



**Minutes of the  
Colonial Beach Town Council  
Work Session held on  
Wednesday, November 6, 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  
Vicki Roberson, Council Member

**Absent**

All Council Members were present, with the exception of Dallas Leamon.

**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.

**Roll Call of Members**

Mayor Blunt noted that all council members were present, with the exception of Dallas Leamon.

## **Approval of the Agenda**

### **Amendment to the Agenda**

Mr. Cirbee made a motion to amend the agenda to add the item: discussion of issues in Public Works.

There was no second to the motion.

*The motion to amend the Agenda failed.*

### **Amendment to the Agenda**

Mr. Cornwell noted that after closed session, there may be an item that will require Council action.

### **Motion to Approve the Agenda**

Mr. Alger made a motion to approve the Agenda as written. Ms. Roberson 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,” and Mayor Blunt voted “aye.”

*The motion to approve the Agenda as written passed with a 5-1 vote of council members present.*

## **Presentations**

### **Proclamation, Veteran’s Day**

Mayor Blunt read a Proclamation for Veteran’s Day and noted there will be a ceremony on Monday at the cannon at 11:00 a.m.

#### ***Proclamation***

**WHEREAS**, on June 1, 1954, Congress named November 11<sup>th</sup> as Veterans Day so that a grateful nation could pay homage to all the veterans of all of its wars who have contributed so much to the preservation of this nation; and

**WHEREAS**, it is especially important that the extraordinary contributions of America’s war veterans and the sacrifice of their families be remembered and recognized.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and Town Council of the Town of Colonial Beach that we hereby recognize November 11, 2019 as Veterans Day and call this observance to the attention of our citizens.

## **DMV Special License Plate**

Mayor Blunt noted that each time a special license plate is sold, some of the money collected goes to localities and is used to vaccinate and neuter the feral cat population.

## **Beach and Boardwalk Signs**

Mr. Douglas presented a Power Point of re-worked signage regarding Regulatory signs and Parking signs. Mr. Douglas noted he worked with the Police Chief in order to ascertain the high priority language needed on the signs. The presentation included a map showing where the signs would be placed.

Mr. Douglas discussed the Beach and Boardwalk regulatory sign that stressed: no dogs (April through October); no vehicles or golf carts; no glass containers; no fires; fishing hours; and restrictions on bicycles.

Mr. Douglas proposed the regulatory signs be placed 5'7" in height and be placed on metal posts. The letters should be white with a blue background and placed perpendicular on the boardwalk.

Mr. Douglas proposed the parking signs include information on purchasing a parking ticket. These signs should be placed 7' in height.

Mr. Cirbee asked if the signs should also be in Spanish.

Mr. Douglas responded that signs in Spanish would require additional signage and the goal was to reduce the number of signs.

Mr. Cirbee said there have been previous renditions of signage and enforcement signs need to include a color other than blue, be strategically placed and include a Spanish version. If the signs are not for enforcement purposes, then why put signs up at all.

Ms. Schick thought the sign was too wordy and suggested the words "prohibited" or "allowed" be taken out and just state what is allowed or what is prohibited.

Ms. Schick suggested to strike any mention of tents.

Mayor Blunt suggested to say "overnight tent" not allowed.

Mr. Ey stated that the activity, i.e. camping, needs to be prohibited rather than just saying no tents.

Mr. Ey further stated Council members need to review and revise the ordinance and canopies should be allowed on the beach.

Mayor Blunt suggested saying "no overnight camping."

Mr. Ey suggested including the open hours for the beach.

Ms. Schick suggested the signs use the same format and colors as the signs from the grant.

Ms. Schick suggested putting both signs on the same posts in both directions on the north beach and the bathroom locations, and the parking section and along Irving Avenue.

Mayor Blunt suggested Mr. Douglas check with the Police Chief regarding clarification of the issue of needing signs in Spanish.

Mr. Douglas suggested the Artist Guild be contacted to come up with ideas for identification signs for north, south and central beach.

### **Board of Zoning Appeals Vacancies**

Mr. Douglas noted that Board of Zoning Appeals needs four to five individuals appointed to serve. Nominations come from the Council and appointments are for a five-year term.

Appointees must be town residents.

### **Unfinished Business**

There was no unfinished business.

### **New Business**

#### **RESOLUTION #46-19, Establishment of Personal Property Tax Relief Rates for Tax Year 2019**

Mr. Cirbee made a motion to approve Resolution #46-19 as written. 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,” and Mayor Blunt voted “aye.”

*The motion to approve Resolution #46-19 as written passed with a unanimous vote of council members present.*

#### **RESOLUTION #46-19, Establishment of Personal Property Tax Relief Rates for Tax Year 2019**

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with the requirements set forth in VA. CODE ANN. §58.1-3523 et seq., as amended by Chapter 1 of the Acts of Assembly (2004 Special Session I), Chapter 879 of the Acts of Assembly (2008) and as set forth in Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly, any qualifying vehicle situated within

the Town of Colonial Beach commencing January 1, 2019, shall receive personal property tax relief in the following manner:

- Personal use vehicles with assessed value of \$1000 or less will be eligible for 100% tax relief;
- Personal use vehicles with assessed value of \$1001 to \$20,000 will be eligible for 42.320% tax relief;
- Personal use vehicles with assessed value over \$20,000 will be eligible for 42.320% tax relief on the first \$20,000 and shall receive 0% tax relief for the assessed value over \$20,000;
- All other vehicles which do not meet the definition of “qualifying” (such as business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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**RESOLUTION #47-19, Amends certain conditions set forth in Resolution No. 28-19, the Sale of a Portion of a Right of Way, Riverview Circle**

Mr. Ey made a motion to approve Resolution #47-19 as written. Mr. Alger 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,” and Mayor Blunt voted “aye.”

*The motion to approve Resolution #47-19 as written passed with a unanimous vote of council members present.*

**RESOLUTION #47-19, Amends certain conditions Set Forth in Resolution #28-19, the Sale of a Portion of a Right of Way, Riverview Circle**

**WHEREAS**, on Wednesday, June 5, 2019 the Town of Colonial Beach voted to vacate and record a portion of an alley/right-of-way between lots 3A4 2 14 14 & 3A4 2 14 9 and between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width; and

**WHEREAS**, on June 5, 2019 the Colonial Beach Town Council has conducted a duly advertised public hearing on the sale of the portion of the alley/right-of-way.

**WHEREAS**, that the Colonial Beach Town Council, at the regular meeting on June 5, 2019 authorized the sale of the 4,320 square foot portion of the alley/right-of-way between lots 3A4 2 14 14 & 3A4 2 14 9 and between lots 3A4 2 14 15 & 3A4 2 14 8 to Ware Pond for 223+/- feet in length and 20+/- feet in width, located in the Town of Colonial Beach to Ms. Tammy L. Massie for the sum of \$10,800.00, subject to certain terms and conditions.

**WHEREAS**, condition numbered 7 in Resolution #28-19 set forth a condition that “Closing shall occur no later than November 27, 2019.”

**WHEREAS**, the closing has not yet occurred.

**NOW THEREFORE BE IT RESOLVED** that Town Council agrees and directs that the third “Whereas” be changed to read: “to Ms. Tammy L. Massie and deletes “Mr. R. Byron Rawlings” and that condition number 7 be amended to read “Closing shall occur no later than November 27, 2019.”

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## **DRAFT 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 current Town Code and Zoning Ordinance, which prohibits tattoo establishments.

Staff and Planning Commission have made a recommendation to make certain changes, which appear in Ordinance No. 701.

Ms. Schick recommended the distance that limits the location of a tattoo establishment from a “private or public school building, day care facility, public park or religious institution.” Be changed from 500 feet to 200 feet.

Mr. Ey, Mr. Cirbee and Mayor Blunt agreed with Ms. Schick.

Mr. Cornwell suggested language be included that the definition of a tattoo establishment be included stating “licensed by the State Health Department.”

### **Status Items**

#### **Landscaping/Tree Replacement Requirement**

Mr. Douglas summarized Planning Commission efforts to date.

Mr. Cirbee asked if mitigation planning has been considered, allowing replacement plantings to be planted in unused right of ways or another place.

#### **Sign Ordinance**

Mr. Douglas summarized Planning Commission efforts to date.

Mr. Douglas reported that the Riverboat has requested to install a sign larger than the current maximum of 75 square feet.

#### **Plaza Update**

Mr. Murphy reported that the project was at or above 85% complete and should be complete within another 30 days or so. There should be \$20,000 or so left over to purchase amenities.

### **Citizen Input**

Walter Kern, The Meadows, thanked the contractors and VDOT inspectors for their outstanding work. Mr. Kern has been a frequent visitor to the plaza project.

Mr. Kern noted the North Beach is in shambles and needs to be cleaned up.

Mr. Cirbee said maybe it was better to let the beach from the American Legion north to go back to a natural state.

Mayor Blunt responded that it has been cleaned and within two weeks it goes right back. Mayor Blunt suggested staff reach out to DCR, Corps of Engineers to discuss a living shoreline there.

Ms. Schick asked if Public Works could work on beautification at the end of Maryland and Virginia Avenue.

Mr. Murphy offered that Public Works has extra jersey barriers and could divide the boardwalk in half at the north beach area and sink the jersey barriers.

### **Closed Meeting**

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

Ms. Schick made a motion to go into closed meeting and Mr. Cornwell read the motion:

Pursuant to Virginia Code § 2.2-3711(A)(1) for discussion or consideration of interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, and that includes specific employees.

AND,

Pursuant to Virginia Code § 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

AND,

Pursuant to VA Code 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or

briefing in open meeting would adversely affect the negotiating or litigating posture of the public body and for consultation

AND,

Pursuant to VA Code 2.2-3711(A)(8) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel regarding to the claim against the county.

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,” and Mayor Blunt voted “aye.”

*The motion to go into Closed Meeting passed with a unanimous vote of council members present.*

### **Closed Meeting**

At 7:48 p.m. Council went into a closed meeting.

### **Reconvene**

At 10:17 p.m. Council returned from the closed meeting and Mayor Blunt reconvened the meeting.

### **Certification**

Mr. Alger made a motion to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of 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. Ms. Schick seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Cirbee was absent, having left the closed session at 9:38 p.m., Ms. Roberson “So certified,” Mr. Ey “So certified,” Ms. Schick “So certified,” Mr. Alger “So certified,” and Mayor Blunt “So certified.”

*All Council Members present Certified.*

### **Request for Authorization to Proceed by Town Attorney**

Mr. Cornwell noted for the record that Mr. Cirbee left Closed Meeting at 9:38 p.m.

Mr. Cornwell noted that several months ago he had reported to the town on his efforts regarding the Waste Water Treatment Agreement between the Town and the County. Mr. Cornwell and staff believe that the County has failed to pay the Town the amount of \$860,729 for capacity and installation fees. It also appears now that the County has failed to pay the Town an additional \$1,182,172.08 in upgrade costs for a total of \$2,050,901.08.

Mr. Cornwell explained the County is using 15% of the Town's capacity. The contract provides that they pay 30% of upgrade costs; they only pay 15%.

Mr. Cornwell is about to file a claim and the claim should be authorized by Council. Mr. Cornwell asked for Council's authorization to file a Notice of Claim and take legal action against the County of Westmoreland for any and all sums that we calculate are due from the County to the Town.

Ms. Schick made a motion to give Mr. Cornwell authority to pursue legal action for any and all sums. Mr. Alger seconded the motion.

Mayor Blunt called for a roll call vote. Mr. Cirbee was absent, having left the closed session at 9:38 p.m., Ms. Roberson "abstained due to her husband being on the County Board of Supervisors," Mr. Ey voted "aye," Ms. Schick voted "aye," Mr. Alger voted "aye," and Mayor Blunt voted "aye."

***The motion to the Request for Authorization to Proceed passed with a 4-1abstain-2absent vote of council members.***

### **Adjournment/Recess**

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

Mayor Blunt called for a roll call vote. Mr. Cirbee was absent, having left the closed session at 9:38 p.m.," Ms. Roberson voted "aye," Mr. Ey voted "aye," Ms. Schick voted "aye," Mr. Alger voted "aye," and Mayor Blunt voted "aye."

***At 10:20 p.m. Mayor Blunt adjourned the meeting.***

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Kathleen Flanagan, Town Clerk