



Before the  
**Colonial Beach Town Council**

Held at  
Colonial Beach Town Center  
22 Washington Avenue, Colonial Beach, VA 22443

**Wednesday February 5, 2020 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. Old Business
6. New Business
  - Discussion of change for Business License reporting due date and tax due date  
*(Tab A)*
7. Status Items
  - Sign ordinance *(Tab B)*
  - Landscaping articles in Zoning Ordinance *(Tab C)*
  - Memorials Advisory Commission *(Tab D)*
8. Citizen Input
9. Closed Meeting (if necessary)
10. Adjournment/Recess

# Tab A

## Business license fees and taxes

We are still researching whether we can move the business license due dates to the fall.

It appears that the due dates business license fees and/or taxes are established in the Code of Virginia, 58.1-3703.1.

*2. Due dates and penalties. a. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. Any locality is authorized to adopt a later application date that is on or before May 1 of the license year. The application shall be on forms prescribed by the assessing official.*

Part of the discussion on moving the due date to the fall involved documentation for proof of gross receipts. The Code of Virginia, 58.1-3700.1, defines gross receipts.

*"Gross receipts" means the whole, entire, total receipts, without deduction.*

Businesses should be able to provide documentation by May 1 from their accounting software, hand-written ledgers, or whatever other method they use to calculate their gross receipts. We do not need filed tax documents.

Creating a tiered approach to business license fees and/or taxes can be accomplished.

The Code of Virginia, 58.1-3703 allows the locality to charge a **fee** for issuing a license based on population size. For example, we can charge businesses with gross receipts under \$10K a license fee of \$30.

*A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, \$50 for any locality with a population of 25,000 but no more than 50,000 and \$30 for any locality with a population smaller than 25,000. For purposes of this section, population may be based on the most current final population estimates of the Weldon Cooper Center for Public Service of the University of Virginia. Such governing body may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations in (i) subsection C and (ii) subsection A of § 58.1-3706, provided such*

*tax shall not be assessed and collected on any amount of gross receipts of each business upon which a license fee is charged. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed \$50 by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.*

We can also charge a business license **tax** for businesses with gross receipts over \$10K based on the tax rates in the Code of Virginia, 58.1-3706.

*A. Except as specifically provided in this section and except for the fee authorized in § 58.1-3703, no local license tax imposed pursuant to the provisions of this chapter, except §§ 58.1-3712 and 58.1-3713, or any other provision of this title or any charter, shall be imposed on any person whose gross receipts from a business, profession or occupation subject to licensure are less than: (i) \$100,000 in any locality with a population greater than 50,000; or (ii) \$50,000 in any locality with a population of 25,000 but no more than 50,000. Any business with gross receipts of more than \$100,000, or \$50,000, as applicable, may be subject to the tax at a rate not to exceed the rate set forth below for the class of enterprise listed:*

- 1. For contracting, and persons constructing for their own account for sale, sixteen cents per \$100 of gross receipts;*
- 2. For retail sales, twenty cents per \$100 of gross receipts;*
- 3. For financial, real estate and professional services, fifty-eight cents per \$100 of gross receipts; and*
- 4. For repair, personal and business services, and all other businesses and occupations not specifically listed or excepted in this section, thirty-six cents per \$100 of gross receipts.*

Instead of charging a business license taxes based on gross receipts and the rates above, we could choose to impose flat license taxes, following the guidelines of the Virginia Code 23 VAC10-500-100, Rates and Fees.

*E. It is within the discretion of localities to impose flat license taxes, in addition to or in lieu of the license fee, however, a locality cannot fashion a flat tax that violates the threshold or the rate caps set in § 58.1-3706 of the Code of Virginia.*

We would need to perform an analysis of the past year's revenue based on assessments, business type and amount paid to determine the flat license tax tiers.

# Tab B

## TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

### STAFF REPORT

**SUBJECT:** Amended sign ordinance and recommendations

**DATE:** November 20, 2019

**BACKGROUND:**

Recently the Town Council requested that the Planning Commission review the current sign ordinance (Article 12 of the zoning ordinance) and submit its recommendation for Council's consideration. Planning Commission had previously reviewed and updated the sign ordinance in 2016/2017 (in addition to holding a public hearing), but the recommended ordinance was not adopted by Council. These changes to the sign ordinance primarily addressed murals, temporary signs, yard signs, and miscellaneous changes based on legal requirements. Planning Commission members have been provided a redline and regular version of the January 2017 revisions, and staff and the Town Attorney have reviewed the document. Related recommendations #1, #2 and #3 are provided below.

Also, the Riverboat on the Potomac has requested a permit to replace its freestanding sign with changeable text on Washington Avenue (the existing sign is grandfathered and it is proposed to replace with a LED message sign). However, due to the current restriction of total signage not exceeding 75 square feet (Sections 12-10 and 12-11) and the length/size of the wall signage on the Riverboat on the Potomac building, this business is not permitted to replace its Washington Avenue sign. While the sign ordinance is being reviewed, the Planning Commission may wish to consider eliminating the 75 square foot cap, while maintaining a total sign limit of one square foot for every foot of building frontage. This change would affect a minimal number of commercial properties but would allow some of the town's larger businesses to meet their signage needs.

**STAFF RECOMMENDATION:**

- 1) The Town Attorney has reviewed the proposed amended sign ordinance (January 2017 version) and has not recommended any additional changes based on legal requirements, etc. Assuming no other substantive changes, the Town Attorney has indicated that a public hearing conducted by the Planning Commission is not necessary, and a recommended ordinance amendment can be forwarded to the Town Council for a public hearing and possible adoption. After further discussion, the Town Attorney recommended that the Planning Commission hold a public hearing prior to Council consideration.
- 2) In a review of the document, staff noticed that one provision for murals was not included in the January 2017 revised copy, but was in the redline version, so the intention of this item should be clarified: "Mural size shall not exceed 50% of the wall on which it is designed." Planning Commission recommended that this provision be deleted from the ordinance.

- 3) In a review of the document, staff noticed the “nonilluminated” provision of yard sign requirements was not included in the January 2017 revised copy, and should be clarified whether this was excluded intentionally. Staff recommends that the “nonilluminated” provision remain in the ordinance. Planning Commission agrees with this recommendation.
- 4) Staff recommends amending Section 12-10 and 12-11 to eliminate the cap on total sign square footage, while maintaining a total sign limit of one square foot for every foot of building frontage. Planning Commission agrees with this recommendation.

# Tab C

## **TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT**

### **STAFF REPORT**

**SUBJECT:** Review of landscaping sections of zoning ordinance

**DATE:** January 30, 2020

#### **BACKGROUND:**

In Fall 2019 the Town Council requested the Planning Commission review the current landscaping and tree-related sections of the zoning ordinance, to include tree species requirements and tree replanting ratios. The applicable sections are the Chesapeake Bay Preservation Area Overlay District (Article 22), Landscaping (Article 24), Parking (Article 13), and Definitions (Article 20). These sections were reviewed previously by the Planning Commission but no amendments were approved by the Town Council. The attached documents contain those proposed changes; in addition, staff comments are provided on other suggested changes.

#### **STAFF RECOMMENDATION:**

##### *Landscaping (Article 24):*

- 1) Remove Table 24.9 (Native Species for Landscaping) and reference only "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain"
- 2) Encourage but not mandate that all required street frontage trees and parking area landscaping be listed in "Native Plants" pamphlet (and allow for non-native species such as crape myrtles), by deleting Section 24.2 A. and B. , and replacing with the following: "All new plantings to meet street frontage and parking area planting requirements are encouraged but not required to be native species as specified in "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain" from the Virginia Department of Conservation and Recreation (DCR) and available at the town's planning department. All new plantings to meet replacement requirements for dead or diseased trees, as specified in Article 22, must be native species listed in the DCR native plants pamphlet, unless otherwise provided for in this ordinance." *Planning Commission added to this amendment "excluding invasive species identified by DCR."*
- 3) Move Section 24.6 (landscaping- parking lots) to Article 13 (Parking)
- 4) Add Section 24.8 (buffer yard and transitional screening)
- 5) Add definitions to Article 20 (Definitions) for bioretention and bioretention swale

##### *Parking (Article 13):*

- 1) Landscaping parking lot requirements now located in section 13-5 (Improvement of Parking Areas)
- 2) Other changes proposed in 2016 primarily related to space and dimensional requirements— suggest proposed changes that are not landscaping-related be considered at a future date

##### *Chesapeake Bay Preservation Area Overlay District (Article 22):*

- 1) Clarify "construction footprint":
  - A) Amend Section 22-9 B.1.b. (Performance Standards): "The construction footprint shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation."
  - B) Amend Section 22-11 C.1.a. (Plan of Development Process—Landscaping Plan—Contents of a Plan) to add "...and shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation."
  - C) Amend the definition of construction footprint in Article 20 (Definitions): "The area of all impervious surfaces including, but not limited to, buildings, roads and drives, parking areas, an sidewalks, and the minimum area necessary for construction of such improvements."
- 2) Amend Section 22-9 B.2.b.i.1 and Section 22-9 B.2.c.i.1 to remove reference to the Table 24.9, so that only the DCR "Native Plants" pamphlet is referenced for replacement of dead or diseased trees
- 3) Maintain existing tree replanting ratios of 2:1 for Resource Management Area and 3:1 for Resource Protection Area
- 4) Amend Section 22-9 B.2.c.ii (Performance Standards—Woodlot Management Permit Required) to provide flexibility for planting replacement trees on property other than where a tree has been removed, by adding the following: "4. In the determination of the Zoning Administrator that a lot where a tree is removed is not large enough or conditions prevent the planting of the replacement trees, these trees may be replanted on other property, either private or public, with the written consent of that property owner. In the event that a tree is removed on a property within the RPA, then replacement trees must be replanted on other properties within the RPA." Planning Commission voted against this recommendation, citing tracking and tree maintenance concerns.

# Tab D

**The Memorial Advisory Commission  
Town of Colonial Beach  
By-Laws**

**DRAFT**

**ARTICLE 1. Adoption of By-Laws**

The By-Laws of the Colonial Beach Memorial Advisory Commission were adopted by the Commission at a meeting on \_\_\_\_\_.

**ARTICLE 2. Purpose of the Commission**

The purpose of the Commission is to advise and make recommendations to the Town Council on appropriate means of recognizing individuals and organizations who have made contributions to the Town of Colonial Beach.

**ARTICLE 3. Membership**

The Commission shall be composed of three (3) members appointed by the Town Council. All members shall serve without compensation and shall be residents of the Town during his or her term of office.

**ARTICLE 4. Term of Office**

One (1) member of the Commission shall be appointed for an initial term of two (2) years. The remaining two (2) members shall be appointed for initial terms of four (4) years. The Town Council shall fill any vacancies through appointment. Any person appointed to fill a vacancy shall hold the office the remainder of the unexpired term.

**ARTICLE 5. Officer**

Officers shall be a Chairperson, Secretary and such other officers as the Commission may deem appropriate. All officers shall serve a one (1) year term.

**ARTICLE 6. Meetings, Quorum, Minutes**

Meetings shall be held as determined by a majority or quorum of members. Meetings may be conducted in accordance with Robert's Rules of Order and may be held digitally in order to accommodate member schedules.

Special meetings may be called by the Chairman. A majority of the members present at a duly called meeting shall constitute a quorum. No action of the Commission shall be valid unless authorized by the vote of a majority of members. Minutes shall be kept and the Commission shall adhere to all requirements of the Virginia Freedom of Information Act, VA Code Section 2.2-3700, et seq. Copies of all minutes shall be signed by the Chairperson and forwarded to the Town Clerk within twenty (20) days following each meeting.

**ARTICLE 7. Types of Recognition**

The Commission determined on November 13, 2003 that a Wall of Honor will be the form of recognition. Such wall is located at the Town Center. The cost of maintaining the Wall of Honor shall be borne by the Town of Colonial Beach.

**ARTICLE 8. Nomination for Recognition Process**

Criteria to be used in determining those individuals, living or dead, and organizations deserving recognition by the Town is as follows:

- Individuals and organizations from any field of any endeavor who have made a significant contribution to the health, welfare and/or prosperity of the Town of Colonial Beach.
- Individuals may be living or deceased. Deceased nominations must have been deceased for two (2) years before their nomination can be considered by the Commission.
- The Commission shall both nominate and solicit nominations for recognition from the public. Each nomination must include a justification statement along with any supporting documentation such as newspaper articles, letters of consideration, obituaries, et cetera.
- The Commission will recommend five (5) names to the Town Council for consideration. Remaining nominations submitted will be held by the Commission for reconsideration the following year.
- There will be Commission-approved forms for use by Commission members and the public for nominations.
- Individuals nominated must live in the Town of Colonial Beach at the time of their nomination; and, if deceased, must have resided in the Town at the time of their death.

**ARTICLE 9. Authority over Contributions**

The Commission shall have authority, on behalf of the Town, to solicit and accept private contributions, gifts, bequests and other donations of property into a Memorial Fund to carry out the purpose of this Commission. All funds and other donations accepted by the Commission shall be deposited with the Town CFO to the credit of the Town for the exclusive use and at the direction of the Commission. The Commission shall submit an annual report which includes all receipts and expenditures from such fund.

**ARTICLE 10. Advisors**

The Commission may seek experts to serve as pro bono advisors to the Commission in particular areas of consideration concerning a nominee.

**ARTICLE 11. Amending the By Laws**

These By-Laws may be amended from the affirmative vote of a majority of the Commission voting on the question at the meeting where a quorum is present. Proposed amendments to the By-Laws shall be provided to the Town Council prior to approval.

**ARTICLE 12. Annual Meeting**

An annual organization meeting shall be held each July to elect officers for the coming year.

\_\_\_\_\_  
**Chairperson**

**Dated:** \_\_\_\_\_

**AGENDA - #58-03**

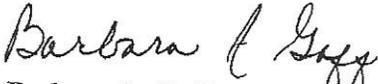
**RESOLUTION - ADOPTION OF MEMORIAL ADVISORY COMMISSION BY-LAWS**

**WHEREAS**, the Town Council created a Memorial Advisory Commission to honor men and women who gave of themselves for our benefit and not their own; and

**WHEREAS**, three volunteers were appointed to the Memorial Advisory Commission and held their first meeting to establish by-laws for the commission.

**THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session Thursday, November 13, 2003 hereby adopts the attached by-laws for the Memorial Advisory Commission.

**THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION;** adopted by the Town Council at a regular meeting of Council held Thursday, November 13, 2003 at the Colonial Beach Town Center; a quorum of said Council being present.

  
Barbara A. Goff, Town Clerk

**The Memorial Advisory Commission  
Town of Colonial Beach  
By-Laws**

**ARTICLE 1. Adoption of by-laws**

The by-laws of the Colonial Beach Memorial Advisory Commission were adopted by the Commission at a meeting on November 13, 2003.

**ARTICLE 2. Purpose of the Commission**

The purpose of the Commission is to advise and make recommendations to the Town Council on appropriate means of recognizing individuals and organizations who have made contributions to the Town of Colonial Beach.

**ARTICLE 3. Membership**

The Commission shall be composed of three (3) members appointed by the Town Council. All members shall serve without compensation and shall be residents of the Town during his or her term of office.

**ARTICLE 4. Term of Office**

One (1) member of the Commission shall be appointed for initial term of two (2) years. The remaining two (2) members shall be appointed for initial terms of four (4) years. After the expirations of said initial terms, all members shall be appointed for terms of four (4) years. The Town Council shall fill any vacancies through appointment. Any person appointed to fill a vacancy shall hold the office the remainder of the un-expired term.

**ARTICLE 5. Officers**

Officers shall be a chairman, Secretary and such other offices, as the Commission may deem appropriate. All officers shall serve a one (1) year term.

**ARTICLE 6. Meetings, Quorum, Minutes**

Meetings shall be held on the 2<sup>nd</sup> Wednesday of each month at the Cooper Memorial Library at 2:00 p.m. Meetings shall be conducted in accordance with the by-laws and Roberts Rules of Order. Special meetings may be called by the Chairman, or by written request of two (2) members of the Commission. A majority of the members present at a duly called meeting shall constitute a quorum. No action of the Commission shall be valid unless authorized by the vote of a majority of members actually present. The Secretary shall keep minutes of all meetings and adhere to other requirements of the Virginia Freedom of Information Act (FOIA) §2.2-3 700, et. seq. of the Code of Virginia (1950), as amended. Copies of all minutes shall be signed by the Secretary or other person designated by the Commission to take minutes and forwarded to the Town Clerk within twenty (20) days following each meeting.

**ARTICLE 7. Types of Recognition**

The Commission has determined that a Wall of Honor will be the form of recognition. Such wall will be the Town Center, pending approval of the Town Council. Any cost associated with the recognition, including the cost of constructing memorials, shall be borne by the Commission. However, the cost of maintaining the memorials shall be borne by the Town of Colonial Beach.

**ARTICLE 8. Nomination for Recognition Process**

Criteria to be used in determining those individuals living or dead and organizations deserving recognition by the Town is as follows:

- Individuals and organizations from any field of endeavor who have made a significant contribution to the health, welfare and or prosperity of the Town of Colonial Beach.
- Individuals may be living or deceased. Deceased nominees must have been deceased for two (2) years before their nomination can be considered by the Commission.
- The Commission shall solicit nominations for recognition from the public. Each nomination must include a justification statement along with any supporting documentation such as newspaper articles, letters of consideration, obituaries, etc.
- The Commission will recommend five (5) names to the Town Council for consideration. Remaining nominations submitted will be held by the Commission to be considered along with any that may be submitted the following year.
- There will be two (2) forms, one for individuals and one for organizations.
- Individuals must live in the Town of Colonial Beach at the time of their nomination; and if deceased, must have resided in the Town at the time of their death.

**ARTICLE 9. Authority over Contributions**

The Commission shall have authority, on behalf of the Town, to solicit and accept private contributions, gifts, bequests and other donations of property into a Memorial Fund to carry out the purpose of this Commission. All funds and other donations accepted by the Commission shall be deposited with the Town Treasurer to the credit of the Town for the exclusive use, and at the direction of the Commission. The Commission shall submit a report to the Town Council monthly of all receipts and expenditures from such fund.

**ARTICLE 10. Advisors**

The Commission may seek experts to serve as pro bono advisors to the Commission in particular areas of consideration concerning a nominee.

**ARTICLE 11. Amending the By-laws**

These by-laws may be amended by the affirmative vote of a majority of the Commission voting on the question at any meeting of the Commission where a quorum is present. Proposed amendments to the by-laws shall be provided to the Town Council prior to such meeting.

**ARTICLE 12. Annual Meeting**

An annual organizational meeting shall be held each July to elect officer for the coming year.

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Anna M. Payne  
Memorial Advisory Commission Secretary

## ARTICLE IX. - MEMORIALS ADVISORY COMMISSION

## Sec. 2-101. - Establishment of the Memorials Advisory Commission; purpose.

The Memorials Advisory Commission is hereby established to advise and make recommendations to the town council on appropriate means of recognizing and awarding citizens from any field of endeavor who have made significant contributions to the health, welfare and prosperity of the town.

(Ord. No. 480)

## Sec. 2-102. - Membership.

The commission shall be composed of three (3) members, appointed by the town council. All members shall serve without compensation. Each member shall be a resident of the town at all times during his or her term of office. One (1) member of the town council may serve as a liaison between the commission and the town council. Such liaison shall not be considered a member of the commission.

(Ord. No. 480, 9-12-02)

## Sec. 2-103. - Terms of office.

One (1) member of the commission shall be appointed for initial terms of two (2) years. The remaining two (2) members shall be appointed for initial terms of four (4) years. After the expiration of said initial terms, all members shall be appointed for terms of four (4) years. The town council shall fill any vacancies through appointment. Any person appointed to fill a vacancy shall hold office for the remainder of the unexpired term.

(Ord. No. 480, 9-12-02)

## Sec. 2-104. - Officers.

The commission shall hold an annual organizational meeting, at which the first order of business shall be the election of a chairman, a secretary, and such other officers as the commission may deem appropriate. All officers shall serve for one-year terms.

(Ord. No. 480, 9-12-02)

Sec. 2-105. - Meetings, quorum, minutes.

The commission shall adopt bylaws and shall employ Roberts Rules of Order for the conduct of meeting consistent with the provisions of this article. Special meetings may be called by the chairman, or by the written request of two (2) members of the commission. A majority of members present at a duly called meeting shall constitute a quorum. No action of the commission shall be valid unless authorized by the vote of a majority of members actually present. The secretary shall keep minutes of all meetings and adhere to other requirements of the Virginia Freedom of Information Act, section 2.2-3700, et seq. of the Code of Virginia (1950) as amended. Copies of all minutes shall be signed by the secretary or other person designated by the commission to take minutes and forwarded to the town clerk within twenty (20) days following each meeting.

(Ord. No. 480, 9-12-02)

Sec. 2-106. - Types of recognition.

The commission shall develop appropriate means by which the town may recognize or commemorate such contributions. Such forms of recognition may include public testimonial celebrations, the naming of public facilities or streets, the dedication of statues, monuments, works of art, the creation of scholarships or other awards, the installation of memorial plaques or other suitable forms of recognition; and the receipt of awards or other forms of recognition by the town. Any cost associated with the recognition including the cost of constructing memorials shall be borne by the commission. However, the cost of maintaining memorials shall be borne by the town.

(Ord. No. 480, 9-12-02)

Sec. 2-107. - Nomination for recognition, process.

The commission shall develop criteria for the nomination of persons and organizations deserving recognition by the town. Using such criteria each year the commission shall recommend to the council the names of up to five (5) citizens, living or deceased, who have significantly contributed to the health, welfare or prosperity of the town. The commission shall solicit nominations for recognition from the public. All deceased nominees must have been

deceased for two (2) years before the commission can consider their nomination. The commission shall forward its recommendations including a justification statement along with any supporting documentation to the council for consideration.

(Ord. No. 480, 9-12-02)

Sec. 2-108. - Authority over contributions.

The commission shall have the authority, on behalf of the town, to solicit and accept private contributions, gifts, bequests and other donations of property into a memorials fund to carry out the purposes of this article. All funds and other donations accepted by the commission shall be deposited with the town treasurer to the credit of the town for the exclusive use of, and at the direction of, the commission. The commission shall submit a report to the town council monthly of all receipts and expenditures from such fund.

(Ord. No. 480)

Secs. 2-109—2-120. - Reserved.