



**Minutes of the Colonial Beach Town Council**  
**Work Session held on**  
**Wednesday, February 1, 2023 at 6:00 p.m.**  
Colonial Beach Town Center  
22 Washington Avenue

**Call to Order**

Mayor Schick called the meeting to order at 6:00 PM.

**Council Members Present**

Robin M. Schick, Mayor  
Kenneth Allison, Council Member  
Thomas Moncure, Council Member  
Richard Wood, Council Member  
David Williams, Council Member  
Vicki Roberson, Council Member

**Absent**

Caryn Self Sullivan, Council Member

**Staff Present**

India Adams-Jacobs, Town Manager  
Stefan Calos, Town Attorney (virtually)  
Heather Oliver, Town Clerk  
Lisa Okes, Director of Finance/Chief Financial Officer  
Diane Beyer, Director of Public Works  
Don Dooley, Director of Community Development & Zoning  
J.C. LaRiviere, Grants Manager

**Approval of the Agenda**

Ms. Roberson made a motion to approve the agenda as amended. Mr. Allison seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

**Approval of Minutes**

Mr. Allison made a motion to approve the January 5, 14, and 28, 2022 meeting minutes as presented. Mr. Wood seconded the motion.

Mr. Allison stated he was going to abstain from the vote because he was not on the Town Council for some of the meetings.

Mayor Schick called for a vote. All members present voted “aye,” with the exception of Mr. Allison who abstained. **Motion passed.**

**Approval of Consent Agenda**

Ms. Roberson made a motion to approve the consent agenda as presented. Mr. Wood seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

The following items were on the consent agenda:

- *Resolution #08-23, Amends and Appropriates FY 22-23 Budget, General Fund for DHCD Grant Funds (see attached)*
- *Resolution #09-23, Amends and Appropriates FY 22-23 Budget, General Fund for LOLE Grant Funds (see attached)*
- *Resolution #10-23, Amends and Appropriates FY 22-23 Budget, General Fund for SRO Grant Funds (see attached)*

## **Council Member Announcements**

### **Allison**

Mr. Allison thanked Berry Dunn for coming to Colonial Beach and having multiple sessions with all the various citizens and stakeholders within our community. Berry Dunn received a total of 348 completed surveys which they stated was a typical response for a locality of 60,000 people.

Mr. Allison reported the next Parks and Recreation meeting is Tuesday and he announced various fall activities planned for adults and children through the Parks and Recreation Department.

### **Wood**

Mr. Wood reported Public Works has been receiving bids for the Central Drainage Area Project and an intent to award a contractor would be happening soon. Staff from Public Works is working on the budget for the next fiscal year.

Mr. Wood further reported the replacement of the pilings on the Town Pier would begin in February. The work would take two to four weeks depending on the weather. The pier will be closed during that time. There is a position open for a GIS Analyst and the Stormwater Resiliency Plan kick off will happen this month.

Mr. Wood stated he wanted to recognize Neighbor 2 Neighbor. They have visited 20 homes of people that are in need and are in the process of helping repair a roof and replace a stove. N2N will also be hosting CPR classes in March.

Mr. Wood provided a summary of items from the Alliance, Downtown Colonial Beach, WWER and Colonial Beach Community Foundation.

### **Williams**

Mr. Williams stated the Economic Development Committee sent out reminders to the businesses to complete the application for the 2023 business directory in the visitor's guide. The EDC has approved their strategic plan and goals to align with the Town's Economic Strategic Plan. The EDC also encourages the Town to streamline the process for businesses. The EDC announced they would be applying for the available grants through the Virginia Tourism Corporation.

### **Moncure**

No report.

**Roberson**

Ms. Roberson stated there are several students from the Colonial Beach Schools that attend the Chesapeake Governor’s School. She noted that she was impressed that the school keeps that a top priority for our students. In addition, there are a number of students that attend vocational school in Warsaw. She was amazed by the number of students that are being transported by the school to these locations.

**Mayor Schick**

Mayor Schick noted her appreciation for all of the input provided to Berry Dunn from the Town. That input is a major part of developing a Parks Master Plan. She said she attended a Woman’s Prayer breakfast at CB Games & Soda Fountain and appreciated the various religious backgrounds coming together. There was an exceptional turn out at the Colonial Beach Volunteer Fire Department’s Installation of Officers Dinner.

On behalf of Dr. Self Sullivan, Mayor Schick noted the Planning Commission attended a strategic planning workshop today. They also have recommended Bailey Thompson for appointment to the vacant seat. The Planning Commission asked for the appointment to happen before their meeting next week.

Mayor Schick made a motion to appoint Bailey Thompson to the Planning Commission. Ms. Roberson seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

***Bailey Thompson was appointed to the vacant seat on Planning Commission by unanimous vote.***

**Presentations**

**Proclamation for Black History Month**

Mayor Schick read the following proclamation:

**WHEREAS**, in 1926 Carter G. Woodson, announced the second week of February would be designated to honor Black History and contributions of African Americans; and

**WHEREAS**, in 1976 the United States government officially expanded the celebration from a week to a month to celebrate Black History in a positive way by acknowledging and celebrating the culture and history of African Americans vital to the growth and development throughout the United States; and

**WHEREAS**, this year the Town of Colonial Beach celebrates Mr. William Hamilton Johnson; and

**WHEREAS**, better known as Ham Johnson, was born free in 1857 and became a property owner of two lots along the Potomac River in 1879, what would later become known as the 300 block of Lossing Avenue, this is where he started his own farm with his wife; and

**WHEREAS**, Mr. Johnson became a business owner of a general merchandise store and lumber company, becoming the largest taxpayer in Westmoreland County in 1893 with as much as 700 acres of owned property; and

**WHEREAS**, of many of his accomplishments were being appointed as Postmaster by Congressman W.A Jones and paying a years' worth of salaries for teachers in Richmond and Westmoreland County; and

**WHEREAS**, Mr. William "Ham" Johnson lived as a successful and honorable man leaving a reputable legacy behind for his family.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council of Colonial Beach, on behalf of the Town of Colonial Beach citizens, do hereby proclaim February 2022 Black History Month and celebrate William "Ham" Johnson a "simple, sensible, and honorable man" who did the most to brighten the gloom during his time here on earth.

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### **Public Comment**

Nigel Long, 115 Lynnhaven Court, stated his concern on the proposed trash toter program on the agenda tonight. He is the treasurer for the Monroe Landing Association. The majority of the community at Monroe Landing are retired or weekenders. The community is concerned about how the toter program will work at the townhomes and if the toters will be mandated.

Kip Jordan, 128 Locust Avenue stated his concern on the trash toter program and is wondering how much money will be spent on equipment. It should be brought to the citizens if it is going to increase our what the citizens pay.

Joyce Reimherr, via email

"Public Comment from Joyce Reimherr, Bancroft Ave. homeowner for Town Council Work Session February 1, 2023

I wanted to share and check some information, as well as ask a couple of questions about the building of Planned Unit Developments in Colonial Beach. Let me preface this by saying that I am a strong advocate of such developments, believing they are the answer to this community's housing shortage and that for others across the country. Planned Unit Developments, or PUDs for short, can have several other benefits as well.

However, I was left with a question after passage of the PUD Zoning changes last year. Many supported the zoning changes based on assurances that the community could modify a proposal or even deny it if we felt it did not accord with what we thought was best for this community. As a detail-oriented person, I wanted to know the specifics on how that could be accomplished. I had also become curious about the term "by-right" approval, frequently cited in hearings on the Dodson developments. What was that? . Turns out these two questions are linked.

I discovered that “by-right” means a developer does not need to seek further approval on their project if they are strictly in compliance with existing zoning regulations. To build goodwill, they might accommodate requested modifications, but there is no requirement that they do so. Only under a provision that the plan represented a threat to the community’s health, safety, or welfare, could it be denied by the municipality. Although it has been difficult to find specifics on what would qualify as such a threat, I believe the bar could be quite high. Such ambiguity, makes proving such a claim problematic and could leave the town susceptible to an expensive lawsuit. In other words, modifications or denial under that regulatory provision could be very hard to apply.

If the above information is correct, what rights does the community now have--, realistically-- to achieve modifications or even deny a PUD project if we don’t like it? This leaves me concerned that with the best of intentions, Town action expediting passage of new PUD zoning regulations last year may have seriously constrained residents’ ability to influence the nature of Planned Unit Developments proposed for our town-- with potentially serious repercussions. I look forward to hearing a response from the Town’s attorney on these questions.

Note: Comment is 356 words of the 450 in a 3 minute presentation delivered at a normal pace.”

Joseph Kelly, via email

“Joe Kelly  
413 Wirt St.  
Colonial Beach, VA 22443

To: Colonial Beach Town Council and Mayor  
From: Joe Kelly  
Date: January 30, 2023  
RE: **the 2023 Parking Program**

Dear Mayor Schick and Council Members;

I’m writing to provide you with my recommendations for a fair and balanced parking program for 2023. As you will recall the Town engaged Mead & Hunt to conduct a “Downtown Parking Study” last year.

They started the study on January 11 and included an inventory of parking in Town, an open house event on February 11, a parking survey, and a final report to the Town Council on April 20.

I reviewed the Mead & Hunt report and reflected on my study of parking needs of homeowners, tourists and daily beach visitors.\

**My recommendation is to modify last year’s parking plan as follows:**

April 1 through September 30 Parking Season

Zones 1 and 2 (Washington & Colonial Ave)	3 hr. max (Sunday noon to 8pm)	7 am to 8 pm	\$2 per HR
Zone 3 (Wilder St Lot)	All day	7am to 8 Pm	\$3 per HR max of \$25
Zones 4 and 5 (Beach & Irving)	5 hr. max (6 spaces for golfcarts only)	7 am to 8 pm	\$3 per HR
Zone 6 (Castlewood)	5 hr. max	7 am to 8 pm	\$3 per HR
Vehicles with Trailers	All day	7am to 8 pm	\$35 per day

Vehicles registered in town have FREE Parking.  
Property owners can register their non-town registered cars for \$30 each.  
Businesses can purchase up to two 15-minute reserved spaces at their location for \$100 per year.  
Parking lines on Washington and Colonial Avenues are eliminated.  
Resident and guest parking only on side streets with appropriate signage. Appropriate signage will be installed ASAP.

This program will be fair to residents, businesses, and tourists first and then daily visitors. I expect that the program could generate additional revenue and mitigate some of the problems that will come from the Washington Ave sewer project.

We have two months to get a parking program in place that can help in the expansion of our tourism and all of the businesses and residents in Colonial Beach. Let’s get a new program in place now.

I’m available at any time to discuss these issues further.  
Thank you!  
Joe Kelly”

Robert Harrison, via email

“I voiced my opinion about this subject to Councilman David Williams. I believe that charging homeowners and businesses for trash collection is absurd. I recycle everything that can be recycled. My household ends up with one 13 gallon trash bag each week for pickup. So to charge me for that is ridiculous. So this idea needs more research and an opt out option for a household like mine.

Robert Harrison  
718 Taggart St”

## **New Business**

### **Utility Pole Relocation Analysis on Washington Avenue**

Ms. Beyer provided a report including a summary and background of the utility poles on Washington Avenue. She included the fiscal impact of having the utility poles relocated or undergrounded along with alternatives. The ballpark estimate from Dominion for relocation was \$245,000. The estimate did not include any additional land/easement purchases that would be needed. She presented two alternatives those were to either redesign the right of ways to create bump outs or to not relocate the poles on Washington Avenue.

*Multiple discussions on the options. No action taken.*

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### **Water/Sewer TAP Connection Fees**

Ms. Beyer provided a report on the water and sewer TAP connection fees. In 2022, Rafetlis conducted a utility rate study. During that study, Town staff analyzed benchmarking localities' water and sewer TAP fees in comparison to localities in our region. She summarized the background and issues with the current water and sewer tap connection fees and process.

Ms. Beyer noted that one difference between the Town and other localities is the water and sewer availability fee. The Town does not charge for staff to assess if water and sewer is available at a site whereas a majority of other localities charge a fee. She further noted the price of materials doubled in the last year.

Ms. Beyer stated the recommendation from staff is to revise the fees and raise the current TAP fees and add new fees that include availability, plan review, inspections and seasonal shut offs.

Mr. Wood suggested getting feedback from the Economic Development Committee to see if this would impact new businesses and new homes.

Mr. Williams encouraged getting feedback from the builders and the citizens.

Mr. Allison suggested to look at the implementation time of the amendments.

*Multiple discussions on the amount of increase in the fees and added fees.*

Mayor Schick asked if staff could provide an estimate of the impact fee that the new builds and residents have on the Town.

Mr. Wood agreed that the increase in fees needs to be data driven.

***Town Council agreed for the matter to be place on the regular meeting agenda for more information.***

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### **Trash Toter & Service Enterprise Fees**

Ms. Beyer presented the proposed program that would implement a trash service fee and issue out town trash toters. She stated the town has trucks that are capable of mechanically dumping trash toters, and it would decrease the amount of staff injuries to mandate toters. The capability

of the truck is not being used effectively due to various types of toters being used throughout town.

Ms. Beyer shared that implementing a service fee would allow Public Works to subsidize the distribution of trash toters and would fund the trash program.

Ms. Beyer noted alternatives to implementing this program would be to make no changes or completely get out of the trash businesses.

Ms. Beyer reviewed the fiscal impact of the program that included the initial cost of toter containers and the projected revenue per year. She stated the staff recommendation was to implement the program and to set a public hearing for the code revisions.

Mr. Wood asked if this proposal was to solve a financial problem or to solve wear and tear on our employees problem.

Ms. Beyer stated it was a solution for both. Currently, there is a truck at public works that cannot be repaired due to funding. The wear and tear on the employees is at the top. There are items the staff is picking up that shouldn't be picked up and there are safety hazards of bags being left out and not placed in a toter. If it is mandated for the residents to have toters, it will decrease the risk of injury to staff.

*Multiple discussions on alternatives to mitigate fees and additional options for high density areas within Town.*

Mr. Taylor presented data that he collected during the trash routes, under a thousand residents had toters that were capable of being lifted by the trash truck. The rest of the residents either had trash cans or just left trash bags out.

*The Town Council and Town Staff clarified that the enterprise fund would make the trash service self sufficient and create the current funding budgeted for the service available to apply towards other line items in the budget.*

Mayor Schick shared questions she received from citizens that ranged from the color of the toters to the fee being part of the senior discount program.

Mr. Williams stated he didn't think the implementation of the trash toter and trash enterprise fund was a bad thing but that he thinks the sentiment from the public is that taxes were just raised last year, and it was a sensitive time to raise fees or taxes. He noted that it would be a reason that he probably would not support approving the item when he normally might approve.

Mr. Allison asked if there was another fee structure that was more of a step structure that eased into the total of \$10 a month.

Ms. Beyer stated the Town Council can set the cost to what they want, but the \$10 a month fee is very reasonable. It will cover the cost of the inflated cost on truck maintenance and help staff make a livable wage.



*Multiple discussions on the fee amount.*

***Town Council agreed for the matter to be placed on the regular meeting agenda for more information.***

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**DRAFT, Ordinance No. 739, Amends Article 12, Signs of the Town of Colonial Beach Zoning Ordinances**

Mr. Dooley introduced the amendments to Article 12 of the Colonial Beach Zoning Ordinances. Article 12 addresses permitted signage within the Town of Colonial Beach. On September 8, 2022 the council request the consideration of permitting fluttering signs/flags as temporary signage was sent to the Planning Commission for review and recommendation.

Mr. Dooley stated the Planning Commission recommended the approval of ZOA 01-2023 that consisted of minor text changes and permitted the temporary use of flutter flags with a permit in all zoning districts. He reviewed the key text provisions in the ordinance in regard to the flutter flags.

Mr. Dooley made a staff recommendation to the Town Council to set a public hearing for the zoning ordinance text amendment and act on the proposed changes made to Article 12, as recommended by the Planning Commission.

Mr. Wood made a motion to set a public hearing on February 15, 2023. Ms. Roberson seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

***Ordinance No. 739 was set for public hearing on February 15, 2023.***

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**DRAFT, Ordinance No. 740, Repeals and Reserves Ch. 16 Obscenity, Amends Ch. 18 Police and Ch. 19, Street and Sidewalks**

Mr. Calos reviewed the amendments and changes to Chapters 16, 18 and 19 of the Town Code of Ordinances.

Mayor Schick suggested the staff review the permit fees in Chapter 19, Streets before the public hearing.

***Ordinance No 740 was scheduled for a public hearing on February 15, 2023.***

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**Disposition of Town Owned Real Property Discussion**

Mr. Moncure brought this item before the Town Council to decide on a policy for the small strips of land that have recently been brought before the Town Council for purchase. He believes obtaining a land appraisal is too much for the small pieces of land and that a real estate broker’s assessment would suffice.

*Multiple discussions.*

Mayor Schick proposed that any property over 1,500 square feet is required to obtain a formal land appraisal. Any property under 1,500 square feet will not be required to obtain a formal land appraisal and can just obtain a BPO (Brokerage Price Opinion).

*Councilmembers present did not disagree with the proposed parameters.*

Ms. Adams-Jacobs stated she would draft a formal policy with the proposed parameters and bring it back to the Town Council at a later meeting.

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### **Closed Meeting**

Ms. Roberson made a motion to move into closed meeting for the following items:

- a. Pursuant to Virginia Code § 2.2-3711(A)(1), discussion of the performance of duties, and consideration of the disciplining, of specific appointees of the town council, including planning commission members.
- b. Pursuant to Virginia Code § 2.2-3711(A)(3) and (8), discussion and consideration of the disposition of publicly-held real properties, 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.
- c. Pursuant to Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding the following matter requiring the provision of legal advice: dispatch services agreement between the town and Westmoreland County.
- d. Pursuant to Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding the following matter requiring the provision of legal advice: Rappahannock Regional Criminal Justice Training Academy.

Mayor Schick seconded the motion.

Mayor Schick called for a roll call vote. Mr. Wood voted “aye,” Mr. Williams voted “aye,” Ms. Roberson voted “aye,” Mr. Moncure voted “aye,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.” **Motion passed.**

*At 8:30 p.m., the Town Council moved into closed meeting.*

*Mr. Moncure excused himself and departed after the motion to move into closed meeting.*

### **Reconvene Open Meeting**

Ms. Roberson made a motion to reconvene in open session. Mr. Wood seconded the motion.

Mayor Schick called for a roll call vote. Mr. Wood voted “aye,” Mr. Williams voted “aye,” Ms. Roberson voted “aye,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.” **Motion passed.**

*At 10:01 p.m. Mayor Schick reconvened the meeting.*

**Certification**

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

Mr. Allison, Mr. Wood, Mr. Williams, Ms. Roberson and Mayor Schick all so certified.

*All council members present certified that only those matters as were identified were heard, discussed or considered during the closed meeting.*

**Council Action**

Mr. Allison made a motion to set a public hearing for the intent to sell town owned real property on March 1, 2023. Mr. Wood seconded the motion.

Mayor Schick called for a roll call vote. Mr. Wood voted “aye,” Mr. Williams voted “aye,” Ms. Roberson voted “aye,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.” **Motion passed.**

*Public Hearing for the Intent to Sell Town Owned Real Property will be set on March 1, 2023.*

**Adjournment/Recess**

Mr. Allison made a motion to adjourn the meeting. Mr. Wood seconded the motion.

Mayor Schick called for a roll call vote. Mr. Wood voted “aye,” Mr. Williams voted “aye,” Ms. Roberson voted “aye,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.”

*At 10:02 p.m., Mayor Schick adjourned the meeting.*

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Heather Oliver, Town Clerk

## **ATTACHMENTS**

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1. Resolution #08-23, Amends and Appropriates FY 22-23 Budget, General Fund for DHCD Grant
2. Resolution #09-23, Amends and Appropriates FY 22-23 Budget, General Fund for LOLE Grant
3. Resolution #10-23, Amends and Appropriates FY 22-23 Budget, General Fund for SRO Grant

# ATTACHMENT

1

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**RESOLUTION # 08-23, 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 an additional \$2,500.00 in grant proceeds from the Department of Housing and Community Development for a Rural Community Development Initiative Grant and;

**WHEREAS**, the grant will fund the continued comprehensive gateway and wayfinding signage system project;

**NOW THEREFORE BE IT RESOLVED** that the Town Council at its work session held on Wednesday, February 1, 2023, hereby adopts and appropriates an amendment to the Fiscal Year 2022-2023 budget as follows:

	FY 2022-23 Adopted	FY 2022-23 Revised	Change
General Fund	\$9,610,702.42	\$9,613,202.42	+\$2,500.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-081200-3141 – Wayfinding Signage	\$2,500.00
CR 100-024070-0006 – Gateway & Wayfinding Signage Grant	\$2,500.00

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# ATTACHMENT

2

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**RESOLUTION # 09-23, 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 \$2,709.00 in grant proceeds from the Department of Criminal Justice Services for the Local Law Enforcement (LOLE) grant and;

**WHEREAS**, these funds are to supplement overtime costs for small police departments;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session meeting held on Wednesday, February 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	\$9,615,351.33	\$9,618,060.33	+\$2,709.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-1239 – Salaries & Wages Overtime \$2,709.00  
CR 100-032030-0004 – DCJS LOLE Grant \$2,709.00

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# ATTACHMENT

3

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**RESOLUTION # 10-23, 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 \$2,148.91 in grant proceeds from the Department of Criminal Justice Services for the FY23 School Resources Officer Grant Program and;

**WHEREAS**, these funds are to reimburse the salary of the School Resources Officer provided to the Colonial Beach Schools;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its work session meeting held on Wednesday, February 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	\$9,613,202.42	\$9,615,351.33	+\$2,148.91

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-1139 – Salaries & Wages (PD) \$2,148.91  
CR 100-024010-0005 – SRO Grant Proceeds \$2,148.91

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