



Before the

## **Colonial Beach Town Council**

Held at

Town Center, 22 Washington Avenue

**Wednesday, July 15, 2020 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 for the January 21, 2019 Special Meeting, April 17, 2019 Regular Meeting, June 5, 2020 Work Session and June 13, 2020 Regular Meeting
7. Council Member Announcements
8. Presentations
  - Return to School Plan, Mr. Turner, Colonial Beach Schools Superintendent
9. Unfinished Business
10. New Business
  - Resolution #23-20, Recommends Appointment of Maureen McCabe, Maureen Holt, Roger Matherly, Larry Roberson, Steve Zirkle and Gary Seeber to the Colonial Beach Board of Zoning Appeals  
**(TAB A)**

- Resolution #24-20, Vacation of Unimproved Portion of Locust Ave and Authorization to Sell **(TAB B)**

**PUBLIC HEARING**

- Resolution #25-20, Authorization of Lease Agreement with Colonial Beach Foundation **(TAB C)**

- i) Public Input
- ii) Council Action

- Resolution #26-20, Amends Fiscal Year 2020-2021 Budget, General Fund **(TAB D)**
- Resolution #27-20, Amends Fiscal Year 2020-2021 Budget, Water Fund **(TAB E)**
- Resolution #28-20, Adopts a Hazardous Pay Policy **(TAB F)**

**11. Status Item**

- Discussion on Eleanor Park, Quinn Robertson
- COVID-19 UPDATE

**12. Citizen Input**

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

**14. Adjournment/Recess**

# Tab A

**COUNCIL PAPER**

**At the regular meeting held on Wednesday July 15, 2020 at the Colonial Beach Town Center**

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**RESOLUTION #23-20, Recommends Appointment of Maureen McCabe, Maureen Holt, Roger Matherly, Larry Roberson, Steve Zirkle, and Gary Seeber to the Colonial Beach Board of Zoning Appeals**

**WHEREAS**, Article 17 of the Colonial Beach zoning ordinance provides for a Board of Zoning Appeals, consisting of five members and one alternate member, appointed by the Circuit Court of Westmoreland County and serving five-year terms; and

**WHEREAS**, the Colonial Beach Board of Zoning Appeals has a vacancy of five seats and one alternate seat;

**WHEREAS**, Maureen Holt, Roger Matherly, Larry Roberson, and Steve Zirkle have expressed the desire to be appointed to and have agreed to serve on the Board of Zoning Appeals; and

**WHEREAS**, Maureen McCabe was recommended in 2018 to be appointed to the Board of Zoning Appeals and has expressed continued interest to be appointed; and

**WHEREAS**, Gary Seeber has expressed the desire to be appointed to and has agreed to serve as an alternate member of the Board of Zoning Appeals.

**NOW THEREFORE, BE IT RESOLVED** that the Colonial Beach Town Council, meeting in regular session, July 15, 2020, hereby recommends the appointment of Maureen Holt, Roger Matherly, Larry Roberson, Steve Zirkle, and Maureen McCabe, to serve on the Board of Zoning Appeals for five-year terms (see Zoning Ordinance, Article 17, Board of Zoning Appeals, 17-1(B)(1)).

**BE IT FURTHER RESOLVED** that the Colonial Beach Town Council, meeting in regular session, July 15, 2020, hereby recommends the appointment of Gary Seebers to serve as an alternate member on the Board of Zoning Appeals for a five-year term.

**BE IT FURTHER RESOLVED** that the Colonial Beach Town Council requests that the Circuit Court of Westmoreland County appoint the above-named citizens to serve on the Colonial Beach Board of Zoning Appeals for five-year terms.

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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 #37-18, Recommends Appointment of Maureen McCabe to the Board of Zoning Appeals**

**WHEREAS** Maureen McCabe has expressed a willingness to serve on the Colonial Beach Board of Zoning Appeals; and

**WHEREAS** Maureen McCabe has submitted an application which is attached to this Resolution; and

**WHEREAS** Maureen McCabe has faithfully served on the Town of Colonial Beach Planning Commission since her appointment on December 12, 2013 and currently serves as its Chairperson; and

**WHEREAS** Virginia State Code 15.2-2308 (A) allows one member of the Planning Commission to concurrently serve on the Board of Zoning Appeals.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council, meeting in regular session, Wednesday, September 19, 2018 hereby recommends the appointment of Maureen McCabe to serve on the Board of Zoning Appeals, for a five-year term (see Zoning Ordinance, Article 17, Board of Zoning Appeals, 17-1(B)(1)); such term expiring on September 30, 2023.

**BE IT FURTHER RESOLVED** that the Town Council request that the Circuit Court of Westmoreland County appoint Maureen McCabe to serve on the Colonial Beach Board of Zoning Appeals for a five-year term; such term expiring on September 30, 2023.

**THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION**, adopted by the Town Council at a Meeting of Council held Wednesday, September 19, 2018 at the Colonial Beach Town Center, with a quorum of Council being present.

\_\_\_\_\_  
Kathleen Flanagan, Town Clerk

*Upon motion made by Mr. Leamon and seconded by Mr. Lyburn, Resolution #37-18, as written, passed with a unanimous vote of council members.*

	<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>
<i>Blunt</i>	X		<i>Cirbee</i>	X	
<i>Leamon</i>	X		<i>Dellar</i>	X	
<i>Alger</i>	X		<i>Lyburn</i>	X	
			<i>Rogers</i>	X	

## COUNCIL PAPER

At the meeting held on July 15, 2020 at the Colonial Beach Town Center

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### BOARD OF ZONING APPEALS:

*Requested Action:* Approve Resolution #32-13, recommending the following individuals for appointment to the Colonial Beach Board of Zoning Appeals: Maureen McCabe, Maureen Holt, Stephen Zirkle, Roger Matherly, Larry Roberson, and Gary Seeber (alternate).

Article 17 of the zoning ordinance provides for a Board of Zoning Appeals (BZA), consisting of five members and one alternate member, appointed by the Circuit Court of Westmoreland County and serving five-year terms. As required under State law, members must be town residents and cannot hold another public office in the town, except one of the appointed members may be a member of the Planning Commission. Typically, Town Councils will identify and nominate individuals to serve on the BZA, often individuals who have a background in real estate, law, development, or other related area, but members must be appointed by the Circuit Court. The role of the BZA is quasi-judicial in nature and includes considering variances to zoning ordinance requirements and considering appeals to decisions of the zoning administrator.

Based on previous staff research it appears that there are no active members of the BZA, and according to the Clerk of Court, it has been several years since the last BZA members have been appointed. The Town Council nominated Maureen McCabe (who can fill the one position designated for a member of the Planning Commission) in September 2018, but she was never formally appointed. The Clerk of Court suggested that all potential candidates be submitted at one time for court consideration.

The following individuals were recommended by Council members and contacted by staff, and have agreed to serve if appointed (in addition to Ms. McCabe):

Maureen Holt  
Stephen Zirkle  
Roger Matherly  
Larry Roberson  
Gary Seeber (alternate)

# Tab B

COUNCIL PAPER

At the meeting held on Wednesday, July 15, 2020 at the Colonial Beach Town Center

RESOLUTION #24-20, VACATION OF UNIMPROVED PORTION OF LOCUST AVENUE AND AUTHORIZATION TO SELL

BE IT RESOLVED that the Town Council, meeting in a Regular Meeting, Wednesday July 15, 2020 after duly authorized public hearing hereby VACATES AND ABANDONS that portion of Locust Street containing 0.19 acres, more or less, being that unimproved portion of Locust street running from Riverview Drive to the Potomac River as shown upon a plat prepared by J.L. Howeth, P.C. dated January 12, 2019 and entitled "Plat Showing Boundary Survey on the Property of the Town of Colonial Beach" attached to this Resolution and filed herewith; and,

BE IT FURTHER RESOLVED that the Town Council after duly authorized public hearing hereby authorizes the sale and conveyance of the above parcel to Teresa Vest and Jonna Meyer, jointly, for the consideration of \$70,000 and their agreement to combine the property into their existing lot so that the property does not constitute a separate buildable lot and to further maintain and improve the shoreline abutting the property on the Potomac River.

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 \_\_\_\_\_

PLAT MAP

Borrower: Town of Colonial Beach

File No.: TOWN OF CB 10192

Property Address: Riverview Dr

Case No.: Town of Col Beach

City: Colonial Beach

State: VA

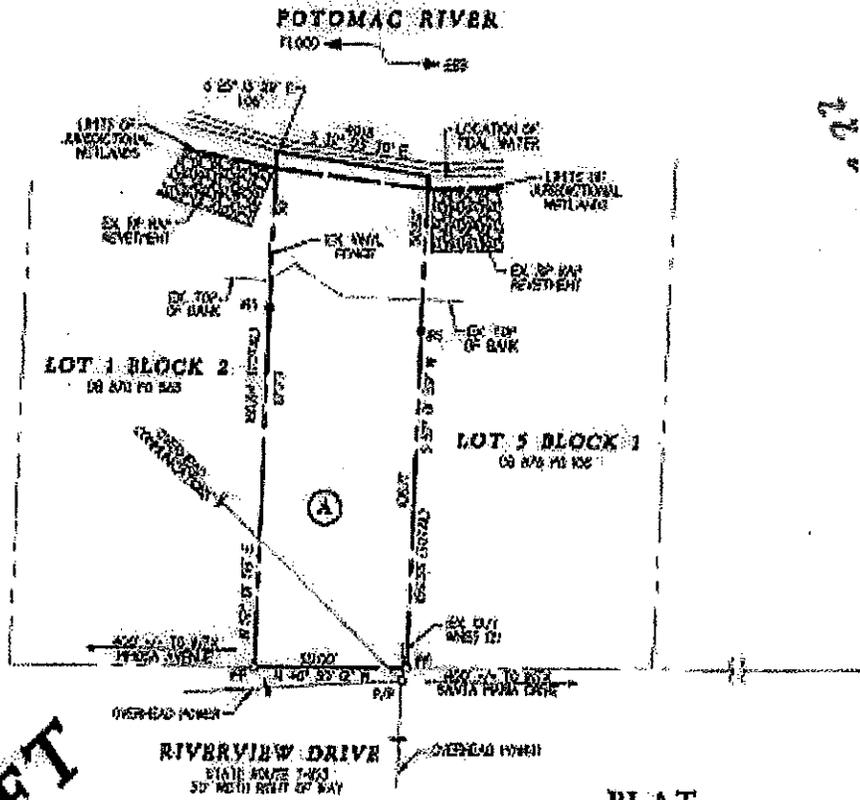
Zip: 22443

Lender: Town of Colonial Beach

1. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONES "X" AND "AE" SET OUT IN ACCORDANCE WITH FIRM FLOOD HAZARD MAP OF WESTMORELAND COUNTY, VIRGINIA, COMPANY FILE NUMBER 800000001, EFFECTIVE DATED 1/18, 2009.
2. ELEVATIONS SHOWN ALONG THE POTOMAC BANK ARE FOR CONSULTATION PURPOSES ONLY. PROPERTY OWNERS SHOULD EXIT TO MEAN LOW WATER.



VICINITY MAP SCALE 1:1



**DRAFT**

PLAT  
SHOWING  
BOUNDARY SURVEY  
ON THE PROPERTY OF  
**THE TOWN OF  
COLONIAL BEACH**  
TOWN OF COLONIAL BEACH  
WESTMORELAND COUNTY VIRGINIA

**LEGEND**  
 □ PIT - 100' DIA. PITS  
 □ NE - 100' DIA. PITS

# Tab C

**COUNCIL PAPER**

**At the meeting held on Wednesday, July 15, 2020 at the Colonial Beach Town Center**

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**RESOLUTION # 25-20, Authorization to enter into Lease Agreement with the Colonial Beach Foundation**

**WHEREAS**, the Colonial Beach Town Council seeks to enter a five-year lease with the Colonial Beach Foundation for the property located at 717 Marshall Avenue (Tax Map 3A1, Section 2, Block 40, Lots 11 through 22), commonly known as “The Lion’s Club Property”; and

**WHEREAS**, the Colonial Beach Town Council conducted a properly advertised public hearing on July 15, 2020; and

**WHEREAS**, the Colonial Beach Town Council agrees with the terms of the proposed lease between the Town of Colonial Beach and the Colonial Beach Foundation.

**NOW THEREFORE BE IT RESOLVED**, by the Colonial Beach Town Council on the 15th day of July 2020 that a five year lease, effective July 31, 2020, of the property located at Tax Map 3A1, Section 2, Block 40, Lots 11 through 22 for \$10.00 dollars per year to the Colonial Beach Foundation is hereby approved and the Town Manager is authorized to sign the lease on behalf of the Town.

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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- # 13-15, Authorization to enter into Lease Agreement with the Colonial Beach Foundation**

**WHEREAS**, the Colonial Beach Town Council seeks to enter into a five year lease with the Colonial Beach Foundation for the property located at 717 Marshall Avenue (Tax Map 3A1, Section 2, Block 40, Lots 11 through 22), commonly known as "The Lion's Club Property"; and

**WHEREAS**, the Colonial Beach Town Council conducted a properly advertised public hearing on March 12, 2015; and

**WHEREAS**, the Colonial Beach Town Council agrees with the terms of the proposed lease between the Town of Colonial Beach and the Colonial Beach Foundation.

**NOW THEREFORE BE IT RESOLVED**, by the Colonial Beach Town Council on the 12<sup>th</sup> day of March 2015 that a five year lease, effective March 31, 2015, of the property located at Tax Map 3A1, Section 2, Block 40, Lots 11 through 22 for ten dollars per year to the Colonial Beach Foundation is hereby approved and the Town Manager is authorized to sign the lease on behalf of the Town.

**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, March 12, 2015 at the Colonial Beach Town Center, with a quorum of Council being present.

  
Kathleen Flanagan, Town Clerk

LEASE AGREEMENT

THIS LEASE made and entered into in duplicate originals, this thirty-first day of March 2015, by and between the Town of Colonial Beach, a Virginia Municipal Corporation, (herein the "Town") and the Colonial Beach Foundation, (herein the "Foundation").

WHEREAS, the Town Council of the Town of Colonial Beach, at a regular meeting held Thursday March 12, 2015, by means of Council Resolution #13-15 resolved to authorize a lease with the Foundation for the property located at Tax Map 3A1, Section 2, Block 40, Lots 11 through 22, commonly known as "the Lion's Club Property" (herein ("The Property")), and

WHEREAS, the Town Manager was authorized and directed to negotiate and execute a lease agreement, and

WHEREAS, the property to be leased shall be used as a public park and recreation center, under the supervision of the Foundation.

NOW, THEREFORE, the parties agree that for and in consideration of an annual rent of ten (\$10.00) dollars payable in advance, by the Foundation, and in conformity with the applicable statutes of the Commonwealth of Virginia for leasing Town Property, the Town does hereby lease to the Foundation those certain lots or parcels of land in Colonial Beach, Westmoreland County, Virginia known and described as, Tax Map #3A1, Section 2, Block 40, Lots 11 through 22, said lease to be subject to the following terms and conditions:

It is mutually agreed and understood as follows:

1. That this lease shall begin on March 31, 2015 and shall expire on March 31, 2020.

2. That the rent to be paid by the Foundation to the Town for the Property so leased or rented for the period of said lease shall be ten (\$ 10.00) dollars per year. The rent shall be paid in advance by the Foundation on or before the 31st of March 2015, 2016, 2017, 2018 and 2019.
3. The Foundation will be responsible for the maintenance and upkeep of the property including any and all structures located thereon, as well as the maintenance of the grass, removal of weeds, and keeping the property in an orderly manner.
4. That any and all permanent improvements placed upon the land or attached to the structure herein rented to the Foundation shall become the property of the Town upon termination of the lease for any cause. The Foundation shall not make any permanent improvements to the Property without first obtaining written permission from the Town. Nothing in this paragraph shall be deemed as prohibiting the Foundation from making repairs to the Property.
5. The Foundation will be responsible for payment of water and sewer services as well as charges for any other utilities, including but not limited to, electricity, heating oil, phone service and cable. All utility accounts must be registered in the name of the Foundation.
6. That this lease cannot be assigned or sublet, by the Foundation without the prior written consent of the Town.
7. That the Foundation hereby covenants and agrees to maintain liability insurance in the amount of \$2,000,000.00 with corporate surety on the premises and to hold the Town harmless for any and all claims which may arise out of the construction or operation of any improvements or activities on the said property, whether supervised or unsupervised, authorized or unauthorized. The Town shall be named as an additional

insured under said policy. The Foundation shall file a copy of said policy with the Town.

8. That the property so leased shall be used as a public park and recreation center that is open to the public. The Foundation is given the right to reasonably restrict the type and times of activities for the purposes of safety, and orderly management.

9. Either party hereto may terminate the lease upon sixty (60) days written notice to the other party. Termination may be with or without cause.

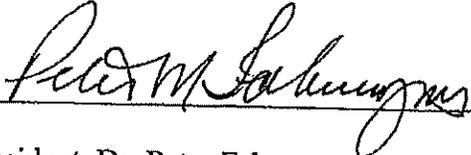
WITNESS the following signatures:

THE TOWN OF COLONIAL BEACH

  
Val Foulds, Town Manager

Date: March 17 2015 <sup>cv</sup>

COLONIAL BEACH FOUNDATION

  
President, Dr. Peter Fahrney

Date: March 17, 2015

COPY

# Tab D

COUNCIL PAPER

At the meeting held on July 15, 2020 at the Colonial Beach Town Center

RESOLUTION # 26-20, Amends Fiscal Year 2020-2021 Budget, General Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2020-2021 budget.

NOW THEREFORE BE IT RESOLVED, that the Town Council regular meeting on July 15, 2020 hereby adopts and appropriates an amendment to the Fiscal Year 2020-2021 budget as follows:

Table with 4 columns: Category, FY 2020-21 Adopted, FY 2020-21 Revised, Change. Row 1: General Fund, \$6,930,941.75, \$7,398,748.51, + \$467,806.76

- 1) The total of \$467,806.76 represents the remaining amount of Fiscal Year 2018-2019 unspent funds previously appropriated into the FY 19-20 budget. A portion of these funds will be used towards the Dog Park construction and the purchase of new parking meters. Remaining funds will assist in alleviating the current and projected operational losses due to the COVID-19 emergency.
2) The funds will be appropriated to the FY21 budget - Town Manager: Contingency Carry Forward FY19 (100-012100-5838).

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

Adopted \_\_\_\_\_ Tabled \_\_\_\_\_

# Tab E

COUNCIL PAPER

At the meeting held on July 15, 2020 at the Colonial Beach Town Center

**RESOLUTION # 27-20, Amends Fiscal Year 2020-2021 Budget, Water Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2020-2021 budget.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council regular meeting on July 15, 2020 hereby adopts and appropriates an amendment to the Fiscal Year 2020-2021 budget as follows:

	FY 2020-21 Adopted	FY 2020-21 Revised	Change
Water Fund	\$1,193,439.64	\$1,446,347.92	+ \$252,908.28

- 1) The total of \$252,908.28 represents the remaining amount of the 2014 GO Bond proceeds acquired and appropriated in FY 14-15 (Resolution #14-15) to repair and paint the Water Tower. This project is expected to be completed in this fiscal year.
- 2) The funds will be appropriated to the FY21 budget – Water Department – Capital Improvements (503-044000-8101).

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

Adopted \_\_\_\_\_ Tabled \_\_\_\_\_

# Tab F

COUNCIL PAPER

At the meeting held on July 15th, 2020 at the Colonial Beach Town Hall

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**RESOLUTION #28-20, Adopts a Hazardous Duty Pay Policy**

**WHEREAS**, it is the policy of the Town to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Town by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

**NOW, THEREFORE BE IT RESOLVED**, that Town Council hereby authorizes the Town Manager to approve and incorporate the attached Hazardous Duty Policy & the COVID-19 Pay Policy & Acknowledgement

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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 \_\_\_\_\_



## HAZARD DUTY PAY POLICY

While employed with the Town of Colonial Beach, some employees must perform hazardous duties or duties in hazardous locations, or both. The Town of Colonial Beach recognizes that employees should be compensated for their willingness to take on hazardous duties.

If a hazardous condition exists (temporary or permanent), the department head will submit a request to the Town Manager summarizing the hazardous condition, affected staff and hours spent performing the hazardous duty. Based on this information, the Town Manager will determine if a hazardous duty pay supplement is warranted. The Town Manager will notify the department head and payroll of the determination.

All full- and part-time employees performing duties determined to be "hazardous" by the Town Manager will be eligible for hazard duty pay. Hazard duty pay is a supplement to the employee's base pay. The pay supplement hourly rate will be approved by the Town Council based on the nature of the hazard.

The Hazard Pay supplement will be paid only for hours worked (not sick leave, vacation, paid-time-off, or compensatory time off).

Adopted: July 15, 2020

Resolution #28-20





## COVID-19 HAZARAD PAY POLICY & ACKNOWLEDGEMENT

In recognition of the unique circumstances relating to the COVID-19 pandemic, the Town of Colonial Beach (the "Town") will begin offering hazard pay to certain non-exempt employees effective July 1, 2020, ("effective date") as set forth in this policy. The Town Manager will determine which positions qualify as "high risk" and are entitled to hazard pay.

Employees who engage in work deemed "high risk" by the Town, will be eligible for hazard pay as outlined in this policy. To be eligible for hazard pay under this policy, the employee must have direct contact with the general public or engage in the physical sanitation and maintenance of Town facilities. All eligible full-time and part-time non-exempt employees will earn an additional \$2 per hour in addition to their regular hourly rate, for all hours worked beginning on the effective date. This policy will remain in effect until otherwise discontinued or modified by the Town but will end no later than December 30, 2020. The Town will continue to monitor the COVID-19 pandemic and modify this policy as needed to adhere to federal and state guidelines.

For the period of time that this Policy is in effect, it is the employee's responsibility to continue to review their pay stub for accuracy. If any discrepancy is found, please contact Laura Corbin, HR Manager, immediately so the necessary correction can be made.

*By signing this document, you acknowledge that you received a copy of this Policy and have read and understand it. You further acknowledge that the Town may modify or discontinue this policy at any time and for any reason with or without notice. Lastly, you understand that your employment is at will and this Policy does not modify your at will employment status.*

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Employee signature

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Date

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Employee printed name

Adopted: July 15, 2020

Resolution #XX

