

**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, OCTOBER 13, 2011, - 7:00 P.M.  
COLONIAL BEACH TOWN CENTER**

<b>MAYOR:</b>	<b>FREDERICK C. RUMMAGE</b>
<b>VICE MAYOR:</b>	<b>BURKETT LYBURN</b>
<b>COUNCIL:</b>	<b>SHANE BUZBY</b>
	<b>MIKE HAM</b>
	<b>KAREN PAYNE</b>
	<b>RONALD RIDGELY – absent</b>
	<b>GARY E. SEEBER</b>
<b>TOWN MANAGER:</b>	<b>VAL FOULDS</b>
<b>TOWN ATTORNEY:</b>	<b>ANDREA G. ERARD</b>
<b>CHIEF FINANCIAL OFFICER:</b>	<b>JOAN H. GRANT</b>
<b>TOWN CLERK:</b>	<b>BARBARA A. GOFF</b>

**PRAYER:**

Let us Pray. We thank you for this day and thank you for your presence here with us tonight. We ask your guidance upon this meeting so that the needs of our community will be met and for your blessing on all the citizens of the Town. Amen.

**PLEDGE OF ALLEGIANCE:**

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

**CALL TO ORDER:**

Mayor Rummage called the regular Town Council Meeting of Thursday, October 13, 2011 to order at 7:00 p.m. at the Colonial Beach Town Center.

**ROLL CALL OF MEMBERS:**

All members of Council were present excluding Mr. Ridgely.

**ANNOUNCEMENT OF ABSENCES:** Mr. Ridgely was absent due to a meeting with insurance adjusters for the Colonial Beach Rescue Squad Building as the result of the recent storms.

**ADDITIONS TO THE AGENDA:**

Mr. Seeber motioned to add Resolution - #48-11 – Authorization for the Town Manager to Execute an Agreement with Davenport & Company, LLC for Utility Financial Advisory Services.

**APPROVAL OF THE AGENDA:**

Motion was made by Mr. Lyburn to approve the agenda, second by Ms. Payne. All aye votes carried the motion. *Mr. Ridgely was absent from the vote. Motion Carried.*

**APPROVAL OF THE MINUTES:**

Mayor Rummage called for a motion to approve the minutes for the regular meeting of Thursday, September 8, 2011 and the Special Meeting of Tuesday, September 20, 2011. Motion was made by Mr. Lyburn to approve, second by Ms. Payne. All aye votes carried the motion and the minutes were approved as presented. *Mr. Ridgely was absent from the meeting. Motion Carried.*

**COUNCIL ANNOUNCEMENTS:**

**COMMITTEE REPORTS:**

**ECONOMIC DEVELOPMENT COMMITTEE:**

Mr. Ham reported there would be a meeting of the Economic Development Committee on October 27, 2011 at 5:45 p.m. One of the things to be discussed will be a proposal that we have from a couple of people who have volunteered to put up benches on the Boardwalk. It will be a dedicated bench to a loved one or something they want to dedicate it for and they would pay for the cost of the bench. I am going to ask them to give us a presentation at the meeting. The Yacht Club had a good turnout last weekend for a Potomac River Yacht Club Association who had their end of year party here. There were about 30 – 35 boat loads of people who were in Town. At this time a Proclamation signed by Mayor Rummage was read:

## **Community Planning Month Proclamation**

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Colonial Beach; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of the Town of Colonial Beach and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the month of October 2011 is hereby designated as **Community Planning Month** in the Town of Colonial Beach, Virginia in conjunction with the celebration of National Community Planning Month.

**BUDGET COMMITTEE:**

Ms. Payne reported the auditors were onsite and are conducting the annual audit and everything is moving along on schedule and hopefully we will have a very good report. I am hoping to set up a Budget Committee Meeting next week after I get together with everyone.

**Treasurer's Report:** Revenue - \$2,802,280; Expenditures - \$3,694,203. The Treasurer's Office is currently preparing our personal property and real estate tax bills. Our bills will be mailed on November 5, 2011 with a due date of December 5, 2011 by midnight.

**PUBLIC WORKS COMMITTEE:**

Mr. Seeber reported that the Public Works Committee had a meeting last week and stated there is work to be done between 3<sup>rd</sup> and 12<sup>th</sup> Street. The work will start physically in January. One of the problems is Rural Development pays for the roads, fixing up and digging the holes and fixing the sewer pipes. They do not pay for the water pipes that have to be replaced. They are going to try to use the existing sewer pipe when they can. A lot of places have collapsed and they have to dig it up so when they do that we are going to have to replace the water pipes, plus we have some others we have been working on for awhile. We need to get that done or at least under contract at the same time as we do the sewer work, otherwise they are going to rip the water pipe up and there will be no water for anybody between 3<sup>rd</sup> and 12<sup>th</sup> Street. We have worked with a company named Davenport and they are a financial house. They gave a presentation and that is the reason for the addition to the agenda tonight. They will look at our financial structure to see what we can do without necessarily increasing the rates in any meaningful fashion.

**PUBLIC SAFETY COMMITTEE:**

Mr. Lyburn read the Halloween Safety Proclamation:

**HALLOWEEN SAFETY PROCLAMATION**

**WHEREAS**, Monday, October 31, 2011 is Halloween; and

**WHEREAS**, large numbers of children are expected to be "trick or treating" on Halloween; and

**WHEREAS**, the Town is concerned with the safety of the children.

**BE IT HEREBY PROCLAIMED**, that in the interest of safety "trick or treating" should be carried out on Monday, October 31, 2011.

**BE IT FURTHER PROCLAIMED**, that all adults are urged to watch out for the safety of children "trick or treating" for Halloween.

**BE IT FURTHER PROCLAIMED**, that all drivers operate their vehicles in a careful and cautious manner.

**BE IT FURTHER PROCLAIMED**, that "trick or treating" be limited to the hours of 5:00 p.m. to 8:00 p.m.

**BE IT FURTHER PROCLAIMED**, that all parents are urged to keep a careful eye on the children while “trick or treating”, and that they check their children’s candy for safety.

**BE IT FINALLY PROCLAIMED**, that all children and their parents have a happy and safe Halloween.

Mr. Lyburn also reported that at the last Public Safety Meeting, we determined there were things that needed to be addressed like fire hydrants, street lights and some of the roads we need to get fixed before winter sets in. I ask if you are walking or riding your bicycles that you wear reflective cover. Until we get our lights fixed please wear something reflective. Seeing as though it is dark in the early morning and late afternoon make sure you jog with a partner. There are some things going on especially in the northern areas. We had a safety meeting and it was suggested that you should be with someone – have a partner or a cell phone on speed dial. If you see something that doesn’t look good, let someone know. These are just minor things we can do to protect ourselves and our families. Halloween is coming and there will be alot of kids out on Halloween. We want to pay attention to the kids. There was no one present from the fire department to give a report or the rescue squad.

Chief Blevins stated on the walkers and the people who ride bicycles please remember that walkers face traffic and bicycles go with the traffic. It makes it easier for the drivers instead of negotiating around everyone. Everyone will be out in full force to make sure everyone has a safe Halloween and we will contact Chief Jett from the fire department to put someone up on Route 205 like they did the last couple of years.

Mr. Lyburn stated as you know they are doing the road construction all the way up to the King George County line. Please be patient. I know it is taking a lot of time and a lot of people have flat tires, but be patient. We will have a smooth road to ride on hopefully before the end of next week. There was a man in a hurry this afternoon and he tried to beat the lead car and ended up in a ditch because of oncoming traffic. He couldn’t see around the truck and was in a hurry.

**BOARD OF EDUCATION:**

Dr. Power reported previous to the meeting tonight I sent over a package of information that I asked the Council Members to review. We have sustained irreparable damage to our middle school. It began initially with probably very slight damage with the earthquake, more severe damage with the hurricane and of course the severe flooding that we had with whatever stronghold was left to support a lot of the infrastructure in the building was very much damaged. We followed protocol and we had our insurance company out with a structural engineer and we also had an asbestos compliance officer and the final inspection was done by our building inspector who suggested that the building was of not sound use and that the middle school building was not safe for the children. At the present time, we have moved the children approximately, 165 children to the existing trailers on the elementary campus that are at least 15+ years old. The conditions are very, very cramped. While the school board struggles with what we are going to do in the near future or what the future of the school division should be, we need to find a supportive plan of where we are going to put these children. No matter the future plan turns out to be it a long range solution of 18 months to almost 3 years. Tonight I also submitted to Council, we have been diligent in seeking estimates of what the repairs will cost. The repairs range in price from \$500K to \$1.8 million. The lower fee of \$15K was just to clean

up the mold and the lead base paint in the bathrooms. The issue in the middle school is really due to the age of the building which the building was built in 1912 and it does contain large amounts of lead base paint even though several repairs were done in the course of the past 30 or 40 years, not even to sustain the damage to the infrastructure. I included a copy of the structural engineers report as well as the pictures which clearly define the tremendous amount of damage done. The placement of the children right now is a huge concern to the school board and me. The quarters are very cramped. As you know we have taken delight and pride in that the elementary school has been fully accredited and made AYP for the third year in a row. We have compromised instructional time and future success in the placement of the children. I have included a letter where I am respectfully requesting \$75K that was a negotiable fee pending the audit on November 23<sup>rd</sup>. The suggested plan by the recommendation to the school board is that we go ahead and build the mod pod building behind the high school as was originally planned. Last year we had such conditions on the elementary campus that we could not park at the top of the hill of Wilder Avenue and Douglas Avenue. Obviously based upon the school board's budget the construction of the mod pod is not within my budget range in the delivery, the construction and its lease for at least a two year period. Tonight I am again respectfully requesting that Council consider my request to immediately make available to the school board the \$75K so we can to order the mod pod. If ordered tomorrow or the latest Monday, they would be delivered the second week in November and we anticipate a two week set up period. We are going to work with Mr. Mitchell in completing the required permits and fees and applications. Last year we did complete the site plan and survey and all of those things that were needed to work towards completion of this project and we will continue to work with the building inspector and Mr. Mitchell to get this project up quickly and the children in a safe learning environment.

Ms. Payne asked the cost for getting the mod pod put in place?

Dr. Power responded that it was included in the packet and the price for the initial delivery and setup is around \$22K which consists of 6 classrooms, administrative offices, complete sets of boys and girls bathrooms and handicap access.

Ms. Payne stated then it could be conceivably delivered and set up for less than the \$75K.

Dr. Power agreed but part of the negotiation is that if we order the complete package, it will be cheaper.

Ms. Payne stated it is about a 2 week lead time to get it there.

Dr. Power agreed.

Ms. Payne stated the resolution for the \$75K was contingent upon the audit results which obviously we don't have yet and we don't know if that \$75K is there to be able to do that. If we are going to provide additional funds, we would have to look elsewhere because we don't know if it is there pursuant to that resolution.

Mayor Rummage asked if there was a report on the audit?

Ms. Foulds responded she should be getting that tomorrow afternoon. I talked to her today about the balances and there was one glitch she wanted to resolve before she committed to me.

Mayor Rummage stated at that time you can let us know.

Ms. Foulds stated she would and that the preliminary report should be in on Friday.

Ms. Payne stated that \$75K that we were negotiating was to use that money for teacher salaries, teacher retention. If that \$75K is now shifted over to the building, what does that do to your original concerns with teacher salaries and retention?

Dr. Power responded that it eliminates any possibility of a raise or benefit for the teachers.

Mr. Buzby asked if the insurance company came back saying they would hurry up and do the repairs or . . .

Dr. Power responded that the insurance company's first indication was that very little would be covered other than materials such as computers, a phone system because of the condition of the building not being maintained.

Mr. Seeber asked about the \$22K.

Dr. Power explained that it included the installation, a two year lease and the ramps.

Mr. Seeber stated then the \$22K, other than the permits which I think the last time, we gave the money back to you after it was over, the \$22K would put this in place.

Dr. Power agreed. There will be two additional fees related to this project. One of the things we have not done yet is that VDOT is requiring that we widen the entrance to the front of the high school, entrance in and entrance out by 20 feet. We also need to have a storm water plan.

Mr. Mitchell stated he didn't know if there was an estimate on the cost but I do have the site plan where it shows a small pond basically where that big pile of dirt is. That would be the appropriate place to put it.

Mr. Seeber asked about the water hook-up?

Mr. Mitchell responded there is a sewer and water hookup all the way to the high school so the pipes would need to be extended.

Dr. Power responded that would be part of the \$75K. It is not part of the \$22K. It includes delivery and setup.

Mr. Seeber stated you have to move dirt, you have to widen the entrance and you have to put in pipes.

Dr. Power responded the estimated cost would be \$75K.

Mr. Buzby asked how fast can we do this for the kids? We owe it to the kids to get this ball rolling.

Mr. Seeber stated according to what the mayor just said, the manager is going to talk with the auditor tomorrow and specifically ask her about the fund balance and if she says the \$75K is there, you are going to give a go ahead.

Ms. Foulds agreed.

Mr. Seeber stated if the auditor has a problem with that then we can call an emergency special meeting. Historically Joan's numbers have always been good so I don't think there is going to be a problem.

Mr. Lyburn stated this is mind boggling on the damage and the erosion of the school. We have to look at the old school and see how much damage was really done. I am glad nothing catastrophic happened to anyone during that particular time. I am glad we caught it when we did. We love the old school, but the old school is starting to fail. We are going to have to do something to figure out what we can do to keep it or try to remodel it to put the kids back in it. I know everyone would like to have a new school but there is no funding for a new school right now. We need to see what we can do to remodel it for the time being and make it safe for the kids and we can start on the next project of building a new school for the elementary and middle school. We will have to do it in different phases.

Mr. Seeber stated Val and I both received an email today from a company that has done some work in King George that involves historical building renovation. If we had enough money to tear it down, tearing it down would be a real problem in the Town of Colonial Beach because it is history. I know the memo has been forwarded to Dr. Power and I was going to forward it on to Mr. Trivett. I think we will have a meeting in the near future to talk with him about real numbers for the old building and the plan for doing something with it whether it would a school in the future.

#### **PRESENTATIONS:**

At this time, Employee Service Pin Awards were presented to Lance Beavers for 20 years of service and Pamela Warner to 10 years of service.

#### **CITIZEN INPUT:**

##### **DIANE PEARSON – 300 BILLINGSLEY AVENUE**

Ms. Pearson reported there was water running down the streets, but Lynnhaven is really bad. They have patched this and patched it so someone really needs to take a look at it right now. The sand or whatever they put in there is piled up again and there is a cone there and you can't get through the street. Because I live on a dead end street, my driveway is used continuously by the Town trucks, which I don't have a problem with them turning around, but when they start paving streets, they need to work on Billingsley Avenue because they have completely worn all of the asphalt away from the property that abuts up to my driveway. I didn't understand – I heard them

say that we would be renting these buildings and I know it is an emergency but what happened to having an elementary and high school on the same campus because we were told by Dr. Warner that this shouldn't be. We need a street sign on Billingsley Avenue. The original sign that was up there said No Thru Street – well that one is gone and someone has put up a made up sign. We need the State to put up a sign that says No Thru Street because it is dead end.

### **WALTER KERN – 813 ROOSEVELT COURT**

Mr. Kern talked about:

- Upcoming water project of the Town in January
- Using foam would be ½ cost and the pipes would be good for 100 years
- Erosion on the sand beaches and where the water is discharged from
- Condition of the Town – filthy with trash on public roads
- Suggested a Town-wide clean up
- Daylight Savings – need to make sure smoke detectors are working
- Asked the Chief of Police to furnish a report on the number of street lights that are out

### **LUKE SYDNOR – 215 BALL STREET**

Mr. Sydnor reported that he looks at the paper every day and was a little surprised at the article today. I see where we hired an engineering group to come in some months ago to do a study on the school and give their report and apparently it was not satisfactory for us. They didn't mention that the school should be condemned or the school should be closed down. It mentioned that we had major problems that need to be addressed – one of the problems was caused by lack of preventive maintenance or any maintenance program at all in the school system. We waited two months and we get another report and bring in our local inspector which could have probably saved everyone money because he could have done it to begin with apparently and he said the schools were unsafe – we need to close them down. So we closed them down. I do hail the principle of the school by making her statement – she is keeping focused and the students are being instructed and things are going on as planned. I think that is marvelous. Then I turn the page and I see the photo op when two months ago we had this storm and in this picture, there is toilet paper, paper towels, electrical equipment, no one took the time in two months so this really proved that we do not have a maintenance program up there. This could have been picked up, cleaned up and there is a bucket full of water which couldn't have been there for two months without someone seeing it and not emptying it. When I hear and see these things and you are out on the street and we just put these pods in and we were told those pods were put up there to replace the old ones and we had to remove them because of a lack of maintenance. We didn't have a maintenance program. We didn't do any repairs, we didn't do anything so we put new pods up there and also on the street, everybody is talking about the new pods are not totally complete to what the school wants. We throw figures out – now it is \$500K to a \$1.8 million. I am not a mathematician but I would think if we got all these estimates and it is a \$1.8 million, let's round it off to \$2 million. A \$2 million dollar deficit versus a \$30 million plus deficit happens to be a no brainer. When I see the statements in the paper that the school is not worth spending money on that is an opinion. I feel that it is worthwhile spending some money on. Also, today on television, Harrisburg Pennsylvania which happens to be the state capital filed Chapter 9. Chapter 9 covers municipalities and state governments and townships. I would hate to ever see the Town of Colonial Beach have to file Chapter 9 because we just spent \$300K three years ago for an estimate on fixing the school. We are talking about spending \$22K and now it

is going to be \$75K and they asked Gary to give them a figure off the top of his head and it is not even fair to him for how much it was going to cost for a sewer line and drain line. We shoot from the hip all the time. Put this stuff down. Put it in black and white. Put a proposal out and get someone to give us an estimate. Don't just keep saying we got these figures. Apparently we don't have these figures. Think long and hard before we commit the taxpayers of Colonial Beach which 1/3 of them are on fixed incomes and haven't gotten raises on social security for three years so let's think about how we are going to pay for it.

**NEW BUSINESS – PUBLIC HEARINGS:**

**RESOLUTION - #46-11 – ADOPTION OF LOCAL/REGIONAL WATER SUPPLY PLAN**

Mr. Seeber stated he saw the plan months ago and we took a little piece out of it after we did the emergency water problems. The County has done this so we are using their expertise. We are part of the region and it has been smoothed out primarily by the County. It is mandated to be done by the end of the month.

With no further public comment this portion of the public hearing was closed.

Public Hearing closed.

**UNFINISHED BUSINESS:**

**RESOLUTION - #40-11 – RIGHT OF WAY ABANDONMENT POLICY**

**WHEREAS**, the Colonial Beach Town Council wishes to bring clarity to the process now in place for the abandonment and sale of certain Town Right of Ways (ROW), and

**WHEREAS**, the Public Works Committee has worked with the Planning Director and the Town Attorney to develop guidelines to accomplish this goal, and

**WHEREAS**, the Public Works Committee has recommended that the Town Council adopt this policy.

**NOW, THEREFORE BE IT RESOLVED** by Colonial Beach Town Council meeting in regular session on Thursday, October 13, 2011, that the policy (attached hereto) shall be in effect immediately and will be used by Town staff for all inquiries, requests and applications made in connection with a ROW abandonment and sale.

**BE IT FURTHER RESOLVED** that the Right of Ways Abandonment Policy is an amendment to the Development Policies adopted by the Colonial Beach Town Council on April 14, 2011 and reflected in resolution #19-11.

Motion was made by Ms. Payne to approve, second by Mr. Lyburn.

With no discussion on Resolution - #40-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mayor **aye**, motion carried and the Right of Ways Abandonment Policy was Approved. *Mr. Ridgely was absent from the vote.*  
**Motion Carried.**

**AGENDA - #44-11**

**RESOLUTION - A RESOLUTION OF THE TOWN OF COLONIAL BEACH, VIRGINIA, REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ACCEPT CERTAIN STREETS INTO THE URBAN HIGHWAY SYSTEM**

**WHEREAS**, Section 33.1-23.3 of the Code of Virginia, requires that all town of 3,500 inhabitants according to the last preceding United States Census take over maintenance and operations responsibility of the secondary roads within their jurisdictional boundaries; and

**WHEREAS**, the Virginia Department of Transportation has established procedures for the addition of certain streets for the purpose of maintenance payments.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Town of Colonial Beach, Virginia hereby requests the Virginia Department of Transportation to accept the following streets as shown on the attached U-1 into the Urban Highway System for maintenance payments in accordance with Section 33.1-41.1 of the Code of Virginia, 1950 as amended.

Motion was made by Mr. Seeber to approve, second by Mr. Ham.

Mr. Seeber stated he thought we talked several times about doing an inventory of the streets that were already in the Virginia system. Is that what this list is or did we add in additional words?

Ms. Foulds responded no, they provided us a list and we have to take the list that you have where it says lane miles that column should not be lane miles. It is lane points. They award by a point system so I have to make a good clean list.

Mr. Seeber stated but any road that is already in the State is on this list and any road that was not in the State system yesterday is still not going to be in the State system tomorrow.

Ms. Foulds agreed.

Mr. Seeber stated when we do get whatever little money they want to give us sometime in the future it will be based on the points of the ones that are already in the system. We have to use that money to only work on the existing roads.

Ms. Foulds stated we can always go back for urban money.

With no further discussion on Resolution - #44-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Request by the Virginia Department of Transportation to Accept Certain Streets into the Urban Highway System was Approved.** *Mr. Ridgely was absent from the vote.* *Motion Carried.*

**AGENDA- #46-11**

**RESOLUTION – ADOPTION OF THE NORTHERN NECK REGIONAL WATER SUPPLY PLAN**

**WHEREAS**, the 2003 Virginia General Assembly identified the need for a regulation for comprehensive water supply planning to protect water supplies for the future economic vitality and public health of the Commonwealth; and

**WHEREAS**, the State Water Control Board responded to this mandate and adopted regulations on June 28, 2005 requiring all local governments and regional entities to prepare local and regional water supply plans; and

**WHEREAS**, the Local and Regional Water Supply Planning Regulation 9 VAC 25-780-10 et seq. requires that the plan will include 1) a description of existing water sources, existing water uses, and existing water resource conditions; 2) an assessment of projected water demand; 3) a description of water management actions including drought response, contingency plans, and other water demand management information; 4) a statement of need and an analysis that identifies alternatives to address projected water supply deficits; and 5) maps identifying important elements of the program such as existing water resources, proposed new sources, and significant existing water uses; and

**WHEREAS**, the Northern Neck counties and towns determined that it is orderly and efficient to pursue water supply planning on a regional basis; and

**WHEREAS**, the Northern Neck localities authorized the Northern Neck Planning District Commission to administer and coordinate a regional water supply plan with financial assistance from VA DEQ's water supply planning assistance grant program matched with local funds to help defray the costs of plan preparation and compliance with the regulations; and

**WHEREAS**, the Northern Neck PDC contracted with EEE Consulting, Inc. to assist in that effort; and

**WHEREAS**, the Northern Neck Regional Water Supply Plan has been completed and approved by the Virginia Department of Environmental Quality; and

**WHEREAS**, the Town of Colonial Beach has conducted a public hearing consistent with Section 15.2-1427 of the Code of Virginia on the Northern Neck Regional Water Supply Plan Program which includes adoption of an ordinance necessary to implement the drought response and contingency plan.

**THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council hereby confirms its participation in the Northern Neck Regional Water Supply Planning effort and approves the Northern Neck Regional Water Supply Plan.

Motion was made by Ms. Payne to approve, seconded by Mr. Lyburn. With no discussion on Resolution - #46-11, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Adoption of the Northern Neck Local/Regional Water Supply Plan was Approved. Mr. Ridgely was absent from the vote. Motion Carried.**

#### **AGENDA - #47-11**

#### **RESOLUTION –APPOINTMENT OF TOWN MANAGER, VAL FOULDS, AS TOWN'S AGENT FOR DISASTER ASSISTANCE REQUEST**

**WHEREAS** on August 26, 2011 the Director of Emergency Services for the Town of Colonial Beach declared a local emergency for anticipated damage from Hurricane Irene; and

**WHEREAS** this Emergency Declaration was subsequently approved by the Colonial Beach Town Council in a timely manner in accordance with state law on September 8, 2011; and

**WHEREAS** the Colonial Beach Town Council seeks to obtain any and all state and federal funding available to Town residents as a result of Hurricane Irene.

**NOW THEREFORE BE IT RESOLVED THAT** Val Foulds is authorized to execute on behalf of the Town of Colonial Beach, the request for disaster assistance for FEMA-4024-DR-VA (Wind Storms, Heavy Rains and Flooding Associated with Hurricane Irene) that occurred between August 26, 2011 and August 28, 2011. Ms. Foulds is authorized to file such application in the appropriate State office for purposes of obtaining Federal financial assistance under the Disaster Relief Act (PL 288), or relief otherwise available from the President's Disaster Relief Fund and Ms. Foulds is also authorized to provide necessary documentation and materials to the State and the Federal Emergency Management Agency for matters pertaining to FEMA-4024-DR-VA and to fulfill assurances and agreements contained in MA Form 90-63, Mar 81 as provided by the Virginia Department of Emergency Management Public Assistance Branch.

Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no discussion on Resolution - #47-11, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Appointment of Town Manager, Val Foulds, as Town's Agent for Disaster Assistance Request. Mr. Ridgely was absent from the vote. Motion Carried.**

#### **AGENDA - #48-11**

#### **RESOLUTION – AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH DAVENPORT & COMPANY, LLC FOR UTILITY FINANCIAL ADVISORY SERVICES**

**WHEREAS**, the Town Council is committed to providing the best possible infrastructure for the health and welfare of its citizens, businesses and visitors; and

**WHEREAS**, the Town wishes to continue its improvements in upgrading and replacing water lines throughout the Town and to also continue with the rehabilitation of the sewer collection system as part of the ongoing work being performed by Dewberry, the Town's consulting engineers; and

**WHEREAS**, the Town Council wishes to take a holistic approach to financing the needed projects and to pursue same in a timely manner.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday October 13, 2011, authorizes the Town Manager to execute the Letter Agreement (attached) with Davenport & Company, LLC.

Motion was made by Mr. Seeber to approve, second by Ms. Payne.

Mr. Seeber stated there is a \$25,000 not to exceed fee. Davenport will go through all of the existing debt to determine the best route for the Town to take. They have the experience and time we don't have to get this done.

With no further discussion on Resolution #48-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mayor **aye**, motion carried and the **Authorization for the Town Manager to Execute an Agreement with Davenport & Company LLC for the Utility Financial Advisory Services was Approved. Mr. Ridgely was absent from the vote. Motion Carried.**

**BOARD OF SUPERVISORS:**

Mr. Roberson stated you mentioned the roads, so you will no longer be under the revenue sharing with the County. That will end in July when you take the roads over. You can apply separately but your percentage rate just went up from 25% to 50%. They will still work with you on it. I was going to ask if you have gotten everything ready for Meadow Avenue, all the right of ways, etc. so they can move quickly when they decide to. I did ask them why they are milling all of Route 205 when the roads in Colonial Beach are worse than the Route 205 roads. They said it is a primary road and that is all they are going to do is primary roads. They might do 205Y, Colonial Avenue. The County has some of the same problems with their radio system as your police department. A radio system for fire, rescue and all of that, the company is no longer in business. Motorola won't guarantee that equipment anymore. The County is in the process of spending \$105K for the new radio system. It should not have any effect whatsoever on your police department or anything else. You didn't have so much trouble up here as in the lower end of the County. Last year the General Assembly passed a law allowing the government to suspend or do away with how he saw fit on State mandates. There are 687 mandates and the County is putting together a list to give to the governor of what we probably should do away with. I am basically talking unfunded mandates as the State requires us to do but doesn't give us any money to do it. I strongly suggest the school system and you all get together also to jump in on it and maybe we can twist the governor's arm to save us some money in the future not only with schools but with the other stuff.

Ms. Foulds stated she had shared that letter from the governor with Council.

Mr. Seeber stated on the 205Y, one of the guys talked to VDOT and they said they were going to rip up 205Y the next day which they obviously didn't do. That is not going to happen in the near future is it?

Mr. Roberson responded he was under the impression it was, yes. I can't tell you when but they are already paving at the lower end and milling all of this and it is part of this job from what I understand.

Mr. Seeber stated so we get to rip it up again next year when we get the water pipes in after we talked to them for a year and they weren't going to do it until afterwards. Getting 5% done is better than anything and we would probably never get them to do it again.

Mr. Roberson wanted to know if the Town and the County could have the ground up asphalt because it makes an excellent base for some of the roads that aren't paved.

#### **CLOSED MEETING:**

Mayor Rummage called for a motion to convene to Closed Meeting pursuant to Virginia Code Section 2.2-3711 (A) (1) for discussion concerning the hiring of a Town Clerk.

Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With all aye votes the motion carried. *Mr. Ridgely was absent from the vote. Motion Carried.*

Mayor Rummage called for a vote to convene to open session. Motion was made by Mr. Seeber, second by Ms. Payne. With all aye votes the motion carried. *Mr. Ridgely was absent from the vote. Motion Carried.*

Mayor Rummage called for a motion to certify that only matters discussed in Closed Meeting were pursuant to the appropriate Virginia State Codes.

Motion was made by Ms. Payne, second by Mr. Lyburn. Mayor Rummage called for a vote. Ms. Payne **aye**, Mr. Buzby **aye**, Mr. Lyburn **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the Town Council certified that only matters discussed in closed meeting were pursuant to the appropriate Virginia State Codes. *Mr. Ridgely was absent from the vote. Motion Carried.*

Ms. Erard spoke regarding the Freedom of Information Act and how emailing was considered a part of the Act. There are two cases where it talks about whether emailing constitutes a public meeting. Both cases to date say that it is not. One was Becky Shelton out of Fredericksburg and then in August there was a Circuit Court Case out of Fairfax that said emails which were even a minute apart still did not constitute a meeting. However, Maria Everett at the FOIA counsel is concerned that one day the right set of facts is going to appear before a court so she cautions us about sending these group emails. One of the ways to do that is if you need to communicate is maybe for everyone to send an email to the Town Manager rather than sending it out to the group as a group discussion. When you hit Reply All it goes to all of Town Council. You would be better off to address the email to one person and carbon copy the rest.

Mr. Seeber contested the facts since it had been to court twice and there are too many rules.

Ms. Erard stated this is what the FOIA counsel is recommending. On a Saturday night, at 11:30 I will get all of these emails. I will say Buzby is not doing anything, Seeber is not doing anything, Payne is not doing anything. The only one I don't get anything from is Burkett and Mike.

Mayor Rummage asked is that because of no signatures?

Ms. Erard responded no, I think it is because they haven't had the right set of facts. At one point I think they probably will.

**RECESS/ADJOURNMENT:**

Motion was made by Ms. Payne to adjourn the regular meeting of Town Council on Thursday, October 13, 2011, second by Mr. Lyburn. All aye votes carried the motion and the meeting was adjourned at 8:20 p.m. *Mr. Ridgely was absent from the vote. Motion Carried.*

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor













