



Before the  
**Colonial Beach Town Council**  
Held at  
**Colonial Beach Town Center, 22 Washington Ave**  
**Colonial Beach, VA 22443**

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Wednesday, June 7, 2023, at 6:00 PM

Town Council Consolidated Meeting

**AGENDA**

1. **Call to Order**
2. **Moment of Silence & Pledge of Allegiance**
3. **Roll Call of Members**
4. **Additions to the Agenda**
5. **Approval of the Agenda**
6. **Approval of Consent Agenda**
  - a. Minutes for November 16, 2022; December 21, 2022; August 17, 2022 and September 7, 2022
  - b. Budget Amendments
    - o Resolution #23-23 (Surplus Funds), Resolution #24-23 (Asset Forfeiture), Resolution #25-23 (DCJS LOLE Grant), Resolution #26-23 (GOV deals proceeds)
7. **Council Member Announcements**
8. **Town Manager Update**
9. **Referrals to the Planning Commission**
10. **Presentations**
  - a. **Introduction of Officers, Chief Deaver**
11. **Public Comment**
12. **Unfinished Business**
13. **New Business**
  - a. **Resolution #27-23, General Fund Reimbursement- Legal Fees**, India Adams-Jacobs, Town Manager; Lisa Okes, Director of Finance/CFO
  - b. **Town of Colonial Beach Succeeding Leases (Range Stations 11/13)**; India Adams-Jacobs, Town Manager

**c. Town Owned Property Sale Process**, India Adams-Jacobs, Town Manager; J.C. LaRivere, Grant Writer/Manager

**d. Resolution #28-23, Appointment of Town Attorney**, Town Council

#### **14. Closed Meeting**

- a.** Pursuant to Virginia Code § 2.2-3711(A)(8), consultation with legal counsel employed or retained by a public body regarding specific legal matters, including the investigation of individual zoning enforcement complaints and enforcement of the zoning ordinance, requiring the provision of legal advice by such counsel.
- b.** Pursuant to Virginia Code § 2.2-3711(A)(3) and (8), the discussion and consideration of the acquisition of real property for a public purpose, and disposition of publicly-held real properties (including former town dump, and Madison Street right-of-way), where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the town council, and consultation with legal counsel regarding the specific legal matters related thereto, respectively.
- c.** Pursuant to Virginia Code § 2.2-3711 (A)(4), for the protection of the privacy of individuals in personal matters not related to public business.

#### **15. Adjournment**



**Wednesday, June 7, 2023**  
**Beginning at 6:00 p.m.**  
**Town Council Consolidated Meeting**

**TAB A**

**Consent Agenda**

- Resolution #23-23, Budget Amendment for Anticipated Surplus Revenue
- Resolution #24-23, Budget Amendment for CBPD Asset Forfeiture
- Resolution #25-23, Budget Amendment for DCJS LOLE Grant
- Resolution #26-23, Budget Amendment for GovDeals Proceeds

**TAB B**

**Resolution #27-23, General Fund Reimbursement – Legal Fees**

**TAB C**

**Town Owned Property Sale Process**

**TAB D**

**Resolution #28-23, Appointment of Town Attorney**

# Tab A



**TO:** Town Council  
**FROM:** Lisa M. Okes, Director of Finance/CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Additional Revenue – General Fund  
**DATE:** June 7, 2023

**SUMMARY:**

The Town has received additional unbudgeted revenue for cottage taxes, bank interest, car rental taxes and unanticipated 2020 delinquent tax sale revenue creating a revenue surplus. We have identified specific line items that need additional funding due to changing circumstances during the fiscal year. The revenue surplus will offset the additional expenses. Therefore, the staff is requesting that the Town Council approve the appropriation and amendment of the FY 2022-2023 General Fund budget for the amount of \$116,020.80.

**BACKGROUND:**

The General Fund has received unanticipated surplus revenue of \$116,020.80 from cottage taxes, car rental taxes, bank interest and 2020 delinquent tax sale proceeds. Due to changing circumstances during FY2023, there are some budget shortfalls in various expenditure lines. A change in the percentage due to the county increased from 20.3% to 20.86% causing an increased cost of \$2,813.63 in the Radio System debt payments due. Due to unexpected staffing changes in the Community Development and Zoning office, there is a need to cover expenses related to interim contractual services in various positions in the amount of \$81,100.00 and an additional \$5,000.00 for travel reimbursement. The cost of Worker's Compensation Insurance increased \$8,607.17; \$3,807.86 for the Refuse Department and \$4,799.31 for the Police Department. We also experienced increased fuel costs for the Refuse Department of \$4,300.00. The revenue surplus will offset these additional expenses.

**ISSUE:**

Due to changing circumstances during FY2023, there are some budget shortfalls in various expenditure lines.

**ALTERNATIVES:**

Allow the General Fund to have a budget deficit.

**FISCAL IMPACT:**

The FY 2022-2023 General Fund budget will increase by \$116,020.80.

**RECOMMENDATION:**

Staff recommends that the council appropriate and amend the FY 2022-2023 General Fund budget for \$116,020.80.

COUNCIL PAPER

At the work session held on June 7, 2023 at the Colonial Beach Town Center

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**RESOLUTION #23-23, Amends and Appropriates Fiscal Year 2022-2023 Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2022-2023 budget.

**WHEREAS**, the Town received unanticipated surplus revenue of \$116,020.80 from cottage taxes, car rental taxes, bank interest and 2020 delinquent tax sale proceeds and;

**WHEREAS**, there are some budget shortfalls in various expenditure lines due to changing circumstances during FY2023;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session held on Wednesday, June 7, 2023 hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Amended	FY 2022-23 Revised	Change
General Fund	\$ 9,735,744.98	\$ 9,851,765.78	+\$116,020.80

Breakdown of revenue and expenditure allocations:

General Fund

CR 100-012120-0001 – Cottage Taxes	\$20,567.25
CR 100-015010-0003 – Interest on Bank Deposits REPO	\$15,258.69
CR 100-018990-0004 – Delinquent Tax Sale Proceeds	\$65,532.75
CR 100-024010-0003 – Car Rental Tax	\$14,662.11
DB 100-095000-9112 – 2018 Radio System Upgrade-Principal	\$2,548.00
DB 100-095000-9122 – 2018 Radio System Upgrade-Interest	\$265.63
DB 100-081100-3100 – Contracts for Professional Services	\$81,100.00
DB 100-081100-5510 – Travel (Mileage)	\$5,000.00
DB 100-042300-2700 – Worker’s Compensation	\$3,807.86
DB 100-043200-6008 – Vehicle & Equipment Fuel	\$4,300.00
DB 100-031100-2700 – Worker’s Compensation	\$4,799.31

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**TO:** Town Council  
**FROM:** Lisa M. Okes, Director of Finance/CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Asset Forfeiture Proceeds  
**DATE:** June 7, 2023

**SUMMARY:**

The Colonial Beach Police Department received asset forfeiture proceeds in accordance with Virginia's Forfeited Asset Sharing Program in the amount of \$684.01. These proceeds must supplement the law enforcement agency's budget. Therefore, staff is requesting that the Town Council approve the appropriation and amendment of the FY 2022-2023 General Fund budget for these proceeds.

**BACKGROUND:**

According to the Code of Virginia, § 19.2-386.22, all money and property used in substantial connection with the manufacture, sale, or distribution of controlled substances or marijuana can be seized by a law-enforcement agency. Under Virginia's Forfeited Asset Sharing Program (FASP), 90% of all proceeds are returned to the jurisdictions that participated in the seizure.

**ISSUE:**

Asset Forfeiture Proceeds must be used to increase or supplement the local law-enforcement agency's budget. These proceeds need to increase the Police Department budget so must be adopted and appropriated in the FY22-23 budget.

**ALTERNATIVES:**

There are no alternatives available.

**FISCAL IMPACT:**

The FY 2022-2023 General Fund budget will increase by \$684.01.

**RECOMMENDATION:**

Staff recommends that council appropriate and amend the FY 2022-2023 General Fund budget for the \$684.01 of asset forfeiture proceeds received by the Police Department.



**COUNCIL PAPER**

At the work session held on June 7, 2023 at the Colonial Beach Town Center

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**RESOLUTION # 24-23, Amends and Appropriates Fiscal Year 2022-2023  
Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2022-2023 budget.

**WHEREAS**, the Colonial Beach Police Department received \$684.01 in asset forfeiture proceeds and;

**WHEREAS**, under Virginia’s Forfeited Asset Sharing Program, such proceeds are required to supplement the law enforcement agencies budget;

**NOW THEREFORE BE IT RESOLVED** that the Town Council at its work session held on Wednesday, June 7, 2023, hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Amended	FY 2022-23 Revised	Change
General Fund	\$9,860,116.55	\$9,860,800.56	+\$684.01

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-5811 – Asset Forfeiture (Expenditure)	\$684.01
CR 100-024010-0011 – Asset Forfeiture (Revenue)	\$684.01







**TO:** Town Council  
**FROM:** Lisa M. Okes, Director of Finance/CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** DCJS Local Law Enforcement (LOLE) Grant  
**DATE:** June 7, 2023

**SUMMARY:**

The Town has received \$3,912.00 in grant proceeds from the Department of Criminal Justice Services (DCJS) for the Local Law Enforcement (LOLE) grant. These proceeds are intended to provide additional training for police officers. Therefore, staff is requesting that the Town Council approve the appropriation and amendment of the FY 2022-2023 General Fund budget for these proceeds.

**BACKGROUND:**

The Town was awarded a Local Law Enforcement (LOLE) grant from the Department of Criminal Justice Services (DCJS) to provide additional training to police officers. All required reports and financial data were filed with DCJS, and we received a reimbursement from DCJS in the amount of \$3,912.00.

**ISSUE:**

These grant funds must be adopted and appropriated in the FY22-23 budget.

**ALTERNATIVES:**

There are no alternatives available.

**FISCAL IMPACT:**

The FY 2022-2023 General Fund budget will increase by \$3,912.00.

**RECOMMENDATION:**

Staff recommends that the council appropriate and amend the FY 2022-2023 General Fund budget for the \$3,912.00 of the DCJS LOLE grant proceeds received.

COUNCIL PAPER

At the work session held on June 7, 2023, at the Colonial Beach Town Center

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**RESOLUTION # 25-23, Amends and Appropriates Fiscal Year 2022-2023 Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2022-2023 budget.

**WHEREAS**, the Town received \$3,912.00 in grant proceeds from the Department of Criminal Justice Services for the Local Law Enforcement (LOLE) grant and;

**WHEREAS**, these funds are to provide additional training to police officers;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session meeting held on Wednesday, June 7, 2023, hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Amended	FY 2022-23 Revised	Change
General Fund	\$9,856,204.55	\$9,860,116.55	+\$3,912.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-5540 – Training & Education	\$3,912.00
CR 100-032030-0004 – DCJS LOLE Grant	\$3,912.00

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**TO:** Town Council  
**FROM:** Lisa M. Okes, Director of Finance/CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** GovDeals proceeds  
**DATE:** June 7, 2023

**SUMMARY:**

The Public Works Department sold some old equipment through GovDeals and received a total of \$4,438.77. As this is new revenue, we need to add the proceeds to the FY22-23 budget. Therefore, staff is requesting that the Town Council approve the appropriation and amendment of the FY 2022-2023 General Fund budget for these proceeds.

**BACKGROUND:**

The Public Works Department sold LED light bars, police light bars, coin-operated parking meters, an air compressor, stick welder, stand-on mower, Ford Explorer seats, and old street Christmas lights through GovDeals. All items were fully depreciated and beyond their useful life.

**ISSUE:**

Public Works had some old equipment that was not being used since they were past its useful life.

**ALTERNATIVES:**

N/A

**FISCAL IMPACT:**

The FY 2022-2023 General Fund budget will increase by \$4,438.77.

**RECOMMENDATION:**

Staff recommends that the council appropriate and amend the FY 2022-2023 General Fund budget for the \$4,438.77 of sale proceeds.

COUNCIL PAPER

At the work session held on June 7, 2023, at the Colonial Beach Town Center

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**RESOLUTION #26-23, Amends and Appropriates Fiscal Year 2022-2023 Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2022-2023 budget.

**WHEREAS**, the Public Works Department sold old equipment through GovDeals and received a total of \$4,438.77 sale proceeds and;

**WHEREAS**, these proceeds were not included in the FY2022-2023 budget;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session held on Wednesday, June 7, 2023, hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Amended	FY 2022-23 Revised	Change
General Fund	\$9,851,765.78	\$9,856,204.55	+\$4,438.77

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-012100-5836 – FY23 Contingency \$4,438.77  
CR 100-018000-0002 – Sale of Surplus Items \$4,438.77

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**Tab B**





**TO:** The Honorable Mayor and Town Council  
**FROM:** Lisa Okes, CFO; Inesha Thompson, Staff Accountant  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** General Fund Reimbursement- Legal Fees  
**DATE:** June 7, 2023

**SUMMARY:**

The Town has recently settled litigation with Westmoreland County regarding the Wastewater Treatment Plant capacity related to county residents using the Town's Municipal sewer system while living outside of town limits. Legal fees over a three-year period totaled \$119,112.60. During the Town's annual strategic planning annual retreat, the Town Council instructed Town Staff to prepare an item totaling the legal fees associated with this litigation. As such, Town Staff has brought forth this item to authorize the transfer of settlement proceeds from the Sewer Fund to the General Fund for reimbursement of the associated legal cost.

**ISSUE:**

The issue before the Council is a procedural one. Funds obtained from the settlement should be used to pay the associated legal fees. The council must approve the transfer of the settlement proceeds from the Sewer Fund into the General Fund to reimburse the associated legal fees paid from the General Fund.

**ALTERNATIVES:**

There are no alternatives being presented at this time. It is standard practice to use settlement proceeds to pay for legal fees.

**FISCAL IMPACT:**

Legal fees do not exceed the dollar amount received in the settlement. Settlement funds are in-hand and can pay the associated legal fees. The Sewer Fund and the General Fund budgets will both increase by \$119,112.60.

**RECOMMENDATION:**

Staff recommends the Council approve the reimbursement of the associated legal fees to the General Fund from the Sewer Fund settlement.

COUNCIL PAPER

At the work session held on June 7, 2023 at the Colonial Beach Town Center

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**RESOLUTION # 27-23, Amends and Appropriates Fiscal Year 2022-2023 Budget, General Fund and Sewer Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2022-2023 budget.

**WHEREAS**, the Town has recently settled litigation with Westmoreland County regarding the Wastewater Treatment Plant capacity. These funds were deposited into the Sewer Fund and;

**WHEREAS**, legal fees over a three-year period totaled \$119,112.60 and were paid by the General Fund, and;

**WHEREAS**, the funds obtained from the settlement should be used to pay the associated legal fees, therefore the Sewer Fund should reimburse the General Fund;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session held on Wednesday, June 7, 2023 hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Amended	FY 2022-23 Revised	Change
General Fund	\$9,860,800.56	\$9,979,913.16	+\$119,112.60
Sewer Fund	\$2,642,678.54	\$2,761,791.14	+\$119,112.60

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-012210-3100 – Contracts for Professional Services	\$119,112.60
CR 100-090000-0006 – Transfer from Sewer Fund	\$119,112.60

Sewer Fund

DB 501-099999-9001 – Transfer to General Fund	\$119,112.60
CR 501-018900-0001 – Wastewater Agreement Settlement Proceeds	\$119,112.60

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# Tab C



**TO:** The Honorable Mayor and Town Council  
**FROM:** J.C. LaRiviere, Grant Writer/Manager  
**COPY:** India Adams-Jacobs, Town Manager; Stefan Calos, Town Attorney  
**SUBJECT:** Process for Sale of Town-owned Real Property  
**DATE:** June 7, 2023

**SUMMARY:**

The purpose of this memo is to present a process to govern the disposition of Town- owned real property for the Council’s consideration. The item is being brought forth at the request of Councilmember Moncure and due to Council’s authority over the disposition of public land.

**BACKGROUND:**

There have been two small-scale property sales approved by Council in the last year. Town Council expressed a desire to make alleyways and other small public parcels available for sale to adjacent residents in order to reduce the Town’s maintenance obligations and increase real estate tax revenue.

**ISSUE:**

The issue is that there is currently no process governing this matter. This will increase efficiency in executing sales, completely cover all town expenses in sale execution, and ensure that all potential purchasers are treated equitably and are knowledgeable of the process before initiating.

**ALTERNATIVES:**

The Council could choose not to adopt a policy. This is not recommended if the Council would like to continue offering small public parcels for sale. To make these small transactions beneficial to the Town, the process must be as efficient as possible to reduce staff time and costs.

**FISCAL IMPACT:**

Direct fiscal impact would be ensuring that Town costs are covered in real estate transactions and sale prices. Future impacts include a moderate increase to the tax base which is currently incalculable as there is no accurate prediction of how many of these properties will be sold. Other benefits may include:

1. Reduced man-hours associated with routine maintenance (mowing).
2. Reduced man-hours or contract costs for tree maintenance.
3. Reduced risk associated with potential tree damage to adjoining properties.

**RECOMMENDATION:**

Staff recommends that the Council vote to adopt this process to increase efficiency, reduce costs, and increase revenues from the sale price and future real estate taxes.



# TOWN OF COLONIAL BEACH

## Process for Disposition of Town-owned Property

**Step One:** The potential offeror produces:

- a recent appraisal of the property in question if property in question is larger than 1,500 square feet OR a broker price opinion (BPO) if property is smaller than 1,500 square feet
- a visual depiction showing the boundaries of what is to be purchased (which should show directly adjacent lots as well)
- a written offer to purchase the land based on the appraisal/BPO

**Step Two:** Town Council is presented with the above documents in closed session and determines whether they would like to direct staff to proceed.

**Step Three:** Staff investigates the property to determine if any easements need to be retained, noting any unique aspects of the property that may affect Town Council's potential decision and valuation of the property.

**Step Four:** If, after presented facts from the above investigation, selling the property is still the desire of Council, Town Council is legally required to call a public hearing to discuss the potential sale (not the offer).

**Step Five:** If Council accepts the offer after the hearing and adopts the necessary ordinance, the Town produces a land sale contract, outlining duties of the parties and a closing date. This would include obligating the Town to prepare a deed for the property transfer and the purchaser to

submit a subdivision plat (consolidation plat) in accordance with Appendix B of the Town Code showing the new property boundaries to the Community Development and Zoning Office for review and approval. This contract will include the purchaser paying a 15% non-refundable deposit on the agreed upon sale price.

**Step Six:** Once the subdivision plat is approved, the necessary Town signatories will sign the final plat and deed, the purchaser signs the deed and pays the agreed upon purchase price, plus any review fees or legal costs that were accrued during the process.

**Step Seven:** After payment, the final subdivision plat, deed and enabling ordinance are turned over to the purchaser for recordation with the Westmoreland County Circuit Court Clerk at the courthouse in Montross. Upon recordation of the foregoing, the ownership of the property would officially transfer. The purchaser must provide a copy of the recorded ordinance and deed along with the Plat Book and Page Number for the subdivision plat to the Town.

# Tab D

**RESOLUTION #28-23**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF COLONIAL BEACH APPOINTING POWELL DUGGAN TO SERVE AS TOWN ATTORNEY**

**WHEREAS**, the Town Council has determined to select Powell Duggan to perform the duties and responsibilities of the Town Attorney.

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Colonial Beach hereby declares, determines, and orders as follows:

**Section 1.** Powell Duggan is hereby appointed to the position of Town Attorney of the Town, said appointment to become effective immediately, and shall be empowered to perform the duties of Town Attorney.

**Section 2.** Powell Duggan shall be bound by the Agreement for Legal Services



## **PROPOSAL FOR WORK AS TOWN ATTORNEY**

Powell Duggan, or a professional entity owned solely by him

### **Scope of Work**

- 1) Provide general legal advice and services to the council, the manager and the planning commission as needed.
- 2) Provide advice and counsel on zoning and subdivision matters.
- 3) Attend meetings of the council and the planning commission as requested.
- 4) Represent the town in litigation as needed.
- 5) Prepare and review various legal documents to include contracts.
- 6) Provide advice and counsel on real estate matters.
- 7) Review each situation to ensure compliance with the Virginia Code.
- 8) Provide additional legal services, as necessary.
- 9) Alert council to matters of legal concern.
- 10) Monitor those cases handled by VERSA on behalf of the town.

### **Availability** – I would be available as follows:

- 1) In person two days a week, usually each Monday and Wednesday.
- 2) Other days and times as needed.

**Process** – To help keep the focus on matters most pressing to council and the manager and to enable me to provide services at the rate quoted, I would provide services through the following process:

- 1) As requested by council through a vote or consensus.
- 2) As requested by the town manager.
- 3) Without any request when the work is needed to protect the town.
- 4) Without any request for matters falling within the Scope of Work.

**Arrangement** – I would provide these services as an individual contractor. As such, I would be responsible for the following:

- 1) Providing my malpractice insurance.
- 2) Paying taxes and other mandated governmental fees.
- 3) Providing support staff to the extent that I determine such staff is needed.
- 4) Providing my own materials and resources to conduct effective legal research, unless the town determines that it has an independent need for a particular resource.
- 5) Paying for attendance at conferences on municipal attorneys.
- 6) Maintaining an active Virginia State Bar License and complying with Continuing Legal Education requirements.
- 7) Paying for membership in specialty bar organizations or additional sections of the Virginia State Bar.
- 8) Travel expenses, should travel be necessary.

**Compensation** - \$90,000 annually, payable in increments of \$7,500 at the end of each month. This is based upon what I believe is reasonable for a town of this size based upon the Scope of Work.

**Start Date** – July 1, 2023.

**Term** – At will.