



**Minutes of the Colonial Beach Town Council
Work Session held on
Wednesday, March 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 6:02 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
Caryn Self Sullivan, Council Member

Staff Present

India Adams-Jacobs, Town Manager
Stefan Calos, Town Attorney
Heather Oliver, Town Clerk
Lisa Okes, Director of Finance/Chief Financial Officer
Diane Beyer, Director of Public Works
Chris Ruchty, Deputy Director of Public Works
Don Dooley, Director of Community Development & Zoning
Sally Adams, Director of Parks, Recreation and Events
J.C. LaRiviere, Grants Manager

Amendments to the Agenda

Mayor Schick made a motion to amend the agenda to add the following items; under Unfinished Business as item e “Authorization to Award Bid for the Central Drainage Area” and under closed session add two items pursuant to VA code § 2.2-3711 (A)(7) for the subject of pending litigation for Town of Colonial Beach vs Camp and pursuant to VA code § 2.2-3711 (A) (3,8) for the subject of disposition of publicly held real town property located in Westmoreland County. Dr. Self Sullivan seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

Approval of the Agenda

Dr. Self Sullivan made a motion to approve the agenda, as amended. Mr. Wood seconded the motion. Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

Approval of Consent Agenda

Ms. Roberson made a motion to approve the agenda as amended. Mr. Wood seconded the motion.

Mr. Williams stated in the April 6, 2022 minutes he would like to see the vote for each member when they voted on the advertisement for the tax rate.

Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

The following items were on the consent agenda:

- *Minutes for February 24, 2022 and April 6, 2022*
- *Resolution #13-23, Amends and Appropriates FY 22-23 Budget, Water Fund for 1st Water Main Replacement (see attached)*
- *Resolution #14-23, Amends and Appropriates FY 22-23 Budget, General Fund for DEQ Litter/Refuse Control Grant (see attached)*
- *Resolution #15-23, Amends and Appropriates FY 22-23 Budget, General Fund for SRO Grant Funds (see attached)*

Council Member Announcements

Wood

Mr. Wood announced federal benefits were cut today for food assistance. There are going to be substantial increases at the local food banks. He shared information on the local resources that can aid those with lower incomes. He encouraged citizens to donate to the local food banks.

Mr. Wood further announced events and information from all the local non-governmental organizations.

Williams

Mr. Williams stated the Economic Development Committee meets the second Tuesday of the month. The next meeting will be on March 14, at 5:30 PM. The meetings are open to the public and they provide an option to attend virtually.

Roberson

Ms. Roberson reported the Colonial Beach Scholl Board will meet next Wednesday. On Friday, she has a meeting at the school board office to discuss their budget, ADM and teacher turnovers.

Ms. Roberson noted this week was National Read Across America. She had the pleasure of reading a fun book to Ms. Ziller’s class, and she enjoyed interacting with the class. The students were delightful.

Self Sullivan

Dr. Self Sullivan stated the Redevelopment and Housing Authority produced their Annual Report for 2022 and she forwarded it to all of the Town Council. They have been working on redefining themselves and applying for grants. She would like to invite the CBHRA to a meeting for them to do a short presentation on their progress.

Dr. Self Sullivan further stated the Planning Commission had a long and productive work session last week. They have directed staff to make a few modifications to the work plan and hope to have it in front on the Town Council by the next meeting.

Moncure

Mr. Moncure stated he did not have a report.

Allison

Mr. Allison reported that Parks and Recreation have hosted several events and programs the last few weeks. As the weather warms up they will be hosting more programs, including Tennis Pop Ups. Their next meeting is March 7 at 6:00 PM.

Mr. Allison noted that the Finance Department is still in the budget process. All of the departments should have submitted their budgets to the Town Manager and many discussions will take place prior to the public hearing for the budget.

Mayor Schick

Mayor Schick stated she did not have a report.

Presentations

Recognition of Years of Service

Mayor Schick recognized DARE Officer Karl V Wendell III for his 5 years of service with the Colonial Beach Police Department.

Town Hall Space Needs Analysis

Mr. Moore from Glave & Holmes introduced himself and his associate Mr. Green.

Mr. Green reviewed the process stating the Town was in reaching the Conceptual Designs phase of the process. He stated that the firms have completed the forecast for growth in the Town of Colonial Beach that calculated to an average of a .06% growth rate per year. Another growth projection was the size of the staff excluding Public Works. It was forecasted staff would grow on an average of 1.88% annually.

Mr. Green summarized space standards and the existing building inventory and conditions. The current spaces being used are not purpose built facilities. He reviewed the three ways they develop the need for space. They calculate net assignable square feet that is required for an individual and add it to net usable square feet required for a department. Those numbers together represent the gross square footage required for the building. Based on those calculations the current square footage of the three buildings being used is 14,993 square feet. The proposed square footage that is needed is 21, 214 square feet and the future proposed is 25,603 square feet.

Mr. Green noted that civic building design principals should establish a presence. They should be prominent in the community and set an expectation.

Mr. Moore stated currently there are two site options for the new building. One was at 700 Colonial Avenue, but he did not feel that space would be proper. The second space was at the Town Hall's current location and the building would be three stories.

Mr. Green reviewed Town Hall precedents showing the design of the proposed Middleburg Municipal Building and the Sullivan's Island municipal building. Then he concluded the presentation.

Multiple discussions between the Town Council and the presenters on topics such as projected growth, capacity and building options.

Ms. Adams-Jacobs stated staff and the consultants needed direction from the Town Council on which site to use in order to move onto the next phase.

Multiple discussions on the building cost and site plan of a new building.

Dr. Self Sullivan made a motion to approve Glave and Holmes to use the site location on Douglas Avenue to move forward with the process. Ms. Roberson seconded the motion.

Mr. Williams made a motion to table the matter. Mr. Wood seconded the motion.

Mayor Schick called for a vote on the motion to table the matter. Dr. Self Sullivan voted "nay," Mr. Moncure voted "aye," Mr. Allison voted "nay," Mr. Wood voted "aye," Mr. Williams voted "aye," Ms. Roberson voted "nay," and Mayor Schick voted "aye." **Motion passed.**

The item was tabled until further notice.

Public Comment

Mr. Calos stated there was information given to him that could result in defamation of character and advises those speaking during public comment remain within the parameters that will not result in consequences.

Joyce Reimherr, 204 Bancroft Avenue

Ms. Reimherr stated she was concerned with the proposed removal of a Planning Commissioner.

Joseph Kelly, via email

Ms. Oliver read the following comment into record.

"To: Colonial Beach Town Council and Mayor

From: Joe Kelly

Date: February 28, 2023

RE: Water and Sewer Fee – Full disclosure

Dear Mayor Schick and Council Members, Thanks for hearing the citizens and business community and putting forth a new proposal that would reduce the water and sewer fees that were proposed on February 1 by DPW staff. Before the Town approves this new rate structure a few points should be highlighted for everyone's knowledge and understanding. First, it needs to be clear that the Water and Sewer Tap Fees are for the RIGHT to connect and NOT the actual cost to construct and install the connection to the water or sewer mains. Both the Tap Fees and the construction costs are paid by the homeowner and can be a barrier to building a new home. (Especially workforce housing) Second, the Availability Fee is just another way to get money

into the Water and Sewer Funds without proper justification. By presenting data regarding the true capacity and availability of the water and sewer systems, we'll better understand the justification for this fee. Third, our quarterly water and sewer usage fees are about 3 times what I paid in Fairfax County. I'm ok with that because we were told a few years ago that we needed to create reserves for much needed improvements. New people in town are shocked by the amount of these charges. Fourth, the audit report for the Proprietary Funds-Exhibit 7 (Water and Sewer) for FY ended June 30, 2022 shows Cash, Cash Equivalents and Restricted Cash totaling \$4,261,549.00. In addition, I understand that the Town has grants of at least \$5,000,000.00 for water and sewer improvements. These two items total \$9,261,549.00. How much money is needed to update our systems and when can this needed work be completed? It is important to have a complete picture of our needs and resources in order to justify increasing rates. What other municipalities charge is not justification for rate increases. I'm available at any time to discuss these issues further.

Thank you!
Joe Kelly"

Unfinished Business

Review of Chapter 14 Motor Vehicles and Traffic of the Town of Colonial Beach Code of Ordinances

Mayor Schick stated this item has been approved in a previous meeting but there was a matter that was overlooked in section 14-55. There needs to be a dollar amount set for the fine.

Town Council reached consensus and approved setting the fine amount to \$500.

Ordinance No. 742, Amends Chapter 19, Streets and Sidewalks of the Town of Colonial Beach Code of Ordinances

Mr. Calos stated the fee chart was removed from the Town Code of Ordinances. The fee table is in Virginia Administrative code (24VAC30-151-710. Fees) and that would be included in the application.

Mayor Schick noted the ordinance was already advertised for a public hearing and does not need to be advertised again.

Town Council action was deferred to the March 15, 2023 regular meeting.

Ordinance No. 743, Amends Chapter 12, Garbage and Trash of the Town of Colonial Beach Code of Ordinances

Ms. Beyer reviewed the updated amendments to Chapter 12, Garage and Trash.

The Town Council set public hearing for March 15, 2023 regular meeting.

Ordinance No. 744, Amends Chapter 21, Water and Sewer of the Town of Colonial Beach Code of Ordinances

Ms. Beyer reviewed the updated amendments to Chapter 21, Water and Sewer.

The Town Council set public hearing for March 15, 2023 regular meeting.

Authorization to Award Bid for the Central Drainage Area

Dr. Self Sullivan made a motion to give authorization to the Town Manager to award the bid and enter into an agreement with the awarded bidder, Sagres Construction. Mr. Wood seconded the motion.

Mr. Williams asked what the dollar amount was for the contract.

Ms. Adams-Jacobs stated \$2,487,885.

Mayor Schick called for a vote. All members present voted “aye.” **Motion passed.**

New Business

PUBLIC HEARING, Ordinance No. 741, Disposition of Town Owned Property Adjacent to 912 Bryant Avenue

Mr. LaRiviere stated Ms. Gunderson approached the town in January with an offer to purchase a parcel of town-owned property adjacent to her property. The Town Council set the public hearing for tonight’s meeting to discuss the potential sale. He stated the staff recommendation is to agree to convey the property to Ms. Gunderson for the offered sale price of \$5,000 and retain an easement.

Open Public Hearing

At 8:52 PM, Mayor Schick opened the public hearing.

Gary McIrvin, Irving Avenue stated this was the first time he had heard of this matter. He would like clarification exactly where the property is located.

Mayor Schick showed Mr. McIrvin the piece of land that is adjacent to Ms. Gunderson.

Mr. McIrvin was satisfied and understood it was a piece of property behind Ms. Gunderson’s residence.

Close Public Hearing

At 8:54 PM, Mayor Schick closed the public hearing.

Council Action

Mr. Moncure made a motion to approve Ordinance No. 741, with the staff recommendation. Mr. Allison seconded the motion.

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

(Ordinance No. 714 attached)

Mayor Schick recessed the meeting at 9:00 PM.

Mr. Moncure excused himself from the meeting.

Mayor Schick reconvened the meeting at 9:10 PM.

On Call Engineering & GIS Services Discussion

Ms. Adams-Jacobs stated the Town has been unable to fill the GIS Analyst position that was vacated in January. She has been working with Sands Anderson drafting an agreement to work with AWC for their professional services.

Mr. Wood made a motion to authorize the Town Manager to enter into an agreement with AWC for their services. Ms. Roberson seconded the motion. Mayor Schick called for a vote. All members voted “aye.” **Motion passed.**

Playground Surface Alternative Replacement

Ms. Adams presented four options to the Town Council for the playground surface replacement. Those options were engineered wood fiber, Corkeen, playground mulch and pour in place rubber.

Ms. Adams stated the recommendation from staff was to remove all the existing mulch from the three playground areas (Torrey Smith, Castlewood and Washington Avenue) and replace it with engineered wood fiber. It is a lower priced, softer and higher quality mulch.

Mr. Williams made a motion to approve the staff recommendation of using engineered wood fiber at all town owned playground locations. Dr. Self Sullivan seconded the motion.

Mayor Schick called for a vote. All members of council present voted “aye.” **Motion passed.**

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 of the disposition of publicly-held real estate located in Westmoreland County and referred to in tax records as the former town dump, 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)(7), consultation with legal counsel pertaining to actual litigation where consultation in an open meeting would adversely affect the town's litigating posture regarding Town of Colonial Beach vs. Camp, Westmoreland County Circuit Court Case No. CL2020164.
- d. Pursuant to Virginia Code § 2.2-3711 (A)(5,6 and 8 respectively), discussion concerning a prospective business where no previous announcement has been made of the business interest in locating its facilities in the community; discussion of the investment of public funds where bargaining is involved; consultation with legal counsel regarding specific legal matters related thereto.

Ms. Roberson 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 9:32 p.m., the Town Council moved into closed meeting.

Reconvene Open Meeting

Dr. Self Sullivan made a motion to reconvene in open session. Ms. Roberson 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 10:46 p.m., Mayor Schick reconvened the meeting.

Certification

Mr. Wood 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 sale of property as identified on tax maps as a former dump to on the on March 15, 2023. Ms. Roberson 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 Sale of Town Property as identified on tax maps as former dump will be set on March 15, 2023.

Adjournment/Recess

Dr. Self Sullivan made a motion to adjourn the meeting. Mr. Williams 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 10:47 p.m., Mayor Schick adjourned the meeting.

Heather Oliver, Town Clerk

ATTACHMENTS

1. Resolution #13-23, Amends and Appropriates FY 22-23 Budget, Water Fund for 1st Street Water Main Replacement
2. Resolution #14-23, Amends and Appropriates FY 22-23 Budget, General Fund for DEQ Litter (Refuse) Control Grant
3. Resolution #15-23, Amends and Appropriates FY 22-23 Budget, General Fund for SRO Grant
4. Ordinance No. 741, Disposition of Town Owned Property

ATTACHMENT

1

**RESOLUTION #13-23, Amends and Appropriates Fiscal Year 2022-2023
Budget, Water Fund**

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

WHEREAS, on May 18, 2022, Town Council adopted the 2022-2027 Capital Improvement Plan, which included funding for the 1st Street Water Main Replacement and;

NOW THEREFORE BE IT RESOLVED, that the Town Council at its work session held on Wednesday, March 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
Water Fund	\$1,274,807.93	\$1,344,807.93	+\$70,000.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 503-044000-8212 – Capital Projects \$70,000.00
CR 503-099999-9001 – Transfer from Capital Improvement Fund \$70,000.00

Capital Projects Fund

DB 330-099999-0503 – Transfer to Water Fund \$70,000.00
CR 330-099999-1000 – Carry-Over From Prior Years \$70,000.00

ATTACHMENT

2

**RESOLUTION # 14-23, 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 \$537.00 in grant proceeds from the Department of Environmental Quality for the 2023 Litter Grant and;

NOW THEREFORE BE IT RESOLVED, that the Town Council at its work session held on Wednesday, March 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	\$ 9,621,660.33	\$ 9,622,197.33	+\$537.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-082600-6007 – Litter Control, Repairs & Maintenance \$537.00
CR 100-024030-0002 – Litter Control \$537.00

ATTACHMENT

3

**RESOLUTION # 15-23, 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 \$18,363.55 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, March 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	\$ 9,622,197.33	\$ 9,640,560.88	+\$18,363.55

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-031100-1139 – Salaries & Wages (PD) \$18,363.55
CR 100-024010-0005 – SRO Grant Proceeds \$18,363.55

ATTACHMENT

4

**AN ORDINANCE TO APPROVE THE
SALE AND CONVEYANCE OF TOWN REAL PROPERTY
ORDINANCE NO**

WHEREAS, the Town of Colonial Beach, Virginia (the “Town”) in March of 2023 held a public hearing and authorized the sale to Joyce B. Gunderson of certain real property owned by the Town (the “Property”) with the retention of an easement and right of way; and

WHEREAS, following the said public hearing, the subject real property is proposed for consolidation with real property owned and occupied by Joyce B. Gunderson at 912 Bryant Avenue, Colonial Beach, Virginia; and

WHEREAS, the value of the Property was determined by an independent party to be \$5,120, which was presented to the Town of Colonial Beach Town Council. The Town received an offer for \$5,000 which the Town Council now approves; and

WHEREAS, in furtherance of the sale of the Property transaction previously approved between the Town and Joyce B. Gunderson for the sale and purchase of the Property, and in accordance with Va. Code §§ 15.2-1800 and 15.2-2100, the Town of Colonial Beach now wishes to authorize the conveyance of the Property to Joyce B. Gunderson.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Colonial Beach, Virginia that (a) the conveyance of the Property to Joyce B. Gunderson for the purchase price of \$5,000 is approved; and (b) 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 sale and consolidation of the Property pursuant to the contract and the purposes of this Ordinance, including, but not limited to, the execution of a Deed, subject to review and approval by the Town Attorney.

This Ordinance shall take effect upon adoption.

ADOPTED by the Town Council of the Town of Colonial Beach, Virginia, this 1st day of March 2022.

Upon a call for an aye or nay vote on the foregoing resolution at a meeting of the Council of the Town of Colonial Beach, Virginia held March 1st 2023, members of the Town of Colonial Beach Town Council approved this Ordinance upon the following vote:

Aye: Council Member Rick Wood, Council Member David Williams, Council Member Vicki Roberson, Council Member Caryn Self Sullivan, Council Member Thom Moncure, Vice Mayor Kenny Allison and Mayor Robin Schick

Nay:

Abstain:

Absent: