



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, August 21, 2019 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

There were no Council Members absent; all Council Members were present.

Also Present

Town Manager, Quinn Robertson
Jim Cornwell, Town Attorney
Deputy Town Manager, Rob Murphy
Town Clerk, Kathleen Flanagan
Zoning Administrator, Richard Douglas
CFO, Colleen Teal
Police Chief, Bruce Hough

Call to Order

Mayor Blunt called the meeting to order at 6:00 p.m.

Moment of Silence/Pledge of Allegiance

Mayor Blunt led the Council in a Moment of Silence and a recitation of the Pledge of Allegiance.

Additions to the Agenda

There were no additions to the Agenda.

Approval of the Agenda

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

Mr. Cornwell requested that Council hold a brief closed session prior to his scheduled presentation.

There was no objection.

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

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

Approval of Minutes

There were no minutes to approve.

Council Member Announcements

Mr. Leamon recognized Sher Lee who collected 102 backpacks for children in town.

Ms. Schick thanked everyone for their congratulations on the birth of her son. Ms. Schick then welcomed Colleen Teal.

Mayor Blunt introduced and welcomed Colleen Teal.

Presentations

Darren Hall, Hallmark Tattoo Studio

Mr. Hall thanked the Mayor and Town Council and discussed his background, licenses and the what will be the rules of the shop, which is subject to health department and other Virginia agencies rules and inspections.

Mayor Blunt thanked Mr. Hall for providing the rules.

Mr. Douglas reported that currently tattoo parlors are currently not permitted in town; that ordinance will have to be repealed.

Mr. Douglas recommended moving this to the Planning Commission for study and a recommendation.

Mr. Cirbee recommended that staff look to state code first.

Ms. Schick noted that Town Code has not been updated. Ms. Schick recommended Council address the Town Code issue and the Zoning Ordinance and seek a recommendation from the Planning Commission.

Mr. Cornwell recommended the issue be directed to Planning Commission to study and recommend repeal the town code and change the zoning ordinance.

Mayor Blunt asked for Council consensus to refer the matter to the Planning Commission.

Mr. Cirbee requested that department heads send written staff reports to Council.

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

The motion to approve the referral of this issue to the Planning Commission passed with a unanimous vote of council members.

Dashan Turner, Superintendent Colonial Beach Schools

Mr. Turner noted that convocation is Monday for the entire school staff beginning at 8:30 a.m. The school is moving its financial system to Edmonds in order to be more compatible with the town’s financial system.

The Revenue and Expenditure Summary report is being prepared.

Larry Roberson, Westmoreland County Supervisor

Mr. Roberson noted that on August 28th the transfer site for trash will be shut for the day and shut down again on September 6th.

The county is looking into creating a commerce park on this end of the county by authorizing a feasibility study.

Maureen McCabe, Planning Commission

Ms. McCabe reported that the Commission continues to work on the Comp Plan and have begun the 2020-2021 Capital Improvement Plan.

Joyce Reihmerr, Downtown Colonial Beach

Ms. Reihmerr has met with Mr. Douglas and Ms. Roberson regarding historic district certification.

Ms. Reihmerr would like to see a public hearing held in advance of the October Town Council meeting.

The Osprey Festival is scheduled for April 25.

Susan Mack, Chamber of Commerce

Ms. Mack discussed recent and future town events.

Ms. Mack discussed 4th of July parking issues.

Eric Nelson, Colonial Beach Community Foundation

Mr. Nelson noted the Northern Neck Music Fest is scheduled for September 14 and tickets are on sale and include a member discount.

Mr. Nelson summarized events and projects that occurred over the summer and noted they are planning for next year.

Mr. Nelson noted there is currently a porta potty in place at the Community Center that is handicapped accessible and they are making one of the entry doors larger so as to be more handicap friendly with a ramp.

Mr. Cirbee asked who was responsible for the maintenance at Torrey Smith Park.

Ms. Schick responded that the town owns the land and the town is responsible. Ms. Schick added that there are volunteers who perform some regular maintenance projects.

Mayor Blunt noted that the town is exploring a Parks and Rec Department and staff position.

Closed Session

Mayor Blunt asked if there was a motion to go into closed session.

Mr. Alger made a motion to go into closed session pursuant to Virginia Code § 2.2-3711(A)(7) and 2.2-3711-(A)(8) for consultation with legal counsel relating to actual or probable litigation and with regard to specific legal matters related to the wastewater treatment system. Mr. Ey seconded the motion.

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

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

At 7:00 p.m. Council went into closed session.

Reconvene/Certification

Ms. Roberson made a motion to reconvene. Mr. Alger seconded the motion.

At 7:17 p.m. Mayor Blunt reconvened the meeting.

Mr. Leamon made a motion to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council. Mr. Ey seconded the motion.

Mayor Blunt called for a certification. Mr. Ey “so certified,” Mr. Leamon “so certified,” Ms. Roberson “so certified,” Ms. Schick “so certified,” Mr. Alger “so certified,” Mr. Cirbee “so certified,” and Mayor Blunt “so certified.”

Presentations Con’t

Mr. Cornwell discussed and requested guidance from Town Council on issues relating to the Wastewater Treatment Plant between the Town and Westmoreland County from November 25, 2002.

Mr. Cornwell distributed a copy of the Agreement between the Town and the County and summarized the terms.

Mr. Cornwell then directed Council’s attention to the terms of payments and terms. The contract is ongoing and continues to this day.

Mr. Cornwell then directed Council’s attention to paragraph 11, which states the County shall remit to the Town the fee of \$1,738,729 as a reservation fee, which represents 30% of the present depreciated value of the treatment plant. The fee shall entitle the County to a maximum daily flow of 600,000 gallons per day.

Mr. Cornwell stated that the County has not paid all that money, but only paid a portion of the amount and owes the Town \$868,729.

Plus, the Agreement calls for payment of capital costs and they’ve only paid a portion.

Mr. Cornwell, on behalf of the Town, approached the County and met with the Chairman of the Board, the Town Administrator and the County Attorney. The County has declined to pay the remaining balance and states it is only using one-half the capacity it is paying for and that there was an understanding with previous town managers that the County would only pay for the capacity it uses.

Mr. Cornwell directed Council's attention to paragraph 6, which says "This Agreement constitutes the entire agreement between the parties" and "This Agreement may not be modified or altered except by written agreement executed by the parties hereto." No other agreement can be located.

Mr. Cornwell queried Council as to what action to take next, stating that we have tried to resolve this informally.

Mr. Cornwell suggested Council could "do nothing and when the County needs more capacity, then collect the remaining balance then," "you lower the capacity to the County," or "you can present this matter to the Board of Supervisors for payment and, should they formally deny payment, then file an appeal to the Circuit Court to have the judge decide the issue as to whether the County owes that money plus money."

Mr. Cornwell asked for guidance.

Council Vote

Mayor Blunt made a motion stating that: if both the then Town Manager and the County Administrator who made an agreement both knew the terms of the Agreement and it was never brought to the attention or for a vote from Council, then the attorney should pursue our full intent to recover the money. The community is owed the money. Mr. Leamon seconded the motion.

Call for the Vote

Mr. Leamon called for the vote. Ms. Schick seconded the motion to call for the vote.

Council Vote

Mayor Blunt called for a roll call vote. Mr. Alger voted "aye," Mr. Cirbee voted "aye," Mr. Ey voted "aye," Mr. Leamon voted "aye," Ms. Roberson voted "abstain" noting her husband is on the County Board of Supervisors, Ms. Schick voted "aye," and Mayor Blunt voted "aye."

The motion to authorize Mr. Cornwell to pursue litigation with the County passed with a 6-abstain vote of council members.

Further Discussion

Voice from the audience opined that the vote was taken on Mr. Leamon’s motion to call for the vote.

Council Vote

Mayor Blunt and Mr. Cornwell did not agree with the Audience Member, but agreed to take a roll call vote again.

Mr. Cornwell asked if there was a motion to authorize Mr. Cornwell to file for a claim against the County and to litigate this action with the County on this matter.

Mr. Leamon made a motion to authorize Mr. Cornwell. Mr. Ey seconded the motion.

Mayor Blunt summarized saying “This motion authorizes Mr. Cornwell to pursue the Town’s best interest in this case against Westmoreland County.”

Mayor Blunt called for a roll call vote. Mr. Alger voted “aye,” Mr. Cirbee voted “nay, citing no discussion,” Mr. Ey voted “aye,” Mr. Leamon voted “aye,” Ms. Roberson voted “abstain” noting her husband is on the County Board of Supervisors, Ms. Schick voted “aye,” and Mayor Blunt voted “aye.”

The motion to authorize Mr. Cornwell to pursue litigation with the County passed with a 5-1 nay-1 abstain vote of council members (majority vote 5).

Mr. Cirbee continued to call for discussion. Mayor Blunt deemed Mr. Cirbee to be out of line.

Unfinished Business

Ordinance No. 697, Amends Town Code, Chapter 21, Article VI, Section 21-71 “Water User Charges” Residential Service

Mayor Blunt noted a Public Hearing was held on June 19, 2019.

Mr. Alger made a motion to adopt Ordinance No. 697. Ms. Schick seconded the motion.

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

The motion to adopt Ordinance No. 697 passed with a 6-1 vote of council members.

ORDINANCE NO. 697

ORDINANCE NO. 697 AMENDS CHAPTER 21, “WATER AND SEWERS,” ARTICLE VI, “FEES AND SERVICE CHARGES,” SECTION 21-71, “WATER USER CHARGES” TO INCREASE THE FLAT FEE FOR RESIDENTIAL USERS FROM TWO HUNDRED EIGHTY-

NINE DOLLARS AND TWENTY CENTS (\$289.20) ANNUALLY, TO FOUR HUNDRED AND TWENTY DOLLARS (\$420.00) ANNUALLY. ORDINANCE NO. 697 INCREASES THE QUARTERLY INSTALLMENTS FROM SEVENTY-TWO DOLLARS AND THIRTY CENTS (\$72.30) TO ONE HUNDRED AND FIVE DOLLARS (\$105.00).

ORDINANCE NO. 697 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, "Water and Sewers," Article VI, "Fees and Service Charges," Section 21-71, "Water user charges; provisions for stopping charges," to read as follows:

"Sec. 21-71. - Water user charges; provisions for stopping charges.

(a) *Residential service.* All residential users will pay a flat charge of four hundred and twenty dollars (\$420.00) per residential use per year, payable in quarterly installments of one hundred and five dollars (\$105.00).

(b) (a)

(b) *Commercial service.* All commercial water users will be metered and shall pay a minimum charge of two hundred eighty-nine dollars and twenty cents (\$289.20) per commercial use, per year, payable in quarterly installments of seventy-two dollars and thirty cents (\$72.30). This charge shall allow the user sixty thousand (60,000) gallons of usage for the year. Usage in excess of the sixty thousand (60,000) gallons per year shall be charged at the following rates:

(1) One dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000) gallons.

(2)

(2) One dollar and thirty-eight cents (\$1.38) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000).

(3)

(3) One dollar and twenty cents (\$1.20) per one thousand (1,000) gallons or part thereof on all usage over three hundred sixty thousand (360,000) gallons.

(c)

(c) Rates for water service furnished outside corporate limits shall be one hundred fifty (150) percent of the rate for such service within the town, except for water used to fill swimming pools. Charges for water furnished to fill swimming pools located outside the corporate limits shall be at the following rates:

(1) A minimum of one hundred dollars (\$100.00) per occurrence for each pool. This charge shall allow the user five thousand (5,000) gallons.

(2) Usage in excess of the five thousand (5,000) gallons per quarter shall be charged at the rate of five dollars (\$5.00) per thousand (1,000) gallons on all usage over five thousand (5,000) gallons.

(d) Water user charges shall be stopped only under the following conditions:

(1) *Residential*. For a user to be disconnected from water works and no longer subject to water charges, all plumbing fixtures and visible pipes must be removed from the structure, rendering it unfit for human habitation.

(2) *Commercial*. At a commercial establishment to which a water meter is provided, the user may request water service be disconnected. The town will take a final reading of the meter and remove it, stopping future water charges. When reestablishment of water services is requested, the town will reinstall the meter for a fee of one hundred dollars (\$100.00) and turn on the service after the user pays water fees as provided in [section 21-77](#). Provided, if the user installs a water meter approved by the town at his own expense, said installation fee may be waived.

(e) Minimum and flat usage fees shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding.

This Ordinance shall take effect October 1, 2019.

Ordinance No. 698, Amends Town Code, Chapter 21, Article VI, Section 21-80 “Sewer User Charges” Residential Service

Mayor Blunt noted a Public Hearing was held on June 19, 2019.

Mr. Alger made a motion to adopt Ordinance No. 698. Ms. Schick seconded the motion.

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

The motion to adopt Ordinance No. 698 passed with a 6-1 vote of council members.

ORDINANCE NO. 698

ORDINANCE NO. 698 AMENDS CHAPTER 21, “WATER AND SEWERS,” ARTICLE VI, “FEES AND SERVICE CHARGES,” SECTION 21-80, “SEWER USER CHARGES” TO INCREASE THE FLAT FEE FOR RESIDENTIAL USERS FROM SIX HUNDRED FIFTY DOLLARS AND EIGHTY CENTS (\$650.80) ANNUALLY, TO EIGHT HUNDRED DOLLARS (\$800.00) ANNUALLY. ORDINANCE NO. 698 INCREASES THE QUARTERLY INSTALLMENTS ONE HUNDRED SIXTY TWO DOLLARS AND SEVENTY CENTS (\$162.70) TO TWO HUNDRED DOLLARS (\$200.00). ORDINANCE NO. 698 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, “Water and Sewers,” Article VI, “Fees and Service Charges,” Section 21-80, “Sewer user rates” to read as follows:

“Sec. 21-80. - Sewer user rates

a) *Residential service.* All residential sewer users will pay a flat charge of eight hundred dollars (\$800.00) per residential use per year, payable in quarterly installments of two hundred dollars (\$200.00) each.

(b) *Commercial service.* All commercial sewer users pay a minimum charge of six hundred fifty dollars and eighty cents (\$650.80) per commercial use, per year, payable in quarterly installments of one hundred sixty-two dollars and seventy cents (\$162.70) each, for the first sixty thousand (60,000) gallons of usage. Usage in excess of sixty thousand (60,000) gallons will be charged as follows:

(1) Four dollars and fifty cents (\$4.50) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(2) Four dollars and fourteen cents (\$4.14) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(3) Three dollars and sixty cents (\$3.60) per one thousand (1,000) gallons or part thereof on all usage over three hundred and sixty thousand (360,000) gallons.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

(c) Rates for sewer service furnished outside corporate limits shall be one hundred and fifty (150) percent of the rate for such service within the town.

(d) Sewer user charges may be stopped in the same manner by which water user charges are stopped in subsection [21-71\(d\)](#).

(e) Minimum and flat fees for usage shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding. Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water stage unless a substantial portion of water purchased from the town is for cooling or other purposes that do not require the discharge of each used water into the sanitary sewer system. In such case the establishment's owner may: (1) be deemed to have sewer usage equal to their metered water usage, or (2) at the owner's expense, install a meter of design approved by the manager, or his designee, on the waste line from such commercial establishment. The volume of measured discharge by such commercial user shall be considered to be the volume of discharge into the sanitary system.”

This Ordinance shall take effect October 1, 2019.

New Business

Public Hearing

Ordinance No. 699, Amends Town Code, Chapter 21, Article VI, Section 21-81 “Water User Charges” Commercial Service

Public Input

At 7:31 p.m. Mayor Blunt opened the Public Hearing.

Bob Christianson, Washington Avenue, said he was in favor of the increase.

At 7:35 Mayor Blunt closed the Public Hearing

Mr. Alger made a motion to adopt Ordinance No. 699. Ms. Schick seconded the motion.

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

The motion to adopt Ordinance No. 699 passed with a 6-1 vote of council members.

ORDINANCE NO. 699

ORDINANCE NO. 699 AMENDS CHAPTER 21, “WATER AND SEWERS,” ARTICLE VI, “FEES AND SERVICE CHARGES,” SECTION 21-71, “WATER USER CHARGES;” TO INCREASE THE MINIMUM CHARGE FOR COMMERCIAL USERS FROM TWO HUNDRED EIGHTY-NINE DOLLARS AND TWENTY CENTS (\$289.20) ANNUALLY, TO FOUR HUNDRED AND TWENTY DOLLARS (\$420.00) ANNUALLY. ORDINANCE NO. 699 INCREASES THE QUARTERLY INSTALLMENTS FROM SEVENTY-TWO DOLLARS AND THIRTY CENTS (\$72.30) TO ONE HUNDRED AND FIVE DOLLARS (\$105.00).

ORDINANCE NO. 699 FURTHER ADDS SECTION 21-71(b)(4) WHICH CLARIFIES THAT MINIMUM USAGE FEES IN THE AMOUNT OF 15,000 GALLONS OF USAGE ARE CALCULATED AS PER QUARTER MINIMUM USAGE FEES FOR BILLING PURPOSES.

ORDINANCE NO. 699 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, “Water and Sewers,” Article VI, “Fees and Service Charges,” Section 21-71, “Water user charges” to read as follows:

“Sec. 21-71. - Water user charges; provisions for stopping charges.

(a) *Residential service.* All residential users will pay a flat charge of four hundred and twenty dollars (\$420.00) per residential use per year, payable in quarterly installments of one hundred and five dollars (\$105.00).

(b) *Commercial service.* All commercial water users will be metered and shall pay a minimum charge of four hundred and twenty dollars (\$420.00) per commercial use, per year, payable in quarterly installments of one hundred and five dollars (\$105.00). This charge shall allow the user fifteen thousand (15,000) gallons of usage for the quarter. Usage in excess of the fifteen thousand (15,000) gallons per quarter shall be charged at the following rates:

(1) One dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000) gallons.

(2)

(2) One dollar and thirty-eight cents (\$1.38) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000).

(3) One dollar and twenty cents (\$1.20) per one thousand (1,000) gallons or part thereof on all usage over three hundred sixty thousand (360,000) gallons.

(4) All commercial water users will be metered and shall pay a minimum charge of One Hundred and Five Dollars (\$105.00) per quarter. This charge shall allow the user up to fifteen thousand gallons (15,000) of usage for the quarter. Usage in excess of the fifteen thousand (15,000) gallons per quarter shall be charged at the rates listed above.

(c) Rates for water service furnished outside corporate limits shall be one hundred fifty (150) percent of the rate for such service within the town, except for water used to fill swimming pools. Charges for water furnished to fill swimming pools located outside the corporate limits shall be at the following rates:

(1) A minimum of one hundred dollars (\$100.00) per occurrence for each pool. This charge shall allow the user five thousand (5,000) gallons.

(2) Usage in excess of the five thousand (5,000) gallons per quarter shall be charged at the rate of five dollars (\$5.00) per thousand (1,000) gallons on all usage over five thousand (5,000) gallons.

(d) Water user charges shall be stopped only under the following conditions:

(1) *Residential.* For a user to be disconnected from water works and no longer subject to water charges, all plumbing fixtures and visible pipes must be removed from the structure, rendering it unfit for human habitation.

(2) *Commercial.* At a commercial establishment to which a water meter is provided, the user may request water service be disconnected. The town will take a final reading of the meter and remove it, stopping future water charges.

When reestablishment of water services is requested, the town will reinstall the meter for a fee of one hundred dollars (\$100.00) and turn on the service after the user pays water fees as provided in [section 21-77](#). Provided, if the user installs a water meter approved by the town at his own expense, said installation fee may be waived.

(e) Minimum and flat usage fees shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding.

This Ordinance shall take effect October 1, 2019.

Public Hearing

Ordinance No. 700, Amends Town Code, Chapter 21, Article VI, Section 21-80 “Sewer User Rates” Commercial Service

Public Input

At 7:36 p.m. Mayor Blunt opened the Public Hearing.

There were no citizens who wanted to comment.

At 7:36 Mayor Blunt closed the Public Hearing

Mr. Alger made a motion to adopt Ordinance No. 700. Ms. Schick seconded the motion.

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

The motion to adopt Ordinance No. 700 passed with a 6-1 vote of council members.

ORDINANCE NO. 700, AMENDS CHAPTER 21, “WATER AND SEWERS,” ARTICLE VI, “FEES AND CHARGES,” SECTION 21-80, “SEWER USER RATES,” (b) COMMERCIAL SERVICE

ORDINANCE NO. 700 INCREASES COMMERCIAL SEWER RATES FROM ONE HUNDRED SIXTY TWO DOLLARS AND SEVENTY CENTS (\$162.70) PER QUARTER TO TWO HUNDRED DOLLARS (\$200.00) PER QUARTER, WHICH IS A TOTAL ANNUAL INCREASE FROM SIX HUNDRED FIFTY DOLLARS AND EIGHTY CENTS (\$650.80) TO EIGHT HUNDRED DOLLARS (\$800.00).

ORDINANCE NO. 700 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-2111 AND 15.2-2119.

BE IT ORDAINED by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 21, “Water and Sewers,” Article VI, “Fees and Service Charges,” Section 21-80, “Sewer user rates” to read as follows:

“Sec. 21-80. - Sewer user rates

a) *Residential service.* All residential sewer users will pay a flat charge of eight hundred dollars (\$800.00) per residential use per year, payable in quarterly installments of two hundred dollars (\$200.00) each.

(b) *Commercial service.* All commercial sewer users pay a minimum charge of eight hundred dollars (\$800.00) per commercial use, per year, payable in quarterly installments of two hundred dollars (\$200.00) each, for the first fifteen thousand (15,000) gallons of usage per quarter. Usage in excess of fifteen thousand (15,000) gallons per quarter will be charged as follows:

(1) Four dollars and fifty cents (\$4.50) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(2) Four dollars and fourteen cents (\$4.14) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.

(3) Three dollars and sixty cents (\$3.60) per one thousand (1,000) gallons or part thereof on all usage over three hundred and sixty thousand (360,000) gallons.

(c) Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

(d) Rates for sewer service furnished outside corporate limits shall be one hundred and fifty (150) percent of the rate for such service within the town.

(e) Sewer user charges may be stopped in the same manner by which water user charges are stopped in subsection [21-71\(d\)](#).

(f) Minimum and flat fees for usage shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one (1) quarter for the quarter immediately preceding. Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water stage unless a substantial portion of water purchased from the town is for cooling or other purposes that do not require the discharge of each used water into the sanitary sewer system. In such case the establishment's owner may: (1) be deemed to have sewer usage equal to their metered water usage, or (2) at the owner's expense, install a meter of design approved by the manager, or his designee, on the waste line from such commercial establishment. The volume of measured discharge by such commercial user shall be considered to be the volume of discharge into the sanitary system.”

This Ordinance shall take effect October 1, 2019.

Ms. Schick stated that the metering results need to be studied and Council needs to be diligent in the future so as to not have to have such a high rate increase.

Resolution #35-19, Authorizes Town Manager to Sign and Submit a Grant Application to the Virginia Land Conservation Foundation (VLCF)

Mr. Leamon made a motion to adopt Resolution #35-19. Mr. Alger seconded the motion.

Mayor Blunt stated that the town’s counsel has provided the opinion that a vote would require a super majority. Mr. Nelson stated that the counsel for Friends of Eleanor Park has provided an opinion that a vote would not require a super majority and it is considered a public space.

Mr. Cornwell read from State Code 15.2-2100(A) “No rights of a city or town in or to its waterfront property, wharves, docks, streets, avenues, parks, bridges or other public places or gas or electric works shall be sold except by ordinance passed by a recorded, confirmed vote of 3/4ths of all the members of the elected council notwithstanding any contrary provision of the law and under such other restrictions that may be imposed by law.”

Mr. Cornwell stated that any way you look at it, you lose rights to your property under the proposed conservation easement.

Mr. Cornwell further stated that a Planning Commission recommendation on Eleanor Park is required.

Mr. Nelson noted that “giving something up” does not equate to a sale, as there is no one on the “other side” so it isn’t really a sale.

Mr. Cornwell replied it certainly is giving up rights.

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

The motion to adopt Resolution #35-19 passed with a 4-3 vote of council members.

Resolution #35-19, Authorizes Town Manager to Sign a Grant Application to the Virginia Land Conservation Foundation

RESOLUTION #35-19, Authorizes the Town Manager to sign and submit a hardcopy plus electronic version of a grant application to the Virginia Land Conservation Foundation (“VLCF”) no later than 4 PM on Thursday, August 29, 2019 as required by and in accordance with the VLCF’s 2019 Grant Manual (FY20 Program Year), dated June 19, 2019.

WHEREAS the Town of Colonial Beach (the “Town”) owns a parcel of land consisting of 1.89 acres at the Intersection of Irving Avenue, Dandridge Lane, and Lossing Avenue, known by its USGS placename as Eleanor Park Tourist Camp, as designated by the U.S. Board on Geographic Names, April 20, 1998 (the “Property”); and

WHEREAS the Colonial Beach Town Council (the “Council”) wishes to explore all options relative to the Property; and

WHEREAS the VLCF administers the Virginia Land Conservation Fund (the “Fund) for the purpose of providing grants to state agencies, other public bodies, and qualifying nonprofits to reimburse them for the costs associated with conserving land throughout the Commonwealth in accordance with VA Code §§ 10.1-1020 and 1021.1; and

WHEREAS the VLCF awards grants for up to 50 percent of total project costs (e.g., due diligence costs) and 50 percent of the appraised value of the subject property using specific criteria defined in each of the 4 application categories: Farmlands and Forest Preservation, Historic Area Preservation, Natural Area Protection, and Open Spaces and Parks; and

WHEREAS one third of VLCF grants funds shall be used to secure open-space easements to be held or co-held by a public body and no less than one half of grant funds shall be used for projects that provide public access; and

WHEREAS a number of Colonial Beach full- and part-time residents have requested that the Town submit a grant application to the CLVF to potentially obtain funds for a conservation easement on the Property; and

WHEREAS the Council wishes to be responsive to those residents and diligent in the exploration of all options with respect to the Property; and

WHEREAS a small group of those residents have volunteered to develop the grant application in coordination with and support from Council members Frank Alger and Dallas Leamon, and with supporting documentation provided by the Town, as necessary; and

WHEREAS the Council, should the Town be awarded and accept grant funds, will consider the Property its match contribution.

NOW, THEREFORE BE IT RESOLVED by the Council at its monthly meeting held on Wednesday, August 21, 2019, that the Town Manager is authorized to sign and submit the grant application to VLCF for purchase of a conservation easement in an amount up to \$450,000 (50 percent of

the Property's purchase price in an offer received by the Town on July 19, 2018) plus 50 percent of project costs, with the Property constituting the Town's match contribution; and

BE IT FINALLY RESOLVED that, in authorizing grant application submission to VLCF, the Council is not committing to accept any funds that VLCF may offer.

Resolution #38-19, Appoints Colleen Teal as Chief Financial Officer of the Town of Colonial Beach

Mr. Leamon made a motion to adopt Resolution #38-19. Mr. Alger seconded the motion.

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

The motion to adopt Resolution #38-19 passed with a unanimous vote of council members.

RESOLUTION # 38-19, Appoints Colleen Teal as Chief Financial Officer for the Town of Colonial Beach

WHEREAS, the Colonial Beach Town Council created by Ordinance the position of Chief Financial Officer in order to provide appropriate oversight and management of Town Funds; and

WHEREAS, the Town Council has selected a highly qualified individual, Colleen Teal, to serve as the Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Colleen Teal as Chief Financial Officer for the Town of Colonial Beach effective immediately.

Citizen Input

Tim Trivett, Wakefield Street, noted that the Colonial Beach representative on the Board of Supervisors made a motion and voted affirmatively that sheriff deputies receive overtime when working at events in Colonial Beach. Mr. Trivett stated that the Sheriff is a constitutional officer and cannot be directed by the Board of Supervisors.

Walter Kern, The Meadows stated that the foyers still have not been cleaned.

Mr. Kern noted that a sailboat was tied up at the boat ramp for a week and a half, which is unacceptable.

Mayor Blunt replied that signage has been ordered and will be installed that says no overnight mooring.

Adjournment/Recess

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

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

The motion to adjourn passed with a unanimous vote of council members.

At 8:30 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk