



**Minutes of the
Colonial Beach Town Council
Work Session held on
Wednesday, February 05, 2020 at 6:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

Eddie Blunt, Mayor
Robin Schick, Vice Mayor
Steve Cirbee, Council Member
Patrick Ey, Council Member
Vicki Roberson, Council Member

Absent

All council members were present with the exception of Mr. Leamon and Mr. Alger

Also Present

Town Manager, Quinn Robertson
Town Attorney, Jim Cornwell
Town Clerk, Kathleen Flanagan
Deputy Town Manager, Rob Murphy
Chief Financial Officer, Lisa Okes
Zoning Administrator, Richard Douglas
Chief of Police, Bruce Hough
Assistant Town Clerk, Heather Oliver

Call to Order

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

Roll Call of Members

Mayor Blunt noted that all Council Members were present with the exception of Mr. Leamon and Mr. Alger.

Approval of the Agenda

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

Mayor Blunt called for a roll call vote. Mr. Ey voted “aye,” Mr. Cirbee 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 present.

Presentations

There were no presentations on the agenda.

Old Business

There were no items in old business on the agenda.

New Business

Discussion and change for Business License reporting due date and tax due date

Ms. Schick explains the reason behind the discussion on business license due date and tax due date. Business owners must present proof of gross receipts and tax forms before taxes are due for the licensing process.

Ms. Schick asked if it is possible to change the due date to one that is more appropriate. The application process needs improvement, starting with forms that are more pleasant to the business owners in town and access to pay online.

Ms. Schick also wanted to open discussion on fees for small businesses that do not have a large income.

Mayor Blunt recommends hearing from the attorney for legal side of the discussion and then the administration side to have an idea how the changes would affect the office and cash flow to the town.

Mr. Robertson stated that the staff was excited that council brought this issue forward. It opens the chance and ability to improve upon the process.

Ms. Okes started with informing the council that she was not sure if due dates could change due to state code. In reviewing code, she stated that due dates would have to be from March 1st through to later than May 1st.

Ms. Okes stated that she was not sure why the Treasurer's Office was asking for a Schedule C form or any other tax documents. As those documents are not required to complete the application. Only a record of gross sale receipts is needed to complete the application. The treasurer's office asking for tax documents as a requirement will be eliminated.

Ms. Okes explained the tier system and how it would work. The finance department is looking into different tier programs. One is charging a flat fee for low income businesses based on an amount threshold. The other is charging tax based on an assessment, if tax would be no more than the minimum on the assessment.

Mr. Robertson has contacted Edmunds and inquired on how to start the business license process for online access.

Mr. Cirbee stated that he has emailed about the issue of tax forms being required for the last four years. Tax forms are not something the town can ask for. The law states that people are to provide gross receipt tax. If needed, the town can do an audit at their business.

Mr. Cirbee asked who is going to enforce the businesses to have a license. There are numerous contractors working in town with no license or insurance.

Mr. Cirbee stated that depending on the type of business, it must have the proper state license, for example DPOR, Medical and Health Department. That specific license to their business should be submitted with the Town's business license application.

Mayor Blunt reminds council that the discussion is on the collection of business license tax and not enforcement of unlicensed businesses working in town. Enforcement of violators is a whole other discussion.

Mr. Cornwell noted that Mr. Cirbee was correct, and the town cannot ask for tax forms for the application process.

Ms. Schick and Mr. Cirbee discussed the display of the business license.

Mr. Cornwell stated that the application must be submitted within the timeline of March 1st to May 1st. The council can set the due dates for the fees, but the applications are to be submitted with in the VA code timeline.

Council discusses the tier program and how it can benefit business owners in town.

Council reviews with staff the plans for the changes in the business license application process.

Status Items

Sign Ordinance

Mr. Douglas noted that the Planning Commission voted on January 30, 2020 to present the recommended amendments on the ordinances to come before council.

Mr. Douglas noted that a planning commission public hearing scheduled for February 27, 2020 has been advertised.

Mr. Douglas stated that the amended ordinance would be ready for Town Council's regular meeting to have a public hearing.

Mr. Douglas discussed the changes to yard signs and murals. It is recommended to maintain the 1 square foot to 1 linear foot ratio, but eliminate the 75 square feet cap. The current cap is not a relative number for businesses like the Riverboat.

Landscaping Articles in Zoning Ordinance

Mr. Douglas discussed the changes in the landscaping ordinance, in three sections.

Mr. Douglas stated that these recommendations would include the replanting ratios and the issue with the crepe myrtles.

Mr. Douglas stated that the parking section of landscaping would be moved to the parking ordinance for the sake of it all being in one place.

Mr. Douglas discussed the change in Article 24 recommended to remove table of native trees and plants and refer to the DCR guide. If the DCR guide is updated, then it would be adopted by reference. In terms of the street front trees and parking area landscaping, the recommendation is that the plants and trees be listed in the native plants guide. It is not required, if other requirements within the ordinance are met.

Mr. Douglas stated that Article 22 will clarify the construction footprint. The change will strengthen tree preservation in the development process. This article will also refer to using the DCR table for replacement of dead or diseased trees. The existing tree replanting ratios will be maintained. Language in the ordinance will give the Zoning Administrator flexibility of the tree replanting due to the size of a lot.

Mr. Cirbee noted the keep in mind the trees dripline during construction so trees can remain undisturbed and not interfere with the structure of the house and driveway in the future.

Mayor Blunt asked for clarification on the process of obtaining a tree permit on a healthy tree.

Mr. Douglas stated that a tree being a "nuisance" are not grounds to get a permit., trees must be diseased or dying to receive a permit.

Ms. Schick stated it was against the Chesapeake Bay Act to remove healthy trees because they were a nuisance.

Ms. Schick asked if parking landscaping changed the mound form of the parking rows to be swales.

Mr. Douglas stated he would check into the parking medians becoming swales. There is language in the ordinance in reference to bioretention swales and he would look further into it.

Ms. Schick noted that she agreed with Mr. Cirbee's point on the dripline in reference to the construction footprint. The changes in that ordinance need more clarification on the minimum area on roads and drives.

Mr. Cirbee recommended that the Civil Engineer show driplines on existing trees and make recommendation on what must come out based on dripline of the trees on the lot.

Ms. Schick asked for clarification on the Zoning Administrator having flexibility on the replanting ratio. She really wants to make sure you can substitute bushes for trees.

Mr. Douglas assured Ms. Schick that it says the Zoning Administrator has flexibility on type and number of the replanting ratio.

Memorial Advisory Commission

Mr. Cornwell noted a concern with Article 6 in the by-laws. Due to Freedom of information Act the meetings could not be held digitally.

Mayor Blunt asked exactly what needed to be corrected.

Mr. Cornwell suggested striking out the language after Robert's Rules of Order.

Citizen Input

The sign-up sheet was empty, and no citizen came forward to speak.

Closed Meeting

A closed meeting was not necessary.

Adjournment/Recess

Ms. Schick made a motion to adjourn the meeting. Ms. Roberson seconded the motion.

At 7:44 p.m. Mayor Blunt adjourned the meeting.

Kathleen Flanagan, Town Clerk

Heather Oliver, Assistant Town Clerk