Before the

Colonial Beach Town Council

Held at

Town Center

22 Washington Avenue

Wednesday, June 5, 2019 at 6:00 p.m.

Town Council Work Session

AGENDA

1. **Call To Order**

2. **Roll Call of Members**

3. **Approval of the Agenda**

4. **Presentations**

5. **Unfinished Business**

6. **New Business**

Public Hearing

- **Ordinance No. 696 Vacates and Abandons a Portion of a Right of Way Known as an Unnamed Alley** ***(Tab A)***

(i) Public Input
(ii) Council Action

Public Hearing

- **Resolution #28-19, Authorizes the Sale of All That Certain Tract or Parcel Of Land, Identified as a Portion of a Right Of Way Known as an Unnamed Alley** ***(Tab B)***

(i) Public Input
(ii) Council Action

- **Resolution #29-19, Amends Fiscal Year 2018-2019 Budget, General Fund** ***(Tab C)***

- **Resolution #30-19, Adopts the 2020 Capital Improvement Plan** ***(Tab D)***

- **Resolution #31-19, Approves the Execution of a Lease to Construct/Maintain a Pier** ***(Tab E)***

- **Draft Ordinance No. 697, Amends Town Code, Chapter 21, Article VI, Section 21-71 "Water User Charges"** ***(Public Hearing to be held on June 19, 2019)*** ***(Tab F)***

- **Draft Ordinance No. 698, Amends Town Code , Chapter 21, Article VI, Section 21-80 "Sewer User Charges"** ***(Public Hearing to be held on June 19, 2019)*** ***(Tab G)***

7. Status Items

- **Plaza Update**
- **Real Estate Broker**
- **Town Council Priority List and Grant Opportunities**

8. Citizen Input

9. Closed Meeting

10. Adjournment/Recess

Tab A

COUNCIL PAPER

At the meeting held on June 5, 2019 at the Colonial Beach Town Center

ORDINANCE NO. 696 VACATES AND ABANDONS A PORTION OF AN UNDEVELOPED ALLEY PURSUANT TO VA CODE §15.2-2006.

WHEREAS the Town of Colonial Beach seeks to vacate and abandon a portion of a 20 foot undeveloped alley/unopened right of way located approximately 200' southeast of Riverview Circle from the western side and between lots 3A4 2 14 14 & 3A4 2 14 9 running between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width, located in Ware subdivision in the Town of Colonial Beach as shown on the plat prepared by Alison, Baird & Sehl, P.C., dated October 23, 2018, and entitled, "Site Plan, Lot 9 & 14" and

WHEREAS this undeveloped alley/unopened right of way has never been used for public travel; and

WHEREAS the Town of Colonial Beach has no future plans to utilize or improve the undeveloped alley/unopened right of way.

NOW THEREFORE BE IT ORDAINED by the Town of Colonial Beach seeks to vacate and abandon a portion of a 20 foot undeveloped alley/unopened right of way located approximately 200' southeast of Riverview Circle from the western side and between lots 3A4 2 14 14 & 3A4 2 14 9 running between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width, located in Ware subdivision in the Town of Colonial Beach as shown on the plat prepared by Alison, Baird & Sehl, P.C., dated October 23, 2018, and entitled, "Site Plan, Lot 9 & 14" and is hereby vacated and abandoned; and

BE IT FURTHER ORDAINED that the Town Attorney is hereby directed to record this Ordinance, as well as a plat that adds five feet of the above mentioned portion of the former alley/right of way between Tax Map #3A4 2 14 8 and Tax Map #3A4 2 14 15 to Tax Map #3A4 2 14 8 extending 130'+/- in length; and

BE IT FURTHER ORDAINED that the Town Attorney is hereby directed to record this Ordinance, as well as a plat that adds 15 feet of the above mentioned portion of former alley/right of way between Tax Map #3A4 2 14 8 and Tax Map #3A4 2 14 15 to Tax Map #3A4 2 14 15 extending 143'+/- in length; and

BE IT FINALLY ORDAINED that the Town Attorney is hereby directed to record this Ordinance, as well as a plat that adds the entire twenty feet of the above mentioned portion of the former alley/right of way between Tax Map #3A4 2 14 9 and Tax Map #3A4 2 14 14 to Tax Map #3A4 2 14 9 extending 80'+/- in length; and

This Ordinance shall take effect upon adoption.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Wednesday, June 5, 2019 at 6:00 p.m. at Town Center located at 22 Washington Avenue, Colonial Beach, VA 22443, the Colonial Beach Town Council will conduct a public hearing and consider action on the following Ordinance:

ORDINANCE NO. 696

ORDINANCE NO. 696 VACATES AND ABANDONS A PORTION OF A RIGHT OF WAY KNOWN AS AN UNNAMED ALLEY LOCATED APPROXIMATELY 200' SOUTHEAST OF RIVERVIEW CIRCLE FROM THE WESTERN SIDE AND BETWEEN LOTS 3A4 2 14 14 & 3A4 2 14 9 RUNNING BETWEEN LOTS 3A4 2 14 15 & 3A4 2 14 8 TO WARES POND FOR 223+/- FEET IN LENGTH AND 20+/- FEET IN WIDTH, LOCATED IN WARE SUBDIVISION IN THE TOWN OF COLONIAL BEACH.

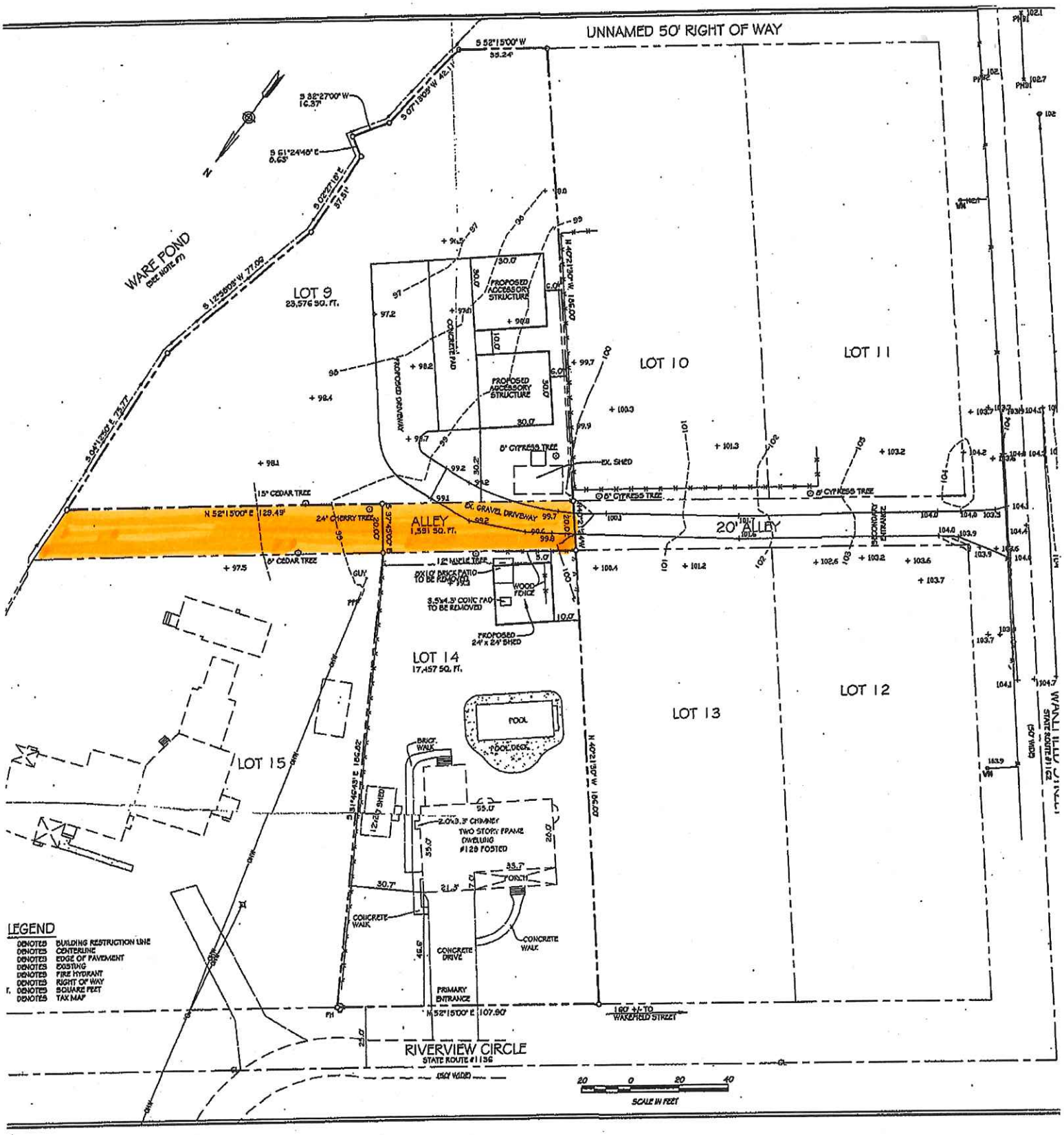
ALL ORDINANCES ARE CONSIDERED PURSUANT TO VIRGINIA CODE SECTION 15.2-2006.

The Colonial Beach Town Council will also conduct a public hearing for the purpose of receiving public input on the possible sale of the above-referenced right-of-way for the fair market value of the right-of-way as established by a recent appraisal, and will consider taking action to authorize the sale of this right-of-way pursuant to Va. Code section 15.2-1800.

Copies of the Ordinance and additional information regarding this right-of-way may be obtained by contacting Town Hall 804-224-7181. Any person requiring assistance in order to participate in the public hearing is asked to contact Kathleen Flanagan, Town Clerk at 804-224-7181.

By Order of the Colonial Beach Town Council

Publish: May 21 and May 28, 2019


UNNAMED 50' RIGHT OF WAY
WARE POND
(SEE NOTE #7)
LOT 9
23,576 SQ. FT.
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
17,457 SQ. FT.
LOT 15
ALLEY
1,591 SQ. FT.
20' ALLEY
PROPOSED ACCESSORY STRUCTURE
PROPOSED DRIVEWAY
CONCRETE PAD
8" CYPRESS TREE
EX. SHED
15" CEDAR TREE
24" CHERRY TREE
8" CEDAR TREE
EX. GRAVEL DRIVEWAY
12" MAPLE TREE
WOOD FENCE
PROPOSED 24' x 24' SHED
POOL
POOL DECK
BRICK WALK
TWO STORY FRAME DWELLING #129 POSTED
PORCH
CONCRETE WALK
CONCRETE DRIVE
PRIMARY ENTRANCE
N 52°15'00" E 107.90'
160' +/- TO WAKEFIELD STREET
RIVERVIEW CIRCLE
STATE ROUTE #1136
(50' WIDE)
SCALE IN FEET
LEGEND
DENOTES BUILDING RESTRICTION LINE
DENOTES CENTERLINE
DENOTES EDGE OF PAVEMENT
DENOTES EXISTING
DENOTES FIRE HYDRANT
DENOTES RIGHT OF WAY
DENOTES SQUARE FEET
DENOTES TAX MAP

Tab B

COUNCIL PAPER

At the meeting held on June 5, 2019 at the Colonial Beach Town Center

RESOLUTION #28-19, Authorizes the Sale of a Portion of a Right-of-Way

WHEREAS, there is a 4,320 square foot portion of alley/right-of-way terminating at Wakefield Street, located approximately 200' southeast of Riverview Circle in the Town of Colonial Beach; and

WHEREAS, on Wednesday, June 5, 2019 the Town of Colonial Beach voted to vacate and record a portion of an alley/right-of-way between lots 3A4 2 14 14 & 3A4 2 14 9 and between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width; and

WHEREAS, the portion of the alley/right-of-way is located in Ware subdivision in the Town of Colonial Beach as shown on the plat prepared by Alison, Baird & Sehl, P.C., dated October 23, 2018, and entitled, "Site Plan, Lot 9 & 14;" and

WHEREAS, Town Staff was given an appraisal performed by Robert T. Lynch, dated April 23, 2018, as to the fair market value of the above mentioned portion of the undeveloped/unimproved alley/right-of-way and; and

WHEREAS, the appraisal states that the fair market value for this portion of the undeveloped, unimproved alley/right-of-way is $10,800.00 as of April 23, 2018; and

WHEREAS, on June 5, 2019 the Colonial Beach Town Council has conducted a duly advertised public hearing on the sale of the portion of the alley/right-of-way.

NOW THEREFORE BE IT RESOLVED that the Colonial Beach Town Council, at the regular meeting on June 5, 2019, hereby authorizes the sale of the 4,320 square foot portion of the alley/right-of-way between lots 3A4 2 14 14 & 3A4 2 14 9 and between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width, located in the Town of Colonial Beach to Ms. Tammie I. Massie and Mr. R. Byron Rawlings for the sum of $10,800.00, subject to the following terms and conditions:

1. Ms. Tammie I. Massie and Mr. R. Byron Rawlings (purchaser) shall be responsible for the preparation and recordation of all documents related to this sale, subject to the review and approval of the Town Attorney.

2. The Purchaser shall have a lot consolidation survey prepared showing the right-of-way consolidated into his existing property. The purchaser shall record the plat in the Circuit Court Clerk's office in Westmoreland County.
3. Purchaser shall comply with items as stated in the offer letter, dated May 9, 2019, including the agreement to gift 15' of the alley behind lot 15 to the owner of lot 15 and agreeing to construct a wooden fence along the new property line (approximately 130 feet) from lot 14 to Ware Pond. The fence will be approximately 6' in height and will decrease to 4' starting at the top of the bank of Ware Pond, approximately 20'.
4. The Purchaser shall reimburse the Town for the cost of advertising and any other fees associated with the vacating of the portion of the alley/right-of-way and sale of this parcel to the Purchaser.
5. All documents pertaining to the sale shall be approved by the Town Attorney.
6. Payment shall be in cash.
7. Closing shall occur no later than July 19, 2019.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

TOWN OF COLONIAL BEACH
PUBLIC NOTICE

Please take notice that on June 5, 2019 at 6:00 p.m. at the monthly meeting of the Colonial Beach Town Council, at Colonial Beach Town Center in Colonial Beach, 22443, the Council will conduct a 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, IDENTIFIED AS A PORTION OF A RIGHT OF WAY KNOWN AS AN UNNAMED ALLEY LOCATED APPROXIMATELY 200' SOUTHEAST OF RIVERVIEW CIRCLE FROM THE WESTERN SIDE AND BETWEEN LOTS 3A4 2 14 14 & 3A4 2 14 9 RUNNING BETWEEN LOTS 3A4 2 14 15 & 3A4 2 14 8 TO WARE POND FOR 223+/- FEET IN LENGTH AND 20+/- FEET IN WIDTH, LOCATED IN WARE SUBDIVISION IN THE TOWN OF COLONIAL BEACH.

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. 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.

By Order of the Colonial Beach Town Council

Publish May 28, 2019.

9 MAY 2019

TO: TOWN OF COLONIAL BEACH

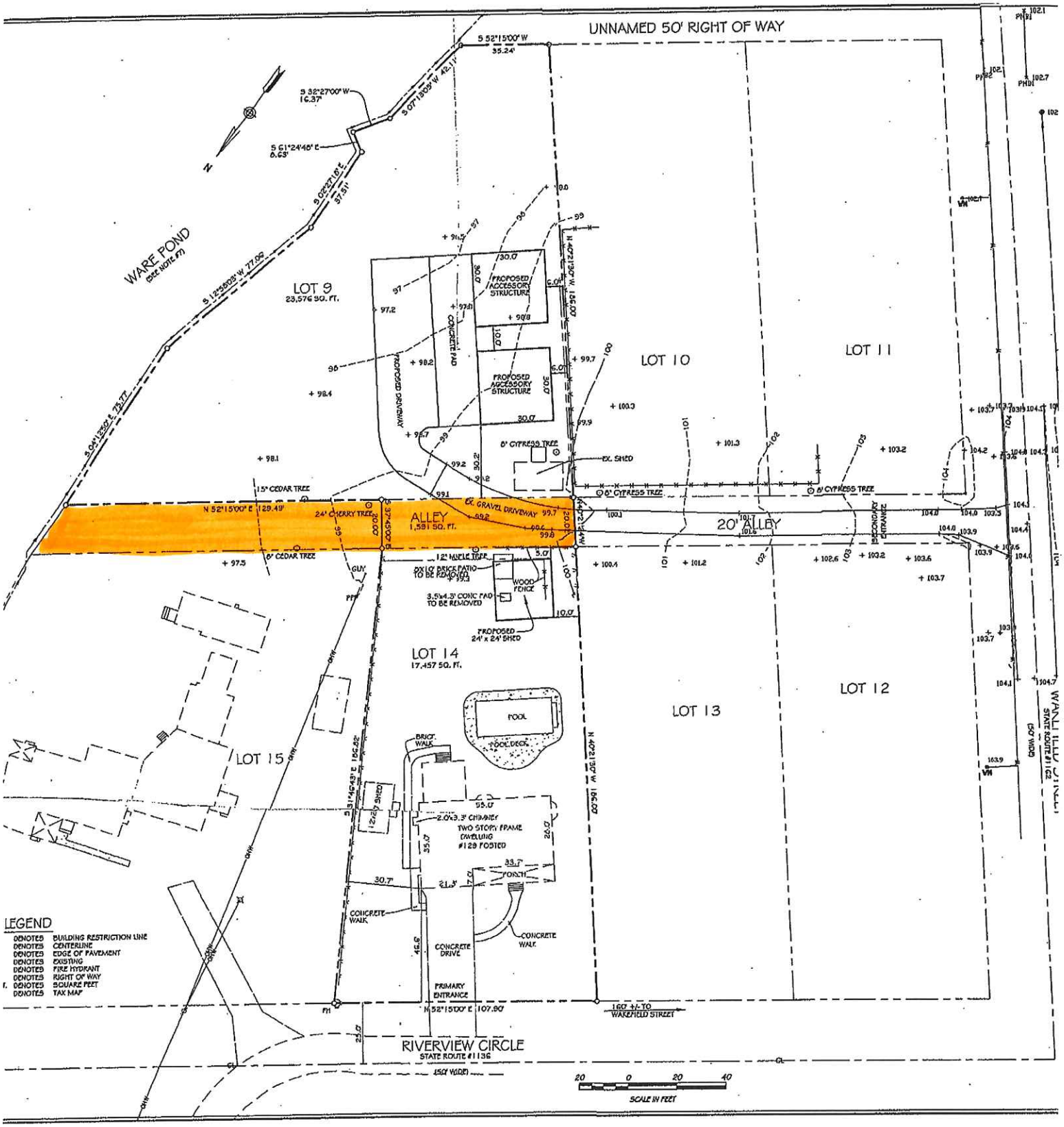
I am submitting a bid of $10,800.00, as per the enclosed proposal, to purchase the alley behind lots 14 and 15, Block 14, Ware Subdivision; this alley is also adjoining lot 9. I own lot 14 and lot 9.

I agree to gift 15' of the alley behind lot 15 to the owner of lot 15. I also agree to construct a fence along the new property line (approximately 130 feet), from lot 14 to Ware Pond. The fence will be wooden, approximately 6' in height and will decrease to 4' starting at the top of the bank to the pond, approximately 20'.

TAMMY I. MASSIE

Tammy Mass

R. BYRON RAWLINGS


UNNAMED 50' RIGHT OF WAY
WARE POND
(SEE NOTE #7)
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17,457 SQ. FT.
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ALLEY
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20' ALLEY
PROPOSED ACCESSORY STRUCTURE
PROPOSED DRIVEWAY
CONCRETE PAD
EX. SHED
8" CYPRESS TREE
15" CEDAR TREE
24" CHERRY TREE
8" CEDAR TREE
EX. GRAVEL DRIVEWAY
12" MAPLE TREE
8X10' BRICK PATIO TO BE REMOVED
3.5'x4.3' CONC PAD TO BE REMOVED
WOOD FENCE
PROPOSED 24' x 24' SHED
POOL
POOL DECK
BRICK WALK
2.0'x3.3' CHIMNEY
TWO STORY FRAME DWELLING
#129 FOSTED
FORCH
CONCRETE WALK
CONCRETE DRIVE
PRIMARY ENTRANCE
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160' +/- TO WAKEFIELD STREET
RIVERVIEW CIRCLE
STATE ROUTE #1136
(50' WIDE)
WAKEFIELD STREET
STATE ROUTE #1162
(50' WIDE)
SCALE IN FEET
LEGEND
DENOTES BUILDING RESTRICTION LINE
DENOTES CENTERLINE
DENOTES EDGE OF PAVEMENT
DENOTES EXISTING
DENOTES FIRE HYDRANT
DENOTES RIGHT OF WAY
DENOTES SQUARE FEET
DENOTES TAX MAP

Tab C

COUNCIL PAPER

At the meeting held on June 5, 2019 at the Colonial Beach Town Center

RESOLUTION #29-19, Amends Fiscal Year 2018-2019 Budget General Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2018-2019 budget.

NOW THEREFORE BE IT RESOLVED, that the Town Council work session meeting Wednesday, June 5, 2019 hereby adopts and appropriates and amendment to Fiscal Year 2018-2019 budget as follows:

	FY 2018-19 Approved	FY 2018-19 Revised	Change
General Fund	$7,098,716.34	$7,127,692.89	+$28,741.04 +$235.51

The above amounts of $28,871.04 and $235.51 represent two separate checks received from the Westmoreland County Circuit Court related to delinquent tax suits that were released after the 2 year period expired for any claims. The revenue line item is 3-100-018990-0004 Delinquent Tax Sale Proceeds. The related expenditure account is 4-100-012100-5836 FY19 Contingency.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

Tab D

COUNCIL PAPER

At the meeting held on June 19, 2019 at the Colonial Beach Town Center

RESOLUTION #30-19, Adopts the 2020 Capital Improvement Plan

BE IT RESOLVED, that the Town Council meeting in regular session, Wednesday, June 19, 2019 hereby adopts the Capital Improvements Plan (attached).

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

CAPITAL IMPROVEMENT PLAN (2019 -2020)

Sale of Town Property must go to Capital Improvements

The following Capital Improvement Plan is prepared by the Colonial Beach Planning Commission. § 15.2-2239 of the Code of Virginia

- Based on previous years
- Goals set forth in **Comprehensive Plan**
- Input given by Department Heads
- Marks accomplishment of previous CIP's – Part I
- Creates a priority list of Capital Needs – Part II
- Defines Capital Needs for School – Part III
- Future Needs for Town – Part IV
- Notes the needed improvements for the Health, Security and Benefits to the Community
- Conserves the Natural Environment
- Preserves the use of land appropriate to needs of the Town and Town Ordinances
- Projects the future needs of the Town
- $50,000 Minimum Criteria for Physical Assets, $20,000 Minimum for Technology

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Part I

Capital Projects completed by end of 2019	**Cost**	**Completion Date**
Water Line Replacements & Meters	$4.3 Million	2019
Pedestrian Plaza Colonial Ave – VDTA & VDHA Grant	$145,000	2019
Recreational Basketball Courts (Rec Park-Water Tower	$ est. $250.000	2019
(Donation Torrey Smith + citizen donations)		

REVISED FOR DISCUSSION

Priority List of Capital Improvements (2019-2020) Part II

Need	Dept.	Cost	Priority/ Timeframe	Funding	Comments
**PER Utility Services Engineering Study*	Public Works	$40,000 – $50,000	0 – 1 Complete by 2020	User Fees	See R. Murphy's comment below
Robin Grove Shoreline & Park Improvements	Public Works	$300,000	0 - 1	VCAP, NFWF, VIMMS, Rivah Dogs	Designed, Dog Park in Progress, Shoreline Needs Procurement
Streetscape & Improvements for Colonial Ave.	Planning/Public Works	$50,000	1	VA Tourism & VDOT Grants& Donations, Main Street DCB	Plans available Memorials for each cluster of plants
Storm Water Management Plan	Planning/Public Works	$75,000	1	NFWF & NNPDC for storm water management planning	Fly Over Sections, Comprehensive Planning for each sector of town
Improvements to Public Bike Paths & Golf Cart Lanes Across Town	Public Works	Varies on Scope	0-2	TAP Grant, VDOT APPLY FOR FUNDING 2019!	Bi-annual funding available

*A Professional Engineering Report will be needed after the Town-wide meter installation and the accumulation of at least 6 months of actual usage data. Realistically, Public Works believes it should be budgeted for the beginning of FY 2019.

REVISED FOR DISCUSSION

Capital Improvements for School — Part III

Need	Dept.	Cost	Priority/ Timeframe	Funding	Comments
HS Football Bleachers	CBPS	$60,000	0-1	Sale of Property Funding/Donations	Existing Bleachers Overdue for Replacement
Softball Field Lights & New Bulbs Existing Lights	CBPS	$110,000+	0-1	Pursue ASAP after Sale of Property/ Donations	No baseball night games can be played until completed
HS Gym Bleachers & Safety Straps for Basketball Court	CBPS	$56,000-61,000	0-3	Sale of Property Fundraising	Replace Old Bleachers: $50-55K Safety Straps $6K
Repaving School Parking Lot	CBPS	$200,000	3-5	Sale of Property/ VDOT Grants	Every year evaluate process
Buses for future Development and yearly updating	CBPS	$100,000 per bus	Yearly process of renewal	Staff needs to coordinate with School	Saale of Property this year should assist the start of this process.
1st Street Crosswalk, signage, & sidewalk near school	CBPS/Planning	$75.000	1	Sale of Property/ Safe Schools Grant	Safety of children walking to and from the school

REVISED FOR DISCUSSION

Future needs of Town according to Comprehensive Plan from 2009; Reviewed in 2019

Capital Needs with Priority

- **Recreational Post (oversight of Public Recreation Sites)**
- **Parks development on North end of town**
- **Eleanor Park conservation easement and amenity infrastructure**
- **New GIS Mapping, Phase II**
- **Future Development of remaining Number Streets in Classic Shores**
- **Bike/Walking Path around the Point**
- **Multi-purpose Rescue Squad building**
- **Municipal Facility with Police Station**
- **Main Street Designation**
- **Improvements to Washington & Hawthorne St (next phase of Revitalization)**
- **Beach Replenishment Program**

Other Items not yet realized from 2009 Comprehensive Plan

(Currently under Review 2019)

- Land Use Development Plan – PC working on development of plan
- Taylor Street Permeable Paver Parking Lot
- Emergency Health Facilities
- Senior/Assisted housing
- Lighting through town
- Sidewalks throughout town
- Monroe Point Golf Cart Path
- Potomac Crossing Development
- Transit Stop Bus/Trolley/Station
- New Community Center/Partnership with YMCA
- Historic Designation by Federal/State Gov.
- Wellhead Protection

REVISED FOR DISCUSSION

Tab E

COUNCIL PAPER

At the meeting held on June 19, 2019 at the Colonial Beach Town Center

RESOLUTION #31-19, Approves the execution of a lease to construct/maintain a pier

RE: LEASE AGREEMENT FOR DOCK/PIER CONSTRUCTION ON TOWN PROPERTY for Constance Rollins, 920 Monroe Bay Avenue

WHEREAS, the Lessor owns a tract of real estate located between Virginia State Route T-1121 and the low water mark of the Potomac River in the Town of Colonial Beach, Virginia; Town of Colonial Beach tax map parcel #3A1-2-29 Lots 1,2,3,4 consolidated (the "property"); and,

WHEREAS, the Lessee owns a parcel of real estate on the other side of Virginia State Route T-1121 across from the property, Town of Colonial Beach tax map parcel # 3A1-2-29 (the homeplace); and,

WHEREAS, the Lessor desires to lease a portion of the property between the homeplace owned by the Lessee and Monroe Bay for the purpose of access to Monroe Bay, including the construction of a dock; and, the Lessor agrees to lease such portion under the terms and conditions contained on the signed lease.

WHEREAS, a portion of the pier extends into the "riparian area" in front of Sulgrave Street, Virginia State Route #T-1130.

NOW, THEREFORE BE IT RESOLVED, in and for the consideration contained and under the terms and conditions of the signed lease, Lessor hereby leases to Lessee and Lessee leases from Lessor the following portion of the property: The portion of the property to be leased and which is the subject of this lease is described and shown upon the plat prepared by J.L. Howeth, P.C., dated May 15, 2019 attached hereto as "Exhibit A" and expressly made a part of this lease (the "parcel").

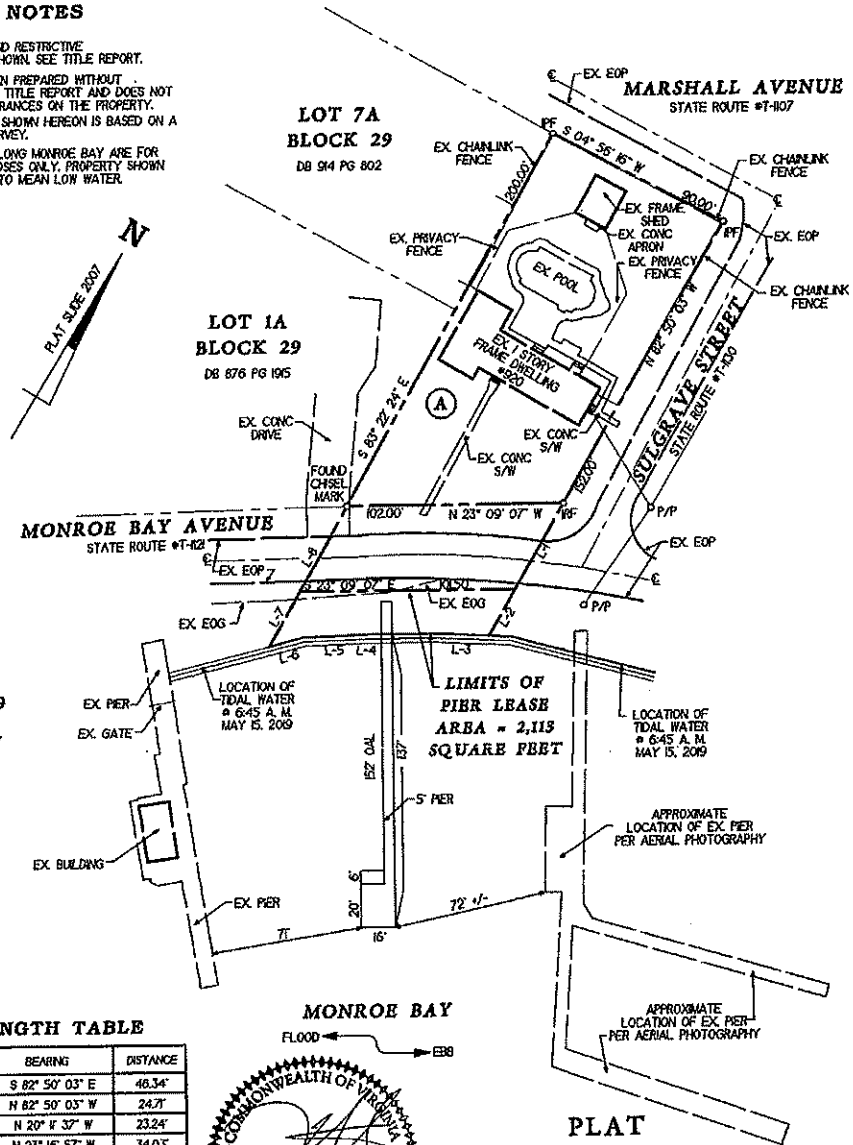
Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

GENERAL NOTES

1. FOR EASEMENTS AND RESTRICTIVE COVENANTS NOT SHOWN, SEE TITLE REPORT.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.
4. COURSES SHOWN ALONG MONROE BAY ARE FOR COMPUTATION PURPOSES ONLY. PROPERTY SHOWN HEREON EXTENDS TO MEAN LOW WATER.



LENGTH TABLE

LENGTH	BEARING	DISTANCE
L - 1	S 82° 50' 03" E	46.34'
L - 2	N 82° 50' 03" W	24.71'
L - 3	N 20° 11' 37" W	23.24'
L - 4	N 23° 16' 57" W	34.03'
L - 5	N 24° 56' 11" W	30.34'
L - 6	N 37° 02' 25" W	16.28'
L - 7	S 83° 22' 24" E	28.87'
L - 8	S 83° 22' 24" E	46.09'

COMMONWEALTH OF VIRGINIA
JEFFREY L. HOWETH
Lic. No. 1957
5/15/19
LAND SURVEYOR

PLAT
SHOWING
PIER LEASE
ON THE PROPERTY OF
TOWN OF COLONIAL BEACH
TOWN OF COLONIAL BEACH
WESTMORELAND COUNTY, VIRGINIA
MAY 15, 2019 SCALE : 1" = 50'

LEGEND

- IPF - IRON PIPE FOUND
- IRF - IRON ROD FOUND
- EX - EXISTING
- EOP - EDGE OF PAVEMENT
- EOG - EDGE OF GRAVEL
- S/W - SIDEWALK
- CONC - CONCRETE

GRAPHIC SCALE
0 25 50 100

J. L. HOWETH, P. C.
CONSULTING ENGINEERING & LAND SURVEYING
2833 COPLE HIGHWAY
MONTROSS, VIRGINIA 22520
www.jlhowethpc.com
804-493-1333 804-443-6367
FAX 804-493-1311 FAX 804-443-0227

LEASE AGREEMENT FOR DOCK/PIER CONSTRUCTION ON TOWN PROPERTY

THIS LEASE, made this the ___ day of _____, 2019 by and between the **TOWN OF COLONIAL BEACH**, a Virginia municipal corporation, Lessor and _____ (address) Lessee;

WITNESSETH:

WHEREAS, the Lessor owns a tract of real estate located between Virginia State Route __ and the low water mark of the Potomac River in the Town of Colonial Beach, Virginia; Town of Colonial Beach tax map parcel #_____ (the "property"); and,

WHEREAS, the Lessee owns a parcel of real estate on the other side of Virginia State Route ____ across from the property, Town of Colonial Beach tax map parcel # _____ (the homeplace); and,

WHEREAS, the Lessee desires to lease a portion of the property between the homeplace owned by the Lessee and the Potomac River for the purpose of access to the Potomac River, including the construction of a dock; and, the Lessor agrees to lease such portion under the terms and conditions herein contained.

NOW, THEREFORE, in and for the consideration herein contained and under the terms and conditions hereof, Lessor hereby leases to Lessee and Lessee leases from Lessor the following portion of the property:

1) The portion of the property to be leased and which is the subject of this lease is described and shown upon the plat attached hereto as "Exhibit A" and expressly made a part of this lease (the "parcel").

2) The Term of this Lease is five (5) years from the date of execution by all parties. This lease shall terminate at the end of such term.

3) The rent to be paid for the initial term is One Thousand Two Hundred Fifty dollars ($1,250.00) payable in installments of Two Hundred Fifty dollars ($250.00) per year, payable in advance, with the first payment due on the execution of this lease by all parties and subsequent payments due and payable on, or before, January 1 of each succeeding year. Failure to pay further installments of rent, either in the initial term or any extended term, when due, shall entitled the Lessor to terminate and cancel this lease or, in its sole discretion, allow late payment to be made with interest at the rate of five percent (5%) from the date due until paid.

4) During the term of this lease the Lessee may construct a dock on the parcel. The dock shall be located on the parcel at the location as shown upon the attached plat. No dock shall be built until it has been approved by permit from the Virginia Marine Resources Commission and or such other governmental entity as required, and the Lessor agrees to cooperate in the filing of any necessary application. The dock shall be inspected and approved in compliance with the Virginia Uniform Statewide Building Code and shall be maintained in conformity with the Virginia Uniform Statewide Building Code. The dock and the parcel shall be maintained in a safe condition and kept free of any waste, litter, debris or unsightly material of any nature. The Lessor's agents and employees shall have

the right to come upon the parcel and dock at anytime to ensure that the dock and the parcel is being properly maintained. Failure to properly maintain the dock or the parcel shall entitle the Lessor, if not corrected within 30 days of notice, to terminate the lease and require the Lessee to remove the dock, any waste, litter, debris or unsightly material and any supporting structures. No other structures of any nature shall be built on the parcel without the express written permission of the Lessor. The Lessee shall conform to all provisions of the Town Zoning Ordinance and other applicable laws and regulations including the Virginia Marine Resources Commission and the Virginia Department of Transportation. Depending on the shoreline of the leased property, additional shoreline protection may be required to be installed on the property by the Town and maintained during the term of the lease. Such additional requirements shall be itemized on "Exhibit B" attached hereto.

5) During the term of this lease no lien or encumbrance may be place on the parcel. This lease is not subject to assignment, mortgage, transfer or conveyance. Should the homeplace be sold to another the Lessor may, in its sole discretion, allow transfer of this lease to the new owner of the homeplace. In no event may this lease be transferred to any entity other than the owner of the homeplace.

6) The Lessee has inspected the parcel and accepts it "as is". During the term of this lease the Lessee shall indemnify, insure and hold harmless the Lessor for any and all liability, claim or loss associated with the parcel. Prior to execution of this lease the Lessee shall furnish to the Lessor a policy of insurance with an insurance company doing business in the Commonwealth of Virginia in the principal amount of $1 million dollars insuring the Lessor from any claim or loss of any nature related to the parcel and shall keep such policy in full force and effect during the term of this lease. The policy shall also contain a clause that the Lessor shall be notified of any termination of coverage. Failure to insure and keep the policy of insurance in full force and effect shall be grounds for termination of this lease.

7) Thirty days prior to the end of the initial or any subsequent term the Lessee shall completely remove the dock and all accessory structures on the parcel and return the parcel without any structures and free of any waste, litter, debris or unsightly material of any nature. Should this lease be terminated by the Lessor because of a breach hereof the Lessee shall, within thirty (30) days, completely remove the dock and all accessory structures on the parcel and return the parcel without any structures, waste, litter, debris or unsightly material of any nature. Failure to timely remove the dock and other improvements or waste, litter, debris or unsightly material of any nature shall entitle the Lessor to remove the same at the sole cost and expense of the Lessee and seek repayment by court proceedings or otherwise, including imposition of a lien on the homeplace, for payment. This requirement of removal may be waived in the sole discretion of the Lessor.

This lease has been approved and authorized by the Town Council of the Town of Colonial Beach, after public hearing, duly advertised.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES FOLLOW

_____ Dated _____

Quinn Robertson, Town Manager
Town of Colonial Beach

_____ Dated _____

Lessee

_____ Dated _____

Lessee

Tab F

TOWN OF COLONIAL BEACH
PUBLIC NOTICE
WATER AND SEWER RATE INCREASES

The Colonial Beach Town Council will hold public hearings on Ordinance No. 697 and Ordinance No. 698 at its regular meeting on Wednesday, June 19, 2019 at 6:00 PM at the Colonial Beach Town Center, 22 Washington Avenue in Colonial Beach, Virginia. Interested citizens are invited to attend and participate. Following the public hearing, the Town Council may take action to adopt these Ordinances.

ORDINANCE NO. 697

ORDINANCE NO. 697 AMENDS CHAPTER 21, "WATER AND SEWERS," ARTICLE VI, "FEES AND SERVICE CHARGES," SECTION 21-71, "WATER USER CHARGES," OF THE COLONIAL BEACH TOWN CODE. ORDINANCE NO. 697 INCREASES THE FLAT FEE FOR RESIDENTIAL USERS FROM TWO HUNDRED EIGHTY-NINE DOLLARS AND TWENTY CENTS ($289.20) TO FOUR HUNDRED AND TWENTY DOLLARS ($420.00) ANNUALLY. ORDINANCE NO. 697 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

ORDINANCE NO. 698

ORDINANCE NO. 698 AMENDS CHAPTER 21, "WATER AND SEWERS," ARTICLE VI, "FEES AND SERVICE CHARGES," SECTION 21-80, "SEWER USER CHARGES," OF THE COLONIAL BEACH TOWN CODE. ORDINANCE NO. 698 INCREASES THE FLAT FEE FOR RESIDENTIAL USERS FROM SIX HUNDRED FIFTY DOLLARS AND EIGHTY CENTS ($650.80) TO EIGHT HUNDRED DOLLARS AND FOUR CENTS ($800.04) ANNUALLY. ORDINANCE NO. 698 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

A complete copy of Ordinance No. 697 and Ordinance No. 698 may be obtained by contacting Town Hall at 804-224-7181, Monday through Friday 8:30 AM to 4:30 PM. Written comments may be submitted to the Town Clerk, 315 Douglas Avenue, Colonial Beach, VA 22443. Persons requiring assistance or accommodation to attend the public hearing may contact Town Hall in advance so that arrangements can be made.

By Order of the Colonial Beach Town Council

Publish: June 5 and June 12, 2019

FIRST READ

COUNCIL PAPER

At the meeting held on June 19, 2019 at the Colonial Beach Town Center

ORDINANCE NO. 697

ORDINANCE NO. 697 AMENDS CHAPTER 21, "WATER AND SEWERS," ARTICLE VI, "FEES AND SERVICE CHARGES," SECTION 21-71, "WATER USER CHARGES" TO INCREASE THE FLAT FEE FOR RESIDENTIAL USERS FROM TWO HUNDRED EIGHTY-NINE DOLLARS AND TWENTY CENTS ($289.20) ANNUALLY, TO FOUR HUNDRED AND TWENTY DOLLARS ($420.00) ANNUALLY. ORDINANCE NO. 697 INCREASES THE QUARTERLY INSTALLMENTS FROM SEVENTY-TWO DOLLARS AND THIRTY CENTS ($72.30) TO ONE HUNDRED AND FIVE DOLLARS ($105.00).

ORDINANCE NO. 697 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, "Water and Sewers," Article VI, "Fees and Service Charges," Section 21-71, "Water user charges; provisions for stopping charges," to read as follows:

"Sec. 21-71. - Water user charges; provisions for stopping charges.

(a) *Residential service.* All residential users will pay a flat charge of four hundred and twenty dollars ($420.00) per residential use per year, payable in quarterly installments of one hundred and five dollars ($105.00).

(b) (a)

(b) *Commercial service.* All commercial water users will be metered and shall pay a minimum charge of two hundred eighty-nine dollars and twenty cents ($289.20) per commercial use, per year, payable in quarterly installments of seventy-two dollars and thirty cents ($72.30). This charge shall allow the user sixty thousand (60,000) gallons of usage for the year. Usage in excess of the sixty thousand (60,000) gallons per year shall be charged at the following rates:

(1) One dollar and fifty cents ($1.50) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000) gallons.

(2)

(2) One dollar and thirty-eight cents ($1.38) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000).

(3)

(3) One dollar and twenty cents ($1.20) per one thousand (1,000) gallons or part thereof on all usage over three hundred sixty thousand (360,000) gallons.

(c)

(c) Rates for water service furnished outside corporate limits shall be one hundred fifty (150) percent of the rate for such service within the town, except for water used to fill swimming pools. Charges for water furnished to fill swimming pools located outside the corporate limits shall be at the following rates:

(1) A minimum of one hundred dollars ($100.00) per occurrence for each pool. This charge shall allow the user five thousand (5,000) gallons.

(2) Usage in excess of the five thousand (5,000) gallons per quarter shall be charged at the rate of five dollars ($5.00) per thousand (1,000) gallons on all usage over five thousand (5,000) gallons.

(d) Water user charges shall be stopped only under the following conditions:

(1) Residential. For a user to be disconnected from water works and no longer subject to water charges, all plumbing fixtures and visible pipes must be removed from the structure, rendering it unfit for human habitation.

(2) Commercial. At a commercial establishment to which a water meter is provided, the user may request water service be disconnected. The town will take a final reading of the meter and remove it, stopping future water charges. When reestablishment of water services is requested, the town will reinstall the meter for a fee of one hundred dollars ($100.00) and turn on the service after the user pays water fees as provided in section 21-77. Provided, if the user installs a water meter approved by the town at his own expense, said installation fee may be waived.

(e) Minimum and flat usage fees shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding.

This Ordinance shall take effect October 1, 2019.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

Sec. 21-71. - Water user charges; provisions for stopping charges.

(a) *Residential service.* All residential users will pay a flat charge of two hundred eighty-nine dollars and twenty cents ($289.20) per residential use per year, payable in quarterly installments of seventy-two dollars and thirty cents ($72.30).

(b) *Commercial service.* All commercial water users will be metered and shall pay a minimum charge of two hundred eighty-nine dollars and twenty cents ($289.20) per commercial use, per year, payable in quarterly installments of seventy-two dollars and thirty cents ($72.30). This charge shall allow the user sixty thousand (60,000) gallons of usage for the year. Usage in excess of the sixty thousand (60,000) gallons per year shall be charged at the following rates:

(1) One dollar and fifty cents ($1.50) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000) gallons.

(2) One dollar and thirty-eight cents ($1.38) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000).

(3) One dollar and twenty cents ($1.20) per one thousand (1,000) gallons or part thereof on all usage over three hundred sixty thousand (360,000) gallons.

(c) Rates for water service furnished outside corporate limits shall be one hundred fifty (150) percent of the rate for such service within the town, except for water used to fill swimming pools. Charges for water furnished to fill swimming pools located outside the corporate limits shall be at the following rates:

(1) A minimum of one hundred dollars ($100.00) per occurrence for each pool. This charge shall allow the user five thousand (5,000) gallons.

(2) Usage in excess of the five thousand (5,000) gallons per quarter shall be charged at the rate of five dollars ($5.00) per thousand (1,000) gallons on all usage over five thousand (5,000) gallons.

(d) Water user charges shall be stopped only under the following conditions:

(1) *Residential.* For a user to be disconnected from water works and no longer subject to water charges, all plumbing fixtures and visible pipes must be removed from the structure, rendering it unfit for human habitation.

(2) *Commercial.* At a commercial establishment to which a water meter is provided, the user may request water service be disconnected. The town will take a final reading of the meter and remove it, stopping future water charges. When reestablishment of water services is requested, the town will reinstall the meter

for a fee of one hundred dollars ($100.00) and turn on the service after the user pays water fees as provided in section 21-77. Provided, if the user installs a water meter approved by the town at his own expense, said installation fee may be waived.

(e) Minimum and flat usage fees shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding.

(Ord. No. 1981; Ord. No. 227, Ord. No. 234; Ord. No. 293; Res. No. 25-93; Ord. No. 339; Ord. No. 345; Ord. No. 357; Ord. No. 383; Ord. No. 566; Ord. No. 629; Ord. No. 631)

Tab G

FIRST READ

COUNCIL PAPER

At the meeting held on June 19, 2019 at the Colonial Beach Town Center

ORDINANCE NO. 698

ORDINANCE NO. 698 AMENDS CHAPTER 21, "WATER AND SEWERS," ARTICLE VI, "FEES AND SERVICE CHARGES," SECTION 21-80, "SEWER USER CHARGES" TO INCREASE THE FLAT FEE FOR RESIDENTIAL USERS FROM SIX HUNDRED FIFTY DOLLARS AND EIGHTY CENTS ($650.80) ANNUALLY, TO EIGHT HUNDRED DOLLARS AND FOUR CENTS ($800.04) ANNUALLY. ORDINANCE NO. 698 INCREASES THE QUARTERLY INSTALLMENTS ONE HUNDRED SIXTY TWO DOLLARS AND SEVENTY CENTS ($162.70) TO TWO HUNDRED DOLLARS ($200.00). ORDINANCE NO. 698 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, "Water and Sewers," Article VI, "Fees and Service Charges," Section 21-80, "Sewer user rates" to read as follows:

"Sec. 21-80. - Sewer user rates

a) *Residential service.* All residential sewer users will pay a flat charge of eight hundred dollars ($800.00) per residential use per year, payable in quarterly installments of two hundred dollars ($200.00) each.

(b) *Commercial service.* All commercial sewer users pay a minimum charge of six hundred fifty dollars and eighty cents ($650.80) per commercial use, per year, payable in quarterly installments of one hundred sixty-two dollars and seventy cents ($162.70) each, for the first sixty thousand (60,000) gallons of usage. Usage in excess of sixty thousand (60,000) gallons will be charged as follows:

(1) Four dollars and fifty cents ($4.50) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(2) Four dollars and fourteen cents ($4.14) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(3) Three dollars and sixty cents ($3.60) per one thousand (1,000) gallons or part thereof on all usage over three hundred and sixty thousand (360,000) gallons.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual newer usage.

(c) Rates for sewer service furnished outside corporate limits shall be one hundred and fifty (150) percent of the rate for such service within the town.

(d) Sewer user charges may be stopped in the same manner by which water user charges are stopped in subsection 21-71(d).

(e) Minimum and flat fees for usage shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding. Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water stage unless a substantial portion of water purchased from the town is for cooling or other purposes that do not require the discharge of each used water into the sanitary sewer system. In such case the establishment's owner may: (1) be deemed to have sewer usage equal to their metered water usage, or (2) at the owner's expense, install a meter of design approved by the manager, or his designee, on the waste line from such commercial establishment. The volume of measured discharge by such commercial user shall be considered to be the volume of discharge into the sanitary system."

This Ordinance shall take effect October 1, 2019.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

Sec. 21-80. - Sewer user rates.

(a) *Residential service.* All residential sewer users will pay a flat charge of six hundred fifty dollars and eighty cents ($650.80) per residential use per year, payable in quarterly installments of one hundred sixty-two dollars and seventy cents ($162.70) each.

(b) *Commercial service.* All commercial sewer users pay a minimum charge of six hundred fifty dollars and eighty cents ($650.80) per commercial use, per year, payable in quarterly installments of one hundred sixty-two dollars and seventy cents ($162.70) each, for the first sixty thousand (60,000) gallons of usage. Usage in excess of sixty thousand (60,000) gallons will be charged as follows:

(1) Four dollars and fifty cents ($4.50) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(2) Four dollars and fourteen cents ($4.14) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(3) Three dollars and sixty cents ($3.60) per one thousand (1,000) gallons or part thereof on all usage over three hundred and sixty thousand (360,000) gallons.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual newer usage.

(c) Rates for sewer service furnished outside corporate limits shall be one hundred and fifty (150) percent of the rate for such service within the town.

(d) Sewer user charges may be stopped in the same manner by which water user charges are stopped in subsection 21-71(d).

(e) Minimum and flat fees for usage shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water stage unless a substantial portion of water purchased from the town is for cooling or other purposes that do not require the discharge of each used water

into the sanitary sewer system. In such case the establishment's owner may: (1) be deemed to have sewer usage equal to their metered water usage, or (2) at the owner's expense, install a meter of design approved by the manager, or his designee, on the waste line from such commercial establishment. The volume of measured discharge by such commercial user shall be considered to be the volume of discharge into the sanitary system.

(Ord. No. 198; Ord. No. 345; Ord. No. 357; Ord. No. 383; Ord. No. 510; Ord. No. 566; Ord. No. 648, pt. IV)