Before the

Colonial Beach Town Council

Held at

Town Center, 22 Washington Avenue

Wednesday, November 20, 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**
7. **Council Member Announcements**
8. **Presentations**

   - **Maggie Lane, 2019 Grants Overview** ***(Tab A)***
   - **Chief Bruce Hough, Community Watch** ***(Tab B)***
   - **Richard Douglas, Signs Update**

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

9. **Unfinished Business**

<u>Public Hearing</u>

Ordinance No. 701, Amends Town Code, Section 17-54 and Articles 20, 8 and 7, Zoning Ordinance ***(Tab C)***

i) **Citizen Input**
ii) **Council Action**

10. **New Business**

- **Resolution #48-19, Personnel Matter** ***(Tab D)***

11. **Citizen Input**

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

13. **Adjournment/Recess**

Tab A

Town Grants Overview

50 Years of Love

- $10,000 from Virginia Tourism Corporation (VTC)
- Incorporated 50 Years of Love merchandise and promotions into 12 local businesses
- Created tourism marketing video
- Attended 2 VTC pop-up "Virginia is for Lovers" events (Fredericksburg & Richmond)

World War I and World War II Anniversary Commission Tourism Marketing Program

- $6,500 from Virginia Tourism Corporation and $6,500 match
- Used the grant monies to promote the Northern Neck WWI & WWII Commemoration Day and 1940'3 Dinner & Dance
- VIP guests included: two WWII Veterans, Senators Stuart and McDougle, Congressman Wittman, and the Silent Drill Platoon from Marine Corps Barracks, DC

Police Department Grants

Walmart Community Grant

- $500 grant awarded to the Colonial Beach Police Department
- Money was used to purchase a TV for their briefing and training rooms

School Resource Officer Grant Program

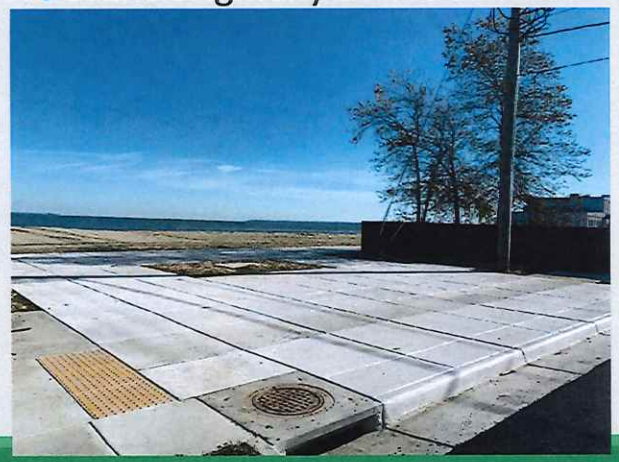
- Second year awarded grant
- $37,932 and $21,336 town match (shared with Colonial Beach Schools)

NFWF Small Watershed Grant

- $197,804 from the National Fish and Wildlife Foundation
- Total match: $65,950
  - Town Match: $45,453
  - Virginia Institute of Marine Science (VIMS): $20,497
- Grant monies will be used to construct a living shoreline at Robin Grove Park

Pedestrian Plaza Boardwalk Grant

- $542,000 from VDOT Transportation Alternative Program
- Town Match: $110,000
- General improvements to ascetics and infrastructure to the north end of the boardwalk in vicinity of colonial ave.
- Grant originally awarded in 2015 for FY16

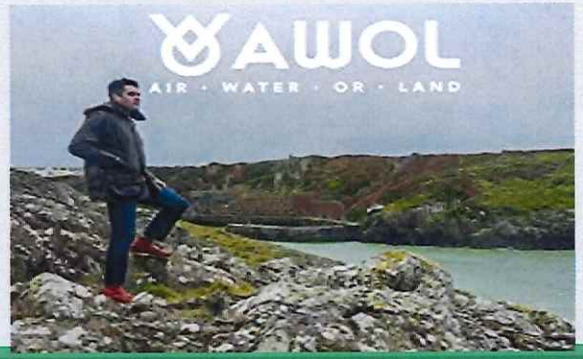


Chesapeake Bay Restoration Fund

- Requested $45,000
- Monies would be used as town's match for the NFWF Small Watershed Grant
- Grant funds awarded in May-June 2020

VTC Marketing Leverage Program

- Requesting $10,000 from VTC and town match $10,000
- Working with Suzan French on grant application
  - Draft due Nov 21
  - Grant due Dec 21
- Use grant monies to fund production of an episode of Amazon's show A.W.O.L.
- Show explores outdoor communities in the Southeast US and highlights local attractions and businesses



Totals

Total: $857,736

Total money brought into town (i.e. gained): $724,236

Total without the Plaza money (after matching cost): $150,736

Tab B

COLONIAL BEACH NEIGHBORHOOD WATCH PROGRAM

PRESENTED BY BRUCE HOUGH

COLONIAL BEACH CHIEF OF POLICE

HISTORY OF THE NEIGHBORHOOD WATCH PROGRAM

- National Neighborhood Watch (NW) began in 1972 with funding by the National Sheriff's Association and the U.S. Department of Justice.
- NW is one of the oldest and best known crime prevention concepts in North America.
- NW unites law enforcement agencies, private organizations, and private citizens in an effort to reduce crime and improve communities.

WHAT IS NEIGHBORHOOD WATCH?

- NW consists of a group of people living in the same area who share a desire to work in conjunction with local law enforcement to make their neighborhoods safer by reducing crime and improving the quality of life.
- NW members have regular meetings and have specific goals.
- NW is "Homeland Security at the most local level.
- NW teaches citizens how to help themselves and their community by identifying and reporting suspicious activity in their neighborhoods.

NEIGHBORHOOD WATCH

WHAT IS NEIGHBORHOOD WATCH ?

- NW members **DO NOT** take action themselves when they observe suspicious activity in their neighborhoods.
- NW members only serve as the "eyes and ears" of the community and report the suspicious activity to local law enforcement.
- NW provides an opportunity for citizens to volunteer and empowers them to become active in fighting crime.

HOW TO START A NEIGHBORHOOD WATCH GROUP

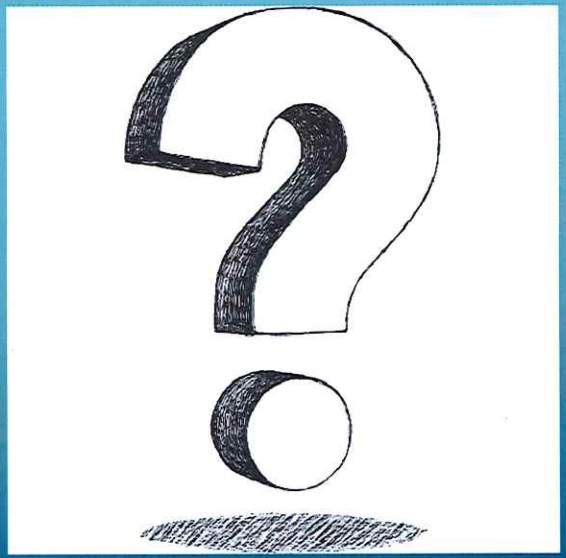
- Recruit and organize as many community residents as possible
- Partner with local law enforcement and schedule a meeting.
- Discuss community concerns and develop an action plan.
- Select a motivated and organized leadership group. Establish a communications plan. This can involve meetings, social media, newsletters, emails, or other methods of communication.
- Take action! Develop meaningful projects. Organize meetings and events. A NW toolkit is available that has training tools and ideas for meetings.

WHAT ARE THE BENEFITS OF STARTING A NEIGHBORHOOD WATCH PROGRAM?

- Establishes partnerships with law enforcement and members of the community.
- Assists in reducing crime.
- Provides a more safe, secure, and better prepared home town.
- Creates a more united community.
- Improves communication between the community members and law enforcement.

NEIGHBORHOOD WATCH
WE LOOK OUT FOR EACH OTHER™

QUESTIONS?



Tab C

COUNCIL PAPER

At the meeting held on November 20, 2019 at the Colonial Beach Town Center

ORDINANCE NO. 701, amends Town Code, Chapter 17-54, "Tattoo establishments and tattoo artists" and also amends Articles 20, 8 and 7 of the zoning ordinance

Ordinance No. 701 repeals Section 17-54 of the Town Code to make it legal to operate a tattoo establishment within the town limits, amends the definition of "personal service establishments" to exclude tattoo establishments and provides for a definition of "tattoo establishments" under Article 20 (Definitions) of the zoning ordinance, and amends Article 8 (General Commercial (C1) District) and Article 7 (Resort Commercial (RC)) to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution. Ordinance No. 701 is considered pursuant to the grant of authority contained in Virginia Code sections 15.2-732, 58.1-3717, and 58.1-3718.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 20th day of November, 2019, that Section 17-54, "Tattoo establishments and tattoo artists," of the Colonial Beach Town Code be repealed in its entirety as follows:

"~~Sec. 17-54. Tattoo establishments and tattoo artists.~~

~~(a) *Definitions*. For the purpose of this section the following words and phrases shall be construed as follows:~~

~~(1) *Tattoo*: To mark or color the skin by pricking in coloring matter so as to form indeliable marks or figures or by the production of scars.~~

~~(2) *Tattoo artist*: Any person who actually performs the work of tattooing.~~

~~(3) *Tattoo establishment*: Any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.~~

~~(4) *Tattoo operator*: Any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.~~

~~(b) *Unlawful*. It shall be unlawful for any person in the town to operate a tattoo establishment or engage in the practice or business of tattooing as a tattoo operator or a tattoo artist.~~

~~(c) *Penalty*. Any person who shall violate the provisions of this section shall be guilty of a class 4 misdemeanor and each day of operation shall constitute a separate offense.~~"

BE IT FURTHER ORDAINED that Ordinance No. 701 also amends the definition of "personal service establishments" under Article 20 (Definitions) of the Zoning Ordinance to exclude tattoo establishments, and provides for a definition of "tattoo establishments," to read as follows:

"**Personal Service Establishments:** An establishment which principally provides the provision of frequent or recurrent needed services of a personal nature, typically services include: barber shops, beauty salons, tanning salons, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops, *and specifically excludes tattoo establishments.*

Tattoo Establishments: A room or space where tattooing is practiced or where the business of tattooing is conducted, where the skin is marked or colored by pricking in coloring matter so as to form indeliable marks or figures or by the production of scars."

BE IT FURTHER ORDAINED that Ordinance No. 701 also amends Article 8 (General Commercial (C1) District) and Article 7 (Resort Commercial (RC)) of the zoning ordinance to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution, to read as follows:

A)

"8-1 Permitted Uses: Within the C-1 District, a building and/or land shall be used only for the following purposes with an approved site plan:

z. Tattoo establishments (see 8-13 (B))"

B)

"8-13 Additional Requirements

B. No tattoo establishment shall be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution."

C)

"7-1 Permitted Uses: Within the Resort Commercial District, a building and/or land shall be used only for the following purposes with an approved site plan:

y. Tattoo establishments (see 7-6 (C))

D)

"7-6 Additional Requirements

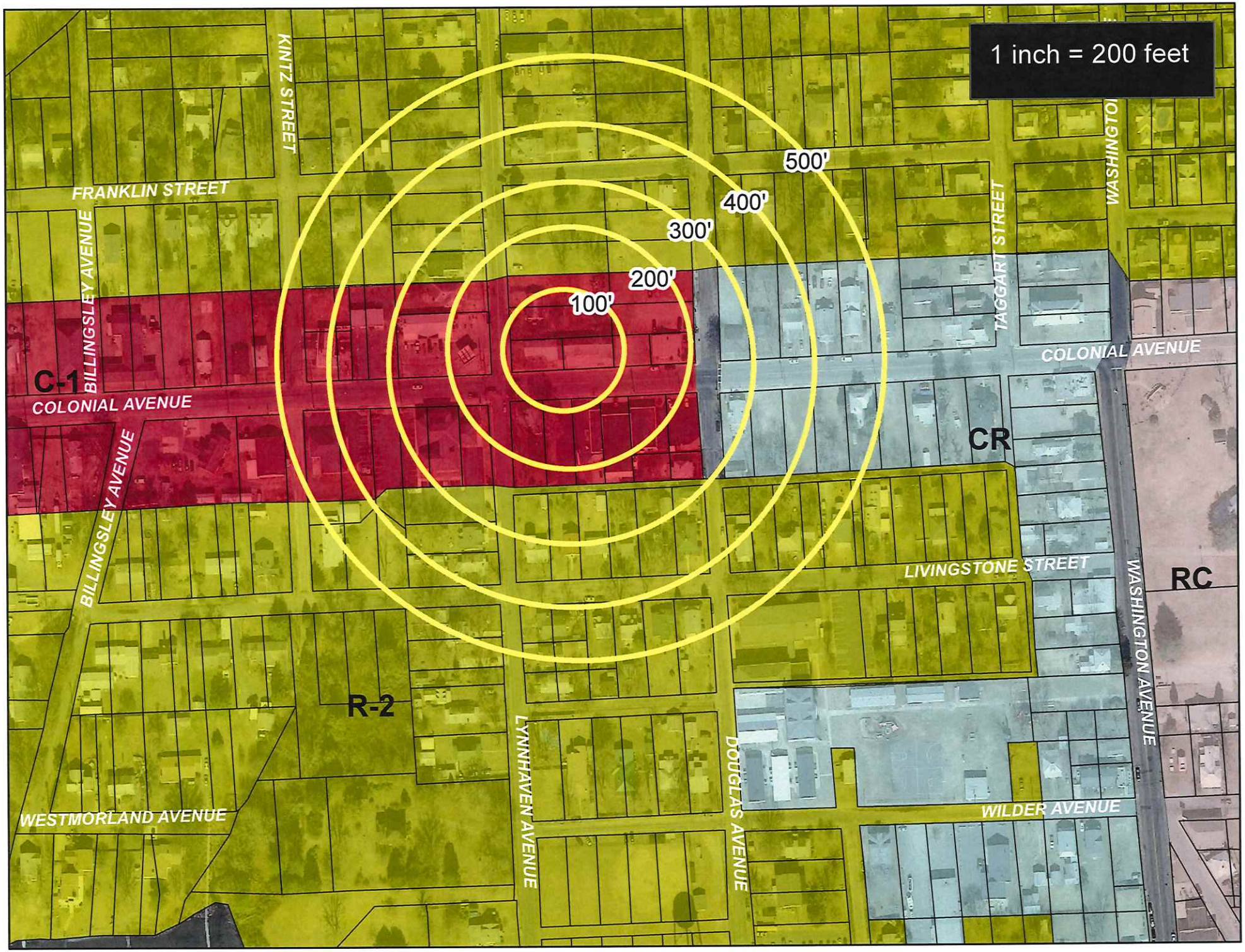
C. No tattoo establishment shall be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution."

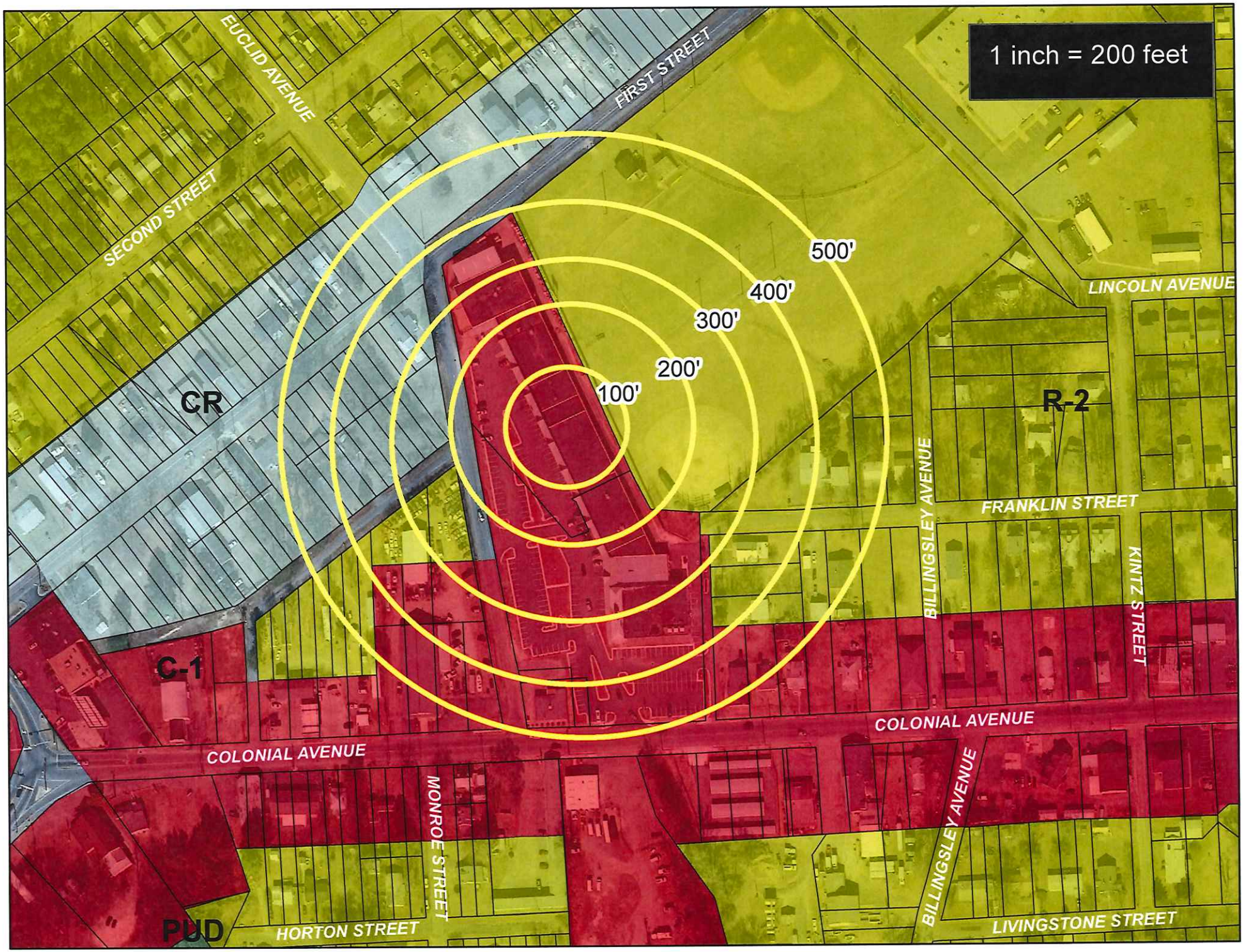
This Ordinance shall take effect upon adoption.

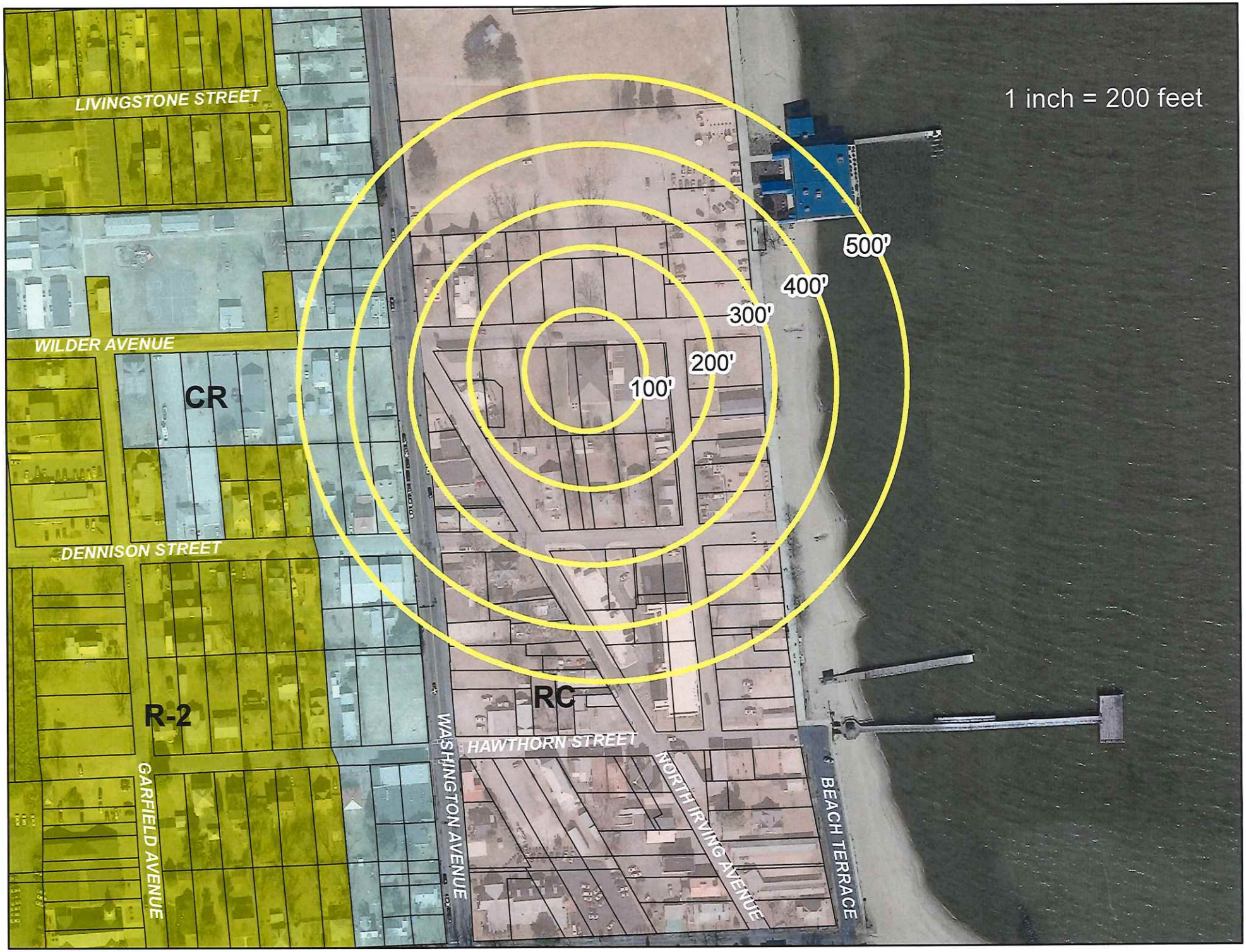
Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____


1 inch = 200 feet
100'
200'
300'
400'
500'
KINTZ STREET
FRANKLIN STREET
BILLINGSLEY AVENUE
C-1
COLONIAL AVENUE
BILLINGSLEY AVENUE
TAGGART STREET
WASHINGTON
COLONIAL AVENUE
CR
LIVINGSTONE STREET
WASHINGTON AVENUE
RC
R-2
LYNNHAVEN AVENUE
DOUGLAS AVENUE
WILDER AVENUE
WESTMORLAND AVENUE


1 inch = 200 feet
EUCLID AVENUE
FIRST STREET
SECOND STREET
LINCOLN AVENUE
500'
400'
300'
200'
100'
CR
R-2
BILLINGSLEY AVENUE
FRANKLIN STREET
KINTZ STREET
C-1
COLONIAL AVENUE
COLONIAL AVENUE
MONROE STREET
BILLINGSLEY AVENUE
PUD
HORTON STREET
LIVINGSTONE STREET


1 inch = 200 feet
LIVINGSTONE STREET
WILDER AVENUE
CR
DENNISON STREET
R-2
GARFIELD AVENUE
RC
HAWTHORN STREET
WASHINGTON AVENUE
NORTH IRVING AVENUE
BEACH TERRACE
100'
200'
300'
400'
500'

TOWN OF COLONIAL BEACH PLANNING COMMISSION RECOMMENDATION

From: Maureen McCabe, Planning Commission Chair

To: Colonial Beach Town Council

SUBJECT: Ordinance amendment to allow for tattoo establishments

DATE: October 31, 2019

At the August 21st regular meeting of the Town Council, Darren Hall requested that Council consider adding tattoo parlors as a permitted use within the town limits. Presently, town code (Section 17-54) prohibits the operation of a tattoo establishment within the town, and the town zoning ordinance does not reference tattoo establishments. Town Council requested that the Planning Commission consider Mr. Hall's request and provide a recommendation.

Town staff recommended the following actions to the Planning Commission to address this issue:

1) Repeal Section 17-54 of the town code to make it legal to operate a tattoo establishment within the town limits
2) Amend the definition of "personal service establishments" under Article 20 (Definitions) of the zoning ordinance to exclude tattoo establishments, which would prevent future confusion of whether tattoo parlors are permitted as a personal service establishment in the commercial-residential or other zoning districts
3) Amend Article 8 (General Commercial (C-1) District) to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution

A public hearing was advertised and held at the regular Planning Commission meeting on October 24th. Two individuals, in addition to Mr. Hall, spoke in favor of the proposed ordinance amendment, and no individuals spoke against. At the conclusion of the public hearing, the Planning Commission unanimously voted in support of staff's recommendation, which was based on a review of tattoo establishment regulations from several jurisdictions in Virginia, but also added, by unanimous vote, the inclusion of tattoo establishments as a permitted use in the Resort Commercial zoning district. This recommendation is based on the objective of supporting art-related businesses and general business development in the commercial areas.

The Planning Commission appreciates the opportunity to review this matter and provide a recommendation for Town Council's consideration.

TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

SUBJECT: Request to add tattoo parlors to list of permitted uses

DATE: September 19, 2019

BACKGROUND:

At the August 21st regular meeting of the Town Council, Darren Hall requested that Council consider adding tattoo parlors as a permitted use within the town limits. Presently, town code (Section 17-54) prohibits the operation of a tattoo establishment within the town, and the town zoning ordinance does not reference tattoo establishments. Town Council requested that the Planning Commission consider Mr. Hall's request and provide a recommendation.

DISCUSSION:

Staff researched several municipal codes and spoke to staff from several municipalities to determine if and how tattoo parlors are permitted elsewhere in Virginia (with an emphasis on similar size communities or communities with a tourism-based economy), to include Alexandria, Fredericksburg, Abingdon, West Point, Rocky Mount, Covington, and Chesapeake. Many of these communities consider a tattoo parlor as a "personal service establishment" permitted in most commercial zoning districts, some specifically including it in the "personal service establishment" definition.

In Fredericksburg, tattoo parlors are specifically excluded from the "personal services establishment" definition in the zoning ordinance, but a specific definition of a "tattoo/piercing establishment" is included. In addition, Fredericksburg permits tattoo/piercing establishments in commercial shopping center and highway districts and has a requirement that tattoo/piercing establishments be located at least 500 feet from any residential district.

In Chesapeake, tattoo parlors are specifically excluded from the "personal services" definition of the zoning ordinance. In addition, Chesapeake has a much broader location requirement, with a provision that no tattoo parlor shall be located within 1,000 feet of another tattoo parlor, private or public schools, day care facilities, public parks, religious institutions, and residential properties.

STAFF RECOMMENDATION:

Based on staff review and a general discussion on this request at the August Planning Commission meeting, staff recommends that the town code and zoning ordinance be amended to accommodate tattoo parlors with some restrictions: Specifically, the following actions are recommended:

1) Repeal Section 17-54 of the town code to make it legal to operate a tattoo establishment within the town limits
2) Amend the definition of "personal service establishments" under Article 20 (Definitions) of the zoning ordinance to exclude tattoo establishments

NOTE: this will prevent future confusion of whether tattoo parlors are permitted as a personal service establishment in the resort commercial or commercial-residential zoning districts

3) Amend Article 8 (General Commercial (C-1) District) to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 500 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution

   NOTE: this restriction combines language from both the Fredericksburg and Chesapeake zoning ordinances but does not provide for any distance requirements to residential properties, due to the narrowness of the town's C-1 district

Once the Planning Commission decides on a recommended course of action, a public hearing will be scheduled and advertised for the next regular Planning Commission meeting, then the final recommended action will be submitted to Town Council for consideration.

Tab D

COUNCIL PAPER

At the meeting held on November 20, 2019 at the Colonial Beach Town Hall

RESOLUTION #48-19, CENSURES TOWN COUNCIL MEMBER

WHEREAS, on December 14, 2017 by way of Resolution #68-17, Stephen V. Cirbee was previously censured by his fellow members of the Colonial Beach Town Council for offensive, inappropriate and unprofessional conduct.

WHEREAS, since that time Mr. Cirbee has engaged, both in person and by email and/or text, with employees of the Town with an angry, belligerent and threatening manner in violation of the 2019 By Laws and Rules of Procedure adopted by Town Council by way of Resolution #03-19 on January 16, 2019, specifically violating Section 6-1 "Actions by individual members of the Council" -- Sections 6-1-C, D, E, G and H; and

WHEREAS, Mr. Cirbee has also violated "Section III. Equal Employment Opportunity", TOCB Personnel Manual, adopted by Town Council by way of Resolution #56-11, dated December 8, 2011 and Amended by way of Resolution #27-14, dated March 27, 2014; by engaging with employees of the Town in an angry, belligerent and threatening manner; and

WHEREAS, on November 2, 2019 Mr. Cirbee was removed as the liaison to Public Works by way of an email from the Mayor to Mr. Cirbee and Town Council Members; and

WHEREAS, Section 6-4 of the 2019 By Laws and Rules of Procedures, as well as Virginia Code Section 15.2-1400 provides authority to Town Council to hold a member of Town Council accountable for their actions in violation of the By Laws and/or state law.

NOW THEREFORE BE IT RESOLVED THAT, we, the members of the Colonial Beach Town Council publicly censure and repudiate the above-noted words and actions of Stephen V. Cirbee.

NOW THEREFORE BE IT FURTHER RESOLVED THAT Stephen V. Cirbee, in addition to being censured, shall also be fined by the Colonial Beach Town Council in the amount of $1,500.00 in accordance with VA Code Section 15.2-1400.

Moved By _____ Seconded By _____

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

Adopted _____ Tabled _____

RESOLUTION #68-17, Formally Censures Council Member Stephen V. Cirbee

WHEREAS Stephen Cirbee took office as a member of the Colonial Beach Town Council almost twelve months ago on January 1, 2017; and

WHEREAS the Mayor and other Council members have sought to provide an opportunity to Mr. Cirbee to be a contributing and productive member of the Colonial Beach Town Council; and

WHEREAS during the past twelve months, Mr. Cirbee has repeatedly made negative and derogatory statements about the Town, the Town Council, the Mayor and the people who work for the Town; and

WHEREAS Mr. Cirbee has conducted himself at Town Hall in an angry, hostile and unprofessional manner that has disrupted the work of the Town; and

WHEREAS Mr. Cirbee appears to have difficulty separating his personal interests from the interests of the community as a whole; and

WHEREAS Mr. Cirbee has forced the Town to incur unnecessary and additional costs because of his behavior; and

WHEREAS Mr. Cirbee seeks special treatment and refuses to follow the rules and procedures followed by other members of Council; and

WHEREAS Mr. Cirbee's conduct during Council meetings prevents the Council from being able to accomplish its work; and

WHEREAS Mr. Cirbee is embarrassingly rude to persons who appear before the Town Council; and

WHEREAS Mr. Cirbee communicates misleading, and in some instances, untrue, information in his comments during meetings, in his emails and through his social media posts; and

WHEREAS Mr. Cirbee's attacks on his fellow members of Council, the Mayor and those who work for the Town interfere with Council's initiatives; and

WHEREAS Mr. Cirbee has been disrespectful and insulting to the Mayor, who has graciously given of himself and his time to serve as the acting Town Manager.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular meeting on December 14, 2017, that Stephen V. Cirbee is hereby formally censured by his fellow members of the Colonial Beach Town Council for his offensive, inappropriate and unprofessional conduct; and

BE IT FURTHER RESOLVED that, should Mr. Cirbee fail to improve his behavior, he may be fined by the Colonial Beach Town Council in accordance with Va. Code Section 15.2-1400.

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION, adopted by the Town Council at a Meeting of Council held Thursday, December 14, 2017 at the Colonial Beach Town Center, with a quorum of Council being present.

Kathleen Flanagan

Kathleen Flanagan, Town Clerk

Upon motion made by Mr. Leamon and seconded by Mr. Alger, Resolution #68-17, as written, passed with a 6-1abstention vote of council members present.

	Aye	Nay		Aye	Nay
Blunt	***X***		***Cirbee***		***Abstain***
Leamon	***X***		***Dellar***	***X***	
Alger	***X***		***Lyburn***	***X***	
			Rogers	***X***	