



**Minutes of the
Colonial Beach Town Council
Work Session held on
Wednesday, May 1, 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
Vicki Roberson, Council Member

Absent

Mayor Blunt and Council member Dallas Leamon were absent.

Also Present

Town Manager, Quinn Robertson
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Chief of Police, Bruce Hough
Planning and Zoning Director, Allyson Finchum
Financial Consultant, Gladys Gomez

Call to Order

Vice Mayor Schick called the meeting to order at 6:01 p.m.

Roll Call of Members

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

Approval of the Agenda

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

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

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

Presentations

Dashan Turner, Superintendent, CB Public Schools

Mr. Turner presented a Power Point highlighting the School Board’s budget for Fiscal Year 2020, beginning with expenditures.

The budget was built on projections provided by the State and used a conservative ADM number. Currently the school remains under capacity for students and the ADM is 628.6.

Mr. Turner noted the projections provided also include level funding from the Town.

Mr. Turner noted he had concerns about the school bus fleet and further noted there has been an approximate 10 percent increase in health care.

Vice Mayor Schick opened a discussion among Council members.

Mr. Cirbee asked for an expenditure history which he had previously requested. Vice Mayor Schick noted she did receive a two-year expenditure history and had provided Mr. Cirbee a copy.

Vice Mayor Schick expressed that the switch over to Edmonds should facilitate an easier exchange of information.

Mr. Turner continued with his presentation on appropriations.

Mr. Turner noted he will bring a School Board resolution to Council requesting the return of unspent funds from last fiscal year, which was state revenue.

Vice Mayor Schick questioned Mr. Turner on his conservative totals for food service, noting that it may be advantageous to build in a more realistic number in order to cover year-long expenses such as salaries.

Ms. Gomez agreed with Vice Mayor Schick and further expressed that once the schools begin using Edmonds software, because food service funds are based on reimbursements, the amount that has been budgeted will prohibit expenditures over that amount.

Vice Mayor Schick noted that the money that is left over for the schools from last year's budget is approximately \$360,000 and those funds will be discussed after the budget discussions are complete.

Mr. Turner then talked about initiating a Capital Improvement fund balance for the school system in which those additional funds will be used for capital improvement purposes.

Vice Mayor Schick asked if the school or town would hold unused capital improvement funds as the school budget has to zero out.

Mr. Turner noted that the town would hold the funds and the school would request funding to address specific capital improvements.

Mr. Cirbee noted the school's proposed list of capital improvements need to be a part of the town's Capital Improvement Plan.

Ms. Gomez recommended the town and school enter into a Memorandum of Understanding so as to establish a policy for determining the uses of unspent school monies.

There was Council consensus and agreement to developing a Memorandum of Understanding regarding capital improvement funds.

Unfinished Business

There was no unfinished business.

New Business

Public Hearing

Ord. No. 695, Amends Town Code, Chapter 13.1, Article III, Boardwalk Vendors and Peddlers

Ms. Finchum summarized the proposed changes to the Vendor and Peddler program, noting it changes and expands the ordinance to include all municipal property for use by vendors and peddlers.

Open Public Hearing

Vice Mayor Schick opened the Public Hearing at 7:02 p.m.

Public Input

Jay Jarvis, 225 Boundary Street, noted the changes proposed contain all the necessary key points.

Close Public Hearing

There being no further public comments, Vice Mayor Schick closed the Public Hearing at 7:03 p.m.

Town Council Discussion

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

Mr. Cirbee noted that the Town Manager will have to show discretion on approvals to vendors or peddlers because of the use of town rights of way and safety concerns.

Vice Mayor Schick noted this is part of the Vendor and Peddler Vendor program with permanent assigned spaces. Any vendor or peddler using the right of way will need a Special Event Permit.

Ms. Finchum responded that this ordinance refers to property owned by the town and Council could add to the ordinance that this does not apply to right of ways.

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

The motion to approve Ordinance No. 695, as written passed with a unanimous vote of council members present.

ORDINANCE NO. 695, Amends Town Code, Chapter 13.1, Article III. “Boardwalk Vendors and Peddlers”

ORDINANCE NO. 695 AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 13.1, LICENSES, ARTICLE III, “BOARDWALK VENDORS AND PEDDLERS.” ORDINANCE NO. 695 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-732, 58.1-3717, AND 58.1-3718.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 13.1, Article III, “Boardwalk Vendors and Peddlers” be amended to read in its entirety as follows:

“ARTICLE III. VENDORS AND PEDDLERS ON MUNICIPAL PROPERTY PROGRAM

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 barter 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.

Sec. 13.1-42. Use of Municipal property by vendors.

It shall be unlawful for any vendor to display or offer products, goods, wares and merchandise, food, beverage, services or rentals for sale on any Municipal Property 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 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 Municipal 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 on Municipal Property 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 Municipal 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 Municipal 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 Municipal 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 an 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.”

This Ordinance shall take effect upon adoption.

Draft Resolution #23-19, Adopts a Social Media Policy and a Networking Policy

Mr. Robertson summarized that he and Human Resources propose this to fill in holes in the current policy.

Vice Mayor Schick asked if there are opportunities for town employees or departments to post to Social Media, especially, when something positive is happening.

Mr. Cirbee noted that the policy includes email and this could possibly take away an employee’s opportunity to express his/her opinions or concerns about an issue.

Mr. Cirbee further noted that what one person may find derogatory, another person may not.

Mr. Cirbee further noted that he would like to make sure this is not used as a tool against people who are expressing an opinion.

Mr. Ey asked if Mr. Cornwell should look at this to make sure this is not infringing on anyone’s rights.

Vice Mayor Schick suggested Phyllis Katz should take a look at this.

There was Council consensus that Ms. Katz should review the document.

Draft Resolution #24-19, Adopts the Commonwealth of Virginia 457 Deferred Compensation Plan

Mr. Robertson summarized the Deferred Compensation Plan.

There was Council consensus that Resolution #24-19 appear on the agenda for the May Regular Town Council Meeting.

Draft Resolution #25-19, Directs the Town Manager to Execute an Agreement

Mr. Robertson summarized that this resolution will allow the town to execute a Rider under an existing contract for P-Cards/Purchase Cards. Once the town has purchase cards, the policy will need to be reviewed to include use of P Cards, a travel policy and procurement policy.

There was Council consensus that Resolution #25-19 appear on the agenda for the May Regular Town Council meeting.

Introduction/Discussion re: Offer to Purchase a Right-of-Way in Bluff Point

Ms. Finchum summarized the offer received by Byron Rawlings who owns Lot 14 and Lot 9, Block 14, Ware Subdivision to purchase a portion of the alleyway/right of way that is adjacent to Lot 15 and Lot 14. Once the purchase is complete, lots 14, 9 and the alleyway will be consolidated so that Mr. Rawlings can build an accessory structure.

Mr. Cirbee noted that the town only allows a single water and sewer connection per lot and so in order to run water or sewer to what is now Lot 9, it would have to come from Lot 14.

There was Council consensus that a Public Hearing be held on June 5 on the Sale of the Property/Offer to Purchase.

Status Items

Plaza Update

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

Vice Mayor Schick noted the goal is to have an RFP advertised beginning on May 10th.

Budget Update

Ms. Gomez noted the timeline was pushed back by one meeting, putting budget approval by Council on or after May 22nd.

Currently there are no changes proposed to the budget presented by Mr. Robertson and Ms. Gomez.

Mr. Cirbee noted that other than required contingencies in the water and sewer funds, all other contingencies have been taken out so that either Town Manager or Town could determine if any contingency funds should be carried. An recent example of use of contingency funds is mold removal.

Ms. Gomez noted the 10-cent tax increase was a catch up to make debt payments, including E-911 tower payments.

Ms. Gomez noted that in order to include contingencies, the town would need additional revenue or make cuts to existing line items.

Mr. Robertson noted that, in looking at last year, the weather did not cooperate and that is not anticipated to occur again this year.

Mr. Cirbee opined that Council needs to make a decision as to whether or not the budget needs to contain a contingency. In the past there were always contingency funds available to pay for ‘surprises.’ But there is no contingency funds built into this current budget.

Real Estate Broker

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

On May 16th Vice Mayor Schick and a member of Downtown Colonial Beach will attend the DHCD seminar re: small developers.

Town Council Priority List and Grant Opportunities

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

Citizen Input

Trish King, 12th Street, Ms. King noted that many citizens are unclear as to what is going to occur once the meters go live. Ms. King noted she sees a lack of transparency from Town Council. Ms. King appreciated Mr. Turner’s presentation.

Ms. King asked about the 20% contingency that is needed in the water fund, and would like to know which governmental agency is mandating that.

Vice Mayor Schick noted that Ms. King had used her three minutes and requested that she write down her questions and submit them to the Town Manager and Town Council for response.

Susie Pietras-Smith, Monroe Bay Avenue, Ms. Smith noted she was speaking for herself and asked for an update on the Torrey Smith Rec Park and the No Wake signs. Ms. Smith believes the signs have not been approved based on information from a governmental agency.

Vice Mayor Schick requested that Ms. Smith submit her questions to the Town Manager for response.

Closed Meeting

Mr. Cirbee made a motion to go into Closed Meeting pursuant to VA Code 2.2-3711(A)(3) to discuss the disposition of publicly held real property where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Ms. Roberson seconded the motion.

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

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

At 8:04 p.m. Council moved into Closed Meeting.

Certification/Reconvene

At 8:25 p.m. Vice Mayor Schick reconvened the meeting.

Mr. Ey 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, Ms. Roberson, and Vice Mayor Schick all certified.

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

Adjournment/Recess

Mr. Alger made a motion to adjourn the meeting. Mr. Cirbee seconded the motion.

At 8:25 p.m. Vice Mayor Schick adjourned the meeting.

Kathleen Flanagan, Town Clerk