



Before the  
Colonial Beach Town Council

Held at  
Colonial Beach Community Center, 717 Marshall Ave  
Colonial Beach, VA 22443

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Wednesday, November 1, 2023, at 6:00 PM  
Town Council Work Session

## AGENDA

1. Call to Order
2. Roll Call of Members
3. Amendments to the Agenda
4. Approval of the Agenda
5. Approval of Consent Agenda
  - a. **Resolution #40-23**, Amends and Appropriates Fiscal Year 2023-2024 Budget, General Fund (Police Department One-time Funding, Carry-over Funds)
  - b. **Resolution #41-23**, Amends and Appropriates Fiscal Year 2022-2023 Budget, General Fund (Virginia Community Flood Preparedness Grant)
  - c. **Resolution #42-23**, Resolution in Support of Community Flood Preparedness Fund Grant Application
6. Council Member Liaison and Commission Reports
7. Presentations
  - a. Recognition of Public Works, Refuse Toter Implementation and Roll Out
  - b. Recognition of Natasha Tucker, Acting Town Manager
8. Public Comment
9. Unfinished Business
10. New Business
  - a. **PUBLIC HEARING Resolution #43-23, Establishes Short Term Rental Zoning Permit Fee**, Don Dooley, Director of Community Development & Zoning
    - Public Comment
    - Council Action
  - b. Discussion, **Ordinance No. 752, Amends Chapter 10, Fire Prevention & Protection of the Town of Colonial Beach Code of Ordinances**, Powell Duggan, Town Attorney
11. Closed Meeting
12. Adjournment



Wednesday, November 1, 2023  
Beginning at 6:00 p.m.  
Town Council Work Session

TAB A

**Consent Agenda**

1. **Resolution #40-23**, Amends and Appropriates FY 23-24 Budget General Fund for Carryover funds and PD One time funding
2. **Resolution #41-23**, Amends and Appropriates FY 22-23 Budget Sewer Fund for VA Community Flood Preparedness grant
3. **Resolution #42-23**, Resolution of Support for Community Flood Preparedness Fund Grant Application

TAB B

**Resolution #43-23, Establishes Short Term Rental Zoning Permit Fee**

TAB C

**DRAFT, Ordinance No. 752, Amends Chapter 10, Fire Prevention & Protection of the Town of Colonial Beach Code of Ordinances**

# Tab A1



**TO:** Town Council  
**FROM:** Lisa M. Okes, CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Police Department One-time Funding, Carry-over Funds  
**DATE:** November 1, 2023

**SUMMARY:**

On April 20, 2022, Town Council approved \$116,750.00 in one-time funding to the Colonial Beach Police Department for requested resources and equipment. The Police Department spent \$18,713.37 in FY2022 and \$86,722.03 in FY2023 due to supply chain issues. Therefore, the remaining \$11,314.60 should be carried forward to FY2024. Now, staff is requesting that Town Council approve the appropriation and amendment of the FY 2023-2024 General Fund budget the remaining one-time funding.

**BACKGROUND:**

Town Council approved \$116,750.00 in one-time funding to the Colonial Beach Police Department in April of 2022. The Police Department spent \$18,713.37 in FY2022 and \$86,722.03 in FY2023 due to supply chain issues. The remaining funds of \$11,314.60 need to be carried forward into FY 2023-2024's budget.

**ISSUE:**

There were remaining unspent approved one-time funding monies remaining in the Police Department's FY 2022-2023 budget in the amount of \$11,314.60. The remaining funds need to be carried forward into the Police Department budget so must be adopted and appropriated in the FY2023-2024 budget.

**ALTERNATIVES:**

There are no alternatives available.

**FISCAL IMPACT:**

The FY 2023-2024 General Fund budget will increase by \$11,314.60.

**RECOMMENDATION:**

Staff recommends that council appropriate and amend the FY 2023-2024 General Fund budget for the \$11,314.60 of one-time funding received by the Police Department.

**COUNCIL PAPER**

**At the council work session held on November 1, 2023, at the Colonial Beach Community Center**

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**RESOLUTION #40-23, Amends and Appropriates Fiscal Year 2023-2024 Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2023-2024 budget.

**WHEREAS**, on April 20, 2022, Town Council approved \$116,750.00 in one-time funding for the Colonial Beach Police Department, and;

**WHEREAS**, only \$105,435.40 of these funds were spent in FY2022 and FY2023, leaving \$11,314.60 of funds remaining, and;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its regular meeting held on Wednesday, November 1, 2023, hereby adopts and appropriates an amendment to the Fiscal Year 2023-2024 budget as follows:

	FY 2023-24 Amended	FY 2023-24 Revised	Change
General Fund	\$9,613,098.75	\$9,624,413.35	+\$11,314.60

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-6999 – Uncategorized Expenditure	\$11,314.60
CR 100-090000-1000 – Carry-Over from Prior Year	\$11,314.60



# Tab A2



**TO:** Town Council  
**FROM:** Lisa M. Okes, Finance Director/CFO  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Virginia Community Flood Preparedness Grant  
**DATE:** November 1, 2023

**SUMMARY:**

The Town was awarded Virginia Community Flood Preparedness Fund Grant through the Department of Conservation & Recreation to develop a Stormwater and Resiliency Plan. The total grant award is \$103,500.00. In FY 2023, the Town spent \$19,116.92 in reimbursable expenditures. Therefore, staff is requesting that Town Council approve the \$19,116.92 appropriation and amendment of the FY 2022-2023 General Fund budget.

**BACKGROUND:**

The Department of Conservation & Recreation awarded a Virginia Community Flood Preparedness Fund Grant of \$103,500.00 to the Town to develop a Stormwater and Resiliency Plan. For financial reporting purposes, grant funds are recorded as revenue and expenditures as spent and a receivable is recorded at the time of grant reimbursement request.

**ISSUE:**

Record grant awards and/or proceeds as revenue and expenditures as funds are spent.

**ALTERNATIVES:**

This is the best practice for recording grants, no alternatives presented.

**FISCAL IMPACT:**

The FY 2022-2023 General Fund budget will increase by \$19,116.92.

**RECOMMENDATION:**

Staff recommends that council appropriate and amend the FY 2022-2023 General Fund budget for the \$19,116.92 of grant expenditures spent for the Virginia Community Flood Preparedness Fund Grant through the Department of Conservation & Recreation.

COUNCIL PAPER

At the council work session held on November 1, 2023, at the Colonial Beach Community Center

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**RESOLUTION # 41-23, 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 was awarded the Virginia Community Flood Preparedness Fund Grant through the Department of Conservation & Recreation for \$103,500 and;

**WHEREAS**, in FY 2023, the Town spent \$19,116.92 in reimbursable expenditures;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session meeting held on Wednesday, November 1, 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	\$10,046,913.16	\$10,066,030.08	+\$19,116.92

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-082602-3100 – Contracts for Professional Services \$19,116.92  
CR 100-018990-9993 – VA Community Flood Preparedness Grant \$19,116.92

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# Tab A3



**TO:** The Honorable Mayor and Town Council  
**FROM:** J.C. LaRiviere, Grants & Compliance Officer  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** Community Flood Preparedness Fund Grant Application  
**DATE:** November 1, 2023

**SUMMARY:**

The purpose of this memo is to request Council authorization to apply for additional funding from the Community Flood Preparedness Fund (CFPF). The Town has received a grant in the amount of \$103,500 from the CFPF to fund the development of the Town's official resilience plan & stormwater management plan. The reasoning in support of this recommendation is that this grant funding will enable the Town to undertake a comprehensive resilience planning effort to mitigate risks facing the Town related to floods, storms, rising sea levels, and other impacts of climate change.

**BACKGROUND:**

As a 75% waterfront community that sits on a peninsula, we are acutely aware of threats posed by flooding, rising sea levels, and extreme weather. On October 29<sup>th</sup>, 2021, the Town experienced a major storm surge and dangerous flooding. Much of the sand from the beaches was displaced, several roads flooded and closed, boats washed ashore, the Municipal Pier was significantly damaged, the boardwalk was underwater, and debris covered the streets. A state of emergency was declared to respond to threats brought on by the storm. This was the most significant flood the Town has experienced in the last several years.

This funding will enable the Town to hire a consultant to work with the Resiliency Subcommittee of the Planning Commission in the development of the Town's official Resilience Plan. This plan will identify and rank projects by resiliency value which will allow Town leadership to strategically select projects that maximize resiliency value on each dollar spent. Part of this plan will include staff training to increase staff capability and knowledge in this arena.

**ISSUE:**

The issue is whether to authorize the municipal CFPF funding to be used in the development of the Town Resilience Plan.

**FISCAL IMPACT:**

There will be no added costs. Staff plans to offer already dedicated local and federal funds as match for this grant round.

**RECOMMENDATION:**

Staff recommends action from Town Council authorize the municipal government to request additional funding from CFPF.

**COUNCIL PAPER**

**At the regular meeting held on Wednesday, November 1, 2023 at the Colonial Beach Community Center**

**RESOLUTION #42-23, Authorizes Municipal Government to Apply for Community Flood Preparedness Fund to Support Development of Town Resilience Plan & Stormwater Management Plan**

**WHEREAS**, the Community Flood Preparedness Fund contributed \$103,500 for this project; and

**WHEREAS**, additional funding is needed to support data collection for the Stormwater Management Plan; and

**WHEREAS**, the Town is acutely aware of current and future risks posed by environmental factors as a 75% waterfront community; and

**WHEREAS**, the Town currently has no resilience plan or stormwater management plan; and

**WHEREAS**, this grant funding will enable the Town to undertake a comprehensive resilience planning effort to mitigate risks facing the Town related to floods, storms, rising sea levels, and other impacts of climate change.

**NOW, THEREFORE, BE IT RESOLVED** by the Colonial Beach Town Council at its work session on November 1, 2023 that:

1. The Colonial Beach Town Council authorizes the municipal government to submit an application to the Community Flood Preparedness Fund Grant Program
2. As a 75% waterfront community on a peninsula, the Town faces major short-term and long-term risks posed by environmental factors such as flooding, major storm events, rising sea levels, and climate change.
3. The Town of Colonial Beach is committed to becoming a more resilient community to protect the Town from environmental risks for the benefit of all Town residents.

**Tab B**



**TO:** Town Council  
**FROM:** Don Dooley, Director of Community Development and Zoning  
**COPY:** India Adams-Jacobs, Town Manager  
**SUBJECT:** **SHORT-TERM RENTAL ZONING PERMIT – FEE ADOPTION**  
**DATE:** November 1, 2023

**SUMMARY:**

On October 18, 2023, the Town Council approved Zoning Text Amendment 23-04, amending Article 18 (Miscellaneous) of the Colonial Beach Zoning Ordinance, to establish a Short-Term Rental (STR) Ordinance. Under Article 18, Section 18-6(B)(4), the operator of a short-term rental is subject to obtaining an annual STR Permit from the Zoning Administrator and remitting the requisite permit fee. On September 20, 2023, the Town Council authorized staff to issue a notice of public hearing to consider adding an STR permit fee of \$50 to the Town’s Zoning Permit Fee Schedule. The public hearing for this item has been scheduled for November 1, 2023.

**BACKGROUND:**

The Town Council must approve any fee levied on a STR Permit. The Code of Virginia allows a community to charge for zoning permits to cover its administrative costs.

Both the Planning Commission and the STR Subcommittee discussed an administrative fee of \$50 to process each STR Permit. The proposed fee is based on staff’s knowledge of other localities setting their annual STR Zoning Permit Fee at \$50. The Commission did not specifically make a recommendation for establishing a STR Permit fee since it is within the sole preview of the Town Council to do so.

**ISSUE:**

There are approximately 130 (known) STRs in Colonial Beach based on reports received by the Town, in the Spring of 2023, from web-based rental engines. The recently adopted STR Ordinance requires every STR to have an annual permit to operate by May 1st of each year. The permit fee should be set at a dollar amount equal to the Town’s administrative cost to review and issue a STR Permit. Staff believes establishing a \$50 STR Permit fee will cover the Town’s administrative costs.

**ALTERNATIVES:**

The Town Council could consider:

- 1) Deferring this item for additional input or study based on Council feedback;
- 2) Do not establish an STR Permit fee; or
- 3) Increase or decrease the proposed \$50 STR Permit Fee.

**FISCAL IMPACT:**

Failure to establish an STR Zoning Permit Fee will result in the yearly loss of approximately \$6,500 (130 STR rentals in Town x \$50 = \$6,500) in Town revenue. Therefore, the Town’s administrative processing costs will not be recouped, resulting in an indirect cost to the Town of \$6,500 in labor for processing STR Permits.

**STAFF DISCUSSION AND RECOMMENDATION:**

Staff recommends the Town Council add a \$50 STR Permit fee to its existing Zoning Permit Fee Schedule.

**COUNCIL PAPER**

**At the council work session held on November 1, 2023, at the Colonial Beach Community Center**

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**RESOLUTION#43-23, A Resolution of the Town of Colonial Beach Town Council  
Establishing Short Term Rental Permit Fees**

**WHEREAS**, on October 18, 2023 the Town Council adopted Ordinance NO. 748, adding Short Term Rental Permits and Use Regulations to Zoning Ordinance Article 18; and

**WHEREAS**, Ordinance No. 748 requires an annual permit to operate a Short Term Rental; and

**WHEREAS**, staff recommend a dollar amount equal to the Town's administrative cost to review and issue short term rental permits; and

**WHEREAS**, the Town Council desires to add a Short-Term Rental Permit Fee of \$50.00; and

**WHEREAS**, the adopted fee shall be incorporated into the Town's existing Zoning Permit & Planning Fees adopted by Town Council, June 17, 2015; and

**NOW THEREFORE**, the Town of Colonial Beach Town Council hereby establishes the Short Term Rental Permit fee of \$50.00 incorporated into the Town's existing Zoning Permit & Planning Fees Schedule which shall become effective \_\_\_\_\_, and continue thereafter.

# Tab C

## Chapter 10 FIRE PREVENTION AND PROTECTION<sup>1</sup>

### Sec. 10-1. Authority of fire chief and deputies at scene of fire.

- (a) While the fire department is in the process of answering an alarm of fire or extinguishing a fire and returning to station, the fire chief or other officer in charge of the fire department at that time shall have the authority to maintain order at the fire or its vicinity, direct the actions of the firefighters at the fire, keep bystanders or other persons at a safe distance from the fire and fire equipment, facilitate the speedy movement and operation of firefighting equipment and firefighters, and, until the arrival of a police officer, direct and control traffic, in person or by deputy, and facilitate the movement of traffic. The fire chief or other officer in charge shall display his firefighter's badge or other proper mean of identification.
- (b) Any person refusing to obey an order of the fire chief or his deputies or other officer in charge at that time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

(Ord. No. 117, § 2)

State law reference(s)—Similar provisions, Code of Virginia, § 27-15.1.

### Sec. 10-2. Reserved.

Editor's note(s)—Ord. No. 563, adopted September 11, 2008, repealed § 10-2, which pertained to the fire prevention code, transferring the enforcement of the Statewide Fire Prevention Code (SFPC) to the State Fire Marshal.

### Sec. 10-2.1. Reserved.

Editor's note(s)—Ord. No. 563, adopted September 11, 2008, repealed § 10-2.1, which pertained to the fire code board of appeals, transferring the enforcement of the Statewide Fire Prevention Code (SFPC) to the State Fire Marshal.

### Sec. 10-3. Burning of ~~certain rubber tires, asphaltic materials, etc.,~~ prohibited.

- (a) No person shall, within the town, burn any rubber tires, asphaltic materials, crankcase oil, impregnated wood, or similar materials which, when burned, produce excessive smoke or ~~noxious~~ odors, nor shall such prohibited items be used as "starter fuel" for any open burning for which a permit may be granted pursuant to the fire prevention code adopted by section 10-2.
- (b) A violation of this section shall constitute a Class 1 misdemeanor.

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<sup>1</sup>~~Cross reference(s)—Buildings and construction regulations, Ch. 7; calling firefighting apparatus without cause or malicious activation of fire alarm in public building, § 17-7; installation of fire hydrants in subdivisions, App. B, § 4-4-9.~~

State law reference(s)—Fire protection, Code of Virginia, title 27; authority of town to make regulations for purpose of guarding against danger from accidents by fire, § 15. ~~2-922.11-15.~~



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(Ord. No. 116C)

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-10.

### **Sec. 10-4. Open fires—Precautions required.**

- (a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other flammable material upon such land, within the town, unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other flammable material, upon such land, unless he shall have taken similar precautions to prevent the spread of such fire to any other land.
- (b) Any person violating any provision of this section shall, upon conviction, be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) for each separate offense. If any forest fire shall originate as a result of the violation by any person of any provision of this section, such person shall, in addition to such penalty, be liable to the town for the full amount of all expenses incurred by the town in suppressing such fire, such amounts to be recoverable by action brought by the mayor in the name of the town or on behalf of the town.

(Ord. No. 51)

### **Sec. 10-4.1. Open Fires—Prohibited in certain places; exceptions.**

- (a) Open fires of any nature, to include hibachis and portable grills, shall be prohibited on the streets, public parking areas, and "boardwalk" within the town, provided, however, machines and torches for the repair of streets and utilities by the town, Virginia Department of Transportation, utility company, or a bona fide contractor on behalf of the town, Virginia Department of Transportation, or utility company, and flares placed by law enforcement, or fire personnel, and burning leaves with permit, are exempt from the above prohibition.
- (b) Any person violating this section shall be guilty of a Class 4 misdemeanor.

(Ord. No. 240)

Editor's note(s)—Ord. No. 240, adopted July 9, 1987, amended the Code by adding provisions designated by the editor as 10-4.1.

### **Sec. 10-5. Reserved. ~~Allowing fire to spread to land of another.~~**

~~Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other flammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, within the corporate limits of the town, whereby the property of another is damaged or jeopardized, shall be guilty of a Class 2 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.~~

~~(Ord. No. 50)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-87.~~

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(Supp. No. 89)

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**Sec. 10-6. ~~Reserved. Carelessly, etc., damaging property by fire.~~**

~~If any person carelessly, negligently or intentionally sets any woods or marshes on fire, or sets fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.~~

~~(Ord. No. 50)~~

~~Cross reference(s)—Penalty for Class 4 misdemeanor, § 1-10; damaging property generally, § 17-40 et seq.~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-88.~~

**Sec. 10-7. Fireworks—General prohibition ~~against possession, sale, use, etc.~~**

- (a) Except as may be otherwise provided in this Code or other ordinance, it shall be unlawful for any person to transport, manufacture, store, sell, offer or expose for sale, or to possess, buy, use, ignite, or explode any ~~firecracker, torpedo, skyrocket or other substance or thing of whatever form or construction containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, nitroglycerine, phosphorus or any other explosive or inflammable compound or substance, and intended or commonly known as fireworks~~“fireworks” as that term is defined in the Code of Virginia.
- (b) This section shall not apply to ~~“permissible fireworks” as that term is defined in the Code of Virginia. Roman candles, sparklers, pharaoh's serpents or caps for pistols, nor shall it apply to pinwheels commonly known as whirligigs or spinning jennies, when used, ignited or exploded on private property with the consent of the owner of such property.~~
- (c) This section shall have no application to any officer or member of the armed forces of this state, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale ~~or sale~~ of fireworks to any authorized agent of such armed forces, nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by law, when such materials or equipment are used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train, or other vehicle for the transportation of persons or property.
- (d) A violation of this section shall constitute a Class 1 misdemeanor.

(Ord. No. 93)

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-10.

State law reference(s)—~~Va. Code § 27-95, Fireworks, Code of Virginia, §§ 59.1-142—59.1-148; regulation of fireworks by town, Code of Virginia, §§ 15.1-865, 59.1-148.~~

**Sec. 10-8. ~~Fireworks~~Same—Permit to display.**

Any fair association, amusement park, or other organization or group of individuals may apply in writing to the town manager for a permit to display fireworks, and the town manager may grant such permit under such terms and conditions as he ~~or she~~ may prescribe. After such permit has been issued, sales of fireworks may be

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(Supp. No. 89)

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made for use under such permit and the permit holder may make use of such fireworks under the terms and conditions of the permit.

(Ord. No. 93)

State law reference(s)—Authority for above section, Code of Virginia, § [15.2-97459.1-144](#).

### **Sec. 10-9. Unlawful opening of fire hydrants.**

Any person opening a fire hydrant within the corporate limits of the town, without first obtaining a permit from the town manager, shall be deemed guilty of a Class 2 misdemeanor; provided, however, that this section shall not apply to a fireman or town employee in the performance of his duties.

(Ord. No. 2)

Cross reference(s)—Penalty for Class 2 misdemeanor, § 1-10; water, Ch. 21.