



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Wednesday, March 16, 2022 at 4:00 p.m.**

Colonial Beach Town Center
22 Washington Avenue

Present

Robin Schick, Mayor
Vicki Roberson, Vice Mayor
Thomas Moncure, Council Member
Caryn Self Sullivan, Council Member
David Williams, Council Member
Andrea Clement, Council Member
Kenneth Allison, Council Member

Absent

All Council Members were present.

Staff Present

India Adams-Jacobs, Town Manager
Vivian Seay Giles, Town Attorney
Lisa Okes, CFO
Gregory Deaver, Chief of Police
Rob Murphy, Director of Public Works
J.C. LaRiviere, Grant Writer/Coordinator
Nate Sulya, Management Fellow
John Shaw, Interim Zoning Administrator

Call to Order

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

Roll Call of Members

Mayor Schick noted that all Council Members were present.

Moment of Silence/Pledge of Allegiance

Mayor Schick led the meeting in a Moment of Silence and Pledge of Allegiance.

Additions to the Agenda

Mayor Schick made a motion to add the following items to the agenda; under presentations add Mr. Trivett, District V County Supervisor and Dr. Mitchell, Superintendent of Colonial Beach Schools as speakers and under closed meeting adding 2.2-3711 (A)(1) related to the Zoning and Community Development department. Dr. Self Sullivan seconded the motion.

Mayor Schick called for a vote. All council members present voted “aye.”

The motion to amend the agenda with the above additions passed unanimously.

Approval of the Agenda

Dr. Self Sullivan made a motion to approve the agenda as amended. Ms. Roberson seconded the motion.

Mayor Schick called for a vote. All council members present voted “aye.”

The motion to approve the agenda as amended passed unanimously.

Approval of the Consent Agenda

Ms. Roberson made a motion to approve the consent agenda as presented. Listing only the approval of Minutes for August 18, 2021. Mr. Allison seconded the motion.

Mayor Schick called for a vote. Ms. Clement voted “aye,” Mr. Moncure voted “aye,” Ms. Roberson voted “aye,” Dr. Self Sullivan voted “aye,” Mr. Williams “abstained,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.”

The consent agenda was approved with a 6 to 1 abstain due to not being on council at the time of the meeting minutes of council members present.

Council Member Announcements

Councilmember Clement

Ms. Clement announced the Colonial Beach schools are on Spring Break. Emory Steffey started a fundraiser for an outdoor basketball court. Next school board meeting is Wednesday March 23, 2022 at 6:00 PM.

Councilmember Moncure

Mr. Moncure did not have any announcements.

Vice Mayor Roberson

Ms. Roberson did not have any announcements.

Councilmember Self Sullivan

Dr. Self Sullivan announced the Westmoreland County Board of Supervisors recognized the Colonial Beach Lady Drifters basketball team at their meeting. While in attendance at the county

board meeting, the redistricting ordinance was approved for Districts 2 and 3. April will kick off the season in town with Osprey Festival, Easter Egg Hunt on Town Hill, Boat Show and Earth Day.

Councilmember Williams

Mr. Williams did not have any announcements.

Councilmember Allison

Mr. Allison reminded the audience the Parks and Recreation Advisory Commission meetings are held on the first Tuesday of every month at 6:00 PM. He encouraged citizens to attend and get involved. There will be soccer and tennis pop up camps and tournaments coming this Spring. In the summer Parks and Rec is bringing back movies in the park and hopefully the skateboarding pop up.

Mayor Schick

Mayor Schick reported Mr. Moncure and herself attended COMREL in Waldorf, MD and received updates from the naval bases and surrounding localities. There are new businesses opening in town, Colonial Beach Games & Soda Fountain will have their grand opening on March 19th and ACE Hardware will have a grand opening on April 1st.

Town Manager Monthly Update

Ms. Adams Jacobs reported staff was continuing to work on the budget and decals were available in the Finance Department. There were a couple of grants that were worked on through out this quarter, School Resource Officer grant with DCJS, Linear and North Side Park grants with VOF, and \$9,000 in grant funds towards signage from the Colonial Beach Community Foundation.

Ms. Adams Jacobs further reported on job opportunities with the Town and water and sewer bills due date. Parks and Recreation will cut off donations and applications for the Vendor Program and Palm Tree Program on April 1st.

Ms. Adams Jacobs stated a letter was just received from Senator Warner's office in reference to the Fiscal Year 2023 Federal Appropriations process. The federal government has created the Community Funding Project, so as a locality the Town has the ability to ask for assistance from the Federal Government.

Ms. Adams Jacobs reminded the audience to please slow down in the waterways near the bridge construction.

Mr. Murphy provided infrastructure updates on Stormwater RFP, Smoke/CCTV results from Dewberry, Feed and Deposits for water and sewer connections and water utility rate study.

Presentations

Women's History Month Proclamation

Mayor Schick read the following Proclamation.

WHEREAS, the month of March is dedicated to honoring generations of women and girls who have shaped our Nation through their leadership;

WHEREAS, despite the hardship this would have on their family, women throughout history have fought to have equity and equality in our country; and

WHEREAS, these women have made significant contributions to progression around the world, through medicine, science, technology, business, and government through leadership and creative thinking; and

WHEREAS, this year we honor the women of Colonial Beach we have lost who dedicated their lives serving the Town of Colonial Beach in various ways, we honor the women of today who continue to make history and carry the tradition of servitude that women have given this community.

NOW THEREFORE BE IT RESOLVED, by the Colonial Beach Town Council on the 16th day of March, 2022 hereby proclaim that in recognition of the many contributions and achievements by women past and present, that the month of March be celebrated as "Women's History Month."

Osprey Proclamation

Mayor Schick read the following Proclamation.

WHEREAS, the Town of Colonial Beach is a designated Bird Sanctuary; and

WHEREAS, the resilient Ospreys return from their wintering grounds in South America every spring; and

WHEREAS, the residents of Colonial Beach celebrate the Ospreys return as a sign of hope and new life; and

WHEREAS, The Town of Colonial Beach is a host for forty plus nesting sites for Ospreys within its 2.6 square mile area; and

WHEREAS, the abundance of Ospreys in the Town of Colonial Beach is an indicator of the health of the river and the bay.

NOW THEREFORE, the Town Council of Colonial Beach, at a meeting held on March 16, 2022 , do hereby proclaim the Osprey (*haliaetus Pandion*), the official bird of the Town of Colonial Beach.

Tim Trivett, Westmoreland County District V Supervisor

Mr. Trivett reported the Board of Supervisors approved the redistricting ordinance. The Town of Colonial Beach will have 219 more individuals. Monroe Point were actually in the fourth district and is now part of the fifth district. Kyle Schick was appointed to the Westmoreland County Planning Commission for another four years.

Dr. Mitchell, Colonial Beach Public Schools

Dr. Mitchell provided updates from the School Board on the new building, CIP projects and COVID status at the schools.

Citizen Input

Toby Bussey, 1402 Myers Avenue VIA EMAIL

Ms. Oliver read the following comment.

“I heard on Facebook today but can't find it again about the meeting tonight which I cannot attend but would like some thought. In the Facebook page it says that the phase 2 of the Dodson project will not be sold to him per se but to another group with his name attached. Why is this happening and not being sold to the Dodson group as was previously planned. In another question I understand that the Dodson group was supposed to make 2 rows of townhouse and now making one, same thing with the single family houses. If this is true what happens to the money, we sold the property to him for, will we be getting the money back, what about the taxes. Now what about phase 2, how will selling it to another company help the town. I know it won't be sold cheaper probably more so he, Dodson, will get a bigger portion then before. Why is Dodson worrying about settling in phase 2, when phase 1 is far from completed? I am a lay person when it comes to construction, but it would be my thought that one phase be completed before another phase is started. I also heard in a Facebook post that Dodson said he could not complete phase 1 because having a hard time getting the trusses for town house and single family homes. I am calling BS because if you ride around town and see other construction, they have trusses. Also, trusses can be made by hand. I just feel like the town is losing on this deal and Dodson group is winning when it should be the town is winning by getting new houses. My opinion I don't like the way his development is built I was hoping that it would be more beachy looking, but that's my opinion. I sincerely hope in this meeting the people who are in the 2nd company names b revealed so we know who they are. I don't think this is in the best interest of the town and I hope that whoever is at the meeting vote for not selling the property to the 2nd company. Once this meeting is over with, I hope someone would send you towns folk about what is going to happen to the town from here forward.”

Eric Nelson, 1321 Lossing Ave, Downtown Colonial Beach reported the DCB board voted unanimously to partner with the Town of Colonial Beach to pay for a Director of Economic Development that would also work as the Director for Downton Colonial Beach. The main priority of DCB is to become a full Main Street. A new project DCB is working on is a Community Business Launch program. It is an in-depth, complicated, time consuming grant process. DCB also wanted to bring it to the attention of the Town that on the Strategic Plan it lists economic growth, and it does not mention it being specific to the downtown area. DCB hopes that the downtown area is the priority when thinking about economic growth.

Mr. Nelson switched hats and spoke on behalf of the Colonial Beach Community Foundation. He reported the foundation received a number of grant applications totaling approximately \$40,000. The foundation did make seven grant awards, including the town. It awarded a grant to the Historical Society, one to the Performing Arts Group, one to the Artists' Guild, one to the Chamber of Commerce and two grants to the James Monroe Birthplace that came to a total of \$22,000. All of which were raised at the Beach Music Festival last fall.

Mr. Nelson further stated that he is working with Councilmember Clements through the Artists' Guild on two projects that will be seen around town, one being photo op cutouts and the second being the LOVE sign project.

Joanie Millward, 475 Livingstone Street first thanked Town Council for the Osprey Proclamation. The main reason for speaking was to thank the Town Manager, Ms. Adams Jacobs and Public Works for working with her to relocate the Osprey nest by Willy's. Due to the construction that will take place during Osprey season it was vital to relocate the nest before the ospreys returned.

Mayor Schick asked Ms. Seay Giles to address Ms. Bussey's concerns in her comment.

Ms. Seay Giles stated Mr. Dodson is still the developer on the projects. Mr. Dodson established a special purpose entity for the project. Meaning that for each project of Mr. Dodson's, he just establishes a separate LLC for corporate planning.

Old Business

Designated Outdoor Refreshment Area Update

Mr. LaRiviere stated the Town Council direction from the last meeting was to move forward with the application process. Since then, an initial meeting with Special Agent Taylor of Virginia ABC was held to inform of the Town's intent to apply for the license.

Mr. LaRiviere further stated he received clarification on several questions from the last meeting and will be updated Town Council on those issues. In addition, four different maps were sent to Virginia ABC, and we hope to hear back on which map was preferred.

Mr. LaRiviere reported the ABC license would not expire until after one year from the issued date. A safety plan is required for each DORA event. Agent Taylor's recommendation was to include a safety plan for the first or two first events with the application. The ABC does not have specific regulations on how many volunteers or staff is needed to work an event. The DORA zone can change after the permit is issued; ABC just needs to be notified of the change.

Ms. Adams Jacobs stated based on research of other localities, staff has some examples of safety plans, as well as some other marketing promotional activities. Due to the program being new, most localities have not adopted an ordinance. The recommendation after consulting with ABC is to move forward with the application process with the limited number of events.

Mayor Schick asked for clarification on the difference between the application that requires an ordinance and the application that does not require the ordinance.

Mr. LaRiviere noted the smaller permit application allows for sixteen events per year and each event can be up to two days.

Ms. Adams Jacobs added that if the Town wanted a higher number of events the Town would have to adopt an ordinance that would require a public hearing and be a longer process.

Multiple discussions on the length and hours of one DORA event.

Dr. Self Sullivan asked about the different colored areas on the map.

Mr. LaRiviere answered it was two different zones. Staff is waiting on feedback from ABC about the map.

Dr. Self Sullivan noted the City of Fredericksburg has DORA events on the first Friday of every month now through summer and they call it the “Sip and Stroll.” If interested to see how the event works, she recommended for people to attend the one in Fredericksburg.

Multiple discussions on establishment on DORA event days.

Mayor Schick asked if there was consensus to direct staff to move forward with the small ABC license permit application that allows up to sixteen DORA events.

All council members present agreed for staff to move forward with the small ABC license permit application allowing up to sixteen DORA events.

New Business

School Resource Officer Agreement between CBPS and CBPD

Chief Deaver stated according to the Department of Criminal Justice the Town is eligible for one year of the School Resource Officer grant. In the application, a Memorandum of Understanding between the school and the police department is required. A new MOU was needed so one was drafted according to the DCJS guidelines. The MOU has been reviewed and has been presented to Town Council.

Mayor Schick asked if Town Council agreed to approve the MOU and to move forward with the SRO grant.

All council members present agreed to approve the MOU and to move forward with the SRO grant.

Floodplain Management Discussion

Mr. Shaw reported the Floodplain Management zoning ordinance Article 21, was required to be reviewed, updated and adopted by May 17, 2022. There were changes in the floodplain maps provided by DCR and those changes must be reflected in Town’s zoning ordinance. This will enable proper flood insurance coverage. FEMA identified in a letter from February that the

Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) will become effective on May 17, 2022.

Mr. Shaw reviewed the steps required to meet the deadline and noted a joint public hearing on April 28, 2022 will need to be held and advertised.

Mayor Schick stated there will be a Joint Public Hearing with Planning Commission on April 28, 2022.

2022-2023 Strategic Action Work Plan

Ms. Adams Jacobs reviewed the Strategic Action Work Plan. The Strategic Action Work Plan was established to ensure the town's key strategic initiatives are identified and followed for accomplishment in the next two years. The plan included completed projects, ongoing and future initiatives to be completed.

Dr. Self Sullivan made a motion to approve the 2022-2023 Strategic Action Work Plan as presented. Ms. Clement seconded the motion.

Dr. Self Sullivan asked Ms. Adams Jacobs if anything from the strategic workshop meeting was left out of the plan.

Ms. Adams Jacobs stated all of the initiatives established at the strategic workshop meeting were in the plan and she did not add or omit initiatives.

Mr. Williams asked about page 23 item number 17, the connection to Monroe's Birthplace, if that was still a sought after project or was it scratched.

Mayor Schick stated it is in the Comprehensive Plan and is listed under long term or indefinite.

Dr. Self Sullivan noted Town Council has directed staff to search for alternative funding options.

Ms. Adams Jacobs noted there has been some investigation of funds coming from federal partners. Trails are becoming a high priority on the state level as well as on the federal level.

Dr. Self Sullivan made a motion for a friendly amendment to add North Park Playground as after initiative #9 on page 23. Mr. Allison seconded the motion.

Mayor Schick called for a vote. Ms. Clement voted "aye," Mr. Moncure voted "aye," Ms. Roberson voted "aye," Dr. Self Sullivan voted "aye," Mr. Williams "abstained," Mr. Allison voted "aye," and Mayor Schick voted "aye."

2022-2023 Strategic Action Work Plan as amended was adopted by unanimous vote of council members present.

The 2022-2023 Strategic Action Work Plan can be found on the Town's website or in the Town Office Records.

Status Update of FY 2023 Budget

Ms. Adams Jacobs provided an update on the Fiscal Year 2023 budget. At the last Planning Commission meeting the Capital Improvement Plan was presented and recommendations were sent to Davenport and herself. The next step for the CIP is a Planning Commission public hearing on March 31st and adoption. Once adopted, a public hearing will be held before Town Council on May 4th with action to be taken on May 18th.

Ms. Adams Jacobs noted they enacted an improvement in the budget process by utilizing budget counterparts from the Finance Department. She is thankful for the staff that took on the extra responsibility. These counterparts worked closely with the departments on developing their budgets and learning about the budget process.

Ms. Adams Jacobs further noted Ms. Thompson recently obtained her certification in becoming a Virginia Contracting Associate.

Ms. Okes reported on the challenges this fiscal year when working on the budget due to the recent inflation.

Ordinance No. 722, Approves Sale and Conveyance of Town Real Property

Ms. Seay Giles noted this is equivalent to the ordinance previously adopted. This just clarifies in greater detail the organization on the deed is a Dodson entity. Dodson created the entity for the special purpose of holding the Phase 2 property.

Mr. Moncure made a motion to approve Ordinance No. 722, as presented. Mr. Allison seconded the motion.

Mayor Schick called for a vote. Ms. Clement voted “aye,” Mr. Moncure voted “aye,” Ms. Roberson voted “aye,” Dr. Self Sullivan voted “aye,” Mr. Williams voted “nay,” Mr. Allison voted “aye,” and Mayor Schick voted “aye.”

The motion to approve Ordinance No. 722, as presented passed with a 6 to 1 vote of council members present.

A clerical error was made on the agenda, the ordinance number was amended to Ordinance No. 723.

ORDINANCE NO. 723, 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 contract of sale for that portion of the Properties referred to as the Phase 2 Property was assigned by DDG Acquisitions, LLC to DDG CB 2, LP, which assignment the Town now approves; and

WHEREAS, in furtherance of the sales transaction previously approved between the Town and DDG Acquisitions, LLC, assigned to DDG CB 2, LP, for the sale and purchase of the Phase 2 Property, as described in the Deed attached hereto as Exhibit A (the “Phase 2 Property”), and in accordance with Va. Code § 15.2-2100, the Town of Colonial Beach now wishes to authorize the conveyance of the 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 CB 2, LP of the contract to purchase the Phase 2 Property, (b) the Deed attached hereto as Exhibit A is approved, and (c) 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 Phase 2 Property pursuant to the contract and the purposes of this Ordinance, including, but not limited to, the execution of the Deed attached hereto as Exhibit A, subject to review and approval by the Town Attorney.

This Ordinance shall take effect upon adoption.

Closed Meeting

Dr. Self Sullivan made a motion to go into closed session pursuant to Virginia Code §2.2-3711 (A)(7) for consultation with legal counsel pertaining to pending litigation, where such consultation in open meeting would adversely affect the litigation posture of the public body in the pending court cases in Westmoreland County Circuit Court and Eastern District of Virginia U.S. District Court and pursuant to VA code § 2.2-3711 (A)(1) for consideration of assignment, appointment of specific public officers or employees in the Zoning and Community Development Department. Ms. Roberson seconded the motion.

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

At 7:41 PM council moved into closed session

Reconvene

Dr. Self Sullivan made a motion to reconvene in open session. Ms. Roberson seconded the motion.

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

At 8:51 PM Mayor Schick reconvened the meeting.

Certification

Dr. Self Sullivan made a motion that 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.

Ms. Clement, Mr. Moncure, Ms. Roberson, Ms. Self Sullivan, Mr. Williams, Mr. Allison and Mayor Schick all so certified.

All council members present certified that only those matters as were identified were heard, discussed, or considered during Closed Meeting.

Adjournment/Recess

Ms. Roberson made a motion to adjourn the meetings. Mr. Allison seconded the motion.

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

Mayor Schick adjourned the meeting at 8:52 PM.

Heather Oliver

Heather Oliver, Town Clerk

Approved August 3, 2022