



Before the
Colonial Beach Town Council
Held at
Town Center, 22 Washington Avenue
Wednesday April 21, 2021 at 6:00 p.m.
Town Council Regular Meeting
AGENDA

1. Call to Order
2. Moment of Silence and Pledge of Allegiance
3. Roll Call of Members
4. Additions to the Agenda
5. Approval of the Agenda
6. Approval of Minutes for January 18, 2021, Special Meeting, February 3, 2021, Work Session and February 17, 2021, Regular Meeting
7. Council Member Announcements
8. Presentations
 - a) Aaron B. Hawkins, *ROBINSON, FARMER, COX & ASSOCIATES*, FY 2020 AUDIT
 - b) Tim Trivett, Westmoreland County Supervisor
 - c) Dashan Turner, Superintendent of Colonial Beach Schools
 - d) Joyce Reimherr, Downtown Colonial Beach
9. Citizen Input
(Comments will be limited to three minutes per person)
10. Unfinished Business
 - a) PUBLIC HEARING
 - i. Ordinance No. 713, Amends Chapter 2, Article XI, Parks and Recreation Advisory Commission **(TAB A)**
 - b) PUBLIC HEARING
 - i. Resolution #15-21, Authorization of Jet Truck USDA Loan Agreement **(TAB B)**
11. New Business
 - a) Resolution #16-21, Amends Resolution #12-21, FY 2022 Budget Timeline **(TAB C)**
12. Closed Meeting
 - a) Pursuant to Virginia Code § 2.2-3711 (A)(8) for consultation with legal counsel employed regarding specific matters requiring legal advice from counsel for development and real estate agreement contract analysis
13. Adjournment/Recess

Tab A

COUNCIL PAPER

At the meeting held on Wednesday, April 21, 2021 at the Colonial Beach Town Center

ORDINANCE NO. 713, amends the Town of Colonial Beach Code of Ordinances, Chapter 2 (Administration), Article XI (Parks and Recreation Advisory Commission), to provide changes to Section 2-134 (Officers) AND Section 2-135 (Duties and Powers of Officers)

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 21st of April 2021, that the Town Code of Ordinances, Chapter 2, Article XI, Section 2-134 (Officers) and Section 2-135 (Duties and Powers of Officers) shall be amended as follows:

Sec. 2-134. Officers.

The commission shall have two (2) officers: a chairperson and vice chairperson, whose term of office shall be for one year or until their successors are elected and qualified. The commission shall elect the chairperson and vice chairperson. The commission shall have a clerk that is an employee of Department of Parks and Recreation for the Town of Colonial Beach as appointed by the chair.

Sec. 2-135. Duties and powers of officers.

The chairperson shall preside at all meetings and work closely with the director of parks and recreation. The vice chairperson shall perform the duties of the chairperson in the chairperson's absence or incapacity. The clerk shall keep all records of the commission and minutes from the monthly meetings.

Moved By _____ Seconded By _____

| | AYE | NAY | | AYE | NAY |
|---------------------|-----|-----|-----------------|-----|-----|
| Mayor Robin Schick | ___ | ___ | Vicki Roberson | ___ | ___ |
| Mike Cabrey | ___ | ___ | Powell Duggan | ___ | ___ |
| Thomas Moncure | ___ | ___ | Kenneth Allison | ___ | ___ |
| Caryn Self Sullivan | ___ | ___ | | | |

Adopted _____ Tabled _____

ARTICLE XI. COLONIAL BEACH PARKS AND RECREATION ADVISORY COMMISSION

Sec. 2-130. Establishment of the Colonial Beach Parks And Recreation Advisory Commission: purpose.

The Colonial Beach Parks and Recreation Advisory Commission is hereby established to advise and recommend development of policies, funding and programs to serve the recreational needs and enrichment of the citizens.

(Ord. No. 709)

Sec. 2-131. Membership.

The commission shall be composed of five (5) members, appointed by the town council. All members shall serve without monetary compensation. Members serve at pleasure of town council and may be removed at any time by town council.

(Ord. No. 709)

Sec. 2-132. Terms of office.

The first three (3) members of the commission shall be appointed for an initial two (2) year term. The remaining two (2) members of the commission shall be appointed for an initial one (1) year term. After the expiration of the initial terms, all members shall be appointed for two (2) year terms. The town council shall fill any vacancies through appointment. Any person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(Ord. No. 709)

Sec. 2-133. Duties and powers of the commission.

The commission has a duty to serve as a liaison between the town council, department of parks and recreation and the Town of Colonial Beach citizens to make recommendations on the development of policies, funding and programs to serve the recreational needs and enrichment of the citizens.

(Ord. No. 709)

Sec. 2-134. Officers.

The commission shall have ~~three (3)~~two (2) officers: a chairperson and vice chairperson, whose term of office shall be for one year or until their successors are elected and qualified. ~~and a secretary.~~ The commission shall elect the chairperson and vice chairperson. The commission shall have a clerk that is an employee of Department of Parks and Recreation for the Town of Colonial Beach as appointed by the chair. ~~and elect or appoint the secretary at the first meeting of the calendar year. All officers shall serve one year terms.~~

(Ord. No. 709)

Sec. 2-135. Duties and powers of officers.

The chairperson shall preside at all meetings and work closely with the director of parks and recreation. The vice chairperson shall perform the duties of the chairperson in the chairperson's absence or incapacity. The secretary-clerk shall keep all records of the commission and minutes from the monthly meetings.

(Ord. No. 709)

Sec. 2-136. Meetings, quorum and minutes.

Meetings shall be held as determined by the majority or quorum of members. Meetings may be conducted in accordance with Robert's Rules of Order. Special meetings may be called by the chairperson, or by written request of two (2) members of the commission. No action of the commission shall be valid unless authorized by the vote of the majority of members present.

Minutes of meetings shall be kept and the commission shall adhere to all requirements of the Virginia Freedom of Information Act, § 2.2-3700, et seq. of the Virginia Code (1950) as amended. Copies of all minutes shall be signed by the chairperson and the person designated by the commission to take minutes and shall be forwarded to the town clerk within twenty (20) days following each meeting.

(Ord. No. 709)

Sec. 2-137. Authority over contributions.

The commission shall have authority, on behalf of the town, to solicit private contributions, gifts, bequests and other donations of funds to a Colonial Beach Parks and Recreation fund. All donations shall be deposited with the town for the exclusive use of the town and at the direction of the town council.

(Ord. No. 709)

Sec. 2-138. Advisors.

The commission may seek experts to serve as pro bono advisors to the commission.

(Ord. No. 709)

Sec. 2-139. Bylaws.

The commission shall accept bylaws, and any bylaws may be amended by vote of a majority of the commission voting on the question at the meeting where a quorum is present. Initial bylaws and all proposed amendments to the bylaws shall be provided to the town council prior to approval and shall be approved by town council.

(Ord. No. 709)

Sec. 2-140. Annual meeting.

An annual organizational meeting shall be held at the first meeting of each year to elect officers for the coming year.

(Supp. No. 87)

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Tab B

COUNCIL PAPER

At the meeting held on Wednesday April 21, 2021 at the Colonial Beach Town Center

RESOLUTION #15-21, Authorization to enter into USDA Loan Agreement for Jet Truck

WHEREAS, in a work session held on March 3rd, 2021, Town Council authorized the execution of the USDA Loan Application for a Jet Truck.

WHEREAS, the executed USDA Loan application was approved to purchase a Jet Truck in the amount of \$449,600; and

WHEREAS, USDA has awarded the Town of Colonial Beach a grant in the amount of \$67,400 to apply towards the total cost of the Jet Truck; and

NOW THEREFORE BE IT RESOLVED that the Town Council in a work session on Wednesday, April 21, 2021 hereby authorizes the acceptance of the grant and authorizes the Interim Town Manager to enter into the USDA Approved Loan attached.

Moved By _____ Seconded By _____

| | AYE | NAY |
|---------------------|-----|-----|
| Mayor Robin Schick | ___ | ___ |
| Mike Cabrey | ___ | ___ |
| Thomas Moncure | ___ | ___ |
| Caryn Self Sullivan | ___ | ___ |

| | AYE | NAY |
|-----------------|-----|-----|
| Vicki Roberson | ___ | ___ |
| Powell Duggan | ___ | ___ |
| Kenneth Allison | ___ | ___ |

Adopted _____ Tabled _____

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Council
OF THE Town of Colonial Beach
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Public Utilities Jet Truck
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Colonial Beach
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
Three hundred eighty-two thousand, two hundred dollars (\$382,200.00)
pursuant to the provisions of Code of Virginia; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

Tab C

COUNCIL PAPER

At the meeting held on Wednesday April 21, 2021 at the Colonial Beach Town Center

RESOLUTION #16-21, Amends Resolution #12-21 FY 2022 Budget Timeline

WHEREAS, on March 3, 2021 the Town Council of Colonial Beach approved Resolution #12-21, establishing the FY 2022 Budget Timeline; and

WHEREAS, it was requested to delay the public hearing to allow time for final adjustments; and

NOW THEREFORE BE IT RESOLVED, by the Colonial Beach Town Council at its monthly Regular Meeting on April 21, 2021 that the FY 2022 budget timeline shall be amended as follows:

May 5, 2021 Town Council Work Session

CFO and Town Manager Present FY22 Budget to Town Council; request Public Hearing on May 19, 2021 Note: School Board FY22 Budget must be approved by May 15, 2021.

May 19, 2021 Town Council Regular Meeting

Public Hearing for FY22 Budget.

June 2, 2021

FY22 Budget Approval & Appropriation

Moved By _____ Seconded By _____

| | AYE | NAY | | AYE | NAY |
|-----------------|-----|-----|---------------------|-----|-----|
| Mayor Schick | ___ | ___ | Thomas Moncure | ___ | ___ |
| Mike Cabrey | ___ | ___ | Vicki Roberson | ___ | ___ |
| Powell Duggan | ___ | ___ | Caryn Self Sullivan | ___ | ___ |
| Kenneth Allison | ___ | ___ | | | |