cirbee seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to go into closed session passed with a unanimous vote of council members present.

At 8:09 p.m. Council moved into Closed Meeting.

Certification/Reconvene

At 9:45 p.m. Ms. Schick reconvened the meeting.

Mr. Leamon 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. Cirbee seconded the motion.

Mr. Alger, Mr. Cirbee, Mr. Ey voted, Mr. Leamon, Ms. Roberson and Ms. Schick all certified.

All council members present certified that only those matters as were identified were heard, discussed or considered during Closed Meeting.

Resolution #09-19, Authorizes Mayor to execute Employment Contract and Appoints Bruce Hough as Police Chief

Ms. Schick previously noted this item will be deferred until after Closed Session.

Mr. Leamon made a motion to adopt Resolution #09-19. Mr. Alger seconded the motion.

Motion to Amend

Ms. Schick made a motion to insert the words “the designee is the Vice Mayor.” Mr. Cirbee seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to amend Resolution #09-19 passed with a unanimous vote of council members present.

Adoption of Resolution #09-19, as amended

Mr. Leamon made a motion to adopt Res #09-19, as amended. Mr. Alger seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to adopt Resolution #09-19, as amended, passed with a unanimous vote of council members present.

RESOLUTION #09-19, Authorizes Mayor to execute the Employment Contract and Appoints Bruce Hough as Chief of Police

WHEREAS the Town Council has reviewed the attached Employment Agreement between the Colonial Beach Town Council and Acting Police Chief Bruce Hough.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its meeting on February 6, 2019 that the attached Employment Agreement for the Chief of Police is hereby approved and the Mayor or his designee, the Vice Mayor, is authorized to sign the Agreement in duplicate originals on behalf of the Town Council.

NOW THEREFORE BE IT FURTHER RESOLVED that Bruce Hough is hereby appointed Colonial Beach Chief of Police effective immediately.

RESOLUTION #14-19, Authorizes the Town Manager to Pursue a Public Hearing

Mr. Leamon made a motion to authorize the Town Manager to pursue a public hearing on the property that has previously been agreed upon by Town Council in the priority setting meeting. Mr. Cirbee seconded the motion.

Ms. Schick called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “aye,” and Ms. Schick voted “aye.”

The motion to adopt Resolution #14-19, as read, passed with a unanimous vote of council members present.

RESOLUTION #14-19, Authorizes and Directs Town Manager to Advertise a Public Hearing in March Declaring Council’s Intent to Sell Particular Properties

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its monthly meeting on February 6, 2019 that the Town Manager is hereby authorized and directed to advertise a Public Hearing regarding Town Council's intent to sell properties, such list having been identified at a Town Council Special Meeting held on January 21, 2019.

Adjournment/Recess

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

At 9:48 p.m. Ms. Schick adjourned the meeting.

Kathleen Flanagan, Town Clerk