Before the

Colonial Beach Town Council

Held at

Town Center, 22 Washington Avenue

Wednesday, April 17, 2019 at 6:00 p.m.

Town Council Regular Meeting

AGENDA

1. **Call to Order**

2. **Moment of Silence/Pledge of Allegiance**

3. **Roll Call of Members**

4. **Additions to the Agenda**

5. **Approval of the Agenda**

6. **Approval of Minutes for the March 6, 2019 Work Session and the March 20, 2019 Regular Meeting**

7. **Council Member Announcements**

8. **Presentations**

   - **Quinn Robertson, Water and Sewer** ***(Tab A)***

   - **Bronwyn Congdon, 2020 Census Team**

   •Colonial Beach Schools • Westmoreland County Supervisor • Planning Commission • Downtown Colonial Beach • Chamber of Commerce • Colonial Beach Foundation

9. **Monthly Department Reports** ***(Tab B)***

10. **Unfinished Business**

11. **New Business**

Public Hearing
Resolution # 20-19, Intent to Lease Town-Owned Waterfront Property to Individuals for the Construction and/or Maintenance of Docks or Piers ***(Tab C)***
(i) Public Input
(ii) Council Action

Public Hearing
Resolution #21-19, Intent to Sell Certain Town-Owned Property ***(Tab D)***
(i) Public Input
(ii) Council Action

Resolution #22-19, Intent to Hold a Public Hearing to Amend Town Code, Article III, Section 13.1-41 ***(Tab E)***

12. **Citizen Input**

13. **Closed Meeting (if necessary)**

14. **Adjournment/Recess**

Tab A

Tab B

Town Manager & Department Reports

- **Torrey Smith Project:** Currently evaluating the concrete testing requirement in order to satisfy contractual obligations
- **Parking Meter vendor selection:** Council guidance requested for the pursuit of sole source parking meter vendor selection
- **COMREL** meeting in CB (MAY)
- **Re-visiting the P-Card procurement initiative:** Update-current Fairfax contract still applicable, will require public hearing in May/June if desired
- **FY20 Budget:** Initial presentation complete, awaiting council guidance regarding any/all modifications. Currently awaiting council member input for additional discussion(s)
- Preparing for the reconstitution **Evaluations and job descriptions** across staff
- **Tourist** season preparations for Events coupled with the integration of Ryan Gandy's economic/tourist efforts

Finance / HR

- **Edmunds software integration –** still working on Work Orders and Code Enforcement set-up, setting up Miscellaneous Monthly Billings, and implementing Real Estate, Personal Property & Utility Billing/Payments
- **Avenue Analytics –** Received update on possible collections for rental properties & sub-contractors
- **Parking decal season**
- **Beginning prep work** for 1st Real Estate Billing using Edmunds software (May 6th deadline)
- **Completed the Healthcare Renewal** for FY20; no change in premiums
- **Working on 1st Quarter Payroll Tax Filings** using Edmunds software (Due April 30th)
- **Working with Pitney Bowes** on new postage meter contract
- **Negotiating with Pitney Bowes** on current folder/inserter machine lease; possible upgrade
- Currently working on **P-card contract**
- **Working with VRS to add a new 457 plan** (optional retirement plan)
- **Budget**

Police

March/2019
Police Department Report

Significant Activity: On 3/31/2019, CBPD Officers responded to a shooting at a location on Hawthorn Street. The subject was arrested at the scene and charged with Malicious Wounding and Maliciously Discharging a Firearm in a Building. Investigation is continuing.

362 Officer Calls for Service
18 Criminal Offenses Reported
5 Subjects Arrested
41 Traffic Citations Issued
6 Parking Citations Issued

- **Chamber of Commerce Officer of the Year Recipients:** Sgt. Toni Morgans and Officer Robert "Dalton" Moore.
- **New Hires:** Officer Connor Jernigan (Full Time) and Officer Laurin Ann Rowlett (Part Time).
- Continued interviews/background investigations on applicants for Police Officer.
- **Budget preparations:** Meeting/coordinating with Finance Manager and Town Manager.

Zoning &
Community Development

- **Town Property**
  - Preparation and Public Hearing of Lease of Town Property for Piers
  - Research and Preparation for Public Hearing on Sale of Town Properties
- **Code Compliance/Property Maintenance**
  - Investigation of 30 Violations
  - Court Action on Inoperable Vehicle Violations
  - Focus on Colonial Avenue
- **Planning Commission**
  - Staff Support for Regular Meetings and work sessions on Comprehensive Plan Update.
- **Text Amendments**
  - Discussion with Planning Commission on Vendors and Food Trucks
- **Customer Service**
  - Planning, Zoning, Code Compliance, and Town Property Issues
- **Other Tasks**
  - Westmoreland County Building Office - Transfer of Existing Data/Information/Permits

Public Works

- **Atlantic Broadband installed fiber from 205 to PW** – awaiting connections
- **Robin Grove Facility Upgrade** – Start up scheduled for 4-29-2019
- **Water Meter Project** – Ferguson/Mueller $6,000 change order required to re-develop software interphase between meter reading system and Edmunds billing (prior installation communicated with BAI) – 2,235 meters communicating
- **Pedestrian Plaza**
  - Town attorney reviewed preliminary revised bid documents and forwarded such to VDOT for review. Received comments from VDOT requiring significant additional revision/update of Federal Requirements and LAP Requirements. Edited such and forwarded to Kimley-Horn and VDOT for review 4/10/2019
  - Received statement from VMRC re: Joint Permit Application to Virginia Marine Resource Commission. No permit required from VMRC – VMRC forwarded to Corps of Engineers for review. Contacted Corps and provided additional information regarding the Federal Funding Agency and provided them with VDOT contact information for coordination
- **Major road milling** 5-03-2019 and subsequent paving 5-06 to 07-2019
- **Budget preparation**
- **Klotz Building Demo** –Prepared draft contract and forwarded such to Town Manager for review/edit/signature on 4/04/2019. 4/08/2019 received email from Town Manager that formally allowing Rob Murphy to administer of the Klotz building demolition.
- **Weldon Cooper** reporting for FY 2018 State Highway expenditures submitted 3-13-2019
- **Installed Banners** along Colonial Avenue
- **Finalized and submitted Requisition for Reimbursement #15** for Water Project
- **Pier replacement IFB's** – direct solicitation included **4** known local contractors – bids to be received by 2:00 PM Friday, April 12, 2019. Met with VMRC re: Town Pier Piling replacements and structural repairs – Joint Permit Application required but only for VMRC – short turn-around anticipated by VMRC

Tab C

ad

TOWN OF COLONIAL BEACH
PUBLIC NOTICE

Please take notice that on **April 17, 2019 at 6:00 p.m.** at the regular monthly meeting of the Colonial Beach Town Council, at Colonial Beach Town Center in Colonial Beach, 22443, the Council will conduct two public hearings:

(1) PUBLIC HEARING pursuant to Virginia Code section 15.2-1800 to receive public input regarding the Council's intention to sell the following property:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-11, LOCATED AT 16 N. IRVING AVE (SCHOOL BOARD OFFICE)

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-12, EASTERN PART OF FORMER LOTS 12 & 13 BK 75, LOCATED AT 18 N. IRVING AVE (OLD WESTMORELAND BANK)

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-12A, CENTER PART OF FORMER LOTS 12 & 13, LOCATED AT 106 HAWTHORN ST (CHAMBER OF COMMERCE BUILDING)

ALL THAT CERTAIN TRACTS OR PARCELS OF LAND WITH OR WITHOUT STRUCTURES, IDENTIFIED AS 3A2-2-81-7,8,9,9A,10A,10,&11 (VISITOR CENTER, SNACK SHOP(WILLEY'S), & BOARDWALK PARKING) LOCATED AT OR NEAR 1 HAWTHORN ST (PARCELS ARE BOUND BY HAWTHORNE ST TO THE SOUTH, TAYLOR ST TO THE WEST, BOARDWALK TO THE EAST, AND HIGH TIDES TO THE NORTH,

ALL THAT CERTAIN TRACTS OR PARCELS OF LAND WITH OR WITHOUT STRUCTURES, IDENTIFIED AS 3A2-2-82-15,16A,17&18 (NEXT TO BEACH SHOP)(BATHROOMS ON BOARDWALK) (PARCELS ARE BOUND BY THE SOUTHERN BOUNDARY LINE OF LOT 15 TO THE SOUTH, TAYLOR ST TO THE WEST, WILDER AVE TO THE NORTH AND THE BOARDWALK TO THE EAST)

All purchasers are responsible for all document preparation and recordation subject to review and approval by the Town Attorney, as well as any associated costs.

(2) PUBLIC HEARING pursuant to VA Code Sections 15.2-1800 and 15.2-2100 to receive public input regarding Council's intention to lease the hereinafter described properties for periods not to exceed five years:

The land from 3rd Street to 12st Street along the Potomac River between mean low water line and roads known as Beach Avenue identified as Tax Map #3A3-3-A.

It is the intent of Council to lease portions of said properties to individuals for the construction of private docks or piers under uniform conditions and for terms not to exceed five years each. A draft copy of the Town's proposed general lease agreement may be obtained by contacting Town Hall at 804-224-7181.

All documents related to these public hearings are available for review by the public. Anyone having questions may contact Town Hall at 804-224-7181, Monday through Friday, 8:30 a.m. to 4:30 p.m. Written comments may be submitted to Kathleen Flanagan, Town Clerk, 315 Douglas Avenue, Colonial Beach, Virginia 22443. All interested persons may attend and express their views. Any person requiring assistance to participate in the public hearing is asked to contact the Town Clerk prior to the meeting so that appropriate arrangements may be made.

COUNCIL PAPER

At the meeting held on April 17, 2019 at the Colonial Beach Town Center

RESOLUTION #20-19, Intent to Lease Town-Owned Waterfront Property to Individuals for the Construction and/or Maintenance of Piers

WHEREAS, the Colonial Beach Town Council has expressed its intent to lease town-owned waterfront property to individuals for the construction and/or maintenance of docks or piers under uniform conditions; and

WHEREAS, those waterfront parcels are identified as:

The land from 3rd Street to 12st Street along the Potomac River between mean low water line and roads known as Beach Avenue identified as Tax Map #3A3-3-A.

WHEREAS, the Colonial Beach Town Council has held a duly advertised Public Hearing pursuant to VA Code Sections 15.2-1800 and 15.2-2101 on April 17, 2019.

NOW THEREFORE BE IT RESOLVED, the Town Manager is hereby directed to begin processing applications from individual property owners for the construction and/or maintenance of docks or piers that connect to town-owned parcels.

BE IT FURTHER RESOLVED that approval of individual lease agreements shall be made in accordance with all applicable local and state code requirements by the Colonial Beach Town Council.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Robin Schick	___	___	Pat Ey	___	___
Frank Alger	___	___	Dallas Leamon	___	___
			Vicki Roberson	___	___

Adopted _____ Tabled _____

Tab D

COUNCIL PAPER

At the meeting held on April 17, 2019 at the Colonial Beach Town Center

RESOLUTION #21-19, Intent to Sell Certain Town-Owned Property

WHEREAS, the Colonial Beach Town Council has expressed its intent to sell the following town-owned properties; and

WHEREAS, those parcels are identified as:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-11, LOCATED AT 16 N. IRVING AVE (SCHOOL BOARD OFFICE)

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-12, EASTERN PART OF FORMER LOTS 12 & 13 BK 75, LOCATED AT 18 N. IRVING AVE (OLD WESTMORELAND BANK)

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH STRUCTURES, IDENTIFIED AS 3A2-2-75-12A, CENTER PART OF FORMER LOTS 12 & 13, LOCATED AT 106 HAWTHORN ST (CHAMBER OF COMMERCE BUILDING)

ALL THAT CERTAIN TRACTS OR PARCELS OF LAND WITH OR WITHOUT STRUCTURES, IDENTIFIED AS 3A2-2-81-7,8,9,9A,10A,10,&11 (VISITOR CENTER, SNACK SHOP(WILLEY'S), & BOARDWALK PARKING) LOCATED AT OR NEAR 1 HAWTHORN ST (PARCELS ARE BOUND BY HAWTHORNE ST TO THE SOUTH, TAYLOR ST TO THE WEST, BOARDWALK TO THE EAST, AND HIGH TIDES TO THE NORTH,

ALL THAT CERTAIN TRACTS OR PARCELS OF LAND WITH OR WITHOUT STRUCTURES, IDENTIFIED AS 3A2-2-82-15,16A,17&18 (NEXT TO BEACH SHOP)(BATHROOMS ON BOARDWALK) (PARCELS ARE BOUND BY THE SOUTHERN BOUNDARY LINE OF LOT 15 TO THE SOUTH, TAYLOR ST TO THE WEST, WILDER AVE TO THE NORTH AND THE BOARDWALK TO THE EAST)

WHEREAS, the Colonial Beach Town Council has held a duly advertised Public Hearing pursuant to VA Code Sections 15.2-1800 and 15.2-2101 on April 17, 2019.

NOW THEREFORE BE IT RESOLVED, the Town Manager is hereby directed to begin marketing the above named properties in accordance with Town Council's intent to sell these properties.

BE IT FURTHER RESOLVED that approval of individual sales agreements shall be made in accordance with all applicable local and state code requirements by the Colonial Beach Town Council.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	____	___	Steve Cirbee	___	___
Robin Schick	___	___	Pat Ey	___	___
Frank Alger	___	___	Dallas Leamon	___	___
			Vicki Roberson	___	___

Adopted _____ Tabled _____

Tab E

COUNCIL PAPER

At the meeting held on April 17, 2019 at the Colonial Beach Town Center

RESOLUTION #22-19, Intent to Hold a Public Hearing to Amend Town Code, Article III, Section 13.1-41

WHEREAS, the Colonial Beach Town Council has expressed its intent to amend Town Code, Article III, Boardwalk Vendors and Peddlers Program as follows:

Sec. 13.1-41. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal property means those areas owned by the Town of Colonial Beach.

Peddle and peddling means and includes the act of carrying from door to door any goods, wares or merchandise and offering to sell or barter the goods, wares or merchandise or actually selling or bartering such goods, wares or merchandise.

Peddler means and includes, but is not limited to, any person who carries from door to door any goods, wares or merchandise in a vehicle and offers to sell or barter the goods, wares or merchandise or who actually sells or barters the goods, wares or merchandise.

The term "peddler" does not include the following:

(1)

A farmer who peddles farm products grown or produced by such farmer and not purchased by such farmer for sale in the town; and

(2)

A merchant who sells and delivers goods, wares or merchandise at the same time to dealers or retailers, institutions or commercial or industrial establishments and not to consumers.

Vendor means any person engaged in the selling or offering for sale of food, beverage merchandise,services or rentals located on Municipal property within the town.

Violation means a failure to adhere to the guidelines as set forth in this article.

NOW THEREFORE BE IT RESOLVED, the Colonial Beach Town Council will advertise for a Public Hearing on April 17 and April 24, 2019 and hold a duly advertised Public Hearing pursuant to VA Code Sections 15.2-2204 on May 1, 2019.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Robin Schick	___	___	Pat Ey	___	___
Frank Alger	___	___	Dallas Leamon	___	___
			Vicki Roberson	___	___

Adopted _____ Tabled _____

Sec. 13.1-41. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Boardwalk area*~~ *Municipal property means those areas owned by the Town of Colonial Beach* ~~*from Colonial Avenue to Hawthorn Avenue on the Frances Karn Boardwalk*~~.

Peddle and peddling means and includes the act of carrying from door to door any goods, wares or merchandise and offering to sell or barter the goods, wares or merchandise or actually selling or bartering such goods, wares or merchandise.

Peddler means and includes, but is not limited to, any person who carries from door to door any goods, wares or merchandise in a vehicle and offers to sell or barter the goods, wares or merchandise or who actually sells or barters the goods, wares or merchandise.

The term "peddler" does not include the following:

(1)

A farmer who peddles farm products grown or produced by such farmer and not purchased by such farmer for sale in the town; and

(2)

A merchant who sells and delivers goods, wares or merchandise at the same time to dealers or retailers, institutions or commercial or industrial establishments and not to consumers.

Vendor means any person engaged in the selling or offering for sale of food, beverage ~~*or*~~ *merchandise,services or rentals* ~~*on public property located in boardwalk area*~~ *located on Municipal property within the town.*

Violation means a failure to adhere to the guidelines as set forth in this article.

ARTICLE III. BOARDWALK VENDORS AND PEDDLERS-PROGRAM
Ordinance #569

Sec. 13.1-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boardwalk area means those areas owned by the Town of Colonial Beach from Colonial Avenue to Hawthorn Avenue on the Frances Karn Boardwalk.

Peddle and *peddling* means and includes the act of carrying from door to door any goods, wares or merchandise and offering to sell or barter the goods, wares or merchandise or actually selling or bartering such goods, wares or merchandise.

Peddler means and includes but is not limited to any person who carries from door to door any goods, wares or merchandise in a vehicle and offers to sell or barter the goods, wares or merchandise or who actually sells or barters the goods, wares or merchandise.

The term *"peddler"* does not include the following:

(1) A farmer who peddles farm products grown or produced by such farmer and not purchased by such farmer for sale in the Town; and

(2) A merchant who sells and delivers goods, wares or merchandise at the same time to dealers or retailers, institutions or commercial or industrial establishments and not to consumers.

Vendor means any person engaged in the selling or offering for sale of food, beverage or merchandise, on public property located in Boardwalk area within the Town.

Violation means a failure to adhere to the guidelines as set forth in this Article.

Sec. 13.1-42. Use of Boardwalk area property by vendors.

It shall be unlawful for any vendor to display or offer products, goods, wares and merchandise, food or beverage for sale on any Boardwalk area except with prior approval of the Town Manager in compliance with the regulations developed and administered by the Town Manager.

Sec. 13.1-43. Application for vendor's permit.

(a) A vendor's s permit shall be valid from the time of issuance until the end of that calendar year. Applications for a vendor's permit shall be accepted beginning January 2nd of each calendar year. The application for vendors who do not require Health

Department certification for food items shall pay an annual fee of $ 100.00. Vendors who do require Health Department certification for food items shall pay an annual fee of $ 175.00 In the event a vendor does not utilize their space for three consecutive weekends, the applicant may be deemed to have forfeited his permit based on the determination of the Town Manager. All fees shall be paid in full prior to the issuance of a vendor's permit.

(b) Vendor permits shall be conditioned upon a list of available dates, which may exclude special events and holidays. These dates shall be uniformly applied to all vendor permits. One-time vending locations during the celebration of July 4th, Labor Day, or other holidays as designated by the Town Manager shall require a fee of $250.00, and shall be based upon space availability. The Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

(c) The use of loudspeakers, public address systems, amplified radios or other sound devices to attract the attention of the public shall be prohibited.

(d) The vendor shall be responsible for picking up, removing and disposing of all trash or refuse attributable to his vending.

(e) The vendor shall file with the Town proof of liability insurance providing coverage for all claims for damage to property and bodily injury, including death, which may arise from the vending operation within the Town with a combined single limit of liability of not less than fifty thousand dollars ($50,000) per occurrence. Such policy shall be issued by an insurance company licensed to do business in the Commonwealth of Virginia. Said policy must contain an endorsement naming the Town as an additional insured and providing the Town with at least thirty (30) days prior written notice before any cancellation or termination.

(f) The vendor shall comply with all applicable Health Department regulations.

(g) The vendor shall be responsible for the provision of, and all charges resulting from, the need for and use of utilities, including but not limited to, electricity, water and sewer, trash disposal and telephonic services. The Town Manager may negotiate an agreement for such services provided that all costs and liabilities are covered.

(h) Vendors shall display all applicable permits and licenses at all times while vending on Boardwalk property.

(i) Vendor permits are not transferable and vendor spaces shall not be sublet to any other party under any circumstance.

Sec. 13.1-44. Issuance of vendor's permit.

(a) Not later than thirty (30) days after the filing of an application for a vendor's permit, the applicant shall be notified as to the decision on the issuance of the permit. All vendors' permits shall be issued according to the time and date of receipt of the application for any available location, and based on a first come, first served basis. A location shall be considered available only if it has been designated by the Town Manager as a vending location and there is no permit issued for the location. In the event of multiple applications for the same type of vendor offering, the Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

Sec. 13.1-45. Enforcement.

(a) This article shall be enforced by the Town Manager.

(b) Upon receiving a complaint about a vendor, or observing a possible violation, the Town Manager shall investigate and determine whether a violation has occurred. If the Town Manager makes such a determination, a written notice shall be sent via certified mail to the address supplied by the applicant on the permit application. Upon a vendor's second written violation within a sixty (60) day period, the Town Manager shall notify the vendor that the vendor's permit is revoked. The vendor may schedule a hearing on the revocation with the Town Manager. If the Town Manager determines that the vendor has committed two (2) violations within a sixty (60) day period, the revocation shall remain effective. An individual whose permit is revoked shall not vend in Boardwalk area for two (2) years from the date of the second conviction.

(c) The Town Manager may revoke a vendor permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town. All persons working or volunteering under of the auspices of any vendor shall be subject to the same code of conduct. Any violation by any person working or volunteering for a vendor shall be considered a violation by the vendor and be subject to enforcement proceedings under this article.

Sec. 13.1-46. Permit required for peddlers.

It shall be unlawful for any person to offer any item for sale within the Town as a peddler or through the act of peddling without first obtaining a permit from the Town Manager. The cost of applying for a permit shall be one hundred fifty ($150.00) dollars and each permit issued shall be valid for a period of ninety (90) days. All applicable local and state licenses shall be required prior to the issuance of peddler permit.

Peddler permits shall not authorize any person, group or organization to sell their wares on the Boardwalk area property.

Sec. 13.1-47. Revocation of peddling permits.

The Town Manager may revoke a peddling permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, conviction of a crime, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town.

Sec. 13.1-48. Exemptions.

Any sales or use of Boardwalk area property by vendors conducted by or on behalf of bona fide nonprofit charitable, civic or religious organizations which can provide the Town Manager with a letter of tax exemption issued by the Internal Revenue Service may be exempt from the requirement of paying the vendor fee. Likewise, sales or use of Boardwalk area property conducted on behalf of any public or private school or any school club, team or association may be exempt from the requirement of paying the vendor fee. All such organizations shall still be required to obtain a Vendor permit, all applicable licenses, and reserve a Boardwalk area space pursuant to the Town Manager's approval.

Sec. 13.1-49. Penalties for violations of this article.

Any person violating any provision of this article shall be guilty of a class 3 misdemeanor.

Secs. 13.1-50. Reserved.