



**Minutes of the
Colonial Beach Town Council
Special Meeting held on
Wednesday, July 19, 2017 at 6:00 p.m.**

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

Present

Mayor, Eddie Blunt
Vice Mayor, Dallas Leamon
Member, Frank Alger III
Member, Steve Cirbee
Member, Bill Dellar
Member, Phil Rogers

Absent

All Council Members were present with the exception of Mr. Lyburn.

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Chief, Police Dept, Danny Plott
Zoning Administrator, Brendon McHugh

Call to Order

Mayor Blunt called the meeting to order at 6:04 p.m.

Mayor Blunt asked Ms. Erard to discuss the Supreme Court case regarding prayer at public meetings.

Ms. Erard summarized the current case, Rowland v. Lund, in which members of Council were saying prayers. The court has ruled that certain types of prayer are in opposition to current law. Ms. Erard recommended the saying of a prayer be stayed and offered several options, such as having a local minister offer an invocation.

Mayor Blunt led the meeting in the Pledge of Allegiance.

Roll Call of Members

Mayor Blunt noted that all council members were present with the exception of Mr. Lyburn.

All Council Members were present except Mr. Lyburn.

Approval of the Agenda

Mayor Blunt made a suggestion to strike Resolution #35-17 and add Resolution #36-17. Mr. Leamon made a motion. Mr. Dellar seconded the motion.

Mr. Alger made a motion to add under New Business a resolution to authorize the Town Manager to place an ad for school request. Mr. Dellar seconded the motion.

Mayor Blunt called for a roll call vote on Approval of the Agenda, as amended. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to approve the agenda, as amended, was adopted with a unanimous vote of council members present.

Approval of Minutes: April 13, 2017; April 19, 2017; April 27, 2017; May 8, 2017; May 11, 2017; and May 17, 2017

Mr. Alger made a motion to approve the minutes as presented. Mr. Dellar seconded the motion.

Mayor Blunt called for a roll call vote on Approval of the Agenda, as amended. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to approve the minutes as presented was adopted with a unanimous vote of council members present.

Council Announcements

Mr. Leamon remarked that at the last meeting Council passed a resolution suspending the liaison to Administration, which Mr. Leamon had brought before Council.

Mr. Leamon then read excerpts from an email sent by Mr. Cirbee to Mr. McHugh.

Mr. Cirbee noted the next day the Police Chief apologized to Mr. Cirbee and said he witnessed no harassment and no threats.

Mr. Cirbee said the Chief further provided body cam footage.

Mr. Cirbee noted that he has been videotaped by employees at Town Hall and that staff does not like him because he asks questions.

Mr. Cirbee stated that he ran for Council on a platform of adherence to the Code of Virginia and having qualified people in place.

Recess

At 6:14 p.m. Mayor Blunt called for a brief recess.

Reconvene

At 6:16 p.m. Mayor Blunt reconvened the meeting.

Council Announcements Cont'd

Mr. Dellar thanked Brad Martin for removing the sunken boat.

Mr. Rogers thanked everyone for a successful 4th July holiday weekend.

Mayor Blunt noted the June 17 FAAR report shows a 72.6% increase in home sales.

Mayor Blunt thanked the triathlon folks for another successful triathlon held in town.

Presentations

Downtown Colonial Beach

Mr. Nelson noted there is an economic development report that has been completed which he will share with Council.

Planning Commission

Mr. McHugh noted the Commission has recommended the rezoning of the school property which will be forwarded to Council for action.

Old Business

There was no old business to discuss.

New Business

Request from School for Additional Funding

Ms. Erard reported that a request has been received by the Town from the schools that they need additional funds in the amount of \$765,500. The bill is due July 28th. State law requires Council hold a public hearing, with advertising one week prior to the public hearing.

Ms. Erard suggested Council authorize the advertising for the public hearing and hold a special meeting on Friday, July 28th to address the issue.

Mayor Blunt, in response to a question from Mr. Cirbee, noted that Resolution #36-17 fixes work session schedules for the year.

Mayor Blunt noted Council has not had more work sessions because the Town is tied up in litigation right now.

Ms. Erard noted she only learned of the request today.

Ms. Foulds responded that the request came in Friday afternoon.

Mr. Dellar noted this is the first time he has seen this request in this amount.

Mr. Alger responded this is the funds that were over the bond amount.

Mr. Dellar and Mr. Cirbee agreed this issue needs to be discussed at a work session.

Mr. Dellar noted funds should have been appropriated, especially funds obligated on contracts. It appears we've obligated funds in excess of the amount appropriated.

Mayor Blunt responded that in lieu of the \$750,000 -- the Town would purchase the current town hall and the remainder of town properties turned over to the town from the school and, prior to the sale of any properties, the town's reserve fund would pay the \$750,000.

Mayor Blunt further noted when this was initially explained to him, there were adequate funds in the reserve fund.

Mayor Blunt asked Ms. Foulds and Mr. Michael Ham, who was sitting in the audience, to speak.

Mr. Cirbee noted we cannot obligate funds and not appropriate those funds, in other words, we can't spend it unless it's set aside.

Mr. Cirbee further noted it is against Virginia State law to spend funds that are not appropriated. Mr. Cirbee asked Ms. Erard to confirm that.

Ms. Erard responded that is correct and explained State law requires that public body only spend what is in their budget, which is money that has been appropriated. Certainly, there are instances where there are irregularities. It is up to the local commonwealth attorney to deal with any prosecution.

Mayor Blunt summarized the predicament right now is that we have a note that has come due and we have the resources to pay for it. What happens if it is not paid by the 28th?

Ms. Roberson noted that initially at the beginning of this process, the amount was appropriated. The school board debated whether to add the kitchen. The board was told to go ahead and add it and that the funds were there to be appropriated.

Ms. Roberson continued that her understanding was that the entire \$9.2 million was there.

Mr. Dellar would like to review the resolutions and appropriations documents.

Ms. Erard offered that Council may want to consider that the request before you are to advertise and not to approve the action.

Mayor Blunt asked if Council would be opposed to advertising.

Mr. Dellar answered “no.”

Mr. Leamon answered “no.”

Mr. Leamon made a motion to give the Town Manager the authority to advertise the notice. Mr. Cirbee seconded the motion.

Mayor Blunt called for a roll call vote on Advertisement of the Notice. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to approve the advertisement was adopted with a unanimous vote of council members present.

Ms. Erard suggested Council hold a meeting this Saturday morning to go over the issues in advance of the public hearing.

Mr. Leamon made a motion to set two meetings, one on Saturday, July 22 at 8:00 a.m. and a Public Hearing on Friday, July 28 at 4:00 p.m. Mr. Dellar seconded the motion.

Mayor Blunt called for a roll call vote on Advertisement of the Notice. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

There was Council consensus to hold a Work Session on Saturday, July 22 at 8:00 a.m.

There was Council consensus to hold a Public Hearing on Friday, July 28 at 4:00 p.m.

Mr. Dellar asked to see a copy of the bill prior to the meeting.

Ordinance No. 684, Authorizes the Sale of a 2,739 Square Foot Parcel of Land Located Adjacent to Monroe Bay to William Milleson

Public Hearing

At 6:41 p.m. Mayor Blunt opened the public hearing.

At 6:42 p.m. Mayor Blunt closed the public hearing.

Council Action

Mayor Blunt summarized the background of the ordinance.

Mr. Leamon expressed that this type of ordinance needs to be brought initially to a work session.

Mr. Cirbee noted that a super majority is required to sell waterfront property and asked about the definition of waterfront property.

Mr. Alger made a motion to adopt Ordinance No. 684 as written. Mr. Dellar seconded the motion.

Mayor Blunt called for a roll call vote on Ordinance No. 684. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to adopt Ordinance No. 684 as written passed with a unanimous vote of council members present.

ORDINANCE NO. 684

ORDINANCE NO. 684 PERMITS THE SALE OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND, CONTAINING APPROXIMATELY 0.0629 ACRES OR 2,739 SQ. FT., AS DEPICTED UPON THE SITE PLAN BY ABS, P.C., DATED 7-26-11, AND ENTITLED “PLAT OF VACATION A PORTION OF LAWRENCE LANE” AND FURTHER DESCRIBED AS PARCEL “E”. COUNCIL PROPOSES TO SELL THIS UNDEVELOPED LAND TO WILLIAM MILLESON FOR THE SUM OF \$17,804.00, PLUS COSTS TO INCLUDE RECORDING & ADVERTISING FEES, BASED UPON THE APPRAISAL PREPARED BY ROBERT T. LYNCH INC., DATED APRIL 27, 2017.

WHEREAS, there is a 2,739 square foot parcel of land located adjacent to Monroe Bay in the Town of Colonial Beach; and

WHEREAS, on Thursday, June 9, 2011 the Colonial Beach Town Council conducted a public hearing and voted to abandon a portion of the undeveloped right of way located on Lawrence Lane in the Town of Colonial Beach; and

WHEREAS, William Milleson has obtained an appraisal performed by Robert T. Lynch dated April 27, 2017, as to the fair market value of the undeveloped, abandoned right of way located adjacent to Monroe Bay and further identified as Parcel "E" on the plat prepared by ABS, P.C., dated July 26, 2011 entitled "Plat of Vacation, A Portion of Lawrence Lane;" and

WHEREAS, the appraisal states that the fair market value for this portion of the undeveloped, abandoned right of way is \$17,804.00 as of April 27, 2017; and

WHEREAS, the Colonial Beach Town Council has conducted a duly advertised public hearing on July 19, 2017 on the sale of the undeveloped, abandoned right of way located on Lawrence Lane in the Town of Colonial Beach.

NOW THEREFORE BE IT ORDAINED by the Colonial Beach Town Council, sitting in regular session on July 19, 2017, hereby authorizes the sale of the 2,739 square foot parcel of land that is an undeveloped, abandoned right of way located adjacent to Monroe Bay and further identified as Parcel "E" on the plat prepared by ABS, P.C., dated July 26, 2011 entitled "Plat of Vacation, A Portion of Lawrence Lane to William Milleson for the sum of \$17,804.00, subject to the following terms and conditions:

1. William Milleson (Purchaser) shall be responsible for the preparation and recordation of all documents related to this sale, subject to the review and approval of the Town Attorney.
2. All documents pertaining to the sale of the 2,739 square foot parcel of land located adjacent to Monroe Bay shall be approved by the Town Attorney.
3. Payment shall be in cash.
4. Closing shall occur no later than August 31, 2017.
5. The Purchaser shall have a lot consolidation survey prepared showing the right-of-way consolidated into his existing property. The Purchaser shall record the plat in the Circuit Court Clerk's office in Westmoreland County.
- 6.

BE IT FURTHER ORDAINED THAT A CERTIFIED COPY OF THIS ORDINANCE SHALL BE RECORDED AS DEEDS ARE RECORDED AND INDEXED IN THE NAME OF THE TOWN.

This Ordinance shall take effect upon adoption.

Resolution #34-17, Designates a Section of North Irving Avenue as Parking for Golf Carts Only

Mr. Alger made a motion to adopt Resolution #34-17 as written. Mr. Rogers seconded the motion.

Mayor Blunt summarized the resolution and that he had consulted with the Chief of Police of the efficacy of golf cart parking at that specific location, across from the brewery.

Mr. Cirbee asked if VDOT had been consulted.

Ms. Erard suggested deferring action and she will get the answer to the question.

Ms. Foulds responded saying our ordinance mirrors state law.

Ms. Erard responded saying under state law the Town Manager has that authority.

Mr. Alger made a motion to adopt Resolution #34-17 as written. Mr. Rogers seconded the motion.

Mr. Dellar suggested Council vote on this resolution and, then, if after investigation warrants, Council can always rescind the resolution.

Mayor Blunt called for a roll call vote on Resolution #34-17. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “nay,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to adopt Resolution #34-17 as written passed with a 5-1 vote of council members present.

Resolution #34-17, Designates a Section of North Irving Avenue as Parking for Golf Carts Only

WHEREAS, Colonial Beach Town staff has received a request to designate the left side of North Irving Avenue heading south from Wilder Avenue to Dennison Street a “Golf Cart Only” parking zone; and

WHEREAS, Article III, Division 1, Section 14-45 of the Town Code authorizes the Town Manager to designate parking for and on behalf of the Town Council; and

WHEREAS, this request for street-side golf cart parking is the first such request; and

WHEREAS, this request is supported by the Colonial Beach Town Council to encourage improved visitation by patrons to businesses in the revitalized district.

NOW, THEREFORE BE IT RESOLVED that the Colonial Beach Town Council at its regular monthly meeting on July 19, 2017 designates the Section of North Irving Avenue heading south from Wilder Avenue to Dennison Street on the left side as ***Parking for Golf Carts Only*** and the Town Manager is directed to erect appropriate signs and markings to identify the approved golf cart parking area.

Resolution #35-17, Approving Lease with Westmoreland County for Radio Tower Site – STRUCK FROM AGENDA

Resolution #36-17, Schedules Work Sessions

Mayor Blunt noted the intent of this resolution is to schedule Work Sessions to Saturday mornings through the end of the year.

Mr. Alger made a motion to adopt Resolution #36-17 as written. Mr. Leamon seconded the motion.

Mayor Blunt called for a roll call vote on Resolution #36-17. Mr. Leamon voted “aye,” Mr. Alger voted “aye,” Mr. Cirbee voted “aye,” Mr. Dellar voted “aye,” Mr. Rogers voted “aye,” and the Mayor voted “aye.”

The motion to adopt Resolution #36-17 as written passed with a unanimous vote of council members present.

RESOLUTION NO. 36-17, Schedules Work Sessions

WHEREAS the Colonial Beach Town Council, in order to accomplish its goals and enhance the growth and development of the Town of Colonial Beach as an excellent place to live, work, and do business, needs to set a schedule of work sessions in addition to the regular monthly Council meetings.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on July 19, 2017, that the Colonial Beach Town Council shall conduct work sessions at Town Center on Saturday September 9, 2017 at 8:00AM, Saturday October 7, 2017 at 8:00AM, Saturday November 4, 2017 at 8:00AM, and Saturday December 9, 2017 at 8:00AM;

BE IT FINALLY RESOLVED that the Town Manager, the Chief Financial Officer, the Police Chief, the Director of Public Works and the Director of Planning and Community Development shall attend all of these work sessions and make presentations and be prepared to substantively respond to agenda items.

Citizen Input

Marty Long, citizen, asked Council to repair the north end of the boardwalk.

Mary Long, 600 Potomac River Avenue asked Council to repair the north end of the boardwalk and perform beach replenishment.

John Heath, requested that Ms. Foulds provide an update the north end of the boardwalk.

Ms. Foulds reported the town had an opportunity for grant funding through Resource International. The town staff is putting together a presentation which she will schedule before Council.

Mayor Blunt noted that in the past there has been pushback from neighbors who did not want that portion of the boardwalk to become a popular place.

Walter Kern, The Meadows spoke to two items: (1) the 12th Street Pump Station is smelling; and (2) the Westmoreland News has published delinquent real estate taxes due by name and amount due.

John Heath asked that the situation at the north end of the boardwalk stay on top of the town's agenda.

Adjournment/Recess

Mr. Leamon made a motion to recess the meeting until August 5 at 8:00 a.m. Mr. Alger seconded the motion.

At 7:23 p.m. Mayor Blunt recessed the meeting.

Kathleen Flanagan