



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

Wednesday, September 7, 2022 at 6:00 PM
Town Council Work Session
AGENDA

- 1. Call to Order**
- 2. Roll Call of Members**
- 3. Additions to the Agenda**
- 4. Approval of the Agenda**
- 5. Council Member Liaison and Commission Reports**
- 6. Presentations**
 - a. Capital Improvement Projects Update**, Diane Beyer, Director of Public Works
 - Town Pier Repairs and Maintenance – J.L. Howeth, P.C.
- 7. Citizen Input**
- 8. Old Business**
 - a. Food Truck/Vendor Program Update**, Bobby Duke, Director of Parks and Recreation
 - b. Parking Revenue Update**, India Adams-Jacobs, Town Manager
- 9. New Business**
 - a. Town Council Committees**, Councilmember Moncure
 - b. Colonial Beach Commission Vacancy Announcements**, Heather Oliver, Town Clerk
 - Planning Commission (1), Board of Zoning Appeals (2), RHA (0), Parks and Recreation (0), Memorials Advisory Commission (0), and Tourism Advisory Council (9)
 - c. Economic Development Update**, Kelly Evko, Director of Economic Development

- d. **PUBLIC HEARING**, Vivian Seay Giles, Town Attorney
Ordinance No. 730, An ordinance to amend Chapter 14, Section 14-63 to change the months during which metered parking will be active to the first day of April through the first day of October (currently December).
 - i. Public Input
 - ii. Council Action

- e. **Ordinance No. 731, Approve the Sale and Conveyance of Town Owned Real Property to DDG (Dodson Development Group) Acquisitions, LLC (Phase III)**, Vivian Seay Giles, Town Attorney

10. Closed Meeting

11. Adjournment

Tab A



TO: The Honorable Mayor and Town Council
FROM: India Adams-Jacobs, Town Manager
COPY: Lisa Okes, Chief Financial Officer
SUBJECT: Parking Revenue Update
DATE: September 7th, 2022

SUMMARY:

The purpose of this memo is to update Council regarding annual parking revenue and provide historical parking revenue data to provide Council with all relevant information regarding the Town's paid parking system.

BACKGROUND:

The Town installed paid parking in 2013. Since then, parking revenue has provided an additional revenue stream for the Town that is both robust and reliable. The Colonial Beach Police Department has hired a civilian parking enforcement employee to bolster the success of the parking program through increased enforcement.

ISSUE:

This is an informational briefing only.

ALTERNATIVES:

This is an informational briefing only.

FISCAL IMPACT:

(Input table/figures from finance)

RECOMMENDATION:

This is an informational briefing only.

Tab B



TO: Town Council
FROM: Bobby Duke, Director of Parks and Recreation
COPY: India Adams-Jacobs, Town Manager
SUBJECT: Food Truck/Vendor Program updates and changes for 2023
DATE: September 7th, 2022

SUMMARY:

The purpose of this memo is to present Council with information and staff recommendations for the vendor program moving into the 2023 season and changes to Chapter 13.1 Licenses – Article III Vendors and Peddlers on Municipal Property Program and to ask for Council’s guidance in implementing ordinance changes to allow food trucks on private properties.

BACKGROUND:

The Council had previously decided to move forward with a new vendor area at the top of Town Hill, and staff has further recommendations for the 2023 season. Additionally, the Town currently does not allow for Food Trucks on private properties, but citizens have requested that this be explored as an option.

ISSUE:

To move forward, Council would need to approve staff recommendations for the 2023 vendor season and to implement policies that allow food trucks to operate on private properties. Restaurants located on private properties are concerned that they may lose business due to the proximity of food trucks, a concern being faced in many localities throughout the country. Many recent studies have posited, however, that food trucks do not ‘steal’ customers from restaurants. Studies are finding that the additional foot traffic created by food trucks helps boost visibility of restaurants; food trucks encourage economic development in the areas they serve by providing visitors with additional options and encourage exploration of commercial areas; and food trucks serve a growing national demand for convenient and fast service.

ALTERNATIVES:

1. Keep current ordinance(s) in place – make no changes.
2. Implement the recommended changes to the current vendor program.
3. Consider allowing food trucks and/or food truck courts on private properties.

FISCAL IMPACT:

The fiscal impact of these recommendations would be a potential increase of revenue from the vendor program with some expenditure of funds to implement the recommendations of staff. Similarly, allowing food trucks on private properties is expected to increase tax revenues.

RECOMMENDATIONS:

Staff recommends that Council make the following changes to the Town’s vendor program for the 2023 season:

1. Establish a “seasonal” calendar for the Town’s vendor program. May 1 to September 30
2. Increase vendor fee from current \$750 to \$1,500
3. Install directional signage to point visitors to the new vendor area
4. Encourage accuracy in application/enforcement
5. Establish a process to move forward in allowing food trucks on private property.

Staff recommends that Council refer the issue of food trucks on private properties to the Planning Commission for its recommendation regarding zoning ordinance amendments.,

Tab C



TO: Town Council
FROM: Heather Oliver, Town Clerk
COPY: India Adams-Jacobs, Town Manager
SUBJECT: Colonial Beach Commission Vacancy Announcements
DATE: September 7, 2022

SUMMARY:

The Town of Colonial Beach Town Council currently is required to appoint members to six commissions. Two of the five have been inactive for two or more years. An update is being provided to inform Council members of those inactive commissions and what commissions have vacancies. In reviewing those two issues, a determination will need to be made on what to do with the inactive commissions and how to proceed with filling vacancies.

BACKGROUND:

The six commissions that Town Council is responsible for appointing members to are the Planning Commission, Board of Zoning Appeals, RHA, Parks and Recreation Advisory Commission, Memorials Advisory Commission, and Tourism Advisory Council.

The Planning Commission (*est. 1941*), Board of Zoning Appeals (*est. 1947*), and the Redevelopment & Housing Authority (*est. 1977*) are commissions required under the Code of Virginia. Planning Commission and the RHA have seven seats each, Board of Zoning Appeals consist of five seats with one alternate.

Parks and Recreation Advisory Commission (*est. 2020*) and Memorials Advisory Commission (*est. 2002*) were formed and adopted by Ordinance into the Code of Ordinances for Colonial Beach. There are five seats on the Parks and Recreation Advisory Commission and three on the Memorials Advisory Commission.

The Tourism Advisory Council was formed under Resolution 21-93 in March of 1993 and had a total of nine seats.

ISSUE:

The Tourism Advisory Council has become inactive, and the last member recently resigned from their position. Since the reestablishment of the Memorials Advisory Commission in 2019, it has become dormant. Town residents were appointed to the three seats within in the last three years with terms that will begin to expire in October 2023.

In addition to inactive commissions, seats on the active commissions remain vacant for a length of time before being filled. These vacancies cause an issue for the commissions to function properly and at times could result in a lack of quorum to hold a meeting.

ALTERNATIVES:

If this is an information briefing only.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

It is the recommendation to advertise the vacancies ahead of a member's term expiring. In addition, communicate how important an applicants availability is for the meetings.

There is no staff recommendation at this time for the inactive commissions.

Tab D



TO: Town Council
FROM: Kelly Evko, Manager of Economic Development
SUBJECT: Economic Development update
DATE: September 7, 2022

SUMMARY:

Economic Development highlights- There is positive momentum as the Town of Colonial Beach moves forward with seeking a Main Street designation. The Downtown Colonial Beach board has worked diligently to advance the Main Street process. The Town was well represented at the National Main Street Conference. The board is continuing to work to fine tune priorities and working with the Main Street director to advance strategies.

The Town and DCB applied for the Community Business Launch through the Department of Housing and Community Development (DHCH). The Governor is currently reviewing the recommendations and a decision is expected later in September.

The Town has also been working with Economic Development Committee with the Chamber of Commerce to enhance opportunities to grow business opportunities and pursue healthcare expansion opportunities. Many of the committee members joined Charles Hartgrove for a strategic planning session in mid -August.

The Town hosted the VP for Strategic Initiatives with Mary Washington Health and will continue communications to examine expansion opportunities in Colonial Beach. Research has also been conducted to partner with other potential health organizations.

Lots of work has been done to increase the visibility of Colonial Beach among many partner agencies including visit to Colonial Beach by Virginia Tourism, Go Virginia, FRA. Plans have been made for the Colonial Beach to participate in the Virginia Economic Development Association's fall meeting in Lynchburg.

The Economic Development department is also partnering with King George on an entrepreneurial program with Go Virginia that would be implemented in our schools.

BACKGROUND:

A new part time position was created in late March to manage economic development activities in the Town. The economic development manager has worked closely as a liaison with multiple groups in the town. The position also represents Colonial Beach with other key agencies throughout the state including Go Virginia, Virginia Tourism, Northern Neck Planning, Virginia Economic Development Partnership, Fredericksburg Regional Alliance and other surrounding counties and towns. The Economic Development manager also works with developers current businesses, potential businesses and prioritizes strategies to advance the Town.

ISSUE: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION:N/A

Tab E

ORDINANCE NUMBER 730

**AN ORDINANCE TO AMEND TOWN OF COLONIAL BEACH, VIRGINIA
CODE OF ORDINANCES SECTION 14-63**

WHEREAS, Town of Colonial Beach parking ordinance currently provides that metered parking is to be active each year from April 1 to December 1; and

WHEREAS, it is the desire of the Town Council of the Town of Colonial Beach to charge for metered parking only for the period from April 1 to October 1 of each year; and

WHEREAS, the Town Council of the Town of Colonial Beach now desires to amend the ordinance accordingly to confirm that metered parking is payable only for the period of April 1 to October 1 of each year.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Colonial Beach, Virginia as follows:

1. Chapter 14, Section 14-63 of the Town of Colonial Beach Code of Ordinances shall be, and hereby is, amended to read as follows:

Sec. 14-63. - Payment; overtime parking—Generally.

- (a) When any vehicle is parked in any parking lot, the owner or operator of the vehicle shall, upon entering the parking space, immediately deposit such payment of the United States as is indicated on the meter which space may then be used by such vehicle for the period of time as shown on the parking meter. If the vehicle shall remain parked in any such parking meter space beyond the time limit fixed for the insertion and deposit of the payment, the parking meter shall indicate such illegal parking and, in that event, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime in such parking space shall be unlawful.
- (b) In the event any parking meter space is unoccupied by a person who has paid for the same and the meter for the space indicates that the time paid for has not expired, any person may use the space for the unexpired time, without depositing a payment. If any user of this free time allows a vehicle to remain in the space after the meter indicates that the legal parking time has expired, such vehicle shall be considered as parked overtime.

(c) This section shall be in effect each and every day of the week from the first day of April until the first day of ~~October~~December of each year.

2. This Ordinance shall be come effective immediately upon adoption.

ADOPTED this _____ day of September, 2022.

Tab F

**AN ORDINANCE TO APPROVE THE SALE AND CONVEYANCE
OF TOWN REAL PROPERTY**

WHEREAS, the Town of Colonial Beach, Virginia (the “Town”) in 2019 and in 2020 held public hearings and authorized the sale of certain real properties owned by the Town (the “Properties”); and

WHEREAS, following the said public hearings, the subject real properties were marketed and contracts were approved, and later amended, for the sale of those real properties to DDG Acquisitions, LLC; and

WHEREAS, the portion of the Properties referred to as the Phase 3 Property will be developed in two phases referred to as Phase 3A and Phase 3B; and

WHEREAS, because the Phase 3A and Phase 3B development will occur separately, it is necessary to convey the Phase 3 properties in two separate deeds, one each for the Phase 3A Property and the Phase 3B Property; and

WHEREAS, the contract of sale for those portions of the Properties referred to as the Phase 3 Property has been assigned by DDG Acquisitions, LLC in part to DDG CB3A, LLC and in part to DDB CB3B, LLC, which assignments the Town now approves; and

WHEREAS, in furtherance of the sales transaction previously approved between the Town and DDG Acquisitions, LLC, assigned in part to DDG CB3A, LLC and in part to DDG CB3B, LLC, for the sale and purchase of the Phase 3A Property, as described in the Deed attached hereto as **Exhibit A** (the “Phase 3A Property”) and the Deed attached hereto as **Exhibit B** (the “Phase 3B Property”), and in accordance with Va. Code § 15.2-1800, the Town of Colonial Beach now wishes to authorize the conveyance of all of the Phase 3 Property in accordance with the approved contract, as assigned.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Colonial Beach, Virginia that (a) the Town does hereby approve the assignment from DDG Acquisitions, LLC to DDG CB3A, LLC of the contract to purchase the Phase 3A Property; (b) the Town does hereby approve the assignment from DDG Acquisitions, LLC to DDG CB3B, LLC of the contract to purchase the Phase 3B Property; (c) the Town does hereby approve the Deeds attached hereto as **Exhibit A and Exhibit B**; (d) the Mayor of the Town of Colonial Beach is hereby authorized to take such actions and execute such documents on behalf of the Town as are necessary to effectuate the closing of the sale of the entirety of the Phase 3 Property pursuant to the contract and the purposes of this Ordinance, including, but not limited to, the execution of the Deeds attached hereto as **Exhibit A and Exhibit B**, subject to review and approval by the Town Attorney; and (e) this Ordinance shall take effect upon adoption.

ADOPTED by the Town Council of the Town of Colonial Beach, Virginia, this 7th day of September, 2022.

Upon a call for an aye or nay vote on the foregoing resolution at a regular meeting of the Town Council of the Town of Colonial Beach, Virginia held September 7, 2022, members of Council approved this Ordinance upon the following vote:

Aye
Nay
Abstain
Absent

Tax Map Numbers:

3A2-2-81-7
3A2-2-81-8
3A2-2-81-9
3A2-2-81-10
3A2-2-81-11

Prepared by:

Vivian Seay Giles, Town Attorney
Town of Colonial Beach, Virginia
315 Douglas Avenue
Post Office Box 450
Colonial Beach, Virginia 22443

Consideration: \$ _____
Assessed value: \$565,300

Return to:

Exempt from grantor's tax pursuant
to Virginia Code § 58.1-811(C)(4).

DEED OF BARGAIN AND SALE

THIS DEED is made this 7th day of September, 2022, by and between the **TOWN OF COLONIAL BEACH, VIRGINIA**, a Virginia municipal corporation ("**Grantor**"), and **DDG CB3A, LLC**, a Virginia limited liability company whose business address is 409 East Main Street, Suite 301, Richmond, Virginia 23219 ("**Grantee**").

WITNESSETH:

That, pursuant to Virginia Code § 15.2-1800 and Virginia Code § 15.2-2100, and for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by Grantee unto Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, Grantor does hereby grant, bargain, sell and convey with **Special Warranty** and English Covenants of Title, in fee simple, unto Grantee, all that certain tract or parcel of land, together with improvements thereon and appurtenances thereunto belonging, lying and being in the

Town of Colonial Beach, Virginia, in Westmoreland County, Virginia, and more particularly described as follows (the "Property"):

SEE SCHEDULE A ATTACHED

The above conveyances are made subject to all easements, covenants, restrictions, agreements and conditions of record and legally applicable to the Property.

This conveyance and Deed were approved by the Grantor by Ordinance No. _____, adopted at a public meeting held on September 7, 2022, and its Mayor was authorized to sign this Deed on behalf thereof. Ordinance No. _____ is attached to and recorded together with this Deed.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed by its duly authorized representative.

THE TOWN OF COLONIAL BEACH, a political subdivision of the Commonwealth of Virginia.

By: _____
Robin M. Schick, Mayor

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, to-wit:

The foregoing Deed of Bargain and Sale dated the 7th day of September, 2022, was acknowledged before the undersigned notary public in and for the jurisdiction aforesaid **by Robin M. Schick** in her capacity as Mayor of the Town of Colonial Beach, Virginia and on behalf of the Town of Colonial Beach, Virginia, on this _____ day of _____, 2022.

[SEAL]

Notary Public

Registration No.: _____
My commission expires: _____

SCHEDULE A

ALL those certain lots or parcels of land, with the improvements thereon and appurtenances thereto belonging, lying and being designated as Lot Nos. 7, 8, 9, 10, 11 Block 81, on Property of The Town of Colonial Beach, Westmoreland County, Virginia, and as more particularly described on plat of survey prepared by Timmons Group, entitled "CONSOLIDATION OF LOTS 7, 8, 9, 10, 11 THE PROPERTY OF THE TOWN OF COLONIAL BEACH, BLOCK 81", dated March 23, 2022, a copy of which is attached hereto, made a part of and recorded herewith for a more particular description of the property hereby conveyed.

As to Lots 7, 8, and part of Lots 9 and 10 in Block 81: BEING the same real estate conveyed to Town of Colonial Beach, a Virginia municipal corporation, by deed from Rudy Trosclair and Virginia Trosclair, husband and wife, dated April 14, 1993, recorded April 15, 1993, in the Clerk's Office, Circuit Court, County of Westmoreland, Virginia, in Deed Book 412, page 622.

As to a portion of Lot 9 and a portion of Lot 10, in Block 81: BEING the same real estate conveyed to Town of Colonial Beach, a Municipal Corporation, by deed from John Koufoudakis and Androulla I. Koufoudakis, husband and wife, dated March 10, 1993, recorded March 15, 1993, in the Clerk's Office, Circuit Court, County of Westmoreland, Virginia, in Deed Book 411, page 440.

As to a portion of Lot 10 and all of Lot 11, in Block 81: BEING the same real estate conveyed to Town of Colonial Beach, a Virginia Municipal Corporation, by deed from Alice L. Rock (who is the same and identical person as Alice Rock), widow and unmarried, acting by and thru her Attorney-In-Fact, Carl Lee Willett, dated April 12, 1993, recorded April 15, 1993, in the Clerk's Office, Circuit Court, County of Westmoreland, Virginia, in Deed Book 412, page 613.

Tax Map Numbers:

3A2- 2 -82 16A
3A2- 2 -82 17

Prepared by:

Vivian Seay Giles, Town Attorney
Town of Colonial Beach, Virginia
315 Douglas Avenue
Post Office Box 450
Colonial Beach, Virginia 22443

Consideration: \$ _____
Assessed value: \$305,200

Return to:

Exempt from grantor's tax pursuant
to Virginia Code § 58.1-811(C)(4).

DEED OF BARGAIN AND SALE

THIS DEED is made this 7th day of September, 2022, by and between the **TOWN OF COLONIAL BEACH, VIRGINIA**, a Virginia municipal corporation ("**Grantor**"), and **DDG CB3B, LLC**, a Virginia limited liability company whose business address is 409 East Main Street, Suite 301, Richmond, Virginia 23219 ("**Grantee**").

WITNESSETH:

That, pursuant to Virginia Code § 15.2-1800 and Virginia Code § 15.2-2100, and for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by Grantee unto Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, Grantor does hereby grant, bargain, sell and convey with **Special Warranty** and English Covenants of Title, in fee simple, unto Grantee, all that certain tract or parcel of land, together with improvements thereon and appurtenances thereunto belonging, lying and being in the Town of Colonial Beach, Virginia, in Westmoreland County, Virginia, and more particularly described as follows (the "Property"):

SEE SCHEDULE A ATTACHED

The above conveyances are made subject to all easements, covenants, restrictions, agreements and conditions of record and legally applicable to the Property.

This conveyance and Deed were approved by the Grantor by Ordinance No. _____, adopted at a public meeting held on September 7, 2022, and its Mayor was authorized to sign this Deed on behalf thereof. Ordinance No. _____ is attached to and recorded together with this Deed.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed by its duly authorized representative.

**THE TOWN OF COLONIAL
BEACH**, a political subdivision of the
Commonwealth of Virginia

By: _____
Robin M. Schick, Mayor

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, to-wit:

The foregoing Deed of Bargain and Sale dated the 7th day of September, 2022 was acknowledged before the undersigned notary public in and for the jurisdiction aforesaid **by Robin M. Schick** in her capacity as Mayor of the Town of Colonial Beach, Virginia and on behalf of the Town of Colonial Beach, Virginia, on this ____ day of _____, 2022.

[SEAL]

Notary Public

Registration No.: _____
My commission expires: _____

SCHEDULE A

ALL those certain lots or parcels of land, with the improvements thereon and appurtenances thereto belonging, lying and being designated as Lot Nos. 16A and 17 Block 82, on The Property of The Town of Colonial Beach, Westmoreland County, Virginia, and as more particularly described on plat of survey prepared by Timmons Group, entitled "CONSOLIDATION OF LOTS 16A & 17 THE PROPERTY OF THE TOWN OF COLONIAL BEACH, BLOCK 82", dated March 24, 2022, a copy of which is attached hereto, made a part of and recorded herewith for a more particular description of the property hereby conveyed.

As to Lot 16A: BEING the same real estate conveyed to The Town of Colonial Beach, a political subdivision of the Commonwealth of Virginia, by deed from June H. Jones, dated May 10, 1996, recorded May 20, 1996, in the Clerk's Office, Circuit Court, County of Westmoreland, Virginia, in Deed Book 456, page 458.

As to Lot 17: BEING the same real estate conveyed to the Town of Colonial Beach, a Virginia municipal corporation, by deed from Joseph L. Warring, et. al., dated October 20, 1994, recorded January 5, 1995, in the Clerk's Office, Circuit Court, County of Westmoreland, Virginia, in Deed Book 439, page 146.