



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Saturday, June 13th, 2020 at 10:00 a.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

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

Absent

All Council Members were present, with the exception of Steve Cirbee

Also Present

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

Call to Order

Mayor Blunt called the meeting to order at 10:00 a.m.

Moment of Silence/Pledge of Allegiance

Mayor Blunt led a Moment of Silence and the Pledge of Allegiance.

Roll Call of Members

Mayor Blunt noted that all Council Members were present, except Mr. Cirbee due to prior commitment.

Additions to the Agenda

There were no additions to the agenda.

Approval of the Agenda

Ms. Schick made a motion to approve the agenda as written. Mr. Leamon seconded the motion.

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

Approval of Minutes

Mr. Alger made a motion to approve Minutes for March 15, 2017 Regular Meeting, June 8, 2017 Special Meeting, June 14, 2017 Special Meeting, June 21, 2017 Regular Meeting, July 19, 2017 Special Meeting, September 9, 2017 Work Session, July 17, 2019 Regular Meeting (Lack of Quorum), August 7, 2019 Work Session, August 21, 2019 Regular Meeting, September 4, 2019 Work Session, October 2, 2019 Work Session, October 16, 2019 Regular Meeting, November 6, 2019 Work Session, November 20, 2019 Regular Meeting, December 18, 2019 Regular Meeting, January 2, 2020 Special Meeting, January 25, 2020 Work Session, January 29, 2020 Regular Meeting, February 5, 2020 Work Session, February 19, 2020 Regular Meeting, March 4, 2020 Work Session and April 8, 2020 Special Meeting. Mr. Ey seconded that motion.

Mr. Alger stated he reviewed all the minutes and found a few typos that were corrected.

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

The motion to approve the minutes passed with a unanimous vote of council members present.

Council Member Announcements

Ms. Roberson congratulated Colonial Beach Schools for the great job they did to make Graduation happen for the Seniors and their families this year.

Ms. Schick reported that she attended a Virtual RAFT meeting along with the Town Manager, other department heads and town groups.

The meeting broke into small groups and discussed the Town's resilience and the challenges that we are facing within the next 10-20 years.

The resilience discussion was not only about stormwater management and tidal erosion. The RAFT team addressed emergency management and pandemics.

The overall experience was great, and we look forward to working more with the RAFT team.

Mayor Blunt thanked the Community for being patient throughout COVID-19. It is a difficult time to figure out opening and operating the Town.

Presentations

20 years of Service Award for Danny Smith. Public Works Department

Mayor Blunt presented 20 years of Service Award Pin to Daniel (Danny) Smith and congratulated him on his retirement.

Mayor Blunt noted that 20 years of service is a tremendous amount of dedication.

Mr. Leamon noted that whenever he saw Mr. Smith, he always had a smile and a positive attitude. He is a role model and hopes the Town Employees follow in his footsteps.

CARES Act Discussion, Quinn Robertson and Jim Cornwell

Mr. Cornwell reported what the CARES Act was and the amount that was granted to Westmoreland County.

Westmoreland County received \$1.5 million from the Commonwealth of Virginia and signed a Certification for Receipt of COVID Relief Funds, identifying that each county shall give an equitable share to each town in their jurisdiction.

Mr. Cornwell further reported that an issue has arisen about the distribution of the funds from the county to the town. If it is distributed on a population basis then the town should receive approximately \$300,000.

Westmoreland County has adopted a resolution on how they are going to divide the money. The town has been informed that they must apply to the county for their share of the funds and specify the use of the funds.

Mr. Cornwell stated this resolution is contrary to the Secretary of Finance memorandum and the document that was signed by the Chairman of the Board and the County Administrator, stating the funds would be granted.

Mr. Cornwell noted the town should be granted the funds without having to apply for it. All counties are granting the money to the towns. This funding is a grant and says it clearly on all documents.

Mayor Blunt asked if the county was controlling the spending and spending the lion's share of the money on what they felt was necessary for the town to spend.

Mr. Cornwell noted that there were two problems, one is the control of the money and the second is the amount of money.

Mayor Blunt added he was under the impression that the town already pays taxes to the county for services like social services, judicial services, and libraries.

Mayor Blunt further noted he was perplexed on why the town has to pay extra taxes for those services.

Mr. Trivett reported the position he took in the last Board of Supervisors meeting was that the town was told they would receive approximately \$313,000 and now there is a request that is submitted to approve funds for Bay Aging and Social Services to be taken out of the \$313,000.

Mr. Trivett further reported the County Administrator's response to that position that it is only fair that these agencies get a part of the funds and the town is one fifth of the county.

Mr. Trivett stated if we passed a resolution in May granting these funds to the town, how can we turn around and dictate how they spend the granted funds. The County Administrator uses that there was no guidance given by the federal government other than to give an equitable amount to localities.

Mr. Trivett further stated he told the county that the argument isn't about the needs, but about how they are spending the allotted amount for the town. Currently, no funds have been approved to be given to Bay Aging or Social Services.

Mr. Trivett noted he will continue to take stance on behalf of the town. He will continue to ask questions when the town's money is spent and the County Administrator will not provide and answer other than it is only fair with no legal backing, He will not vote on something that he feels is not legal. He is here to support the town and their needs.

Mr. Trivett further noted there were request to the County Administrator from Westmoreland County Public School systems and Colonial Beach School Systems for funds.

Mr. Leamon asked Mr. Trivett what the county attorney's stance is on these matters.

Mr. Trivett responded the county attorney has not commented on the matter. Mr. Risavi has told the Board of Supervisors that he reached out to Mr. Lane and was told to spend the funds how he wants to spend them.

Ms. Schick asked when the next meeting would be.

Mr. Trivett responded there were some special meetings planned and he would notify her when he has the schedule.

Ms. Schick proposed for the town staff to draft a statement that explains how the Town will process the money and are happy to receive request from agencies that also need the funding due to COVID. It could explain how the process would work and reinforce the allocation based on population. They could review the statement at the next meeting, and she will personally take it to the next Board of Supervisor meeting.

Mayor Blunt noted he would like to see the request that were submitted by the agencies and see what the expenses are for.

Mayor Blunt asked if the Town had heard anything back from the request it submitted.

Mr. Robertson responded the request had been submitted but there has not been a response.

Mr. Robertson stated he has reached out to federal level and agrees with Mr. Trivett. The town's needs for COVID expenses are different from county level COVID expenses. The funds the county is taking feels like a garnishment on the town's allotment.

Ms. Roberson asked if there is list that can be shared with council of the expenses due to COVID.

Mr. Robertson responded with a list of expenses that have already been submitted that included overtime pay for beach ambassadors, extra sanitation supplies and electric signs to alert tourist. The town is being responsible on spending COVID funds, this is not a sprint to spend it all. There could be a second wave when fall comes and we need to make it last until December.

(Multiple Discussions explaining the division of the CARES Act funds)

Mr. Trivett stated his concern is the town being left with nothing from the CARES fund. He does not have access to the agenda until the day of the meeting or the Friday before meeting. It concerns him because he can't see what will be requested or approved with enough time to notify the council.

(Multiple conversations)

Mr. Trivett noted there is place on the Board of Supervisors agenda for the Town to speak. He encourages council and town citizens to attend.

Mayor Blunt stated someone else would have to go and that he would not attend the meeting. The last time he attended the meeting it felt like a carnival show and the relationship between the county and the town is poor due to the county's perception.

Ms. Schick stated Vicki Roberson and herself have volunteered to attend the meetings.

Mr. Ey noted he would also try to attend.

Mr. Trivett recommended if anybody wants to have a meeting with the county to please include him. He can't represent or defend if he is not aware of the interaction until he hears about it from the county.

Mr. Trivett asked to use this opportunity to report on a few other matters.

Mayor Blunt welcomed Mr. Trivett to continue and report on the other matters.

Mr. Trivett reported about the James Monroe Birthplace and the foundation. He notified the foundation may come to the town to ask for a piece of town property to expand the location.

Ms. Schick reported she had a meeting there last year with Ms. Ransone to discuss grant money to be able to expand hiking trails to connect to the town.

(Multiple conversations)

Mr. Trivett further reported at the last meeting for the Board of Supervisors it was confirmed that if any request come forward for hazardous pay the requestor must have a policy describing hazardous pay in place.

Mr. Trivett stated the county just approved a solar field to go on a piece of farmland in Placid Bay.

Mr. Trivett further stated the town should help citizens to access the DMV online to change their car registration to be eligible for town decals.

Unfinished Business

Resolution #18-20, Adoption and Appropriation of Fiscal Year 2021 Budget and Adoption and Appropriation Budget of the FY 2021 Budget for the Colonial Beach School Board
(Public Hearing held on June 5, 2020)

Mr. Ey made a motion to approve Resolution #18-20, as written. Mr. Alger seconded the motion.

Motion to Amend

Ms. Roberson proposed an amendment to Resolution #18-20, to add an additional \$100,000 under FY 2021, Transfer to School Operating Fund changing the amount from \$1,745,765 to \$1,845,765.

Motion to Approve the Amendment

Motion failed

Motion to Approve Resolution #18-20, as written

Ms. Roberson made a motion to approve Resolution #18-20, as written. Mr. Alger seconded the motion.

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

The motion to approve Resolution #18-20 as written passed with a 5 to 1 vote of council members present.

RESOLUTION #18-20, ADOPTION AND APPROPRIATION OF FISCAL YEAR 2021 BUDGET AND ADOPTION AND APPROPRIATION OF THE FY 2021 BUDGET FOR THE COLONIAL BEACH SCHOOL BOARD

BE IT RESOLVED that the Town Council, meeting in a Regular Meeting, Saturday, June 13, 2020 hereby adopts and appropriates the Fiscal Year 2021 budget as follows:

PROPOSED FISCAL YEAR 2021 BUDGET

	FY 2020 Tax Rate	FY 2021 Tax Rate
Real Estate	.80	.80
Personal Property	3.20	3.20
Mobile Home	.58	.58
Farm Machinery	2.60	2.60
Public Utilities	.70	.70
Boat Tax	.01	.01

All rates listed above are per \$100 of assessed value

PROPOSED FISCAL YEAR 2021 BUDGET

	FY 2020	FY 2021
General Fund Town Government	\$7,291,783	\$6,930,942
Transfer to School Operating Fund	\$2,299,916	\$1,745,765
Sewer & WWTP Fund 501	\$2,295,526	\$2,488,934
Water Fund 503	\$1,109,535	\$1,193,440

SECTION 1

The following amounts are approved for the Colonial Beach School Board, subject to the conditions set forth in this Resolution, for the fiscal year beginning July 1, 2020 and ending June 30, 2021, as follows:

Local Government Funding	\$1,745,765
Total School Budget (including local funding)	\$7,807,769

Funds appropriated in FY 2021 for Capital Improvements, including construction in progress, will not lapse at the end of the year, but shall remain appropriated for the life of the project(s) until completion or until the Town Council eliminates the appropriation.

- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do not obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*
- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*
- *The Town shall reserve the right to review the Charter, Mission Statement or other defining document of agencies who request funding from the Town as a condition of requesting funding.*

New Business

Resolution #19-20, Acceptance of Retirement of Town Clerk, Kathy Flanagan

Mr. Alger made a motion to approve Resolution #19-20, as written. Ms. Roberson seconded the motion.

Mr. Alger stated in his four years on council, Kathy has always helped him learn the process of being a good council member and has done a great job.

Mr. Ey stated for these first two years on council, Kathy has always put a smile on his face when he came to the office. Any crazy question he had; Kathy was able to give an easy answer in a split second. He appreciates everything she has done for council and the growth he has through her knowledge.

Mr. Leamon stated he has worked with Kathy and the town prior to being on council. Kathy has made the experience awesome. Kathy is always the one to have a pen for him when he is running late from work. She has always been there to lead council in the right direction. Thank you for doing everything you have done.

Ms. Roberson stated that she has known Kathy for well over 10 years. There is not a thing Kathy would not do for council. If council ever needed a phone call made or needed to stop by the office at the last minute, Kathy was there.

Ms. Roberson further stated she would miss Kathy terribly and to enjoy her retirement.

Ms. Schick stated Kathy and she entered under Mayor Rummage. Kathy took her under her wing and other staff members. She could not thank her enough for being that role model. Kathy has institutional knowledge that the council will still call on. Thank you for the effort that you have put into the community.

Mayor Blunt stated Kathy and he have been together for 6 years. Kathy helped him during the time he was acting Town Manager. They got a big laugh when the first task was removal of the bollards by the pier. Kathy coordinated the upgrades at Town Center, nurtured town council and the mayor, FOIA request, made phone calls and wrote letters on behalf of council. All of that plus her town clerk duties.

Mayor Blunt further stated the council and himself could not thank her enough for everything.

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

The motion to approve Resolution #19-20 as written passed with a 5 to 1 vote of council members present.

Mayor Blunt presented Kathy Flanagan with an award from everybody that loves her recognizing her retirement, 9 years of Service and friendship with the Town of Colonial Beach.

RESOLUTION #19-20, Acceptance of Retirement of Town Clerk

WHEREAS, Kathleen “Kathy” Flanagan, was appointed as Town Clerk effective October 31, 2011; and

WHEREAS, due to COVID19 and under Executive Order from the Governor of Virginia, Colonial Beach Town Council has been unable to meet since March 4, 2020; and

WHEREAS, the Mayor, Town Manager, Council Members have been aware and made preparations for the retirement of Ms. Flanagan since October, 2019.

BE IT RESOLVED, that the Town Council meeting in regular session, Saturday, June 13, 2020, hereby accepts the request by the Town Clerk, Kathleen “Kathy” Flanagan, to retire from the Town of Colonial Beach effective June 15, 2020.

Resolution #20-20, Appoints Heather Oliver as Colonial Beach Town Clerk

Mr. Leamon made a motion to approve Resolution #20-20, as written. Ms. Roberson seconded the motion.

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

The motion to approve resolution #20-20 as written passed with a unanimous vote of council members present.

RESOLUTION #20-20, Appoints Heather Oliver as Colonial Beach Town Clerk

WHEREAS, the Town Clerk for the Town of Colonial Beach, Kathleen “Kathy” Flanagan, has retired from her position effective June 15th, 2020; and

WHEREAS, the Town Council has selected a highly qualified individual, Heather Oliver, to serve as the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Heather Oliver as Town Clerk for the Town of Colonial Beach effective June 16th, 2020.

Resolution #21-20, Approval to Resume Previously Established Schedule for Work Session Meetings, Established in Resolution #04-20

Mr. Leamon made a motion to approve Resolution #21-20, as written. Mr. Ey seconded the motion.

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

The motion to approve Resolution #21-20 as written passed with a unanimous vote of council members present.

Resolution #21-20, Approval to Resume Previously Established Schedule of Work Session Meetings, Established in Resolution #04-20

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution.

WHEREAS, that during the local state of emergency the Town Council has not held the scheduled meetings.

NOW THEREFORE BE IT RESOLVED, Town Council shall resume adhering to the following dates that have been previously established for the Town Council Work Sessions:

Wednesday	July 1, 2020	6:00 p.m.
Wednesday	August 5, 2020	6:00 p.m.
Wednesday	September 2, 2020	6:00 p.m.
Wednesday	October 7, 2020	6:00 p.m.
Wednesday	November 4, 2020	6:00 p.m.
Wednesday	December 2, 2020	6:00 p.m.
Tuesday	January 6, 2021	6:00 p.m.

BE IT FURTHER RESOLVED, that, unless otherwise determined, all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Resolution #22-20, Approval to Resume Previously Established Schedule of Regular Town Council Meetings, Established in Resolution #03-20

Mr. Leamon made a motion to approve Resolution #22-20, as written. Mr. Ey seconded the motion.

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

The motion to approve Resolution #22-20 as written passed with a unanimous vote of council members present.

Resolution #22-20, Approval to Resume Previously Established Schedule of Regular Town Council Meetings, Established in Resolution #03-20

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution.

WHEREAS, that during the local state of emergency the Town Council has not held the scheduled meetings.

NOW THEREFORE BE IT RESOLVED, Town Council shall resume adhering to the following dates that have been previously established for the Town Council Regular Meetings:

Wednesday	July 15, 2020	6:00 p.m.
Wednesday	August 19, 2020	6:00 p.m.
Wednesday	September 16, 2020	6:00 p.m.
Wednesday	October 21, 2020	6:00 p.m.
Wednesday	November 18, 2020	6:00 p.m.
Wednesday	December 16, 2020	6:00 p.m.
Wednesday	January 20, 2021	6:00 p.m.

BE IT FURTHER RESOLVED, that, unless otherwise determined, all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Public Hearing

Ordinance No. 704, amends the Town of Colonial Beach Zoning Ordinance, Article 12 (Signs), to provide changes to the Town's signage requirements, and amends Article 20 (Definition) to provide definition for murals and yard sign

Mr. Douglas reported the amendment to the zoning ordinance include changing the size cap of signs at businesses and number of yard signs. Since the March 4th hearing, political yard signs have become questioned. He recommended exempting political signs from the zoning ordinance.

Ms. Schick stated that Mr. Douglas and herself discussed the intent of the sign ordinance changes. The ordinance had areas that were not enforceable, the changes will make the amount, size and type of signs enforceable.

Open Public Hearing

At 11:58 a.m. Mayor Blunt opened the Public Hearing.

Robert Christiansen, Washington Ave, thanked Mr. Douglas for being readily available and working with and being part of the planning commission. The knowledge that Mr. Douglas provided, helped to make the ordinance easier to understand.

Close Public Hearing

At 12:01 p.m. Mayor Blunt closed the Public Hearing.

Council Action

Mr. Leamon made a motion to approve Ordinance No. 704, as written. Mr. Ey seconded the motion.

Ms. Schick proposed the following amendments:

Page 3, Article 12-4, Signs Excluded from Regulation, (D)- grammatical error, change no to not

Page 4, Article 12-7, Temporary Signs, (A) –, change 12-7 to 12-6

Page 4, Article 12-7, Temporary Signs, (A)(5) – change thirty (30) consecutive days to sixty (60) consecutive days

Page 4, Article 12-7, Temporary Signs, (A)(5) – strike out the final part of the sentence, “*and no establishment or use may erect six (6) temporary signs or banners in a calendar year.*”

Page 9, Article 12-10, (A)(4c), Murals – add, “not included in computation of permitted signage” to the end of the sentence.

Page 11, Article 12-10, (B)(2c)(ii), Hanging Blade Signs, allow hanging blade signs in R1 and R2, with a home occupancy permit.

Last page, under definitions – change **Yard Sign** to say, **Yard or Lawn Signs** and add “*Political Campaign signs.*” To the end of the definition.

Mr. Leamon made a motion to approve Ordinance No. 704, as amended. Ms. Roberson seconded the motion.

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

The motion to approve Ordinance No. 704, as amended, passed with a unanimous vote of council members present.

ORDINANCE NO. 704, amends the Town of Colonial Beach Zoning Ordinance, Article 12 (Signs), to provide changes to the Town’s signage requirements, and amends Article 20 (Definitions) to provide definitions for murals and yard sign.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13th of June 2020, that the Town Zoning Ordinance, Article 12 (Signs), be replaced in its entirety with the following:

ARTICLE 12

SIGNS

Statement of Intent

The purpose of this article is to regulate the size, location, height and construction of all signs; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive, and harmonious community; to protect property values; and to further the goals, objectives and policies of the Comprehensive Plan. This article is intended to promote signs that are:

- 1) Compatible with the landscape/streetscape and architecture of surrounding buildings, and promote a favorable aesthetic quality of the Town and its unique character;
- 2) Properly designed, constructed, installed and maintained, in order to limit driver and pedestrian distraction and otherwise to promote general public safety;
- 3) Legible, relevant and appropriate to the activity to which they pertain;
- 4) Limited in size, placement and frequency, so as to provide a fair avenue for advertisement while maintaining the general value of property.

12-1 Administration

- A. The application and enforcement of the provisions herein shall be the responsibility of the Department of Planning & Community Development. The Planning Director shall reserve the authority to designate an agent to perform these responsibilities on his/her behalf, if and where needed.
- B. The Planning Director shall have the authority to cause the immediate removal of any signs which are not constructed and maintained in accordance with the provisions of this Article or in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code (USBC).
- C. Signs deemed unsafe shall be regulated by the following provisions, as prescribed in § 15.2-906 of the Code of Virginia, as amended:
 - 1. Whenever, in the opinion of the Planning Director, a sign becomes structurally unsafe or endangers the public safety, such sign shall be ordered to be made safe and to comply with this ordinance or removed, as the case may be. The order shall be sent by certified mail and shall be complied with within thirty (30) days from the date of receipt. Failure to comply with the order shall constitute grounds for the Director to have the sign removed, the cost of which shall be paid by the property owner.
 - 2. Whenever, in the opinion of the Planning Director, an unsafe sign poses an imminent threat of serious injury to person or property, and it is impracticable to give notice as required by subparagraph (1), the Director may cause the sign to be immediately made safe or removed, and the cost thereof shall be paid by the property owner.
- D. In the event that special site conditions exist, such as those related to topography, building size, location, or orientation, etc., the Planning Director shall reserve the authority to grant approval for signage so long as the subject signage meets the intent of the ordinance.

12-2 General Provisions

- A. *Definitions.* Definitions of various items pertaining to this Article are set forth in the *Definitions* section of this Zoning Ordinance.
- B. *Applicability.* The standards, procedures, exemptions and other requirements of this article shall apply to all signs constructed, erected, moved, enlarged, illuminated, or substantially altered within the municipal limits of the Town.
- C. *Construction.* In addition to the standards set forth in this article, all signs and their structures shall conform to all applicable provisions of the USBC and all amendments thereto.

- D. *Maintenance.* All signs, and their structural and/or electrical components, shall be kept in a generally maintained state at all times.
- E. *Comprehensive Plan.* This article shall be in accordance with the Goals and Objectives of the Comprehensive Plan, notably the objective to “Improve the Town’s aesthetic quality to make a positive and lasting impression on visitors to the community and enhance the quality of life for residents.”
- F. *Conflict.* In the case of conflicting regulations, the most restrictive standard shall apply.

12-3 Permit Required for Signs

- A. Except for signs exempted from regulation, every sign shall be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Planning Director.
- B. Prior to the issuance of any sign permit, an application for a sign permit shall be submitted to the Department of Planning and Community Development for review. The application shall be accompanied by a rendering, or “cut sheets,” of the sign face, and a scaled drawing or survey which shows the following information:
 - 1. All dimensions of the sign and its structure, if applicable;
 - 2. The area of the actual sign face;
 - 3. The proposed location of the sign in reference to property lines, existing structures and other site characteristics;
 - 4. Proposed manner of illumination, if applicable;
 - 5. Method of construction, if applicable, to meet the requirements of the USBC.
- C. A sign permit shall become null and void if the sign is not erected within six (6) months after the date of issuance. Upon written request and for good cause shown, one (1) six-month extension may be granted, pursuant to any required permit renewal fee.

12-4 Signs Excluded from Regulation

The following signs are excluded from regulation under this article:

- A. Signs of a duly constituted governmental body, such as, but not limited to, traffic, warning, directional, street, regulatory signs, Red Cross (as prescribed in § 33.1-355 of the Code of Virginia, as amended), or governmental signs which are directly related to the health, safety, convenience or welfare of the community.
- B. Signs with a total area of four (4) ft² or less, provided the signs conform to the provisions set forth in section 12-7 and provided that multiples of such signs are not installed in a manner which resembles a larger sign.

- C. Bulletin boards, such as those commonly found at community centers, churches, and the like, as well as menu/daily special signs for eating establishments, provided they are no more than twelve (12) ft² in total area, are affixed to a building façade, are not illuminated, and only one is erected per property.
- D. Flags of the Town of Colonial Beach, Commonwealth of Virginia, United States of America, and any other flag of a government entity flown for noncommercial purposes, or a single flag displaying only a corporate logo, and any other horizontally-oriented flags which are purely ornamental and do not promote a commercial activity.
- E. Seasonal displays or decorations which do not advertise products or services.
- F. Signs not visible from a public right-of-way.
- G. Signs on a currently licensed truck, bus or other vehicle while in the normal course of business and provided that such is not parked for display purposes.
- H. Window signs taking up no more than 30% of the total window area.

12-5 Off-Premise Signs

- A. Off-premise signs which only contain the business name and a directional arrow shall be permitted.
- B. The off-premise sign shall not exceed four (4) ft² in area and shall not be more than four (4) feet in height.
- C. The sign shall be located at least five (5) feet from the public right-of-way(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
- D. A zoning permit is required for such signs.
- E. A notarized letter from the property owner(s) is to accompany the permit application indicating the property owner's permission to erect the directional sign on their property.

12-6 Yard Signs

- A. Yard Signs are exempt from permitting requirements and are regulated as follows:
 1. No more than two (2) yard signs shall be permitted on any property at one time. Each sign shall not exceed six (6) square feet in area. Signs must be located on the premises and cannot be illuminated.
 2. Signs shall be setback a minimum of three (3) feet from any property line(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
 3. Signs shall not exceed eight (8) feet in height.
 4. Temporary yard signs must be temporary in nature.
 5. Temporary yard signs must be removed within seven (7) days of the activity in which the sign is advertising.

12-7 Temporary Signs

- A. In addition to the provisions set forth in Articles 12-4 and 12-6, temporary signs and banners are permitted provided such signs conform to the following provisions:
1. Temporary signs and banners are subject to a zoning permit fee, as prescribed in the adopted Town Fee Schedule.
 2. Not more than one (1) such sign shall be located on any lot, except when such lot contains multiple establishments or uses, one (1) temporary sign or banner shall be permitted for each separately identifiable establishment or use located thereon.
 3. In cases where there are multiple businesses there shall not be more than 1 temporary sign per 25-feet of road frontage with a maximum number of six (6) temporary signs
 4. No single temporary sign shall exceed 32 ft² in total area nor shall the sum of all temporary signs exceed 75 ft².
 5. Permitted temporary signs or banners may be erected for a period of no more than sixty (60) consecutive days, ~~and no establishment or use may erect six (6) temporary signs or banners in a calendar year.~~
 6. The temporary sign shall not be illuminated.
 7. The minimum setback distance shall be ten (10) feet from the right-of-way of any state primary route; this distance shall be a minimum of three (3) feet from the right-of-way of all other roadways.
 8. Temporary signs shall be maintained in a neat, clean and orderly fashion. Tattered and torn temporary signs shall not be permitted.
 9. The sign meets all other applicable provisions of this article.
- B. Temporary signs shall not be included in the computation of permitted sign area.

12-8 Signs Prohibited

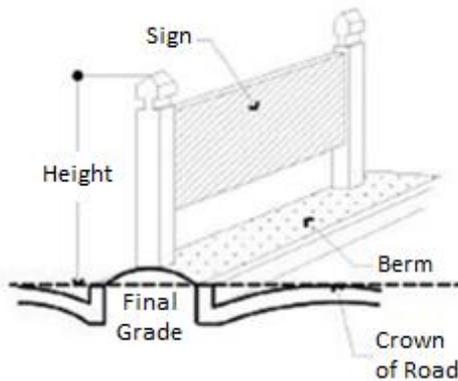
Notwithstanding any other provision of this article, the following signs are prohibited and subject to immediate removal by the Town:

- A. Signs that flutter, rotate, or otherwise move for the purpose of attracting attention, or those which produce sound, odor, liquid or visible matter such as smoke or vapor.
- B. Signs that imitate or obscure those of a duly constituted governmental body.
- C. Any sign that is displayed on a stationary motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of, and serving the function of, a portable sign
- D. Signs which advertise illegal activities under federal, state or local laws or regulations.
- E. Signs located in any public right-of-way or attached to any utility pole or structure.
- G. Signs which are placed or located so as to impede vision or contravene other requirements of applicable traffic ordinances or statutes.
- H. Signs, not being an integral part of the building design, which are fastened to, supported by, or on the roof of a building.
- I. Signs that extend over or above the roof line or parapet wall of a building.
- J. All other signs not expressly permitted in this ordinance.

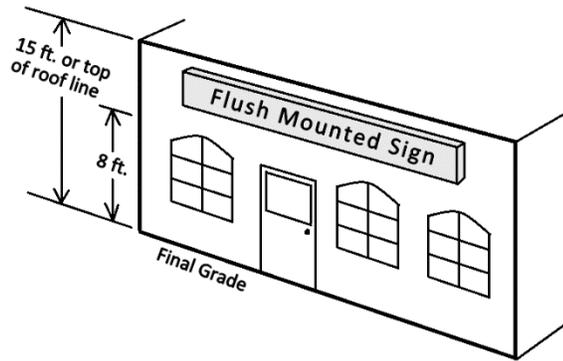
12-9 Calculation of Sign Dimensions

A. General Dimensional Standards:

1. *Height.* The height of a sign shall be measured from the final grade around the sign to the highest physical point of the sign excluding supporting structure, framework, base, or bracing.

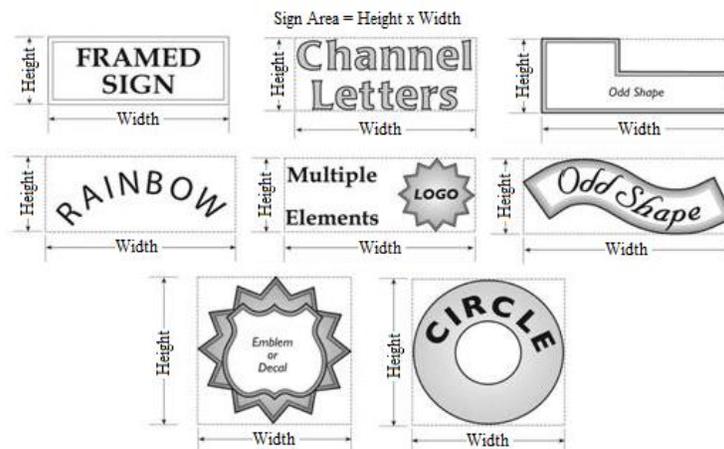


Freestanding Sign



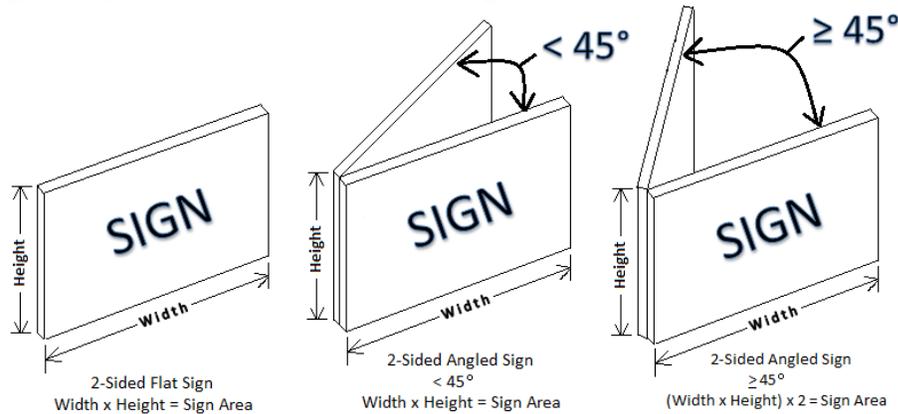
Wall Sign

2. *Area.* The area of a sign face shall be established by determining the square footage of all text, representations, colors, emblems, and other displays contained in a sign. The area shall not include any supporting structure, framework, base, or bracing.

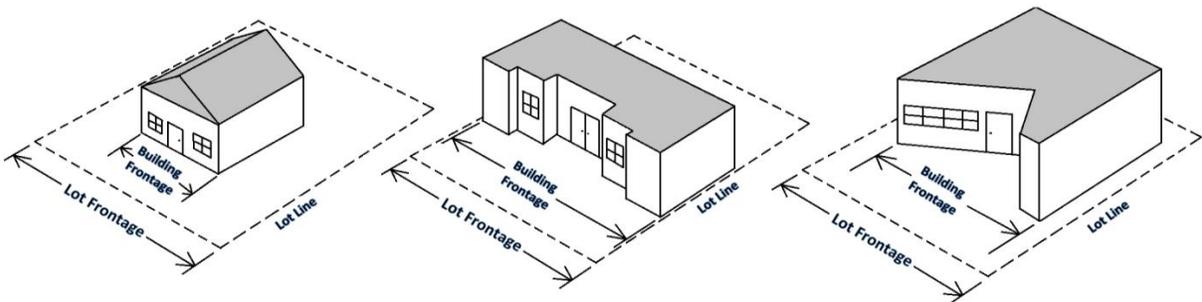


3. *Faces.* Where the sign faces of a double-faced sign are parallel, or the interior angle formed by the faces is less than 45°, only one (1) display face shall be used to compute the sign area. If the angle is greater than or equal to 45°, the area of both

sign faces shall be used to compute the sign area. If the two (2) faces of a double-faced sign unequal in area, the area of the larger face shall be used.



4. *Building/Lot Frontage.* A building’s frontage is the horizontal length of a building on the side containing the primary entrance. If the wall is straight, then the frontage shall be the length of the wall. If the wall is not straight, the frontage shall be measured as a straight line from corner to corner of the front building face. The lot frontage is the linear distance between points where the side property lines meet the street right-of-way.



12-10 Sign Types

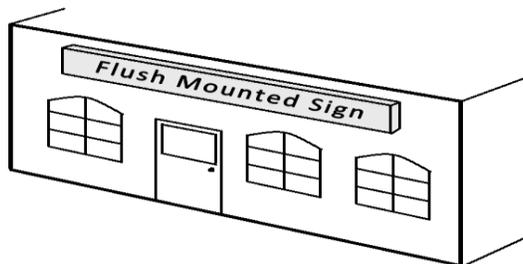
A. *Wall Signs.* Permitted variations of wall signs include: flush mounted, suspended, marquee, canopy/awning.

1. *General Standards.*

- a. Such signs are permitted on the wall(s) of the building frontage which are visible from a public right-of-way.
- b. The area of wall sign allowed shall be one (1) square foot for every one (1) linear foot of building frontage.
- c. A building frontage may have up to two (2) of the permitted wall sign types, so long as the total aggregate sign area per frontage does not exceed one (1) square foot for every one (1) linear foot of building footage_per establishment.
- d. On a multi-occupancy building, each occupant with a separate outside entrance to the general public may be permitted to have one (1) separate wall sign above said entrance provided the total sign area does not exceed one (1) square foot for every one (1) linear foot of building frontage.
- e. Roofing elements within 30° of vertical, e.g. a “mansard” roof, may be considered a wall for the purposes of this ordinance.
- f. A wall sign and/or its supporting structure may project into or above a public right-of-way no more than three (3) feet, but shall not project into or over any roadway.
- g. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

2. *Flush Mounted Wall Signs.* General standards for flush mounted wall signs are as follows:

- a. No such sign may project outward more than one (1) foot from the building façade on which it is attached.



Zoning / Land Use	Flush Mounted Wall Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
R-1, R-2, R-2A, R-3, R-4*	✓	3 ft ²	4 ft.	8 ft.

CR	✓	1:1**	8 ft.	15 ft.
RC	✓	1:1**	8 ft.	15 ft.
C-1, C-2	✓	1:1**	8 ft.	15 ft.
MC	✓	1:1**	8 ft.	15 ft.

* Single-family homes are permitted one (1) wall sign only in accordance with an approved home occupation permit.

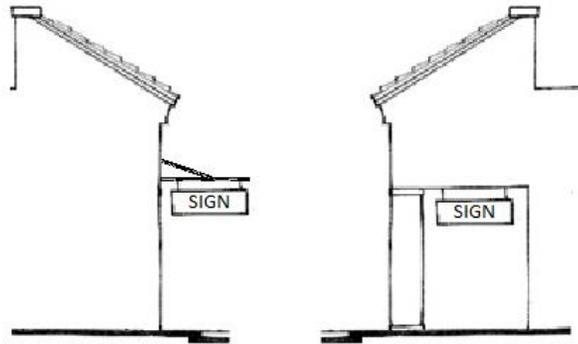
** One (1) square foot for every one (1) linear foot of building footage.

3. *Projecting Wall Signs.* General standards for projecting signs are as follows:

- a. No part of any projecting sign shall be lower than eight (8) feet from final grade.
- b. No part of any projecting sign shall project farther than three (3) feet from the building façade on which it is attached.

i. *Suspended Signs.*

- a) All suspended blade signs shall be installed 90° from the building façade on which they are attached.

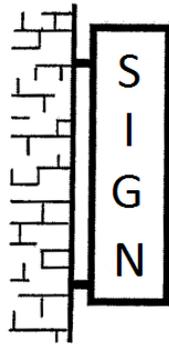


Zoning / Land Use	Suspended Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.

MC	✓	15 ft ²	8 ft.	15 ft.
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ii. *Marquee Signs.*

- a) All vertical marquee signs shall be installed 90° from the building façade on which it is attached.



Vertical Marquee Sign

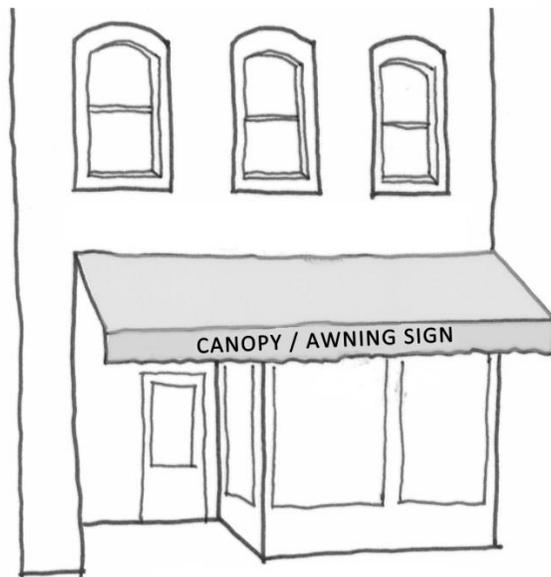


Horizontal Marquee Sign

Zoning / Land Use	Vertical Marquee Signs				Horizontal Marquee Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
RC	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.

iii. *Canopy/Awning Signs.*

- a) Any lettering and/or images comprising the sign area on an awning or canopy shall be located on the face of the awning or canopy, parallel to the building.
- b) Internal illumination is not permitted on canopy/awning signs.



Zoning / Land Use	Canopy/Awning Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.
MC	✓	15 ft ²	8 ft.	15 ft.

4. *Murals (Commercial and Non-Commercial)*. General standards for murals are as follows:

a) Murals shall be restricted that, by their content, threaten the public health, safety and general welfare of the residents of Colonial Beach.

b) Murals shall be maintained in good repair, free from peeling paint or damage due to age.

c) Murals that are primarily non-commercial in nature are not subject to any size restrictions relative to the surface on which they are painted or adhered and not included in the computation permitted sign area.

d) Murals that are primarily commercial in nature are subject to the same size restrictions as other commercial signage contained herein.

B. *Freestanding Signs*. Permitted variations of primary freestanding signs include: double pole, hanging blade and monument. Permitted variations of secondary freestanding signs include: “a-frame” and “h-frame” as well as vertical flag signs.

1. *General Standards*.

a. Such signs may be double-sided, but the sides shall be identical.

b. The setback distance shall be a minimum of three (3) feet from the property line, except along a state primary route for which the minimum shall be five (5) ten feet, and adequate to clear sight triangles for the property entrance(s).

c. No part of any freestanding sign or its supporting structure may project into or above any public right-of-way.

d. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

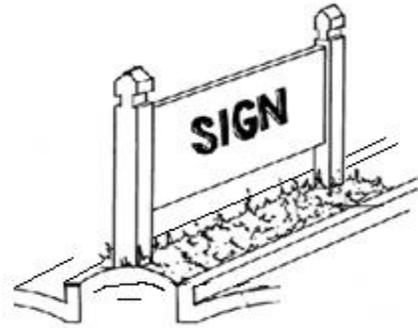
2. *Primary Freestanding Signs*.

a. No property shall be permitted more than one (1) primary freestanding sign, except if the property has a secondary entrance on a separate public road. Such a property may have one (1) additional primary freestanding sign for the secondary entrance, provided that the secondary lot frontage is at least as long as the primary lot frontage.

b. All primary freestanding signs shall be located in a mulched and landscaped bed, exclusive of any landscaping required in Article 24 of this Ordinance.

c. Outparcels located in shopping centers shall not have a primary freestanding sign.

i. *Double Pole Signs.*



Zoning / Land Use	Double Pole Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	32 ft ²	12 feet
CR	✓	32 ft ²	12 feet
RC	✓	32 ft ²	12 feet
C-1, C-2	✓	32 ft ²	12 feet
MC	✓	32 ft ²	12 feet
A-1, M-1	✓	32 ft ²	12 feet

*

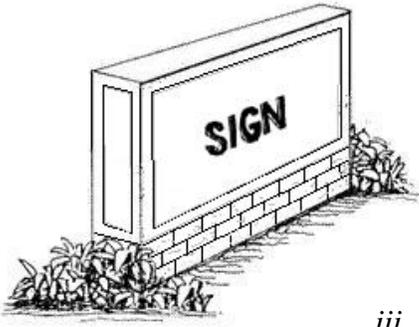
Such signs shall only be permitted to identify the business

ii. *Hanging Blade Signs.*



Zoning / Land Use	Hanging Blade Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	24 ft ²	8 feet
R1, R2	w/ home occupancy permit	24 ft ²	8 feet
CR	✓	24 ft ²	8 feet
RC	✓	24 ft ²	8 feet
C-1, C-2	✓	24 ft ²	8 feet
MC	✓	24 ft ²	8 feet
A-1, M-1	✓	24 ft ²	8 feet

** Such signs shall only be permitted to identify the business*



iii. *Monument Signs.*

- a) Such signs shall be constructed with a masonry base and/or supporting structure. The materials used shall reflect the architecture of the principal structure(s) on the property.

Zoning / Land Use	Monument Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	32 ft ²	8 feet
Major Subdivision	✓	32 ft ²	8 feet
Church / Institutional	✓	32 ft ²	8 feet
PUD-R	✓	64 ft ²	8 feet
CR	✓	32 ft ²	8 feet
RC	✓	32 ft ²	8 feet
C-1, C-2*	✓	32 ft ²	8 feet
MC	✓	32 ft ²	8 feet
A-1, M-1	✓	32 ft ²	8 feet

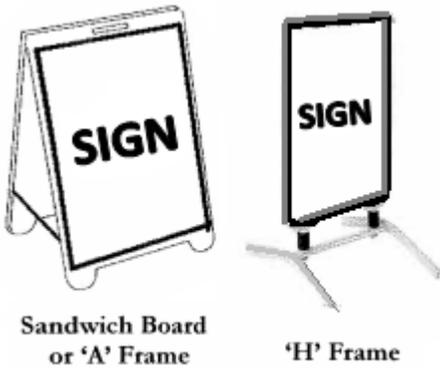
* Shopping centers in these districts may have a monument sign with a max. height of 12 feet and a max sign area of 60 ft².

3. *Secondary Freestanding Signs.* General standards for all secondary freestanding signs are as follows:

- a. An individual property may be permitted one (1) secondary freestanding sign in addition to any primary freestanding sign as specified in part d – i below.
- b. Such signs shall be exempt from permit requirements, but shall conform to all other applicable provisions in this article.
- c. Such signs shall not be illuminated.
- d. Such signs shall be removed at the end of each business day.

i. *A-Frame & H-Frame Signs.*

- a) Each tenant within a shopping center may erect one (1) A-Frame or H-Frame sign, provided the sign is located in front of the business, does not occupy any required parking space and provides at least thirty-six (36) inches of clearance for pedestrians.



Zoning / Land Use	A-Frame & H-Frame Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	8 ft ²	4 feet
Major Subdivision	✓	8 ft ²	4 feet
Church / Institutional	✓	8 ft ²	4 feet
CR	✓	8 ft ²	4 feet
RC	✓	8 ft ²	4 feet
C-1, C-2	✓	8 ft ²	4 feet
MC	✓	8 ft ²	4 feet

- ii. *Vertical Flag Signs.*
 - a) Shopping centers are permitted as provided in Section 12-7 of this article.

Zoning / Land Use	Vertical Flag Signs		
	Permitted?	Maximum Sign area	Maximum Height
CR	✓	24 ft ²	12 feet
RC	✓	24 ft ²	12 feet
C-1, C-2	✓	24 ft ²	12 feet
MC	✓	24 ft ²	12 feet

12-11 Maximum Aggregate Sign Area

- A. For multi-occupancy buildings and shopping centers, this maximum area shall be per business or occupant, exclusive of any respective sign area on a shared sign structure.

12-12 Changeable Copy Signs

- A. Any primary freestanding sign may have up to an additional fifty (50) percent of its sign area as traditional changeable copy.
- B. Any secondary freestanding sign(s) are not permitted except as provided in Section 12-10 Section B-3, d ,i & ii.
- C. Digital changeable copy or digital billboard type signs shall be incorporated into a monument sign as specified in section 12-10, Section B-2-c-iii.

12-13 Sign Illumination

- A. No flashing or intermittent illumination shall be used on any sign or structure. Scrolling text may be permitted on a digital sign in accordance with Article 12-12 above.
- B. Any sign permitted by this Article may be internally or externally illuminated, provided the illumination is installed in such a manner as to prevent the undiffused light rays from being cast upon adjacent properties, upon any public right-of-way or the night sky.
- C. Illuminated signs shall require an electrical permit in addition to a standard zoning permit.

12-14 Removal of Vegetation Around Signs

- A. No person shall destroy or remove or trim any trees, shrubs or other vegetation for the purpose of increasing or enhancing the visibility of any sign if the subject vegetation is:
 - 1. Within any public right-of-way, unless the work is done by an agency having jurisdiction over such area;
 - 2. On property that is not under the ownership or control of the person responsible for such work, unless authorization is provided by the property owner where the subject vegetation is located;
 - 3. Required landscaping, as prescribed in the *Landscaping* article of this Zoning Ordinance;
 - 4. Regulated or otherwise protected under the provisions of the *Chesapeake Bay Preservation Area Overly District* article of this Zoning Ordinance.
- B. Limbs on the underside of any tree may be pruned, i.e. “up-limbed”, to a maximum height of twelve (12) feet in order to enhance visibility of any sign.
- C. No tree may be “topped,” i.e. have its upper limbs removed, in order to enhance visibility of any sign.

12-15 Nonconforming Signs

- A. Any sign lawfully in existence on the date of enactment of this ordinance may be maintained as nonconforming until the related building occupant or use ceases operations in the space.
- B. No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- D. A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

12-16 Abandoned/Obsolete Signs

- A. Signs advertising a business or use that have been discontinued for a period of at least two (2) years shall be deemed abandoned/obsolete. Such signs shall be brought into conformity with this Article, or removed in their entirety, as prescribed in § 15.2-2307 of the Code of Virginia, as amended.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Section 20-2 (Definitions) be amended to include the following:

Murals: A commercial or non-commercial painting or other work of art attached painted to a wall.

Sign, Yard and Lawn: Temporary signs that are typically placed in the front yard of a residence. Examples of yard signs include but are not limited to real estate, contractor and political campaign signs.

This Ordinance shall take effect upon adoption.

Public Hearing

ORDINANCE NO. 705, amends the Town of Colonial Beach Zoning Ordinance, Article 13 (Parking), to provide changes to parking area landscaping requirements; Article 22 (Chesapeake Bay Preservation Area Overlay District) to clarify the definition of construction footprint and specify tree planting requirements; Article 24 (Landscaping) to specify tree planting requirements; and Article 20 (Definitions).

Open Public Hearing

At 12:09 p.m. Mayor Blunt opened the Public Hearing. There was no public comment.

Close Public Hearing

At 12:10 p.m. Mayor Blunt closed the Public Hearing.

Council Action

Mr. Douglas reported the main points from his staff report, summarizing the changes in the ordinance.

Mr. Leamon made a motion to approve Ordinance No. 705, as written. Mr. Ey seconded the motion.

Ms. Schick asked Mr. Douglas if he was comfortable having the authority to use discretion in this ordinance.

Mr. Douglas replied he was comfortable with having the authority.

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

The motion to approve Ordinance No. 705, as written, passed with a unanimous vote of council members present.

ORDINANCE NO. 705, amends the Town of Colonial Beach Zoning Ordinance, Article 13 (Parking), to provide changes to parking area landscaping requirements; Article 22 (Chesapeake Bay Preservation Area Overlay District) to clarify the definition of construction footprint and specify tree planting requirements; Article 24 (Landscaping) to specify tree planting requirements; and Article 20 (Definitions)

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13th of June 2020, that the Town Zoning Ordinance, Article 13 (Parking), Section 13-5 (d), be replaced in its entirety with the following:

- . **(d)** Parking lots shall have landscaping.
 1. The perimeter of all parking lots shall be landscaped using a combination of trees and shrubs as shown on figure 13-1C.1.
 2. For parking lots with less than 10 spaces, a minimum of at least 5% of the interior portions of a parking lot shall be landscaped for the purpose of providing shade trees.
 3. Such interior landscaped areas shall be provided on bio-swale islands and in continuous swale strips extending along the length of the parking bay
 4. Within the parking lot, swale islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns.
 5. For parking lots with less than 10 spaces there shall be one (1) low shrub planted for every five (5) spaces or portion thereof.
 6. Parking lots shall have two (2) medium shade trees where ten (10) or fewer spaces are required.
 7. Parking lots shall have two (2) medium shade trees for every 10-parking spaces or fraction of 10-spaces.
 8. Trees shall be planted within bio-swale islands which are no smaller than 10-feet by 5-feet, a total of 50-square feet. Trees may be up limbed to 12 feet above grade to provide visibility.
 9. Shrubs shall be a minimum of one and a half (1.5) feet in height at time of planting and be maintained at a maximum height of three (3) feet.
 10. There shall be a minimum of one (1) shrub for every five (5) feet or portion thereof along the boundaries of the parking lot.
 11. Trees (deciduous) shall have a minimum caliper of 2.5 inches at time of planting and a maximum canopy of 30-feet when mature. Evergreen trees

shall be no less than 6-feet tall at time of planting. The minimum distance between plantings shall be 10 feet.

12. Trees may be up-limbed (trimmed) up to 12-feet from the final grade. Topping of trees (unless damaged by storm) is prohibited.
13. Design Flexibility - If an applicant can demonstrate that alternative landscaping can meet the intent of this section through the submittal of such an alternative landscape plan, the Zoning Administrator can then accept that plan or modify the alternative plan and design so as to comply with the intent of this section and its provisions. Additionally, the requirements of this section may be lowered by the Director.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 22 (Chesapeake Bay Preservation Area Overlay District) be amended as follows:

- A. Replace Section 22-9 (B) (1) (b) with the following:

The construction footprint shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation.

- B. Amend Section 22-11 (C) (1) (a) by adding the following text (in italics):

The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six (6) inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific numbers of trees six (6) inches or greater DBH to be preserved shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan *and shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation.*

- C. Replace Section 22-9 (B) (2) (b) (i) (1) with the following:

All replacement plantings shall be a native species as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain."

- D. Replace Section 22-9 (B) (2) (c) (i) (1) with the following:

All replacement plantings shall be a native species as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain."

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 24 (Landscaping) be amended as follows:

A. Delete Table 24.9 (Native Species for Landscaping in Colonial Beach, Virginia in its entirety).

B. Replace Section 24-2 (Native Species) with the following:

All new plantings to meet street frontage and parking area planting requirements are encouraged but not required to be native species as specified in “Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain” from the Virginia Department of Conservation and Recreation (DCR) and available at the town’s planning department; however, invasive species identified by DCR cannot be considered.

C. Delete Section 24.6 (Required Landscaping—Parking Lots) in its entirety.

D. Add Section 24.7 (Buffer Yards and Transitional Screening) as follows:

A. Buffer Yards

1. Table 24-2A.1 (below) shows the buffer yard footage recommended between differing zoning districts.

Table 24-2A.1 Typical Recommended Buffers between Zoning Districts (in feet)									
Zoning Districts	R-1 & R-2	R-3	C-R	R-C	M-C	C-1	C-2	PUD	AG
R-1 & R-2	0	25	35	50	75	100	100	50	100
R-3	25	0	35	50	75	75	35	50	100
C-R	35	35	0	25	50	25	25	50	100
R-C	50	50	25	0	0	0	0	50	100
M-C	75	75	50	0	0	0	0	50	100
C-1	100	75	25	0	0	0	0	50	100
C-2	100	35	25	0	0	0	0	50	100
PUD	50	50	50	50	50	50	50	0	100

Ag	100	0							
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2. The Table above illustrates the recommended buffer yards based upon adjoining zoning districts. When a development application is submitted, one of other the buffer yards shown below must be shown on the General Development Plan (GDP) and the site plan. The buffer shall be located upon the proposed development site and not the pre-existing development on the adjacent site.

3. The content of the buffer yard shall be as follows:
 - a. Buffer Vegetation for 100-foot Buffer:
 - I. Five (5) large deciduous trees for every fifty (50) linear feet
 - II. Four (4) small deciduous trees for every twenty-five (25) linear feet
 - III. Four (4) evergreen trees for every twenty (20) linear feet
 - IV. Four (4) medium shrubs for every fifteen (15) linear feet
 - V. Swale(s)

 - b. Buffer Vegetation for 75-foot Buffer:
 - I. Three (3) large deciduous trees for every fifty (50) feet;
 - II. Three (3) small deciduous trees for every twenty-five (25) feet;
 - III. Three (3) evergreen trees for every twenty (20) feet;
 - IV. Six (6) medium shrubs for every fifteen (15) feet;
 - V. Swale(s)

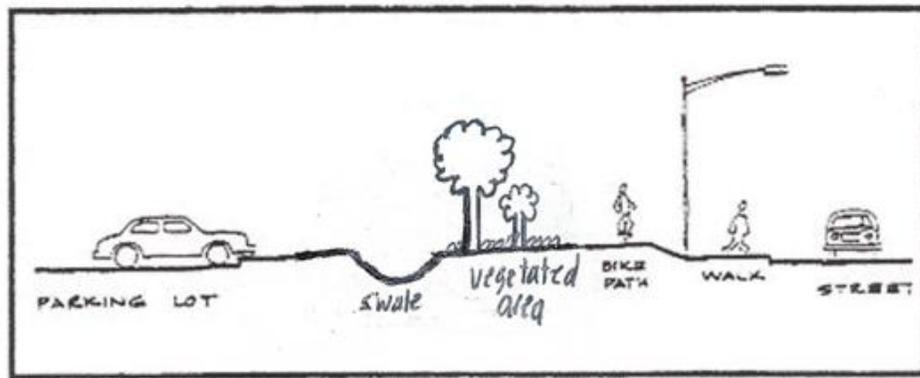
 - c. Buffer Vegetation for 50-foot Buffer:
 - I. Two (2) large deciduous trees for every fifty (50) feet
 - II. Two (2) small deciduous trees for every twenty-five (25) feet
 - III. Two (2) evergreen trees for every twenty (20) feet;
 - IV. Six (6) medium shrubs for every fifteen (15) feet;
 - V. Swale(s)

 - d. Buffer Vegetation of 35-foot Buffer:
 - I. One (1) large deciduous tree for every fifty (50) feet;
 - II. Two (2) small deciduous trees for every twenty-five (25) feet;
 - III. One (1) evergreen tree for every twenty (20) feet;
 - IV. Ten (10) medium shrubs for every fifteen (15) feet;
 - V. Swale(s)

 - e. Buffer Vegetation of 25-foot Buffer:
 - I. One (1) large deciduous trees for every fifty (50) feet;

- II. One (1) small deciduous trees for every twenty-five (25) feet;
- III. One (1) evergreen tree for every twenty (20) feet;
- IV. Ten (10) medium shrubs for every fifteen (15) feet.
- V. Swale(s)

- f. The ratio of the Swale and vegetated area shall be 1/3 swale area with a maximum slope of 3:1 and 2/3 vegetated area. The Swale(s) shall be built in a manner to undulate parallel to property lines. If it can be shown that the purposes of the Swale(s) are already being served on the property by the existing topography or by the use of walls and fencing, then the use of Swales may be mitigated or lessened as determined by the Planning Director.



- g. Buffer Reduction – A recommended buffer yard and associated landscaping may be reduced by 50% if a minimum of a 6-foot tall masonry wall is erected with the required landscaping placed on the exterior of the wall.
- h. Maintenance of the Swale and landscaping is the responsibility of the landowner and there shall be developer’s agreement executed and recorded for this purpose.
- i. For the purpose of this Section any undeveloped lot or parcel within any zoning district which allows residential uses by right shall be treated as if a residential use exists on that lot or parcel.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 20 (Definitions) be amended by adding the following:

Bio-retention: Bio-retention utilizes soils and both woody and herbaceous plants to remove pollutants from storm water runoff.

Bio-retention Swale: A depression or trench that receives rainwater runoff and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Construction Footprint: The area of all impervious surfaces including, but not limited to, buildings, roads and drives, parking areas, and sidewalks, and the minimum area necessary for construction of such improvements.

This Ordinance shall take effect upon adoption.

Public Hearing

ORDINANCE NO. 706, amends the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-2, to provide for one notice per growing season for tall grass violations and provide for an escalating civil penalty; and Section 15-1, to define and restrict outdoor storage

Mr. Douglas reported the amendments concentrated on tall grass/vegetation and outdoor storage items.

Open Public Hearing

At 12:24 p.m. Mayor Blunt opened the public hearing.

Dr. Lisa Montaldo, multiple Town home owner, stated she owns multiple properties in the town and two of those are rented. She has one renter that has a neighbor that takes pictures of every little violation and sends them to the town. Every time they receive a letter of violation from the town, the problem is fixed before the letter arrives. She agrees with the changes in the code and thinks every letter that is sent out should have a fee that is charged to the violator. She does not think it is fair for code enforcement to use their time to address matters that are resolved before letters are sent out.

Close Public Hearing

At 12:34 p.m. Mayor Blunt closed the public hearing.

Council Action

Mr. Leamon made a motion to approve Ordinance No. 706, as written. Mr. Ey seconded the motion.

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

The motion to approve Ordinance No. 706, as written , passed with a unanimous vote of council members present.

ORDINANCE NO. 706, amends the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-2, to provide for one notice per growing season for tall grass violations and provide for an escalating civil penalty; and Section 15-1, to define and restrict outdoor storage.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13^h of June 2020, that the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-2, be amended as follows:

B. Add Section 15-2 (b) (4) as follows (additional text in italics):

One notice per growing season is hereby deemed reasonable notice to owners of property to authorize the Town to remove or contract for the removal of any excessive growth of weeds for the entire growing season, from April 1 until November 1 of the same year in which the notice was sent.

C. Amend Section 15-2 (b) (2) as follows (additional text in italics):

If such grass, weeds, brush or other uncontrolled vegetation as prohibited by paragraph (a) are not cut within the required time, the town manager or his designee shall cause them to be cut and the costs and expenses thereof, which shall include an administrative fee of one hundred dollars (\$100.00), shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as taxes are collected. *In the event that a property is mowed a second time during the same growing season, a civil penalty of fifty dollars (\$50.00) shall be assessed to the owner of the property, in addition to the one hundred dollar (\$100.00) administrative fee and the actual mowing expenses. All additional mowing during the same growing season will result in a \$200 civil penalty per event, in addition to the one-hundred-dollar administrative fee and actual mowing expenses.*

D. Delete Section 15-2 (b) (3) as follows:

~~Any owner who violates this section shall be guilty of a class 4 misdemeanor.~~

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that that the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-1, be amended as follows:

A. Add Section 15-1 (c) (additional text in italics):

The outside storage on a residential property of abandoned, discarded, or unused objects or equipment, including but not limited to tires, household furniture, appliances, lawn equipment, tools, motor vehicle parts, mattresses, wood or lumber not neatly stacked or

piled, that cause a blighting problem; constitute a fire hazard; provides harborage for rats, mice, snakes, and other vermin; or adversely affect the public health or safety, is prohibited.

B. Add Section 15-1 (d) (additional text in italics):

The outside storage on a residential property for more than 60 consecutive days of more than five yards of any used or unused building materials which are visible from an adjacent property or road is prohibited, except when done in conjunction with a construction project for which a building permit has been issued and which, in the opinion of the Town, is being pursued diligently to completion or, when the proposed construction does not require a building permit, the construction, in the opinion of the Town, is being diligently pursued to completion.

C. Add Section 15-1 (e) (additional text in italics):

Garbage and refuse, abandoned or discarded Items, or items not intended for exterior use shall not be stored in a carport, on a porch, or in the open bed of a vehicle or trailer.

This Ordinance shall take effect upon adoption.

Public Hearing

ORDINANCE NO. 707, Conditional Use Permit, 111 Marshall Avenue

Mr. Douglas reported the planning commission recommended an approval of this conditional use permit. It was recommended that there would be no outdoor signage for this business. The business owner is willing to stay under the regulations of a minor occupation.

Open Public Hearing

At 12:37 p.m. Mayor Blunt opened the public hearing.

Allen Adler, 113 Marshall Ave stated he was against the approval of the Conditional Use Permit. He stated his concerns are not an ejection to the 2nd amendment rights or ownership of guns in the town. It is specific to the dispute of the public land use being inappropriate, property designation of Colonial Beach Town Ordinance and the difference between a major and minor occupancy permit. He further stated the concerns were not against the character, intentions or trustworthiness of the applicant. The concern with the approval of this permit is for public safety and the safety neighboring homeowners.

Close Public Hearing

At 12:43 p.m. closed the public hearing.

Council Action

Mr. Leamon made a motion to approve Ordinance No. 707, as written. Mr. Ey seconded the motion.

Ms. Schick noted she will vote aye because gunsmithing is listed a conditional use permit available at his home.

Ms. Schick further noted the planning commission should review the ordinance and remove gunsmithing as a home occupation from R1 and R2.

Mr. Leamon stated he will vote aye because Mr. Jett has done this properly and by the book and believes he will be in a brick and mortar establishment in a small amount of time given.

Mayor Blunt noted the fact that with signage being prohibited and intentions of the business moving into brick and mortar will hopefully address concerns from the citizens.

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

The motion to approve Ordinance No. 707, as written, passed with a unanimous vote of council members present.

ORDINANCE NO. 707 Conditional Use Permit 111 Marshall Avenue

WHEREAS, James Jett III, the owner of 111 Marshall Avenue, has applied for a Conditional Use Permit (CUP) to operate a major home occupation—gun smith at his residence; and

WHEREAS a public hearing before the Colonial Beach Planning Commission and the Colonial Beach Town Council was properly advertised and conducted.

NOW THEREFORE BE IT ORDAINED by the Colonial Beach Town Council, on Saturday, June 13th, 2020, that a Conditional Use Permit to operate a major home occupation—gun smith is approved, subject to the following conditions:

1. The applicant must obtain all federal and state firearms permits and limited to operations under ATF license type 1 and 7
2. The applicant may sell and distribute guns by mail order only (mail order is an allowed minor home occupation)
3. Due to lot size, parking limitations, and the applicant’s stated intent to operate under the minor home occupation guidelines, the applicant cannot employ anyone from outside the residence, and can interact with customers only on an appointment basis
4. Testing of firearms is not permitted on site

5. On-street parking is not permitted for customers
 6. On site business signage is not permitted
 7. The applicant must comply with all other home occupation guidelines in the Town Zoning Ordinance
-

Public Hearing

ORDINANCE NO. 708 AMENDS COLONIAL BEACH TOWN CODE, CHAPTER 5 “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND FACILITIES,” ARTICLE I, “IN GENERAL”, SECTION 5-9 “ACTIVITIES PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN”

Open Public Hearing

At 12:49 p.m. Mayor Blunt opened the public hearing.

Becky Hunt, neighbor of Torrey Smith Park stated the neighbors of Torrey Smith are looking for a reset before the parks reopen. She would to see signage that addresses an exact time for the park hours. She is hoping there will be cameras and/or a gate and managed by a park employee. She wants it to be a good representation of Colonial Beach and the students from Colonial Beach Schools. The neighbors and her would like to see supervision from a park employee or maybe the SRO. People love the park and the neighbors would like for it be taken care of as it was intended.

Dr. Caryn Self-Sullivan, 2010 Beach Ave asked for clarification to make sure it did not address dogs on the beaches. *Her concerns were clarified by council that it did not include the part about dogs.*

Close Public Hearing

At 12:56 p.m. Mayor Blunt closed the public hearing.

Council Action

Ms. Roberson made a motion to approve Ordinance No. 708, as written. Mr. Ey seconded the motion.

Mayor Blunt stated he was interested in the idea of putting up a gate and locking it up at night and opening it in the morning.

Mr. Ey reported during meetings addressing the concerns at Torrey Smith, they discussed first approach being exact times on signage of park hours and cameras.

Ms. Schick proposed the following amendments:

Page 1, Section 5-9 (a)(4) – move language *“unless otherwise allowed by Special Event permit”* to the beginning of (a).

Page 2, Section 5-9 (a)(10) – add language *“or as posted on site”* to the end of the sentence.

Page 2, Section 5-9 (a) – add *(12) Loudspeakers and noise devices that are excessive noises which disturb the peace and tranquility of a park will not be allowed. Permission by the town manager must be obtained if loudspeakers, electric noise devices or other noise- making equipment are to be used.*

Page 2, Section 5-9 (a) – add *(13) The town police and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter.*

Page 2, Section 5-9 – add *(b) Disorderly Conduct and Disturbing the Peace. No Person in any park shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following in any town park, any person in violation of this section shall be subject up to a Class 1 Misdemeanor;*

- (1) Engaging in fighting, in threatening harm to persons or property.*
- (2) Making unreasonable noise or offensive gestures.*
- (3) Insulting or Taunting in a circumstance that such conduct is likely to provoke a violent response.*
- (4) Hindering or preventing movement of persons on a public street.*
- (5) Creating a condition which is physically offensive to persons or which presents a risk to physical harm to persons or property.*

Ms. Schick further proposed to have a resolution to move \$15,000 to fund the camera system.

Mr. Ey made a motion to approve Ordinance No. 708, as amended. Ms. Roberson seconded the motion.

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

The motion to approve Ordinance No. 708, as amended, passed with a unanimous vote of council members present.

ORDINANCE NO. 708 AMENDS COLONIAL BEACH TOWN CODE, CHAPTER 5 “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND FACILITIES,” ARTICLE I, “IN GENERAL”, SECTION 5-9 “ACTIVITIES PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN”

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT the Colonial Beach Town Code, Chapter 5, CHAPTER 5 “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND FACILITIES” ARTICLE I “IN GENERAL”, SECTION 5-9 “ACTIVITIES PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN” be amended to read in its entirety as follows:

CHAPTER 5 – BEACHES, WATERWAYS, BOARDWALK, PARKS, RECREATION AREAS AND FACILITIES

ARTICLE 1. IN GENERAL

“Sec. 5-9. Activities prohibited on public beaches, parks, recreation and parking areas, or other public area within the town.

- (a) Unless otherwise allowed by Special Event permit, the following activities are prohibited, on the public beaches, parks, recreation and parking areas or any other public area within the town, any person in violation of this section shall be subject up to a Class 4 misdemeanor;
 - (1) No person shall be permitted to carry, place, use or possess any type of device used for cooking, including but not limited to fires or any other device or grill that is gas, wood, or coal fired. The town manager may grant a permit for a fire to civic organizations in connection with one-time events.
 - (2) No person shall litter. All litter shall be placed in appropriate refuse receptacles.
 - ~~(b) Any person violating this section shall be guilty of a Class I misdemeanor.~~
 - (3) No person shall be permitted to carry, place, use or possess tents, unless permitted by the town manager or his/her designee. Canopies, umbrellas, or shades that provide unrestricted view of occupants and clear view of ground are permitted on the beach.
 - (4) No person shall be permitted to carry, place, use or possess alcoholic beverages of any type, ~~unless otherwise allowed by Special Event Permit.~~

- (5) No person shall be permitted to carry, place, use or possess glass containers.
 - (6) No person shall cause, either directly or indirectly the obstruction of any sidewalk, walkway, or stairway so as to impede the ingress or egress of any public beach, recreation area, park or adjacent area is prohibited.
 - (7) It shall be unlawful for any person to fish from the sand beaches or swimming areas except for between the hours of 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. The town pier shall remain open for fishing.
 - (8) No person, group or organization shall hold, organize or sponsor any assemblage or gathering in any town beaches, parks and recreational facilities that will be attended by 25 or more people without first obtaining a permit from the town manager or his/her designee. Applications for permits must be received by the town manager at least 48 hours prior to any such event.
 - (9) Fishing shall be prohibited by all persons on the rock shoreline public easement on Irving Avenue.
 - (10) Town parks are open daily to the public from dawn to dusk, or as posted on site.
 - (11) Bicycles, skateboards, roller skates and rollerblades are prohibited from use on blacktops and/or tennis courts in town parks.
 - (12) Loudspeakers and noise devices that are excessive noises which disturb the peace and tranquility of a park will not be allowed. Permission by the town manager must be obtained if loudspeakers, electric noise devices or other noise-making equipment are to be used.
 - (13) The town police and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter.
- (b) Disorderly Conduct and Disturbing the Peace. No Person in any park shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following in any town park, any person in violation of this section shall be subject up to a Class 1 Misdemeanor;
- (6) Engaging in fighting, in threatening harm to persons or property.
 - (7) Making unreasonable noise or offensive gestures.
 - (8) Insulting or Taunting in a circumstance that such conduct is likely to provoke a violent response.

(9) Hindering or preventing movement of persons on a public street.

(10) Creating a condition which is physically offensive to persons or which presents a risk to physical harm to persons or property.

*Cross Reference - Disorderly Conduct in public places, §17-16
State Law Reference-Similar Provisions and authority of town to adopt above
section, Code of Virginia, §18.2-415*

This Ordinance shall take effect upon adoption.

Status Items

Update on Coronavirus

Mr. Robertson reported the updates on Coronavirus. The town is currently in Phase 2 and things are starting to open back up. There will be a Cinema on the Green event this evening that will be held within the Governor's guidelines.

Citizen Input

Walter Kern, The Meadows noted he travels bike trails/golf cart paths more than anyone and some benches need to be placed on the path.

Mr. Kern further noted the Bell House operated an orphanage and there use to be a dance pavilion that was turned into basketball courts.

Mr. Kern stated the town needs to reopen the parks; the children need recreation.

Mr. Kern further stated that Denson's and Bay Aging have teamed up to deliver dinners to the elderly on Tuesday and Thursday and thanked Denson's for their kindness .

Mr. Kern thanked the council for their time.

Joyce Gunderson, 919 Bryant Ave thanked Kathy and Danny for everything they have done for the Town of Colonial Beach. She congratulated the Seniors and noted that 11 out of 35 graduates are going off to college.

Ms. Gunderson reported she would like to add speed bumps to Jackson Street. There has been drag racing and there is video footage from a RING system. She displayed options to look at and wants to volunteer herself to fund the speed bumps.

Closed Meeting

Mr. Leamon made a motion to go into Closed Meeting pursuant to VA Code 2.2-3711(A)(3) for acquisition or of 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 pertaining to probable and actual litigation, where such consultation in an open meeting would adversely affect the litigating posture of the public body; litigation concerning County of Westmoreland, Barbra Camp and Sunset Cove. AND pursuant to VA code 2.2-3711 (A)(8) for consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel. AND pursuant to VA code 2.2-3711(A)(1) for discussion of performance of specific public officers. Ms. Roberson seconded the motion.

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

The motion to go into closed session passed with a unanimous vote of council members present.

At 1:25 p.m. Council moved into Closed Meeting.

Certification/Reconvene

At 2:43 p.m. Mayor Blunt reconvened the meeting.

Mr. Leamon made a motion that Council certify that only those matters as were identified in the motion to go into closed meeting were heard, discussed or considered. Mr. Ey seconded the motion.

Mr. Alger, Mr. Ey voted, Mr. Leamon, Ms. Roberson, Ms. Schick and Mayor Blunt all so certified.

All council members present certified that only those matters as were identified were heard, discussed or considered during Closed Meeting.

Mr. Cornwell reported that there is a litigation against the Town of Colonial Beach by Sunset Cove over the approval of a site plan. There is a settlement agreement subject to the Council’s approval. The plat will be approved with a time limitation of 28 months for construction to be complete and cost of construction will be certified by an engineer.

Mr. Cornwell asked the council the authorize the Town Manager to finalize the settlement agreement.

Mr. Leamon made a motion to authorize the Town Manager to finalize the settlement agreement with Sunset Cove. Mr. Ey seconded the motion.

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

The motion to authorize the Town Manager to finalize the settlement agreement with Sunset Cove passed with a unanimous vote of council members present.

Adjournment/Recess

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

At 2:45 p.m. Mayor Blunt adjourned the meeting.

Town Clerk