



Before the
Colonial Beach Town Council

To be held Electronically due to the current
Public Health Threat and in accordance with
Governor of Virginia Executive Orders 50 and 51
And a Declared State of Local Emergency

Wednesday, April 8, 2020 at 03:00 PM
Town Council Special Meeting
REVISED AGENDA

1. Call to Order
2. Roll Call of Members
3. Approval of the Agenda
4. New Business
 - Resolution #12-20, Ratifies a Declaration of a State of Local Emergency **(Tab A)**
 - Ordinance No. 710, Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures and to Address Continuity of Operations Associated with Pandemic Disaster **(Tab B)**
 - Resolution # 13-20, Amends Fiscal Year 2018-2019 Budget General Fund **(Tab C)**
 - Resolution # 14-20, Amends Penalties and Interest on Late Payments, Business License Tax **(Tab D)**
 - Resolution # 15-20, Amends Penalties and Interest for Late Remittances of Meals Taxes, Transient Lodging Taxes, and Cottage Taxes to Zero Percent (0.00%) Between March 21, 2020 and June 30, 2020 **(Tab E)**
 - Resolution # 16-20, Amends Penalties and Interest for Late Payments of 2019 Personal Property Taxes, 2019 Machinery and Tools Taxes, and 2020 Real Estate Taxes to Zero (0.00%) Percent from April 1, 2020 to June 30, 2020 and to Extend the Time for Payment of Vehicle License Taxes to June 30, 2020 **(Tab F)**

- **Resolution # 17-20, Amends Penalties and Interest for Late Payments of Water and Sewer Charges to Zero (0.00%) Percent Between April 1, 2020 and June 30, 2020 (Tab G)**

5. Adjournment/Recess

Tab A

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

RESOLUTION #12-20, RATIFIES A DECLARATION OF A STATE OF LOCAL EMERGENCY MADE BY THE DIRECTOR OF EMERGENCY SERVICES FOR THE TOWN OF COLONIAL BEACH, VIRGINIA

WHEREAS on March 12, 2020, Virginia Governor Ralph S. Northam declared a State of Emergency due to COVID-19 in Executive Order No. 51; and

WHEREAS on March 15, 2020 Mayor Eddie Blunt, Director of Emergency Services for the Town of Colonial Beach issued a Declaration of Local Emergency; and

WHEREAS also on March 15, 2020, Mayor Eddie Blunt further closed Town administrative offices to the public and cancelled all scheduled governmental meetings; and

WHEREAS on March 18, 2020, by way of a Notice to the Public and a Code Red announcement the Mayor requested that citizens meet only in groups no larger than ten people, including individual places of business, worship, private clubs, schools and other local meeting groups.

WHEREAS on March 27, 202, by way of a Notice to the Public and a Code Red announcement, the Mayor further noted that a curfew will be enforced and minors cannot be on the streets or in public places between 10:00 p.m. and 6:00 a.m. unless accompanied by a legal guardian; and

WHEREAS on March 30, 2020, by way of a Notice to the Public and a Code Red announcement, the Mayor further requested that citizens who own a second home in Colonial Beach stay in their primary place of residence and closed the public beaches and playgrounds owned by the Town.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at a Special Meeting on April 8, 2020, that the Declaration of Local Emergency made by Mayor Eddie Blunt, Director of Emergency Services on March 15, 2020 is ratified and confirmed; and

BE IT FURTHER RESOLVED that all directions to citizens made by Mayor Blunt as Director of Emergency Services as listed above is ratified and confirmed.

BE IT FINALLY RESOLVED that the Colonial Beach Town Council declares that the State of Local Emergency shall remain in effect until further notice.

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt _____
Frank Alger _____
Steve Cirbee _____
Pat Ey _____

Dallas Leamon _____
Robin Schick _____
Vicki Roberson _____

Adopted _____

Tabled _____

MAYOR
Eddie Blunt

TOWN COUNCIL

Robin Schick—Vice Mayor
Frank Alger III
Steve Cirbee
Dallas Leamon
Pat Ey
Vicki Roberson



TOWN OF COLONIAL BEACH
315 Douglas Ave.
Colonial Beach, Virginia 22443
(804) 224-7181 FAX (804) 224-7185

TOWN MANAGER
Quinn Robertson

DEPUTY TOWN MANAGER
Rob Murphy

CHIEF FINANCIAL OFFICER
Lisa Okes

TOWN ATTORNEY
James E. Cornwell Jr.

TOWN CLERK
Kathleen Flanagan

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Town of Colonial Beach is declaring a local emergency due to spread of COVID-19, a communicable disease of public health threat; and

WHEREAS, due to COVID-19, a condition causing extreme peril of life and health, the proclamation of existence of an emergency was established at 12:00 p.m. on March 15, 2020.

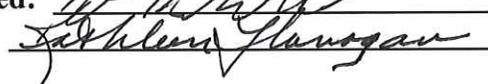
NOW, THEREFORE, IT HEREBY PROCLAIMED, that an emergency now exists throughout the Town of Colonial Beach.

IT IS FURTHER PROCLAIMED AND ORDERED, that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services of the Town of Colonial Beach shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the Town of Colonial Beach in order to mitigate the effects of said emergency.

IT IS FURTHER PROCLAIMED, that the local emergency of the Town of Colonial Beach will be affirmed by Town Council as soon as practicable.

EDWARD T. BLUNT, MAYOR, DIRECTOR OF EMERGENCY SERVICES
TOWN OF COLONIAL BEACH

DATED: March 15, 2020

Affirmed:  **Emergency Coordinator: Quinn Robertson**
Attest:  **Kathleen Flanagan, Town Clerk, Town of Colonial Beach**

Dated: March 15, 2020



Tab B

ORDINANCE NO. 710

TOWN OF COLONIAL BEACH, VIRGINIA

**EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN
CERTAIN DEADLINES
AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES
AND PROCEDURES
TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH
PANDEMIC DISASTER.**

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 15, 2020 in accordance with the Town of Colonial Beach’s Emergency Plan, the director of emergency services for the Town of Colonial Beach declared a local emergency; and

WHEREAS, on March 20, 2020 the County of Westmoreland declared a local emergency; and

WHEREAS, on March 23, 2020 the Governor of Virginia issued Executive Order Fifty-Three Imposing Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-essential Retail Businesses and Closure of K-12 Schools due to Novel Coronavirus (COVID-19); and

WHEREAS, on March 30, 2020 the Governor of Virginia issued Executive Order Fifty-Five Ordering a Temporary Stay at Home for all individuals in Virginia due to Novel Coronavirus (COVID-19); and

WHEREAS, on March 30, 2020 the director of emergency services for the Town of Colonial Beach closed the public beaches and playgrounds in the Town, which properties are owned by the Town of Colonial Beach; and

WHEREAS, the Town Council of the Town of Colonial Beach, Virginia convened a special meeting using electronic participation at 3:00 pm on April 8, 2020 and confirmed, pursuant to the applicable provisions of the Code of Virginia and the Town's Emergency Management Plan the declaration of emergency in the Town of Colonial Beach; and

WHEREAS, the Town Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code §44-146.16 being a "communicable disease of public health threat;" and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 15.2-1102 provides that the Town shall have and may exercise all powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming

procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Town Council may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees: and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Colonial Beach, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, School Board, Planning Commission, Board of Zoning Appeals and all local and regional boards, commissions, committees and authorities created by the Town Council or to which the Town Council appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

- a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location: and
- b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment: and
- c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited and provided through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
- f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED, that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain, provided that public notice is given, so that the public is aware of how and when to present its views.

IT IS FURTHER ORDAINED, that, in order to ensure the health, safety and welfare of the public or Town staff, the Town Manager is empowered to restrict members of the public from entering or congregating around town- owned buildings, facilities and real property and may cancel, postpone or reschedule any events scheduled for any town-owned building, facility or property.

IT IS FURTHER ORDAINED, that to the extent of unobligated funds available in excess of appropriations in the approved budget, the Town Manager is empowered to enter into contracts and incur obligations necessary to protect the health and safety of persons and property and to provide emergency assistance to persons affected by this disaster and may proceed with such contracts and expenditures without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring obligations, employing workers, renting equipment, purchasing supplies and materials, and other expenditures of public funds, provided, however that he shall keep the members of the Town Council apprised of any such expenditures.

IT IS FURTHER ORDAINED, that the Town Manager may temporarily take any of the following actions: waive or reduce fees imposed by Town Ordinance or Resolution; waive enforcement, in whole or in part, of any Town Ordinance and modify, limit, waive suspend or amend any Town program, service, function, process or procedure on a uniform basis, provided, however, that he shall keep the members of the Town Council apprised of any such actions,

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Town Council, but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Town Council or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures, as well as social distancing, are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

Adopted this 8th day of April 2020

Attest: _____

Quinn Robertson
Town Manager

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt

Frank Alger

Steve Cirbee

Pat Ey

Dallas Leamon

Robin Schick

Vicki Roberson

Adopted _____

Tabled _____

Tab C

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

RESOLUTION # 13-20, 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 2019-2020 budget.

NOW THEREFORE BE IT RESOLVED, that the Town Council, at its meeting on April 8, 2020 hereby adopts and appropriates and amends Fiscal Year 2019-2020 budget as follows:

	FY 2019-20	FY 2019-20 Revised	Change
General Fund	\$7,466,966.00	\$7,953,150.00	+ \$486,184.00

The total of \$486,184.00 represents the total amount of Fiscal Year 2018-2019 unspent funds. These funds will be used to alleviate the current and projected operational losses due to the COVID-19 emergency.

The funds will be appropriated to the FY20 budget – Town Manager: Contingency (100-012100-5836).

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt
Frank Alger
Steve Cirbee
Pat Ey

Dallas Leamon
Robin Schick
Vicki Roberson

Adopted _____

Tabled _____

Tab D

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

Resolution #14-20, Amends Penalties and Interest on Late Payments, Business License Tax

EMERGENCY RESOLUTION – To Amend Penalties and Interest on Late Payments of Business License Taxes to Zero Percent (0.00%) From May 1, 2020 to June 30, 2020 and to Extend the Time for Payment of Business License Taxes to June 30, 2020.

WHEREAS, the Town of Colonial Beach Director of Emergency Services declared a local emergency on March 15, 2020 due to the spread of COVID-19; and,

WHEREAS, the Colonial Beach Town Council wishes to assist its residents and businesses as the community contends with the disaster and emergency caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Town Council to act to assure continuity in government in the event of a disaster; and,

WHEREAS, the Town Council determines that amending penalties and interest for late payment of business license taxes and extending the due date for business license tax, will promote continuity of government and grant needed relief to businesses and individuals affected by the disaster.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that Resolution #14-20 is hereby ratified and confirmed.

BE IT FURTHER RESOLVED by the Town Council that Resolution #14-20 is hereby effective immediately through June 30, 2020.

Moved By _____ Seconded By _____

Table with 5 columns: Name, AYE, NAY, Name, AYE, NAY. Rows include Mayor Eddie Blunt, Frank Alger, Steve Cirbee, Pat Ey, Dallas Leamon, Robin Schick, Vicki Roberson.

Adopted _____ Tabled _____

Tab E

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

Resolution #15-20, Amends Penalties and Interest for Late Remittances of Meals Taxes, Transient Lodging Taxes, and Cottage Taxes to Zero Percent (0.00%) Between March 21, 2020 and June 30, 2020

EMERGENCY RESOLUTION – To Amend Penalties and Interest for Late Remittances of Meals Taxes, Transient Lodging Taxes, and Cottage Taxes to Zero Percent (0.00%) Between March 21, 2020, and June 30, 2020

WHEREAS, the Town of Colonial Beach Director of Emergency Services declared a local emergency on March 15, 2020 due to the spread of COVID-19; and,

WHEREAS, the Colonial Beach Town Council wishes to assist its residents and businesses as the community contends with the disaster and emergency caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Town Council to act to assure continuity in government in the event of a disaster; and,

WHEREAS, the Town Council determines that amending penalties and interest for late payment of meals taxes, transient lodging taxes, and cottage taxes, will promote continuity of government and grant needed relief to businesses and individuals affected by the disaster.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that Resolution #15-20 is hereby ratified and confirmed.

BE IT FURTHER RESOLVED by the Town Council that Resolution #15-20 is hereby effective immediately through June 30, 2020.

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 _____

Tab F

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

Resolution #16-20, Amends Penalties and Interest for Late Payments of 2019 Personal Property Taxes, 2019 Machinery and Tools Taxes, and 2020 Real Estate Taxes to Zero (0.00%) Percent from April 1, 2020 to June 30, 2020 and to Extend the Time for Payment of Vehicle License Taxes to June 30, 2020

EMERGENCY RESOLUTION – To Amend Penalties and Interest on Late Payments of 2019 Personal Property Taxes, 2019 Machinery and Tools Taxes, and 2020 Real Estate Taxes to Zero Percent (0.00%) From April 1, 2020 to June 30, 2020 and to Extend the Time for Payment of Vehicle License Taxes to June 30, 2020.

WHEREAS, the Town of Colonial Beach Director of Emergency Services declared a local emergency on March 15, 2020 due to the spread of COVID-19; and,

WHEREAS, the Colonial Beach Town Council wishes to assist its residents and businesses as the community contends with the disaster and emergency caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Town Council to act to assure continuity in government in the event of a disaster; and,

WHEREAS, the Town Council determines that amending penalties and interest for late payment of tangible personal property taxes, machinery and tools taxes, and real estate taxes and extending the due date for vehicle license tax, will promote continuity of government and grant needed relief to businesses and individuals affected by the disaster.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that Resolution #16-20 is hereby ratified and confirmed.

BE IT FURTHER RESOLVED by the Town Council that Resolution #16-20 is hereby effective immediately through June 30, 2020.

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 _____

Tab G

COUNCIL PAPER

At the meeting held on April 8, 2020 at the Colonial Beach Town Hall

Resolution #17-20 Amends Penalties and Interest for Late Payments of Water and Sewer Charges to Zero (0.00%) Percent Between April 1, 2020 and June 30, 2020

EMERGENCY RESOLUTION – To Amend Penalties and Interest for Late Payments of Water and Sewer Charges to Zero Percent (0.00%) Between April 1, 2020, and June 30, 2020

WHEREAS, the Town of Colonial Beach Director of Emergency Services declared a local emergency on March 15, 2020 due to the spread of COVID-19; and,

WHEREAS, the Colonial Beach Town Council wishes to assist its residents and businesses as the community contends with the disaster and emergency caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Town Council to act to assure continuity in government in the event of a disaster; and,

WHEREAS, the Town Council determines that amending penalties and interest for late payment of water and sewer charges, will promote continuity of government and grant needed relief to businesses and individuals affected by the disaster.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that Resolution #17-20 is hereby ratified and confirmed.

BE IT FURTHER RESOLVED by the Town Council that Resolution #17-20 is hereby effective immediately through June 30, 2020.

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 _____