



**Minutes of the
Colonial Beach Town Council
Work Session held on
Wednesday, June 5, 2019 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

Council member Dallas Leamon was absent.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 6:02 p.m.

Roll Call of Members

Mayor Blunt noted that all Council Members were present with the exception of Mr. Leamon.

Approval of the Agenda

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

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

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

Presentations

There were no presentations.

Unfinished Business

There was no unfinished business.

New Business

Public Hearing

Ord. No. 696, Vacates and Abandons a Portion of a Right of Way known as an Unnamed Alley

Ms. Finchum summarized the offer received to purchase a portion of alley from Wakefield Street to Ware Pond for the amount of \$10,800, which is the appraised value.

Open Public Hearing

Mayor Blunt opened the Public Hearing at 6:06 p.m.

Public Input

There was no public input.

Close Public Hearing

There being no public comment, Mayor Blunt closed the Public Hearing at 6:06 p.m.

Town Council Discussion

Mr. Cirbee made a motion to approve the Ordinance as written. Ms. Roberson seconded the motion.

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

The motion to adopt Ordinance No. 696, as written passed with a unanimous vote of council members present.

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.

Public Hearing

Resolution #28-19, Authorizes the Sale of all that Certain Tract or Parcel of Land Identified as a Portion of the Right of Way Known as an Unnamed Alley

Open Public Hearing

Mayor Blunt opened the Public Hearing at 6:07 p.m.

Public Input

There was no public input.

Close Public Hearing

There being no public comment, Mayor Blunt closed the Public Hearing at 6:07 p.m.

Town Council Discussion

Mr. Cirbee asked for clarification regarding a proposed accessory structure. Ms. Finchum explained that Council had before them a final plat showing details on the accessory structure.

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

The motion to adopt Resolution #28-19, as written passed with a unanimous vote of council members present.

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.

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

Mr. Robertson provided a summary of the revenue and expenditure-related accounts and identified the funds as funds related to delinquent tax suits.

Mr. Alger made a motion to approve the Resolution as written. Mr. Ey seconded the motion.

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

The motion to adopt Resolution #29-19, as written passed with a unanimous vote of council members present.

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.

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

Ms. Schick noted that Council does not have to hold a public hearing to vote on this resolution and recommended Council take action on this Resolution.

Ms. Schick noted that the Planning Commission has held a public hearing and provided an overview of recent changes to the document.

Mr. Alger made a motion to amend Resolution #30-19 by changing the words “regular session” to “work session” and changing the date from “June 19” to “June 5.” Mr. Ey seconded the motion.

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

The motion to amend Resolution #30-19 passed with a unanimous vote of council members present.

Mr. Cirbee noted that the town needs to create replacement schedules for equipment, such as HVAC systems.

Ms. Schick and Mayor Blunt agreed.

Mr. Alger made a motion to approve Resolution #30-19, as amended. Mr. Ey seconded the motion.

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

The motion to adopt Resolution #30-19, as amended, passed with a unanimous vote of council members present.

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

BE IT RESOLVED, that the Town Council meeting in work session, Wednesday, June 5, 2019 hereby adopts the Capital Improvements Plan (attached).

Draft Resolution #31-19, Approves the Execution of a Lease to Construct/Maintain a Pier

Ms. Finchum noted this resolution is before Council as this is a unique case where the pier to be built, a portion of that pier extends into the riparian area in front of Sulgrave Street.

Mr. Cirbee believes the town should ‘police’ riparian rights. Ms. Schick disagrees.

Mr. Cirbee suggested the town include language that disclaims the town’s control/monitoring of riparian rights. Ms. Schick agreed and noted there is already language in the lease that covers all applicable laws and regulations.

Mr. Cornwell summarized saying that unless there is an issue, leases will be executed by the Town Manager without further Council review.

Mr. Cirbee and Mr. Murphy then discussed shoreline maintenance. Mr. Murphy noted this is a significant issue.

Mayor Blunt asked if staff could provide an Exhibit B to this lease which could state some compromise as to placement of rip rap on the eroded shoreline.

There was Council consensus to take action on Resolution #31-19 at the June 19th Town Council meeting.

Draft Ordinance No. 697, Amends Town Code, Chapter 21, Article VI, Section 21-71 “Water User Charges” and
Draft Ordinance No. 698, Amends Town Code, Chapter 21, Article VI, Section 21-80 “Sewer User Charges”

Mayor Blunt reported that public hearings will be held on June 19th.

Mr. Robertson summarized that these ordinances increase residential water and sewer user charges.

Ms. Schick reiterated what she understands to be the reason for the increase: there is a requirement to maintain a 20% separate reserve fund in water and sewer; and previously the town has used other reserve funds to qualify. Ms. Schick asked what agency is requiring the reserve.

Mr. Cirbee responded saying it was under the State Code of Virginia.

Ms. Schick asked for a copy of the Code.

Mayor Blunt noted it was because the town received a low interest rate loan and is required to keep a certain amount of money on hand to repair infrastructure as needed.

Mayor Blunt noted further the consultant firm provides the town with a roadmap to rate setting.

Ms. Schick asked if the explanation for the increase could be provided in written form prior to the public hearing, a public statement.

There was Council consensus to hold public hearings on June 19, 2019.

Status Items

Plaza Update

Mr. Murphy noted that all government agencies’ permits are on track or complete.

Real Estate Broker

Ms. Schick noted she has been working with Mr. Robertson on an RFP to be advertised.

Ms. Schick and Jim Bell from Downtown Colonial Beach will provide Council with examples of cooperative development in Danville by the local government and developers.

Ms. Schick provided a new list to Council members for inclusion on the list of properties for sale and to advertise a public hearing.

Town Council Priority List and Grant Opportunities

There was no comment or questions regarding the priority list and grant opportunities.

Town Attorney Update

Mr. Cornwell discussed a plat he had received and submitted to Town Council regarding the drainage issues on the Vaughan and Sokol property on Santa Maria and noted Town Council has to authorize someone to accept the deed on behalf of the town.

Mayor Blunt noted the Sokols no longer own the property. It is now the Cooks.

Mr. Cornwell will need a new plat showing the change in ownership and then he will be able to prepare a Deed.

Motion to Authorize

Mr. Alger made a motion to authorize the Town Manager to accept the Deed on behalf of the Town. Mr. Ey seconded the motion.

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

The motion to authorize the Town Manager to accept the Deed on behalf of the Town passed with a unanimous vote of council members present.

Citizen Input

Jay Jarvis, 225 Boundary Street noted that there are many sewer problems on Lossing Avenue, to include 109, 418, 519, 616, 729, 980, 910, 717 and 727 and the intersection of Nelson and Lossing.

Mr. Murphy requested a copy of Mr. Jarvis’ list and requested that any leaks found be reported immediately to Public Works.

Mr. Jarvis noted he is not happy with the proposed rate increases.

Mr. Jarvis noted that these issues need to be on the Capital Improvement Plan.

Closed Meeting

Mr. Ey made a motion to go into Closed Meeting pursuant to VA Code 2.2-3711(A)(7) for consultation with legal counsel where such consultation would adversely affect the negotiating or

litigating posture of the public body regarding water and sewer issues. Mr. Alger seconded the motion.

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

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

At 7:35 p.m. Council moved into Closed Meeting.

Certification/Reconvene

At 8:35 p.m. Mayor Blunt reconvened the meeting.

Mr. Cirbee 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. Ey seconded the motion.

Mr. Alger, Mr. Cirbee, Mr. Ey, Ms. Roberson, Ms. Schick and Mayor Blunt all certified.

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

Adjournment/Recess

At 8:36 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk