

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, AUGUST 13, 2009 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

**MAYOR:
VICE MAYOR:
COUNCIL:**

**FREDERICK C. RUMMAGE
TRISH KING – *absent*
DAVID COOMBES
STEPHEN KENNEDY
BURKETT LYBURN
KAREN PAYNE
RONALD RIDGELY
VAL FOULDS
ANDREA G. ERARD
JOAN H. GRANT
BARBARA A. GOFF**

**TOWN MANAGER:
TOWN ATTORNEY:
CHIEF FINANCIAL OFFICER:
TOWN CLERK:**

CALL TO ORDER:

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, August 13, 2009 at the Colonial Beach Town Center.

PRAYER AND PLEDGE OF ALLEGIANCE:

The Prayer and Pledge of Allegiance were recited.

ADDITIONS TO THE AGENDA:

There were no additions to the agenda.

ADOPTION OF THE AGENDA:

Motion was made by Mr. Kennedy, second by Ms. Payne. With no objection from Town Council the adoption of the agenda was approved. *Motion Carried.*

APPROVAL OF MINUTES:

Mayor Rummage called for a motion to approve the minutes of the regular meeting of Thursday July 9, 2009. Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no objection from Town Council the minutes were approved as presented. *Motion Carried.*

COUNCIL REPORTS:

Public Works Committee: Ms. Payne reported the Public Works Committee had their first meeting on July 30th and it was attended by Council Members as well as staff. I would like to encourage the public to attend the next meeting. The items we are looking at are: updates on the wastewater treatment plant facility upgrades; water and sewer issues; streets and roads; buildings and grounds issues; Public Safety Program; purchasing or leasing a new pump truck; installation of water meters and trash pickup. Ms. Payne encouraged everyone to attend and stated there is a period during the meeting for public comment.

Budget Committee: Mr. Ridgely reported we had a report from Ms. Grant and Ms. Foulds on the audit recommendations. They are moving forward with those. There was discussion about the agreement we had with the Bright System. Ms. Grant stated she was not comfortable with the way things are going. Ms. Grant stated she has to post items manually. Expenditures were not done. Council does not want the level of details coming in on budget reduced in any way. They want to keep them as detailed as they are now. Council discussed the liability. We discussed month to month appropriations rather than quarterly. We discussed the amount of work and overtime being worked by Ms. Grant and her staff to keep things afloat because they are not getting things in a timely manner.

Economic Development: Mr. Kennedy reported some of the issues discussed were the sale of Town-owned property. There is also an opportunity for next summer to bring the APBA which is the National Watercross Association Championship Circuit here and would take place at the end of July of next year. Racing enthusiasts would be on hand for 2010 APBA Watercross National Tour. In addition to the spectators, millions of others will read about the events in the magazines, local newspapers, hear about it on the radio and see it on national television. This is a great time for us to promote Colonial Beach and create some much needed economic revenue here in Town. It does not come without a cost. I think Mr. Roberson has been in some conversation with Mr. Geddes.

At this time, Mr. Geddes stated we have had Jet Ski races here on the river before but those were regional and local. This is actually a national event. They have seven races and the races are held in round 1 & 2 in Arizona, round 3 & 4 in California, round 5 & 6 in Dallas, Texas, round 7 & 8 in South Carolina, round 9 & 10 will be in Michigan, rounds 11 & 12, the east coast to be determined. That can be Colonial Beach. I think it is self explanatory why we would want that event here. There will be a huge impact on the local economy. Participants will spend money on food, fuel, lodging, miscellaneous items and it has a direct impact to the cities and their local merchants. The average national tour event will be in the hundreds of thousands of dollars to the local community. Some of the people have already been taking pictures and taking measurements to see if we qualify. They will be signing a contract for this event. The event cost \$20K. We feel if we can partner with the Town and with the County and we can raise these funds, it would be a great event for the Northern Neck. With your cooperation, we should be able to do that.

Mayor Rummage stated with you heading up the fundraising, I would have no question whatsoever.

Mr. Geddes stated you will have to write a check for about \$10,000.

Mr. Kennedy encouraged the members of the Council to look at this long and hard and wherever we can find this money, it would be a great opportunity and one we don't want to miss. This will bring much needed exposure to this Town in a positive manner and

bring a lot of good economic dollars here. I would ask Mr. Roberson to encourage his coworkers.

Mr. Coombes stated the event here would be the National Semi-finals.

Mr. Geddes responded yes, the last event before the finals. The final will be in Tennessee. We are looking at the last weekend in July or the first two weeks in August.

Ms. Payne asked if the Chamber needed a commitment from the Town Council prior to signing the contract next week?

Mr. Geddes responded our first meeting with these people will be August 19th at 6:00 p.m. at the Chamber Building. I have been following this extensively and we have been researching it for the last three months. This is a great event for the Town and a great event for everybody. We are asking the Town Council for their help on this. If the Council turns it down, I can tell you the Chamber probably will go ahead with it.

Mayor Rummage stated he was sure we will do everything to help. We certainly favor this sort of thing.

Public Safety: Mr. Lyburn thanked everyone who attended the last Public Safety Committee Meeting. There were a lot of concerns and ideas that we will try to correct. Castlewood Park has been closed due to renovation. It is a safety hazard and it will be open after repairs. It will be open but we cannot give you a time and a date as of right now. Golf carts – we still have teenagers driving golf carts without a driver's license. Please tell your daughter, son, nephew to not drive the golf cart because they will get caught. They are out late at night when they have no business being out that late and the people in Town have been very cooperative keeping a watch on one another. Going back to the July 4th holiday, everyone cooperated and it was very well organized. We had little incidences going on. My main thing is safety. You have to have safety amongst everyone here in Town. We don't want anyone to get hurt unnecessarily. Fishing on the rocks – please tell your friends not to fish on the rocks. It is a safety hazard. There will be signs posted in the near future about that. The Town pier – please be careful on the Town pier. I went out there the other night and there were about 50 people on the Town pier and there must have been 300 rods out there. Everyone can't fish off the Town pier at one time. Please try to limit your fishing to two rods per person. There will be an ordinance about that. Things are going well, but there are things that need to be corrected and we are going to start here to make everyone in Town aware.

Mr. Kennedy chaired the last Public Safety Meeting and stated his major concern is we don't know how to manage the amount of people coming to this Town. I don't know how many of you saw the news report they did on Channel 9. A lot of this has to do with the recession. People are not traveling very far anymore. They are not taking vacations. They have found an alternative and it is beautiful Colonial Beach. They have come in droves and they have a good time, the same way we want everyone to come and have a good time, but there were just too many people. We didn't have the resources or the

tools to manage that. We had to take the measures that we did at that time and I hope everyone understands. We knew we were going to have to inconvenience some people at that time and we tried to keep the inconveniences down. Castlewood Park was closed for a number of reasons. Some of it will be resolved. Mr. Murphy is working with some people to get trees trimmed. The fence is in bad shape. Preventive maintenance is needed for the playground equipment. Mulch will be put down. We can't do it all in short order. That park will be opened back up. It is not shut down for any other reason only that we need to get our parking ordinances correct to make sure we are doing the right thing. The taxpayers of this Town are my primary concern and their health and well being.

We have had one child who was hooked in the teeth with a fishing rod. We don't want that. We have to make sure the sun bathers and the people who use the beach have the same opportunities as everyone else. These are all safety issues. We will continue to work on this. Mr. Kennedy encouraged everyone to attend the Public Safety Committee Meeting.

Mr. Lyburn announced that the Public Safety Committee Meeting for August will be held on Wednesday, August 26, 2009 at 6:00 p.m.

Mr. Lyburn also encouraged everyone if they see anything that needs to be corrected, to please let the Town know so we can take care of it. We can't be everywhere all the time.

Chief Hawkins reported:

- Prisoners will finish painting the museum
- Neighborhood Watch started up about two or three weeks ago and is doing good – 15 citizens signed up to participate. We document every time a Neighborhood Watch call comes in. It has been very productive
- The police department is moving next Wednesday to the new building. Verizon will move 911 and we will shut everything down. The County will handle our dispatch for that period of time during the move. We had everything transferred up there
- Crime & Grime Program – effective in an area of Town where there are specific problems. Cleaning up a corner or a lot where the problem exists, will make things easier to turn a corner on the enforcement side. It is a joint effort with the Public Works Department

Colonial Beach Rescue Squad: There was not a report.

Colonial Beach Fire Department: Mr. Kern reported for the month of July there were 10 fire calls, 27 EMS calls, 4 accidents and 4 boat calls. We also did 4 smoke detector inspections. If assistance is needed, call the station and ask for the Assistant Chief and someone will be there within 48 hours to inspect the detector. We have the 911 markers

for sale for your home. They are visible for two blocks and are essential in an emergency.

MAYOR'S REPORT: Mayor Rummage at this time introduced Dr Donna Power-Superintendent of the Colonial Beach School System.

A proclamation for National Night Out was presented to Chief Hawkins.

Employee Service Awards were presented to Mr. Rob Murphy, Ms. Donna Mason, Mr. Stanley Stokes and Ms. Montgomery for five years of service.

TOWN MANAGER'S REPORT: Ms. Foulds introduced Gary Mitchell, from the Building and Zoning Department. He is the newest member of our team and comes with plenty of experience.

SEAN TRAPANI – VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Trapani reported there were budget shortfalls right now and things are pretty tight. I want to assure you that our concerns and main focus are on safety items and emergency response. We are still there for snow removal and hurricanes. On the maintenance side of the house are the pavements and drainage. As you noticed we have reduced the amount of mowing we usually do. August 24th will start the next phase of mowing. We are not using contractors. The mowing starts at the King George County line and working our way to Lancaster. Last week we had a public information meeting for the Route 205 proposed bridge project. We had a good turnout and comments seemed to be very favorable on our timed proposal for completion. The scope of the project decreased a little bit from what was originally proposed. Our main focus right now is the bridge – the Tidemill Bridge. The next step is for more design. Basically when you go to the public information phase it is with very minimal design. At the public hearing, we will have the exact information on the right-of-way, guard rails, pavement and so forth. We will need your Town facility when it is time for a public hearing. You were successful in getting the golf cart crossing on Route 205. Everyone should be aware that is only to *cross* Route 205. Do not travel on Route 205. I would like to encourage you to pursue getting the Enhancement Grant. It might be an avenue to procure funding to do trails. There are several funds available for grants which require a match. Maybe we can come up with a concept to modify trails up to Route 205. I would like to pursue that and get Ms. Foulds the information she needs to get started. It takes time, but hopefully we can walk through it and be successful in getting a grant for a nice trail. Hopefully you will be passing a resolution to bring Santa Maria into the State system.

Mayor Rummage asked if there was a date certain for the paving of Santa Maria Avenue?

Mr. Trapani responded it comes to me and then to the Commonwealth Transportation Board. I had hoped we would be successful in getting it on this month's agenda for the CTB, because they need a month, but I don't think we will be able to. It will probably be the September agenda. Then it becomes an administrative passing into the system. As soon as the road is in the system, that is when I start the permitting and start developing a

schedule to do construction of the road way. I will keep you informed on the set schedule.

Ms. Erard stated there was some discussion at the last meeting and I don't know if you have had a chance to talk with Mr. Roberson about exactly how much of Santa Maria was going to be paved at this time.

Mr. Trapani responded we can go down as far as the original estimate to Wakefield. You have gotten your right-of-way work done for the main area. We did a conservative estimate when we applied for the grant because we cannot exceed the estimate. Basically what we will we do – we will construct the first section and any balance we will come to you and say you have this much left, what do you want to bring in next? Your right-of-way work is done and all you will have to do is pass a resolution to bring the next phase in.

Mayor Rummage asked in your professional judgment, how much of Santa Maria do you think can be finalized in this first endeavor?

Mr. Trapani responded to Stratford Street. That is the current estimate and that is what you applied for. If there is a balance, we will continue further.

Ms. Foulds reported yesterday we had our second financial audit for the wastewater treatment plant. The upgrade cost is over \$8 million dollars, \$6 million dollars of it was the grant fund. We had everything that they needed. They were very impressed and I am delighted to say we passed with flying colors. We are almost there.

Mr. Murphy stated currently all equipment is in operation. We are still doing a few adjustments on the control system. That is basically calibrations to make sure all of the electronic equipment is matching up with the readings. The ultraviolet inspection is in operation. All in all it is going very well. The grass will be reseeded next spring. Next spring we are punching out the last few items. Everything seems to be operating well. All the tests are coming back well which was the intent of the project.

Ms. Foulds stated Rural Development asked for an extension to deal with the inflow and infiltration with the sewer lines. We are expecting a six month extension for that.

CHIEF FINANCIAL OFFICER'S REPORT: Ms. Grant reported:

- Main Checking Account - \$619,857.92
- Checking Account Balance - \$1,526,968.00
- June Revenue & Expenditure Report should be ready tomorrow morning

TOWN ATTORNEY'S REPORT: Ms. Erard reported she had been working on:

- Flood Plain Ordinance
- Bylaws & Procedures revisions
- Other resolutions for the agenda
- Santa Maria Resolution
- Coffman Closing – Closing is scheduled for Friday

COMMISSION REPORTS:

PLANNING COMMISSION:

Mr. Coombes stated that he did not have a report for the Planning Commission because they did not meet this past month.

BOARD OF SUPERVISORS: Mr. Roberson reported:

- The last easement of the sewer system at Oak Grove. As soon as that is taken care of, it will then go to the engineers to design a final plan which the State has to approve
- The County and the highway department approved the next section of roads to be paved at the lower end of the County. Colonial Beach is not in the plan
- Rod Run this weekend

COLONIAL BEACH SCHOOL BOARD: Mr. Looney reported that the school system now has a new superintendent – Ms. Donna Power. There is a belief in Town by some people that the current School Board can't agree on anything and this is a good example of contradicting that belief. We all were unanimous in our enthusiasm and support of Dr. Power. She spent the last year as assistant superintendent of Mathews County Public Schools, but she actually hails from Staton Island New York. She intends to make these reports from now on to the Town Council.

At this time Dr. Power thanked the Town Council for the opportunity to speak and stated she would like to be given the opportunity and privilege of being part of this Council each month by giving the School Board report from now on. My responsibility as superintendent is not only to provide an incredible academic instructional program so every student in Colonial Beach can grow up and be somebody, pursue higher education, vocational training, experience it and return home so they can be a valid citizen and member of our community. Part of my responsibilities are to impress on the children that they live in an incredible area. Sometimes when you live somewhere for a long period of time we forget just how beautiful it is. When I first came for my first interview I was blown away at how beautiful this community is. I thought Mathews is pretty. You have a rural community surrounded by white sandy beaches. You have an entire growth of people who are involved. People talk about your community with pride and with honor. My job is to create citizens just like you. My job is to work with the children and to bring back to the community your greatest asset which is the children of this community. My program is to include having children to come to the Town Council Meeting. I would like to ask the Council to consider five minutes of each Town Council Meeting for two or three children to be allowed each month to present a Minute in Colonial Beach history. It is a research project that would be review for certain events. It could be someone important. I don't know if golf carts would meet my criteria. Something that has made this community first of all the best kept secret, and also that we as adults can role model for our children what their role is to be when they grow up. I can't fix what has gone on before, but I can be part of the working solution. I met Val and have expressed my desire to work closely with her. There isn't anything we can't make better

because if that is not the message that we give our children, then we haven't done our job as citizens of this community. I look forward to partnering with you. My one request is if you could move me up in the agenda a little closer to the front, as my second, third and fourth graders who will joyfully come up and present their Minute in Colonial Beach have to be in bed by eight o'clock. I look forward to meeting each one of you personally. Please call upon me. I will be an active member of your community. I am in transition of finding a house, a farm to be here on a daily basis to be involved.

At this time Mr. Tim Trivett, Chairman of the School Board, spoke and stated unfortunately I could not be at your budget committee meeting. We were in the process of doing interviews for a superintendent. I think that we made an excellent choice. I think this community will actually be overwhelmed by her enthusiasm, her professionalism, and you will have the same impression in a very short manner that we did. I am really excited to work with her. It is going to be hard for me to let go of the daily business and let her do it because that is her job and I have been doing it for a year but I am sick of it, but I know that she will be able to handle it and I will just have to step away from it and let her do that. A few comments I would like to make about that meeting – first of all I want to say a quote that was sent to me by somebody. I have been pretty upset about this meeting that took place. I want to be professional here tonight and do the right thing, but I do want to answer some of your questions. Somebody sent me a saying which stated, “Right actions for the future are the best apologies for wrong ones in the past”. I have tried every day this past year to do everything to please you as a Council. Mike has attended almost every one of your meetings and we have attended several of your meetings together. We tried to keep you informed of everything we were doing. We work very closely with your finance office and with your other staff. We tried everything in the world to be as professional as we can and to give you what you want. I have to tell you, you cannot micromanage the School Board or the School System. I don't know why some of you think that you can, but you can't. That is why we are here. The people voted us in to do this job. We have members that they voted out because they weren't doing the job. All of you know since I came on this Board, we have new superintendent, we have a new finance director and we have four new board members. We have a new HRO specialist. We have replaced everybody and I think we have done a good job. We know we had problems when we came on this board, but we have done an excellent job of trying to straighten them out. It has taken a lot of work. I don't know what else I can do to please you, but it just doesn't seem after looking at that tape, it really concerned me. First of all it challenged my integrity. Some of the members said I made statements, which I had, they are exactly right, but they said I had no intentions of ever going to the Bright System which is absolutely false. The auditor met with me when she was doing this audit and she was being very kind when she said, I am going to talk to the Council and tell them let's move in the future and forget the past. The reason she said that was because the people who were on this Council is 2005, 2006, 2007, 2008 when the Town was spending money that they didn't have for the School System, you were every bit as responsible as they were because you oversaw the budget, you oversaw the money. Somebody failed the School System just as well the School System failed the voters. You are just as much responsible and you don't want to take that responsibility. On the video you all asked Ms. Grant some questions about the

School System and she said she could not answer for the school and then for the next hour you had her answering for the school. That was very unfair to her. She knows that our system crashed and I call it a system because it was a DOS system and it should have crashed years ago. But it did crash, and we have really tried hard to get something on line immediately that would work for us so we could pay our people. One of the members said something about a mob in front of the School Board Office. We always have a hundred employees coming to get their checks. The first month the system made a lot of mistakes because we didn't have W-2's, we didn't have information that we needed on deductions. The checks were wrong and we voided a lot of checks. Joan worked very closely with us and helped us redo those checks and get them right. The second month we had three checks that were voided and that is when Ms. Payne made the comment you mean you had to work overtime to sign three checks. It was three checks and we asked her to change those during the day. I don't know what I can say to help you to move forward on this, but I would sure like to figure out how to do it. We are trying our best to do what we can do. I want to solve these problems just as much as you do, but when I looked at the end of that tape, that was the thing that really interested me the most. I wish it had been said first and maybe there wouldn't have been so many negative comments. At the end of the meeting, Ms. Grant handed out a piece of paper which said you were \$266,000 in the deficit in the General Fund and that you were \$139,000 in the deficit in the Water & Sewer Fund, which equates to about \$405,000. So that means you were in the red \$405,000 and Mr. Coombes made the comment, I understand that we had more expenditures than we had revenue. Well, that is what happened to the School. The School did the same thing. They spent money that they didn't have. We have tried extremely hard to make sure that didn't happen this year. Then the next comment was the School is in the black around \$139,000. I think Mr. Coombes asked what we can do to solve this problem. I am going to quote you exactly what she said. She said that the daily operations have taken a huge hit. I do understand that things are different. They are, we have a new finance director. Mr. Coombes said "what do you recommend to solve the problem"? Response: "I recommend that expenses be posted by category. Council changed it in 2005 to line by line". Therein lies the biggest problem. It is time consuming for both sides. "There have been no overdrafts from the school". Mr. Coombes then said, "don't relax the detailing". That video shows that we have made every effort in the world to work with this Council. I don't know what else to do because you don't want to work with us. That is what I conclude by looking at the video which everyone should watch. It was quite a meeting. I wish we could have been here to defend ourselves. I am here tonight and I would be glad to answer any questions and try to defend the school. I love the school system and I have said it so many times. I apologize to you because we didn't go to the Bright System but we realized when we came to the budget meeting that you weren't going to fund the \$70,000 that we needed to upgrade to the Bright System to where it was school compatible. We realized the \$50,000 and someone made the comment that we don't have any employees who make \$50,000, why would they want that. You also have to add 30% on for benefits. That is where the \$50,000 figure came from. It wasn't a \$50,000 salary, plus benefits. That figure included the benefits. Every meeting that I have had even with Trish and the Mayor we said we have to have this funded. All of a sudden, \$187,000 was cut from our budget. If we took the other \$70,000 and \$50,000 from our

budget, we would probably have to lay someone off to do it. We are not overstaffed as one of you made a comment. We multitask and someone said that is a new concept. We have employees who work 12 to 14 hours every day at that school system. They give everything because they absolutely love it. They don't get compensated like they should get compensated. You know they haven't gotten raises this year. We know that we are in a tough budget crunch but we have to get along. I'd do anything in this world to make that happen. The auditor said, we don't do anything to make money. Our money comes from the State, Federal government and you. Someone else made the comment about the Activity Funds at the schools. Those funds are being used for activities only. If I could write you a check tonight for \$600,000, I would love to do that. That would put this to rest. We know that is not possible, but we think we are giving you back this year over \$100,000. We had a lot of expenses at the end of the year, but I made sure we were in the black and not the red. I worked very hard at it. I think the people in this Town recognize that. I wasn't alone. The whole Board has to take credit for that. We want to do the right thing and you just tell us what it is you want us to do and we will do it. We had to go to an accounting system and we did. It is going to work for us. The Bright System wouldn't without having another person to do State reporting as well as your reporting. If you go back to the category like your finance director suggested, and you have people in the right positions which we do to make sure that it never happens again and you oversee that like you are tasked with doing, we are not going to have a problem. I can promise you that. We give her the figures with every check. We give her the check and the register. It is very simplistic.

TOURISM COUNCIL: Mr. Edwards reported the officer's for Tourism this year are Rosemary Higgs, President; Tommy Edwards, Vice President; Helen Moffett, Secretary and Barbara Cooper, Treasurer. The Tourism Center is still seeing a increase of visitors. July's count was 466 people who stopped by seeking information. There were a number of people coming to Colonial Beach for the first time and some that hadn't been to Colonial Beach in years and they all said that they would return. A number of visitors heard the Colonial Beach advertisement on the radio. Tourism is in need of more members and if you are interested in becoming a member or know someone who is interested please come by and check us out. We meet, greet and answer questions for the visitors and give them information regarding upcoming events, hotels, restaurants, cottages to rent, and other things that will be happening in Colonial Beach. Remember Tourism has CBVA decals, t-shirts, collared shirts and caps for sale. Tourism is open Fridays from 1:00 to 4:00 p.m. Saturdays from 10:00 a.m. to 4:00 p.m. and Sundays from 10:00 a.m. to 4:00 p.m. On holiday weekends Tourism will be open on Mondays from 10:00 a.m. to 4:00 p.m. Again thank you for the help and support you've given the Tourism Advisory Committee.

PUBLIC HEARINGS:

ORD: #571 – REZONING OF ALL PARCELS OF LAND CURRENTLY ZONED COMMERCIAL GENERAL, C-1 THAT ARE SOUTH OF BOUNDARY STREET TO THE MARITIME COMMERCIAL DISTRICT

CAREY GEDDES: Mr. Geddes read the following letter:

Dear Mayor and Town Council:

We the Directors and Members of the Colonial Beach Chamber of Commerce are very concerned about the proposed forced re-zoning of healthy and viable Commercial Property south of Boundary Street known as the Point. The Planning Commission is basing this re-zoning on an outdated Comprehensive Plan and a false perception of the possibility of undesirable commercial activity being located on the Point. If this forced re-zoning is imposed, it would not protect the Town citizens' health, safety or welfare. In fact it will do the opposite. The forced re-zoning would restrict by right permitted commercial land uses to restaurant only; and, uses such as marinas, boat building and repair, seafood packing and other water-dependent retail uses would only be allowed at the whim of future Town Councils. Proponents of Maritime Commercial want to restrict business to existing uses (on a conditional use basis) and not to have the ability to grow and service the needs of an ever-changing business climate. The restriction of commercial uses within the (C-1) District will only make it more difficult for an entrepreneur to open a business within the Town limits. The Town Council should be examining ways to increase business opportunities which will reduce the tax burden on residents. The Council should not restrict commercial opportunity in areas that have had commercial operations co-existing with residential neighborhoods for over one hundred years. Colonial Beach's motto should be "The Town of Colonial Beach is open for Business" not "Open your business but not on prime commercial waterfront property." The Town Council should be working with the CBCC and businesses to increase opportunities not restrict them. There is an impression that all land values in the Town of Colonial Beach, prior to last year, had been increasing at record rates and that growth of development has kept pace, but for commercial property and new business starts the opposite is the reality. Now that the real estate market is at a 40 year low the forced down zoning of the General Commercial (C1) on the point to Maritime Commercial (MC) will further devalue land that is already difficult to sell. This devaluation will cause a depletion of businesses' primary assets. Businesses can only maintain and expand if the value of their land can be used as collateral. Down zoning of property that is already difficult to sell would have grave consequences on the Town of Colonial Beach's already sluggish retail and resort economy. This means all property values on the Point will suffer, and more of the tax burden will be on the residents. Proponents of Maritime Commercial want you to think this forced down-zoning is about the restriction of the development of condominiums and townhouses. This is false because they cannot be located in any C-1 District. So if you want declining property values and vacant commercial buildings, Maritime Commercial is the zoning change you want. If you want to keep the ambiance, character and higher property values that allow businesses to grow, revitalize, and service future needs then say "no" to rezoning. In summary, the Directors and Members of the Colonial Beach Chamber of Commerce: Do not support the re-zoning of commercial property south of Boundary Street to Maritime Commercial; do not support the concept of a Maritime Commercial District and do not support the reference to the restriction on waterfront commercial activity that is water-dependent or water-enhanced as presently called for in the outdate Comprehensive Plan or its current draft. Sincerely, Board Members, Colonial Beach Chamber of Commerce.

KYLE SCHICK – 901 IRVING AVENUE/1787 CASTLEWOOD DRIVE

Mr. Schick stated some of you have heard me speak on this subject before as this issue has been around for five or six years. Hopefully we can go forward and come up with something that is workable for the community as a whole. I appreciate your efforts. I appreciate the Planning Commissions efforts in this. There are some issues on the Point and other places in Town that need to be addressed. Any place that has a residential district next to commercial district there will always be conflict of views. This is not something that is exclusive to the Point. The conflict has been there for over 100 years and they have worked out rather well. There are other areas of Town that have this type of situation also. The thing about the Point, in some type of rezoning for Maritime Commercial, would be arbitrary and capricious because you are giving better benefits to R-2 folks on the Point then you are R-2 folks in the rest of the Town. You really have to look at what you are doing as a whole Town of Colonial Beach basis, not just one or two lots on the Point who may or may not be able to do. This commercial down zoning, you have to think what is it going to do for the Town of Colonial Beach. Is it going to create more wealth, create more jobs, is it going to increase property values? What is going to do for the tax base of Colonial Beach? It does none of those things. It doesn't do anything to produce jobs or bring in new businesses or bolster values of property of residences on the Point. The comparative property values on the Point are higher than most any place else per square foot than any other R-2 District in the Town. Why would we want to change anything? The ambiance of the Town on the Point is an excuse and it should stay that way. That is part of its charm. I think the idea of moving to some type of mixed use commercial district might be an option, but I think all of this can be done through text amendments in the C-1 area. I think mixed commercial use is the future for a tourist based society that we have here. We are not an industrial base. We are not an office base. We are a tourism based community. Mixed uses are important. Those things that this Maritime Commercial District would outlaw and not permit are vital for a mixed use area. Things like spa's and health clubs which are in the service establishment area, things like pools, racket ball courts, tennis courts which are in the commercial recreational facility area. Conference centers which are vital to a multi-faceted use which are hotels, combination restaurant/marina options which can not only be done on my piece of property but other large pieces of property on the Point would not be allowed. If you bring this in, you can't have these things on the Point. Someone said on the Planning Commission, let's go ahead and bring this on, we can always change it later. Why would we want to bring in something that doesn't work and have to go through the effort of changing it? It wasn't right to begin with so let's pull the plug on the tub and let the water out and then we can do what I said five years ago, and that is get people together with the Planning Commission, residents, businesses, Councilmen and come up with something that everyone likes first and then bring it to public hearing instead of bringing it to public hearing and we have never heard one person stand up in this microphone in the four or five hearings that we have had in support of Maritime Commercial. They have talked about the conflict and wanting to do something on the Point, to protect themselves against perceived negative commercial activity. We are talking theaters, shopping centers, parking decks go-cart tracts, bus stations, railroad stations, no one is going to take waterfront property and do these things. These things can be edited through text amendments. They don't have to be squashed with a sledge hammer. Please vote

this down – don't table it or do not, not vote on it – let's get rid of it, let's start from scratch and develop something that is workable for the whole Town of Colonial Beach.

LOUIS D. GRASSO – LA PLATA MARYLAND

Mr. Grasso handed out his resume which showed extensive experience in real estate, in particular marinas and mortgage finance. I am presently a member of the Planning Commission in Charles County. I am here in support of Mr. Schick's family contention that the present proposal to change his zoning would impact his value and ultimate use. He is not happy with the existent zoning because it doesn't include some of the uses that could be what he believes could be the highest and best use of the property, but I can tell you he is definitely opposed to the proposed zoning. We believe there are in the existing zoning uses that you don't want to see permitted within this zoning district. Rather than change the zoning ordinance as he has suggested, just use a text amendment. A text amendment is a simple change or addition to the zoning ordinance that limits or increases the uses can be used within that zoning ordinance. That is the simple way to do it and would avoid a lot of conflict.

RUSTY CURLEY – 554 LAFAYETTE STREET

Mr. Curley stated he agrees with pretty much everything that has been said so far. The only difference is I have a building at that address and I have been shucking oysters since 1932. I don't feel like we have caused any problems in Colonial Beach in that 70 some years. I don't know what we will do with the building. I could consider it office space but that would be eliminated. Perhaps someone would want to buy it down the road. It would certainly make it hard to sell. I just don't see where this encourages any form of business in Colonial Beach. It is just another stepping stone to down sizing what we need to improve. I think you should consider keeping it just like it is. If it is not broken, don't try to fix it.

CHARLIE ROBERTSON – 15 FIRST STREET

Mr. Robertson stated he read this tonight for the first time in depth – Article 5 – Maritime Commercial/MC District. The second sentence reads as follows: The purpose of this district is to provide sufficient space in the appropriate location for a variety of commercial activities related to water oriented uses. The first section under permitted uses kind of surprised me was Section 5-2 – Conditional Uses. Number B – boat building establishments; Number C - hotels and motels; Number D – marinas; Number E – seafood dining facilities; Number F – retail establishments. It seems unique that the intent of this rezoning is to encourage commercial activities related to water oriented uses and then you have to go through a conditional use permit to get some of these activities in place. Tonight Mr. Geddes announced the possibility of this Town hosting a Jet Ski Championship. My first thought was where are all of these people going to stay? How many motels do we have in the Colonial Beach area that will be able to support that kind of attraction? It is just a thought. Sometimes in my part time job I have people who come into the marina that I work in and ask because they have smaller boats where can we stay? The choices are somewhat limited. I find just as an example that hotels and motels having to go through an extra process may not be fulfilling the intent of what this particular rezoning is about. All it is doing is bringing up one idea right now, that need to

be considered in terms of what is the drawing power of this Town? What is the revenue producing source that you are trying to identify and grab a hold of – it sounds like it is mostly tourism and it is mostly oriented to the water. Yet you are going to start to rebuild some restrictions on what activities can be here. I think as some people have already identified that most of those who have spoken on behalf of “xing” this proposal out work the water through marinas, through boating events etc. These are the people who need to be drawn together with your planning group and rather than look at ways to restrict, look at ways to include, coordinate and expand the resources we have available.

Mayor Rummage stated for those of you who are waiting to see what happens to the Ordinance, it will not be voted on this evening.

Mr. Kennedy stated he would like to amend the motion.

Mr. Coombes stated he did not know anything about it not being voted on tonight. Where is this coming from?

Mayor Rummage stated read the resolution.

Mr. Coombes felt that one way or the other, I think it needs to be voted on.

Mayor Rummage stated I was told by our counselor that it would not be voted on, that there was going to be a motion to table the resolution this evening.

Mr. Kennedy stated and I am going to make a motion to amend that.

A brief recess was called at this time.

Mayor Rummage apologized and stated Ordinance - #571 would be voted on this evening. I presume whoever was pushing that had the votes lined up to do that. Apparently that is not the case and I will take full responsibility for making that statement

ORD: #577 AMENDMENT TO CHAPTER 7 OF THE TOWN CODE OF ORDINANCES – FLOOPLAIN ORDINANCE

There being no public comment, this portion of the public hearing was closed.

PUBLIC HEARINGS CLOSED.

**PUBLIC PARTICIPATION:
HANK WARD – 2800 DWIGHT AVENUE**

Mr. Ward stated the Town is beautiful and the ambiance in the Point area is quite an attraction. Although I don't own a boat, we like the environment. Having said this, we live in the area that we need a paved road. We all pay taxes. I would like to address the impact of not having a paved road. Shortly after we moved in there was an accident involving a child riding a bicycle who fell on the gravel and pothole. He broke his arm in

two different places. Children living there should have a right to have a safe environment to ride a bike since there are no sidewalks. The only place that they can ride a bike is on the gravel road. The ambulance responding was delayed because that section of Dwight Avenue was not connected on the other side. We have people living in the area who have heart problems. Gravel road with the ambulance driving fast is not a good combination for a successful ride and treating medical emergencies. I was told that the people on the Point do not want to pay for your roads. There are rumors around – the lots in that area have been paid for twice. Another rumor is that the Town gave variance to Hamlet Homes to build on an unpaved road. Paying taxes, we deserve better than what we get and what we currently have. I think all of the money that goes into the Town, we deserve that as well.

JEANNE CROCKETT – 2703 STRATFORD STREET

Ms. Crockett stated this is about the 10th time I have been in front of the Town Council. I have put up with these roads in Riverside Meadows for 15 years so it is not just the newcomers. I have no children in the Colonial Beach School System. I pay my taxes and I want to know what I am getting for them. As I see it, absolutely nothing. I am not as kind as the gentlemen before me because I am tired of it. At the last meeting in order to start Phase II, of course I am in Phase II, I would like someone to explain to me what my tax dollars are paying.

JOHN GRAY – 213 DOGWOOD AVENUE

Mr. Gray stated he had a complaint against Hamlet Homes in reference to their vacant lot right next to mine with the trash dumpster and the outhouse with no current construction being done. This is the second time that Hamlet Homes has left or abandoned equipment on that lot.

MIKE LOONEY – 3 MARSHALL AVENUE

Mr. Looney praised Janet Brown, the temporary Director of Finances at the Colonial Beach Public School and stated we owe her a debt of gratitude. She has been at that position since the beginning of June and works from 6:30 a.m. to 8:00 or later. Since we are using a four day week during the summer, it equates to around 50 or 60 hours a week. We also learned from someone at the Virginia School Board Association she is considered to be as good as anyone in the State at what she does.

CHARLIE ROBERTSON – 15 1ST STREET

Mr. Robertson stated the Chamber of Commerce produces a handbook that we use in our marina regularly. Any transient boat that comes in for a night or two nights they use it and we rely on it. The map in it, the listing of activities and the listing of resources for this Town is absolutely amazing and it simplifies for the visitor to this Town how to get around, where things are and how to get to them. Also, Kyle Schick, Michelle and Dave Johnson put on a heck of an activity called the Dog Days of August. The quality of effort and the project they provided were outstanding. We had almost 12 boats in our marina that came in just for that event. They spread that kind of business throughout the marinas in the bay this past weekend. Last year that activity was quiet, this year it was fantastic.

Those are the kinds of things we should be going crazy to grab hold of and bring into this Town.

SYLVESTER BROWN – 603 JACKSON STREET

Mr. Brown thanked the Colonial Beach Police Department on behalf of his mother Annie Brown.

WALTER KERN – 813 ROOSEVELT COURT

Mr. Kern stated he works at the 7-11. Anything that happens in Town, good or bad, in five minutes it is at the 7-11. A lot of people may not realize one of the activities that we do have in Town that is new this year, is a semi-pro football team. They play their home games in Colonial Beach. You would be surprised at the number of people who come into the store after the game. There is an average attendance of 200 people. We need to advertise activities such as that. Colonial Beach has a bad history of not being business friendly and we need to change that attitude.

Mr. Kennedy stated we all need to support the semi-pro football team.

With no further public participation, this portion of the meeting was closed.

OLD BUSINESS:

There were no issues to discuss in old business.

NEW BUSINESS:

ORDINANCE NO. 577

AN ORDINANCE AMENDING CHAPTER 7, “BUILDINGS AND CONSTRUCTION,” ARTICLE II, “BUILDING CODE,” OF THE COLONIAL BEACH TOWN CODE BY ADDING THE FOLLOWING SECTIONS: SEC. 7-30, “PURPOSE,” SEC. 7-31, “APPLICABILITY,” SEC. 7-32, “COMPLIANCE AND LIABILITY,” SEC. 7-33, “ABROGATION AND GREATER RESTRICTIONS,” SEC. 7-34, “SEVERABILITY,” SEC. 7-35, “DEFINITIONS,” SEC. 7-36, “DESCRIPTION OF DISTRICTS,” SEC. 7-37, “OFFICIAL ZONING MAP,” SEC. 7-38, “DISTRICT BOUNDARY CHANGES,” SEC. 7-39, “INTERPRETATION OF DISTRICT BOUNDARIES,” SEC. 7-39.1, “PERMIT AND APPLICATION REQUIREMENTS,” SEC. 7-39.2, “GENERAL STANDARDS,” SEC. 7-39.3, “SPECIFIC STANDARDS,” SEC. 7-39.4, “STANDARDS FOR APPROXIMATED FLOODPLAIN,” SEC. 7-39.5, “STANDARDS FOR THE SPECIAL FLOODPLAIN DISTRICT,” SEC. 7-39.6, “STANDARDS FOR THE FLOODWAY DISTRICT,” SEC. 7-39.7, “STANDARDS FOR THE SHALLOW FLOODING DISTRICT,” SEC. 7-39.8, “STANDARDS FOR SUBDIVISION PROPOSALS,” SEC. 7-39.9, “STANDARDS FOR THE COASTAL HIGH HAZARD DISTRICT,” SEC. 7-39.10, “VARIANCES: FACTORS TO BE CONSIDERED,” SEC. 7-39.11, “EXISTING STRUCTURES IN FLOODPLAIN AREAS.” THE PURPOSE OF ORDINANCE NO. 577 IS TO ESTABLISH

FLOODPLAIN DISTRICTS, REQUIRE THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDE FACTORS AND CONDITIONS FOR VARIANCES. ORDINANCE NO. 577 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA CODE SECTION 10.1-602 AND 44 CODE OF REGULATIONS 60.

BE IT ORDAINED by the Colonial Beach Town Council that Chapter 7, “Buildings and Construction,” Article II, “Building Code,” of the Colonial Beach Town Code shall be amended to add the following sections to read in their entirety as follows: Sec. 7-30, “Purpose,” Sec. 7-31, “Applicability,” Sec. 7-32, “Compliance and Liability,” Sec. 7-33, “Abrogation and Greater Restrictions,” Sec. 7-34, “Severability,” Sec. 7-35, “Definitions,” Sec. 7-36, “Description of Districts,” Sec. 7-37, “Official Zoning Map,” Sec. 7-38, “District Boundary Changes,” Sec. 7-39, “Interpretation of District Boundaries,” Sec. 7-39.1, “Permit and Application Requirements,” Sec. 7-39.2, “General Standards,” Sec. 7-39.3, “Specific Standards,” Sec. 7-39.4, “Standards for Approximated Floodplain,” Sec. 7-39.5, “Standards for the Special Floodplain District,” Sec. 7-39.6, “Standards for the Floodway District,” Sec. 7-39.7, “Standards for the Shallow Flooding District,” Sec. 7-39.8, “Standards for Subdivision Proposals,” Sec. 7-39.9, “Standards for the Coastal High Hazard District,” Sec. 7-39.10, “Variances: Factors to be Considered,” Sec. 7-39.11, “Existing Structures in Floodplain Areas.”

“Sec. 7-30. Purpose

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures, which are unsuited for, intended purposes because of flood hazards.

Sec. 7-31. Applicability

These provisions shall apply within the Town of Colonial Beach, Virginia (the "Town") and identified as being in the 100-year floodplain by the Federal Insurance Administration.

Sec. 7-32. Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- B. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this article shall be kept on file and maintained by the Town Manager or his or her designee.
- D. This article shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

Sec. 7-33. Abrogation and Greater Restrictions

Sections 7-30 through 7-39.11 supersede any other section of the Colonial Beach Town Code currently in effect in flood-prone districts. However, any other provisions of the Colonial Beach Town Code shall remain in full force and effect to the extent that its provisions are more restrictive than sections 7-30 through 7-39.11.

Sec. 7-34. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this article are hereby declared to be severable.

Sec. 7-35. Definitions

- A. Base flood - The flood having a one percent chance of being equaled or

exceeded in any given year.

- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- E. Breakaway wall -A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- F. Coastal high hazard area – A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing manufactured home park or subdivision - a manufacturer home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- K. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- L. Flood or flooding -
- a. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - (1) the overflow of inland or tidal waters; or,
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- O. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- P. Historic structure - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

- Q. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- R. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- S. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- T. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements

to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- U. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- V. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- W. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- X. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
- Y. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not

include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- Z. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- AA. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- BB. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 7-36. Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for The Town of Colonial Beach and Westmoreland County prepared by the Federal Emergency Management Agency, dated August 18, 2009.

1. The Floodway District is delineated, for purposes of this ordinance,

using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 40 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.
3. The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.
4. The Shallow Flooding District shall be those areas identified as AO or AH Zones on the maps accompanying the Flood Insurance Study.
5. The Coastal Floodplain District shall be those areas identified as coastal AE or A1-30 Zones on the maps accompanying the Flood Insurance Study. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.
6. The Coastal High Hazard District shall be those areas identified as V1 – V30, VE, or V Zones on the maps accompanying the Flood Insurance Study.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Sec. 7-37. Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this article and which shall be kept on file at the Town of Colonial Beach Building and Zoning offices.

Sec. 7-38. District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Sec. 7-39. Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Sec. 7-39.1. Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this article, the Virginia USBC, and any and all other federal, state and local applicable laws and regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable local, state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Sec. 7-39.2. General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the Virginia USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 7-39.3. Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.4 (A), the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot (12 inches) above the base flood elevation.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than 1 One (1) foot (12 inches) above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural

components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. in the Coastal High Hazard District, follow the standards for elevation outlined in Article 4, Section 4.9.
4. include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in this article.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either
 - a. the lowest floor of the manufactured home is elevated no lower than one (1) foot (12 inches) above the base flood elevation; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
 - c. and the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
3. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for manufactured homes in this article.

Sec. 7-39.4. Standards for Approximated Floodplain

The following provisions shall apply within the Approximated Floodplain

District:

- A. When base flood elevation data or floodway data have not been provided, the zoning administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of this article. When such base flood elevation data is utilized, the zoning administrator shall obtain:
 - 1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
 - 2. if the structure has been flood proofed in accordance with the requirements of this article, the elevation in relation to the mean sea level to which the structure has been flood proofed.
- B. When the data is not available from any source, the lowest floor of the structure shall be elevated to no lower than one (1) foot (12 inches) above the highest adjacent grade.

Sec. 7-39.5. Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the Town.

Development activities in Zones A1-30, AE, and AH, on the Town Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Colonial Beach Town Council’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Sec. 7-39.6. Standards for the Floodway District

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with

supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities, which increase the water surface elevation of the base flood, may be allowed, provided that the applicant first applies – with the Colonial Beach Town Council’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- B. If Paragraph A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Sec. 7-39.7. Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than one (1) foot freeboard above the highest adjacent grade.
- B. All new construction and substantial improvements of non-residential structures shall
 1. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least one foot freeboard above the highest adjacent grade; or,
 2. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- C. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

Sec. 7-39.8. Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Sec. 7-39.9. Standards for the Coastal High Hazard District

The following provisions shall apply within the Coastal High Hazard District:

- A. All new construction and substantial improvements in Zones V1 – V30 and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that
 1. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated above the base flood level by one foot freeboard; and,
 2. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).
- B. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this article.
- C. The zoning administrator shall obtain the elevation (in relation to mean

sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1 – V30 and VE. The Floodplain Management Administrator shall maintain a record of all such information.

- D. All new construction shall be located landward of the reach of mean high tide.
- E. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.
- F. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
- G. The use of fill for structural support of buildings is prohibited. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.
- H. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

- I. All manufactured homes and recreational vehicles to be placed or substantially improved within Zones V1 – V30, V, and VE on the Town Flood Insurance Rate Map on sites must meet the standards of this article.

Sec. 7-39.10. Variances: Factors to be Considered

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- F. The importance of the services provided by the proposed facility to the community.
- G. The requirements of the facility for a waterfront location.
- H. The availability of alternative locations not subject to flooding for the proposed use.
- I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

- M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- N. Such other factors which are relevant to the purposes of this ordinance.

Provided that a funding source is identified, the Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variations. Any variations that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Sec. 7-39.11. Existing Structures in Floodplain Areas.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an

extent or amount of less than fifty (50) percent of its market value shall conform to the Virginia USBC.

- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the Virginia USBC.

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

With no discussion on Ordinance - #577, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Amendment to Chapter 7 of the Town Code of Ordinances – Floodplain Ordinance was Approved.** *Ms. King was absent from the vote.* **Motion Carried**

AGENDA - #65-09

RESOLUTION – ADOPTION OF REVISED BY-LAWS AND RULES OF PROCEDURE

BE IT RESOLVED, that the Town Council meeting in regular session Thursday, August 13, 2009 hereby adopts the revised By-Laws and Rules of Procedure.

2009

BY-LAWS AND RULES OF PROCEDURE Colonial Beach Town Council

Preamble

The citizens and businesses of the Town of Colonial Beach, Virginia, are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence and integrity. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Colonial Beach Town Council has adopted these By-Laws and Rules of Procedure to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 Meetings

Section 1-1 Annual organizational meetings

A. The first July meeting of each year shall be known as the annual meeting.

B. The Council shall:

1. Establish days, times and places for its regular meetings

Section 1-2 Meeting Cancellations.

The Mayor may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

Section 1-3 Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places, as it may find convenient. A special meeting of the Council shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Council and the Town Attorney.

Section 1-4 Quorum and method of voting

A. A quorum shall consist of a majority of the members of the Town Council.

B. At meetings of the Council, the Mayor shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.

C. All questions submitted to the Council for decision shall be voted on by a roll call vote. The Mayor shall call for the vote and each member shall cast his vote. Any member of Council may also call for the question/move that the Council vote in accordance with Robert's Rules of Order.

D. It shall be the duty of every member to vote on issues before the Town Council. Each member shall vote by stating "aye," "nay" or "abstain." If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Mayor to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Council.

Section 2 Officers

Section 2-1 Mayor and Vice Mayor

The Mayor shall preside at all meetings of the Town Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and the Vice Mayor, the members present shall choose one of their members as a temporary Mayor. The Mayor and the Town Council shall determine the committees and the functions of each committee and the Mayor shall make all appointments to Town Council' committees, subject to the approval of the Town Council. Substitutes or alternates may participate only if so authorized by the Mayor and the Town Council.

Section 2-2 Preservation of order

At meetings of the Council, the presiding officer shall preserve order and decorum.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Town Council using the Rules for small bodies. The Town Attorney shall act as Parliamentarian to the Council. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the Town Attorney. If the Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian.

Section 3 Conduct of Business

Section 3-1 Order of business

A. At the Council's meeting, the order of business shall be generally as follows:

- Prayer
- Pledge of Allegiance
- Call to order
- Roll call of members
- Announcement of Absences
- Additions to the Agenda
- Approval of the Agenda
- Approval of the minutes
- Presentations
- Citizens Input
- Unfinished business
- New Business
- Items added by Council members
- Closed meeting (if necessary)
- Recess/Adjournment

B. Presentations are limited to ten (10) minutes each, but this time limit may be extended by agreement of a majority of the members of Council in attendance at the meeting. It shall be the responsibility of the Mayor to enforce this rule.

C.. Presentations by the public are governed by the following rules:

1. Comments by the public shall be limited to three (3) minutes for individuals and five (5) minutes for groups.
2. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card.

Section 3-3 Motions

A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.

B. The Mayor may make a motion without relinquishing the chair.

C. No member may speak a second time on a motion until every member desiring to speak has spoken.

D. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

Section 3-4 Appeal to Council

Any member of the Council may appeal to the Council from the decision of the Mayor on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Mayor. No second is required on a member's appeal.

Section 3-5 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended after a vote which indicates concurrence of two-thirds of the members present.

Section 4 -- Public Hearings

Section 4-1 Mayor to conduct public hearings

The Mayor shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings may begin with a brief presentation from a staff member and/or representative from the relevant board, authority, commission or committee by recognizing the Town Manager. The presentation shall summarize the facts about the issue. Council members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

- A. The Mayor shall open the public hearing.
- B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Mayor. Any and all representations made by the applicant or his representative to the Town on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Town.
- C. The Mayor shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes.
- D. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.
- E. Upon the conclusion of the applicant's comments, the Mayor shall close the public hearing.

Section 4-4 Members' participation

Council members shall withhold their comments in public hearings to ensure participation by the public without Council interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Mayor, no further public comments shall be permitted. Council members, however, may direct questions to the applicant, the representative of the relevant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 Debate

Following the close of the public hearing, the Mayor entertains a motion and a second to address the issue and the Council may debate the merits of the issue.

Section 5 -- Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3-1(A) entitled "Order of Business". The Town Manager shall coordinate the scheduling of items on the agenda with the Mayor.

B. Council members may request that items be placed on the agenda, for discussion, by contacting the Town Manager at least five business days prior to the Town Council meeting.. No such item shall be removed without the consent of the requesting Council member.

C .Appointments may be placed on the agenda for consideration at any time.

D. Any matter not on the scheduled agenda may be heard, provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Council.

Section 5-2 Minutes

The Clerk of the Council shall prepare and maintain adequate minutes of the proceedings of the Council in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Council voted. Preparation of minutes will not include every aspect of the Council's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Council.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Council that no one member shall exert individual action or direct any Town employee, or any board, authority, commission or committee of the Council, to initiate any action that would require a Town employee to perform any action contrary to the laws, ordinances or policies of the Town or which would require the expenditure of public funds in any amount without the approval of the Council. It shall further be the policy that when the Mayor and/or any member of Council writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum or document represents only the views of the author and does not represent the views of any other member of Town Council or the Town Council as a whole.

Lastly, when one or more members of Council and/or the Mayor respond to the media, they shall make it clear whether they are expressing a personal opinion or whether they are representing a formal Council position or decision.

B. It is further the policy of the Council that when the Mayor and/or individual members of Council interact with employees of the Town, that the Mayor and/or individual members of Council conduct themselves in a respectful, civilized and appropriate manner at all times. Under no circumstances is it appropriate for the Mayor and/or any individual member of Council to shout or yell at, or shout or yell in the presence of, any Town employee. Neither the Mayor nor any individual member of Council shall make a comment or statement to any Town employee that is vulgar, insulting, or sarcastic. The Mayor and individual members of Council shall support the maintenance of a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. The Mayor and individual members of Council shall recognize their special role in dealings with Town employees and shall in no way create the perception of any type of inappropriate direction to staff.

C. The conduct of the Mayor and individual members of Council must be above reproach and must avoid even the appearance of impropriety. The Mayor and individual members of Council shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor or other members of the Council and the employees of the Town. Under no circumstances shall the Mayor or any member of Council threaten, either directly or indirectly, any Town employee with the loss of his or her job, position, and/or salary.

D. The Mayor and individual members of the Council shall prepare themselves for every meeting by reading and reviewing the Council packet and they shall listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers and making personal comments

that are not germane to the business before the Council or otherwise interfering with the orderly conduct of the meeting.

E. The Mayor and individual members of Council shall not use the public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes. The Mayor and individual members of Council may seek assistance from Town staff with respect to official Town business, but shall not monopolize Town staff or interfere in any way with the ability of Town staff to perform their jobs.

F. The Mayor and individual members of Council shall respect the confidentiality of information concerning the property, personnel and/or affairs of the Town. They shall neither disclose confidential information without proper authorization of the Council, nor use such information to advance their personal, financial, or other private interests.

G. Recognizing that stewardship of the public interest must be their primary concern, the Mayor and members of Council will work for the common good of the people of the Town of Colonial Beach and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Colonial Beach Town Council.

Section 6-3 Discussion of zoning and land use matters

Town Council members shall not engage in discussions or negotiations with applicants on zoning or land use matters prior to the Planning Commission's referral of the matter to the Town Council.

Section 6-4 Polling Procedure

The Town Manager or his designee may separately contact members of the Town Council for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of Virginia.

Section 7 -- Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Council.

Statement by Mayor and Council of the Town of Colonial Beach

As the Mayor of the Town of Colonial Beach/a member of the Colonial Beach Town Council I agree to uphold the Bylaws and Rules of Procedure and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, Town staff, and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of the Town of Colonial Beach;
- Treat all people with whom I interact in an appropriate, dignified and respectful manner.

I affirm that I have read and understand the Bylaws and Rules of Procedure as well as this Statement.

Signature

Date: _____

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

Mr. Kennedy asked on page 7, Section 6-1, are you deleting just that first sentence?

Ms. Erard responded the only thing that was deleted was a paragraph break.

Mayor Rummage asked legal counsel which committee this came out of?

Ms. Erard responded it did not come out of a committee that I am aware of.

Mayor Rummage asked if public hearings were held on the amendments to the Bylaws and Rules of Procedures?

Ms. Erard responded not that I know of.

Mayor Rummage stated and of course you drafted the amendments.

Ms. Erard responded not all of them. I made some based on what I have observed the Council's practice to be since they were originally adopted. This makes them consistent.

Mayor Rummage asked if the Town Council proposed these changes to the Bylaws and Rules of Procedures?

Ms. Erard responded some of them yes.

Mayor Rummage asked some of the members of Council or some of the changes?

Ms. Erard responded some of the members of the Council suggested some of the changes.

Mayor Rummage stated and the others were your additions.

Ms. Erard responded yes and also from the Town Manager. I had a conversation with Mr. Ridgely a couple of weeks ago and he asked me if I would start a draft rolling of revisions and I did that and I sent it to the Town Manager and the Town Clerk.

Mayor Rummage stated he saw the need for the one amendment that you recommended and that was the elimination of the work session, but I didn't see the need for the others. You do know that the bylaws itself and the revisions reduce the role of the Mayor.

Ms. Erard responded no sir.

Mayor Rummage stated that is exactly what I understand them to do and if that is the case and the desire of the Council, then why not eliminate the position of Mayor? If there is a statutory change then allow the Council to appoint a Chairman, if that is the desire.

People elected the Mayor in 2008 under very different circumstances. Nothing in my opinion should be changed until 2012. That is when a new Mayor will have been elected and they should be changed before that so that the new Mayor and the people understand what is happening.

Mr. Ridgely stated we passed these last year.

Mayor Rummage stated we didn't pass it last year. We passed it this year in January. The public should know what is going on behind the scenes. These things just happened to occur as you said madam counselor. The original bylaws you drafted over Christmas recess. I remember that. Apparently these amendments were drafted by you during the summer recess. That is fine, but the public has not had a chance to react, respond, participate, nor did I. With work sessions eliminated, some of these amendments were needed, but what about the others? Let's go through these amendments one by one. Amendment #1 – 1-1 b 2 *deleted* – there is no legislative body that I know of that does not adopt its rules and regulations and bylaws annually.

Ms. Erard stated she did not mean to interrupt you, but this is not my document, this is for the Council and I am a little uncomfortable with the tenor and the direction that is being focused on me. I work for the Council. I draft the changes. This is not something I am putting forth as a member of Council.

Mayor Rummage responded he just wanted to be sure that was the case. I have gone through this very carefully and because of the changes in this, and the changes that were caused by the drafting of the bylaws themselves after the election, I proposed for these to be referred to the appropriate committee so that the committee could hear from the public. Short of that I recommend that you just defeat it. I have a few other comments to make and then you can do whatever the Council wants to do with this title. We have open meetings in this State. We have the Freedom of Information Act. Both of these are designed by the legislatures to do away with hidden agendas and the good ole boy network. Actions that have been taken by this Council starting in January 2009; they closed the Mayor's office, restricted the Mayor's use of Town Hall, you restricted the contact with Town employees by the Mayor, you eliminated weekly meetings with the Town Manager, which I established, work sessions have been eliminated and restricting the Mayor to only one monthly meeting, of course I attend all of the committee meetings, and will. The bylaws were I hate to say this, prepared in secret. I didn't know about them until all of a sudden they appeared in January. I could go on and on, but I won't. I think you get the idea of what I am saying. I just hope that the people in the audience and elsewhere in this Town remember that there is an election next year. Please keep that in mind. And keep in mind the things that I have accomplished. Madam Clerk, I hope the things that I said tonight will appear in the minutes verbatim. Thank you very much.

Mr. Lyburn stated he would like to say one thing – do you really think the public knows what we did or what we didn't do. We have conducted ourselves in a respectful manner. We were elected in office to serve the people and I will not sit here and be ridiculed or take any abuse for any member of this Council. You should give us an apology because we are trying to do the business of this Town. It is the only thing we are going to do.

Mr. Coombes stated just so the general public knows, the Mayor failed to mention that his lawyer in Vienna, Virginia filed with us a document without going into a long dissertation and threatened us and the Town with a lawsuit if we didn't apologize to him and put him back in his office etc. We, via Council responded to that letter from his lawyer. At the same time, counsel has advised us that from a legal standpoint and she can correct me if I am wrong, when you are threatened like this with a lawsuit, any future communication between the people being threatened and the plaintiff, goes through his lawyer, not with us. In other words, if we are going to communicate with the Mayor and him with us, it needs to be done through his lawyer. That is the reason, my understanding, why he no longer meets with the Town Manager, because we are still under threat of a lawsuit. I don't know if he filed one, ordered one to be filed or not, but until that threat is lifted we are going to have very little conversation with the Mayor, all six of us and the Town Manager. If he wants something done, he needs to go through his lawyer, through our lawyer. I don't hear any correction coming from our attorney and that is how we have been operating. I don't want any misunderstanding about that. I don't want any misunderstanding about that. There has been a lack of communication between the Mayor and the six of us but it is due to the fact we are still under the threat of a lawsuit because the Mayor disagrees with the actions that we have taken. As a reminder we took those actions all six of us, not four of us, not three us, all six of us because we all felt a dire need to get some things stopped. There was an article this Tuesday in the Portsmouth newspaper, which I encourage all of you to read because you would think Portsmouth with its Mayor is the same as Colonial Beach with its Mayor. It is just absolutely mind boggling and none of us, myself and others all have tried to take the high road until right now. The Mayor precipitated my comments tonight. If he wants to withdraw the present lawsuit, it would be a step in the right direction as far as I am concerned. Until that is done, I think we all need to be very cautious on how we deal with the Mayor of Colonial Beach.

Mr. Ridgely stated the rules and bylaws were passed the first part of the year with the understanding that we would review them in July and revise them if needed. We decided with the July meeting that we needed some time to study and in July we got copies of the bylaws and we were to send them to the attorney if we had any changes or modifications and that is what the majority of Council did.

Ms. Erard stated it is my understanding with my conversations with the Town Manager that a draft copy of the agenda which includes the bylaws was provided to you a week ago. I know that the agenda's were distributed last week so these bylaws with the

suggested changes have been a public document for sometime now. It was never anything that was done in secret or intended to be in secret. I would like to just briefly go through the changes to demonstrate that these bylaws with the suggested changes that I recently made do not diminish the role of the Mayor. The first one on page 1, I suggested deleting the *Adopting the By-laws and Rules of Procedure* and the reason for that is it is not required by State law unlike the establishment of the times, dates and places for regular meetings. It was something that was almost overlooked this year and I thought the bylaws could be amended when they need to be amended. On page 3 – I deleted the part that says the *Mayor may administer oath to any person concerning any matter*. That is something that is in the State law and he has that authority regardless. It is not something that I have ever known any Mayor to do. I just didn't feel it was needed in these bylaws. I deleted some things on the *Order of Business* and I was trying to make it consistent with what we do. I deleted references to the *work sessions and in terms of items going on the work session before they can come to the regular Town Council Meeting*. On Page 5 – I made a grammatical change and deleted *with the*. On page 7 – the deletions are related to the *work session and also smoothing out how agenda items will be on the agenda in light of the fact that we are no longer having a work session*. On page 8 – I changed the *font*. On page 10 – there were *paragraphs* deleted.

Mr. Ridgely stated these are just changes that bring the bylaws in line with how we do things.

Ms. Erard responded that was my intent. Mr. Mayor, if you have input on the bylaws, I certainly would be happy to incorporate your comments.

Mayor Rummage stated in response to your comment about these having been out for a week- they only came to me after I made a real issue about it.

Ms. Erard stated the bylaws.

Mayor Rummage responded no, the amendments to the bylaws.

Ms. Erard stated they were distributed as part of the draft packet.

Mayor Rummage responded they were after I insisted that I get a copy.

Mr. Kennedy stated we got all of this at the same time. I take exception to that, these were all given out at the same time to everybody whether it was picked up at the same time is another story. It seems to me the statement from *may* administer oaths to *shall* administer oaths strengthens that statement not lessens that statement.

Ms. Erard stated she deleted that statement but he still has that power under State law. It is not taking the power away.

Mr. Kennedy states the role of the Mayor has not changed at all. The Mayor's role in this Town has always been defined and it has not changed.

Ms. Payne asked is there something else that you feel is taking away your power or is it just that statement? I would like to know what is making you feel that way.

Mayor Rummage responded it is the entire bylaws themselves which I had no role in. I feel very strongly that the office I was elected to by the people in this Town is no longer the office in which I serve. I had to bring this out at this time because it was appropriate to do so. I was encouraged to do this a long time ago and I said no, you had to wait until an issue comes along at which time I will address it. I did it and I do not regret having done it. I feel very strongly that a lot has been done to the office of Mayor and it was done after I got elected and it is no longer the same position to which I was elected.

With no further discussion on Resolution - #65-09, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **nay**, motion carried and the **Adoption of the Revised Bylaws and Rules of Procedure was adopted. Ms. King was absent from the vote. Motion Carried.**

AGENDA - #66-09

RESOLUTION – SANTA MARIA AVENUE – STATE SECONDARY SYSTEM OF HIGHWAYS

At a regular monthly meeting of the Town Council of Colonial Beach held in the Town Center meeting room of Colonial Beach, Virginia on August 13, 2009.

Upon motion by Ms. Payne, duly seconded by Mr. Lyburn, the Council unanimously adopted the following:

RESOLUTION REFERENCE: SANTA MARIA AVENUE

WHEREAS, the Town Council of Colonial Beach has this day decided to establish as part of the State Secondary System of Highways the following road in the Washington Magisterial District.

Street Name:	Santa Maria Avenue
From:	Route 205
To:	Stratford Street
Length:	0.32 miles
Right of Way:	50'

WHEREAS, the plats conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements were duly recorded in the Clerk's Office of Westmoreland County on July 15, 2009, in Plat Book 801, Page 854.

NOW, THEREFORE, BE IT RESOLVED, this Council doth hereby guarantee the said clear and unencumbered 50' right of way and drainage easements and request the Department of Transportation, pursuant to Section 33.1-79 of the Code of Virginia, as amended, accept.

Street Name:	Santa Maria Avenue
From:	Route 205
To:	Stratford Street
Length:	0.32 miles
Right of Way:	50'

BE IT FURTHER RESOLVED, that this resolution is contingent upon the Virginia Department of Transportation receiving all remain in place CE-7 permits from the appropriate utilities for this roadway.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Motion was made by Mr. Kennedy to approve, second by Mr. Ridgely.

With no discussion on Resolution - #66-09, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Coombes **aye**, Mr. Kennedy **aye**, Mayor **aye**, motion carried and the **Santa Maria Avenue – State Secondary System of Highways was Approved**. *Ms. King was absent from the vote. Motion Carried.*

AGENDA - #67-09

RESOLUTION – ORDINANCE #571 – REZONING OF ALL PARCELS OF LAND CURRENTLY ZONED COMMERCIAL GENERAL, C-1 THAT ARE SOUTH OF BOUNDARY STREET TO THE MARITIME COMMERCIAL DISTRICT

WHEREAS the Colonial Beach Town Council duly advertised and conducted a public hearing on Ordinance No. 571 which would rezone all parcels currently zoned Commercial General, C-1 that are south of Boundary Street, to the Maritime Commercial District; and

WHEREAS the Town of Colonial Beach is in the process of revising its Comprehensive Plan; and

WHEREAS the Colonial Beach Town Council has received input from some citizens in favor of the rezoning, and some citizens who vehemently oppose the rezoning of all parcels currently zoned Commercial General, C-1 that are south of Boundary Street, to the Maritime Commercial District; and

WHEREAS as a result of the divergence of opinion of citizens, the Colonial Beach Town Council finds that further study and analysis is warranted prior to making a final decision.

NOW THEREFORE BE IT RESOLVED that the Colonial Beach Town Council hereby declines to adopt action on Ordinance No. 571.

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

Mr. Kennedy stated he was requested by fellow Council Members to vote positive on this and to decline this would kill it right now. After much discussion with the business leaders in this area, it does not help them. I would task, since we have a new Building & Zoning Administrator, that he and the Planning Commission work together to look at other alternative measures such as mixed uses or commercial residential. I also request that they look immediately at rezoning Block 22, Section 2 to R-2. This is the block that is bordered by Monroe Bay on the west, Marshall on the east, Sulgrave and Ball on the south on the north, otherwise known as the old Parkers Restaurant property. That is the only thing on there that was commercial, from my understanding. I request that we look at zoning the block individually as R-2.

Ms. Payne stated the rezoning of the old Parkers property would bring it into conformance with the rest of the neighborhood as R-2.

Mr. Coombes stated as most of you know I also chair the Planning Commission and this has been a labor of some doing. We had three years ago a major upheaval with the community over this where all the residents showed up. As we have gone through the Planning Commission Meetings on this matter and Town Council Meetings on this matter the residents have not shown up to object. We have also been going through a process for the last 9 months of redoing the Comp Plan. That has been a real exercise and one which I think has been very positive. However, the folks that come to the Planning Commission as technical and boring as some of that is, is one of the most important things that we do when we end up with a final copy. But the folks that come to it are different in my judgment than the folks here tonight. In the Comprehensive Plan recommendation that is coming forth, we still have the Maritime Commercial in there, but we hear different kinds of things. It would be very helpful if as we go through these major planning exercises about the future of the Town and where it is going to be five and ten years down the road, that we get a huge diversity of opinion. I have not seen business people vehemently talking about anything really at the Planning Commission Meetings on the Comprehensive Plan. Had that occurred, we might have had a different situation. The Planning Commission has made this recommendation to the Council firmly believes that the R-2 residential area should be limited in the commercial activity that goes down to CM. CM may not be the right thing, but that is what we have now and Council can make the determination whether it should continue or not. My

recommendation to the Council is make the decision one way or the other and do not let this hang. The motion is there and is one that is definitive.

Mr. Kennedy stated this has been hanging out there for one and a half years. It preceded some people on this Council. It needs to be resolved. Let's make this thing right.

With no further discussion on Resolution - #67-09, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Coombes **nay**, Mr. Kennedy **aye**, Mayor **aye**, motion carried and the **Rezoning of all Parcels of Land Currently Zoned Commercial General, C-1 that are South of Boundary Street to the Maritime Commercial District hereby Declined to Adopt Ordinance #571. Ms. King was absent from the vote. Motion Carried.**

AGENDA - #68-09

RESOLUTION – COURTESY INVESTIGATION BY ANOTHER LOCALITY OF COMPLAINTS OF THE DEVELOPMENT ACTIVITY AT 943 & 941 BRYANT AVENUE

WHEREAS a complaint was previously received regarding the property located at 947 Bryant Avenue; and

WHEREAS the prior Zoning Administrator investigated that complaint and, as a result of his investigation, determined that Court action was appropriate; and

WHEREAS during the course of the Court action related to 947 Bryant Avenue information has been provided to the Town Manager and the Town Attorney regarding alleged violations relating to development activity at 943 & 941 Bryant Avenue as well as alleged improprieties on the part of the prior Zoning Administrator and his handling of matters related to development activity at 943 & 941 Bryant Avenue; and

WHEREAS it is appropriate for the Town of Colonial Beach to investigate the complaints that it receives and to take any and all appropriate action; and

WHEREAS the Town Manager and the Town Attorney recommend that another jurisdiction conduct a courtesy investigation regarding development activity at 943 & 941 Bryant Avenue so as to allow for an impartial and neutral review.

NOW THEREFORE BE IT RESOLVED that the Colonial Beach Town Council authorizes the Town Manager and/or the Town Attorney to obtain a courtesy investigation by another locality of the development activity at 943 & 941 Bryant Avenue and to determine whether or not any violations exist.

Motion was made by Mr. Ridgely to approve, second by Mr. Kennedy.

Ms. Payne stated that she did have concerns on this however I learned late this afternoon some of the inquiries regarding the property go back to the time when I was Zoning Administrator and therefore I believe it is in the best interest of the Town that I abstain from this vote.

Mayor Rummage asked what do we mean by a courtesy investigation by another locality?

Mr. Ridgely stated we would like another locality to come in status quo and do an investigation. We are not familiar with the Chesapeake Bay Act and down the road we may be sending a department head to help them with an investigation. It is just a fresh set of eyes.

Mayor Rummage asked if this is something our new Administrator should look out before we have an investigation?

Mr. Ridgely responded not in his opinion – I want an independent person to come in and look at it.

With no further discussion on Resolution - #68-09, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **abstain**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Courtesy Investigation by Another Locality of Complaints of the Development Activity at 943 & 941 Bryant Avenue was Approved.** *Ms. King was absent from the vote. Motion Carried.*

AGENDA - #69-09

RESOLUTION – TOWN OF COLONIAL BEACH ORGANIZATIONAL CHART

WHEREAS the Colonial Beach Town Council wishes to promote an effective and efficient work environment; and

WHEREAS the Colonial Beach Town Council hereby designates that all Colonial Beach Department Heads to report to the Town Manager and are hired and fired by the Town Manager; and

WHEREAS the Colonial Beach Town Council hereby designates that the Chief of Police and the Chief Financial Officer report to the Town Manager on a day to day basis, even though these positions are hired and fired by the Town Council.

THEREFORE BE IT RESOLVED that all Department Heads are hired and fired by the Town Manager and shall report to the Town Manager on a day to day basis; and

BE IT FURTHER RESOLVED that the Chief of Police and the Chief Financial Officer are hired and fired by the Colonial Beach Town Council, but shall report to the Town Manager on a day to day basis.

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

Ms. Payne stated this is in response to some of the questions that have been raised as part of the audit and the ongoing complications with VML. I would like to ask at this time that we go forward with the resolution, however, not go forward with the organizational chart itself. The organizational chart I understand that VML has some further input and I think we need to take an additional look at that. In order to do that, the original resolution #69-09, I would like to request that the very last sentence BE IT FINALLY RESOLVED be deleted. Take that out and go forward with the resolution which will help with the control environment that has been brought to our attention by the auditors as well as VML and basically what this does is put the CFO and the Chief of Police who are contract employees on the operational day to day status they would report to the Town Manager, but they would be still hired and fired by the Town Council.

With no further discussion on Resolution - #69-09, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Town of Colonial Beach Organizational Chart was Approved.** *Ms King was absent from the vote. Motion Carried.*

CLOSED MEETING:

There were no issues to discuss in closed meeting.

OTHER MATTERS:

There were no other matters to discuss.

MOTION TO ADJOURN:

Motion was made by Mr. Ridgely to adjourn the meeting of Thursday, August 13, 2009, second by Mr. Kennedy. With no objection from Town Council the regular meeting of Town Council was adjourned at 9:20 p.m. at the Colonial Beach Town Center. *Ms. King was absent from the vote. Motion Carried.*

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor

