



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, November 20, 2019 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

All Council Members were present.

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 6:02 p.m.

Moment of Silence/Pledge of Allegiance

Mayor Blunt led the meeting in a Moment of Silence and the Pledge of Allegiance. Mayor Blunt asked if those present would keep the Setliff family in their prayers, as Mr. Tommy Setliff has passed away.

Roll Call of Members

Mayor Blunt noted that all council members were present.

Additions to the Agenda

Mr. Cirbee made a motion to remove Resolution #48-19 from the Agenda or tabled until such time as he has had the opportunity to address or respond to this proposed action. Mr. Cirbee said he was given no prior notice or indication of the intent to censure him.

There was no second to the motion.

The motion failed for lack of a second.

Approval of the Agenda

Mr. Alger made a motion to approve the Agenda as written. Ms. Schick seconded the motion.

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

The motion to approve the Agenda as written passed with a 6-1 vote of council members present.

Approval of Minutes

There were no minutes to approve.

Council Member Announcements

Mr. Leamon apologized for his absences.

Mr. Leamon then presented a “Kindness” sign to Walter Kern.

(Applause)

Ms. Roberson spoke on behalf of Mr. Turner, School Superintendent saying he was looking forward to working with everyone on next year’s budget. He is out of town at a conference.

Mayor Blunt thanked everyone who attended the Veteran's Day Memorial at the cannon and Tommy Edwards for putting the ceremony together.

Presentations

2019 Grants Overview

Maggie Lane recapped the following grants: 50 Years of Love grant; World War I and II Commemoration grant; Walmart Community Grant for the Police Department; School Resource Officers Program grant; National Fish and Wildlife Foundation for construction of a Living Shoreline at Robin Grove Park. The Town also completed work on a Transportation Alternative grant for a pedestrian plaza.

Ms. Lane noted the town has applied for a Chesapeake Bay Restoration Fund grant in the amount of \$4,500; Virginia Tourism Corporation grant in the amount of \$10,000.

Ms. Lane noted the total grant money is: \$849,736, with matching funds from the town in the amount of \$152,336.

Mayor Blunt thanked Ms. Lane for her hard work and diligence.

(Applause)

Community Watch

Chief Hough discussed the Community Watch program, which had been active 15 years or so ago and is currently being started.

Beach and Boardwalk Signs

Mr. Douglas noted he and Chief Hough have had final discussions, and, taking into account Council discussion, he presented revised signage.

As to having signs in Spanish, that would create additional signage and staff does not recommend additional signage at this time.

As to tents, tents have been an issue during the day time, but camping has not been an issue. Town Code reads tents with closed sides. Canopies are allowed and are allowed at most beaches. Staff recommends keeping the tent language on the signs.

As to bicycles, staff recommends the hours bicycles are allowed should be included on the signs.

Staff further recommends the prohibition against dogs be included.

Mr. Douglas said the next step is procuring a sample sign and presenting those to Council.

Colonial Beach Schools

Ms. Roberson stated that school personnel were out of town at a conference.

Westmoreland County Board of Supervisors

Mr. Roberson noted he attended the Virginia Association of Counties meeting. The County is actively working on budget issues.

The four Fire Departments in the County will receive more money from the County for capital improvements.

The County received a grant for Colonial Beach Volunteer Fire Department for \$50,000 for a new truck.

Real estate re-assessments will take place next year.

Ms. Schick asked for an update regarding the county's tax auctions.

Ms. Teal responded she just received a list and a request for a certification on the amount owed.

Planning Commission

Ms. McCabe noted a Citizen Watch program does appear on the action plan in the Comp Plan.

The Commission is working on goals and objectives to the Comp Plan, which should be ready by December 1st.

Downtown Colonial Beach

Ms. Reimherr reported that fundraising efforts continue. So far, donations total \$750 out of \$6,000 needed for the cost-sharing grant for the Historic District designation.

The 2020 Osprey Festival will be held on April 18, 2020.

Chamber of Commerce

Mr. Nelson noted the Chamber has worked with the Foundation, the National Historic designation, and re-working the Special Event permit with the Town.

Colonial Beach Foundation

Mr. Nelson reported that there are new board members and new events and activities.

Friends of Eleanor Park/CB Green Space

Mr. Nelson noted the Friends of Eleanor Park has changed its name to CB Green Space and will focus on green space activities and initiatives around the community in all areas of town.

Mr. Nelson reported he expects to hear any day now regarding the conversation easement grant for Eleanor Park.

Colonial Beach Recreation Association

Mr. Nelson reported on behalf of Susan Grisevich saying the Association had acquired 50 tickets to the Virginia State Fair and those tickets were given to special education students and community members.

Unfinished Business

Public Hearing

Ordinance No. 701, Amends Town Code, Chapter 17-54, “Tattoo Establishments and Tattoo Artists” and also amends Articles 20, 8 and 7 of the Zoning Ordinance

Mr. Douglas summarized Ordinance No. 701 and presented the Ordinance with changes recommended at the November Work Session by Town Council.

Public Input

At 6:59 p.m. Mayor Blunt opened Public Input.

There was no public input.

At 6:59 p.m. Mayor Blunt closed Public Input.

Council Action

Motion to Amend

Ms. Schick made a motion to amend Ordinance No. 701 changing “500 feet to 200 feet.” Mr. Cirbee seconded the motion.

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

The motion to amend Ordinance No. 701 passed with a unanimous vote of council members.

Motion to Adopt

Mr. Leamon made a motion to adopt Ordinance No. 701, as amended. Mr. Ey seconded the motion.

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

The motion to adopt Ordinance No. 701, as amended, passed with a unanimous vote of council members.

ORDINANCE NO. 701, amends Town Code, Chapter 17-54, “Tattoo establishments and tattoo artists” and also amends Articles 20, 8 and 7 of the zoning ordinance

Ordinance No. 701 repeals Section 17-54 of the Town Code to make it legal to operate a tattoo establishment within the town limits, amends the definition of “personal service establishments” to exclude tattoo establishments and provides for a definition of “tattoo establishments” under Article 20 (Definitions) of the zoning ordinance, and amends Article 8 (General Commercial (C1) District) and Article 7 (Resort Commercial (RC)) to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 200 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution. Ordinance No. 701 is considered pursuant to the grant of authority contained in Virginia Code sections 15.2-732, 58.1-3717, and 58.1-3718.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 20th day of November, 2019, that Section 17-54, “Tattoo establishments and tattoo artists,” of the Colonial Beach Town Code be repealed in its entirety as follows:

~~“Sec. 17 54. Tattoo establishments and tattoo artists.~~

- ~~(a) *Definitions.* For the purpose of this section the following words and phrases shall be construed as follows:
 - ~~(1) *Tattoo:* To mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.~~
 - ~~(2) *Tattoo artist:* Any person who actually performs the work of tattooing.~~
 - ~~(3) *Tattoo establishment:* Any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.~~
 - ~~(4) *Tattoo operator:* Any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.~~~~
- ~~(b) *Unlawful.* It shall be unlawful for any person in the town to operate a tattoo establishment or engage in the practice or business of tattooing as a tattoo operator or a tattoo artist.~~
- ~~(c) *Penalty.* Any person who shall violate the provisions of this section shall be guilty of a class 4 misdemeanor and each day of operation shall constitute a separate offense.”~~

BE IT FURTHER ORDAINED that Ordinance No. 701 also amends the definition of “personal service establishments” under Article 20 (Definitions) of the Zoning Ordinance to exclude tattoo establishments, and provides for a definition of “tattoo establishments,” to read as follows:

“Personal Service Establishments: An establishment which principally provides the provision of frequent or recurrent needed services of a personal nature, typically services include: barber shops, beauty salons, tanning salons, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops, *and specifically excludes tattoo establishments.*

Tattoo Establishments: A room or space where tattooing is practiced or where the business of tattooing is conducted, where the skin is marked or colored by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.”

BE IT FURTHER ORDAINED that Ordinance No. 701 also amends Article 8 (General Commercial (C1) District) and Article 7 (Resort Commercial (RC)) of the zoning ordinance to allow tattoo establishments as a permitted use, with the restriction that one cannot be located within 200 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution, to read as follows:

A) “8-1 Permitted Uses: Within the C-1 District, a building and/or land shall be used only for the following purposes with an approved site plan:

z. Tattoo establishments (see 8-13 (B))”

B) “8-13 Additional Requirements

B. No tattoo establishment shall be located within 200 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution.”

C) “7-1 Permitted Uses: Within the Resort Commercial District, a building and/or land shall be used only for the following purposes with an approved site plan: z. Tattoo establishments (see 7-6 (C))

D) “7-6 Additional Requirements

C. No tattoo establishment shall be located within 200 feet of another tattoo establishment, or primary entrance of a private or public school building, day care facility, public park, or religious institution.”

This Ordinance shall take effect upon adoption.

New Business

Resolution #48-19, Censures Town Council Member

Mr. Cornwell read Resolution #48-19, which censures Town Council Member Stephen V. Cirbee and further provides for a fine in the amount of \$1,500.

Ms. Schick made a motion to adopt Resolution #48-19. Mr. Alger seconded the motion.

Mr. Cirbee noted he had not been provided any specific evidence to formulate the basis for these charges against him and demanded a public hearing to afford him due process and time to defend himself.

Mr. Leamon called for the vote.

Mayor Blunt called for a roll call vote. Mr. Cirbee did not vote, Ms. Roberson voted “aye,” Mr. Ey voted “aye,” Ms. Schick voted “aye,” Mr. Alger voted “aye,” Mr. Leamon voted “aye,” and Mayor Blunt voted “aye.”

The motion to adopt Resolution #48-19 passed with a unanimous 6 affirmative vote of council members.

RESOLUTION #48-19, CENSURES TOWN COUNCIL MEMBER

WHEREAS, on December 14, 2017 by way of Resolution #68-17, Stephen V. Cirbee was previously censured by his fellow members of the Colonial Beach Town Council for offensive, inappropriate and unprofessional conduct.

WHEREAS, since that time Mr. Cirbee has engaged, both in person and by email and/or text, with employees of the Town with an angry, belligerent and threatening manner in violation of the 2019 By Laws and Rules of Procedure adopted by Town Council by way of Resolution #03-19 on January 16, 2019, specifically violating Section 6-1 “Actions by individual members of the Council” -- Sections 6-1-C, D, E, G and H; and

WHEREAS, Mr. Cirbee has also violated “Section III. Equal Employment Opportunity”, TOCB Personnel Manual, adopted by Town Council by way of Resolution #56-11, dated December 8, 2011 and Amended by way of Resolution #27-14, dated March 27, 2014; by engaging with employees of the Town in an angry, belligerent and threatening manner; and

WHEREAS, on November 2, 2019 Mr. Cirbee was removed as the liaison to Public Works by way of an email from the Mayor to Mr. Cirbee and Town Council Members; and

WHEREAS, Section 6-4 of the 2019 By Laws and Rules of Procedures, as well as Virginia Code Section 15.2-1400 provides authority to Town Council to hold a member of Town Council accountable for their actions in violation of the By Laws and/or state law.

NOW THEREFORE BE IT RESOLVED THAT, we, the members of the Colonial Beach Town Council publicly censure and repudiate the above-noted words and actions of Stephen V. Cirbee.

NOW THEREFORE BE IT FURTHER RESOLVED THAT Stephen V. Cirbee, in addition to being censured, shall also be fined by the Colonial Beach Town Council in the amount of \$1,500.00 in accordance with VA Code Section 15.2-1400.

Citizen Input

Walter Kern, The Meadows, stated that in 1959 Colonial Beach decided to build an elementary school. While building the elementary school, all students went to a split shift schedule. The elementary students went from 8:00 to 1:00p.m. and high school students went from 1:00 to 6:00 p.m.

Mr. Kern noted there were three large building projects going on at that time, the elementary school, the fire department and the Baptist church. On Colonial Avenue and Douglas Street there was temporarily set up a concrete plant to handle the three projects.

Mr. Kern noted he does not think we are getting a good deal from the county.

Closed Meeting

There was no closed meeting.

Adjournment/Recess

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

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

At 7:11 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk