

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, JULY 14, 2011 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

**MAYOR:
VICE MAYOR:
COUNCIL:**

**FREDERICK C. RUMMAGE
BURKETT LYBURN
SHANE BUZBY
MIKE HAM
KAREN PAYNE
RONALD RIDGELY – absent
GARY SEEBER
VAL FOULDS
ANDREA ERARD
JOAN GRANT
BARBARA A. GOFF**

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

PRAYER:

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

PLEDGE OF ALLEGIANCE:

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

ROLL CALL OF MEMBERS:

Mayor Rummage announced that all members of Council were present except Mr. Ridgely.

ANNOUNCEMENT OF ABSENCES:

Mr. Ridgely was absent from the meeting.

ADDITIONS TO THE AGENDA:

Motion was made by Ms. Payne to add Resolution - #36-11 – Acceptance of Retirement of the Town Clerk. *Motion Carried.*

APPROVAL OF THE AGENDA:

Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no opposing votes the agenda was approved. *Mr. Ridgely was absent from the vote.* *Motion Carried.*

APPROVAL OF THE MINUTES:

Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no opposing votes the minutes of June 9, 2011 were approved as presented. *Mr. Ridgely was absent from the vote.* *Motion Carried.*

ANNUAL REORGANIZATION ITEMS:

AGENDA - #32-11

RESOLUTION – ADOPTION OF BYLAWS AND RULES OF PROCEDURE

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 14, 2011 hereby adopts the attached By Laws and Rules of Procedure.

2011 - 2012
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 the days, times and places for its regular monthly 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
- Council Announcements

- Council Committee Reports
- Treasurer's Report
- Presentations – when needed and with prior approval
- Citizens Input
- Unfinished business
- New Business
- 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.

[E. No motion or resolution shall contain more than one topic or action item.](#)

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, and Council committees, 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.

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: _____

Appointed Officials:

Town Manager

In the most general terms, the Town Manager is responsible for directing and supervising the day-to-day activities of the Town. Payroll and timekeeping records, as well as leave requests for the Town Manager must be signed or certified in advance by the Mayor or, in his or her absence, the Vice Mayor. The Town Manager shall be responsible maintaining all payroll and timekeeping records, as well as leave requests, for all town staff, except for the Town Clerk. A more comprehensive description of these duties may be found in the VML Handbook for Virginia Mayors and Council Members.

Town Attorney

The Town Attorney works directly for the governing body, but he or she also works with the top administrative leadership on many day-to-day matters. A more comprehensive description of these duties may be found in the VML Handbook for Virginia Mayors and Council Members.

Town Clerk

The Town Clerk generally serves at the pleasure of the council and provides a series of important administrative services. Payroll and timekeeping records, as well as leave requests for the Town Clerk must be signed or certified in advance by the Mayor or, in his or her absence, the Vice Mayor. A more comprehensive description of these duties may be found in the VML Handbook for Virginia Mayors and Council Members.

Payroll and timekeeping records, as well as leave requests for the Town Manager and the Town Clerk must be signed or certified by the Mayor or Vice Mayor. Payroll and timekeeping records, as well as leave requests for other appointed staff must be signed or certified by the Town Manager.

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

Mr. Seeber stated he totally understood the intent on page 7, (b) ‘Council Members request items be placed on the agenda for discussion by contacting the Town Manager at least five business days prior to the Town Council Meeting’. Although I sympathize with that there are issues that come up.

Ms. Foulds stated if you look at item 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.’

With no further discussion on Resolution - #32-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Ms. Payne **aye**, Mr. Lyburn **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Adoption of the Bylaws and Rules of Procedure were Approved. Mr. Ridgely was absent from the vote. Motion Carried.**

AGENDA - #33-11

ESTABLISHMENT OF DATES AND TIMES OF REGULAR TOWN COUNCIL MEETINGS

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution at the organizational meeting.

NOW THEREFORE BE IT RESOLVED, that the following dates have been established for the Town Council Meetings:

Thursday	July 14, 2011	7:00 p.m.
Thursday	August 11, 2011	7:00 p.m.
Thursday	September 8, 2011	7:00 p.m.
Thursday	October 13, 2011	7:00 p.m.
Thursday	November 10, 2011	7:00 p.m.
Thursday	December 8, 2011	7:00 p.m.
Thursday	January 12, 2012	7:00 p.m.
Thursday	February 9, 2012	7:00 p.m.
Thursday	March 8, 2012	7:00 p.m.
Thursday	April 12, 2012	7:00 p.m.
Thursday	May 10, 2012	7:00 p.m.
Thursday	June 14, 2012	7:00 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

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

With no discussion on Resolution - #33-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mayor **aye**, motion carried and the **Establishment of Dates and Times of Regular Town Council Meetings was Approved. Mr. Ridgely was absent from the vote. Motion Carried.**

AGENDA - #34-11

RESOLUTION – SELECTION OF COMMITTEE CHAIRS, DATES AND TIMES OF COMMITTEE MEETINGS

BE IT RESOLVED, pursuant to Section 2-1 of the By-Laws and Rules of Procedures for the Colonial Beach Town Council, the Mayor and Town Council shall determine the committees and the Mayor shall make all appointments to Town Council Committees subject to the approval of the Town Council hereby establishes the appointment of Committee Chairs as follows:

Economic Development Committee:

Chair – Mike Ham

Budget Committee

Chair – Ronald Ridgely

Public Works Committee:

Water & Sewer

Chair – Gary Seeber

Roads, Streets, Parks & Public Property

Chair – Karen Payne

Public Safety Committee:

Chair – Burkett Lyburn

** The Mayor is a member of all Committees**

BE IT FURTHER RESOLVED, that the following dates have been established as Committee

Meeting dates and times:

:	Thursday	July 28, 2011	5:30 p.m.
	Thursday	August 25, 2011	5:30 p.m.
	Thursday	September 22, 2011	5:30 p.m.
	Thursday	October 27, 2011	5:30 p.m.
	Tuesday	November 29, 2011	5:30 p.m.* (Holiday on November 24)*
	Thursday	December 22, 2011	5:30 p.m.
	Thursday	January 26, 2012	5:30 p.m.
	Thursday	February 23, 2012	5:30 p.m.
	Thursday	March 22, 2012	5:30 p.m.
	Thursday	April 26, 2012	5:30 p.m.
	Thursday	May 24, 2012	5:30 p.m.
	Thursday	June 28, 2012	5:30 p.m.

BE IT FINALLY RESOLVED, that the Town Council Committees meet on the fourth (4th) Thursday of each month (with the exception of November 2011) at the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

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

Ms. Payne stated she would like to see this Resolution, deferred or discussed at the next committee meeting. I would like to see this discussed when all of the members of Council are present.

Mr. Seeber stated that he just re-read the Bylaw's and this resolution actually has two different items on it. Our rules say there can only be one item on the resolution. Mr. Seeber stated he would like this resolution to be deferred to the next committee meeting of July 28, 2011 at 5:30 p.m.

With no opposing votes and all aye votes, Resolution #34-11 was tabled until the July 28, 2011, Council Committee Meeting. ***Mr. Ridgely was absent from the vote. Motion Carried.***

COUNCIL ANNOUNCEMENTS:

Committee Reports:

Economic Development Committee – Mr. Ham reported the committee was working on a document to give to the new businesses coming to Town. If we have interested prospects we can go over the entire details with them. It would be a lot easier to comprehend the incentives we are offering in a smaller document instead of 20 or 30 pages. I have not heard anything else from anybody over the sewer and water tap fees regarding the paper I submitted. I hope to talk more about that at the next committee meeting. I talked to a management group who is trying to re-open the old Days Inn. They are working with the State and county. They cannot enter the place but they have been taking applications for about a week now and doing interviews at the Chamber building. The head of the management company is going to try to get back in touch with me within the next couple of days. Either them or the bank who owns the place will be doing a lot of cleanup inside and trying to turn it into a nice organization. I know the building is bad on the inside but structurally it is still a good building. Hopefully we will get someone in there the sooner the better.

Mayor Rummage asked to be informed when the meeting would take place.

Mr. Ham stated he talked to the lady doing the interviews twice now. She talked to her boss last night and stated she still did not have an answer from the State and county. The charges were filed in Westmoreland County of course. The State was supposed to send documents to Westmoreland County and they have not gotten any yet. They can't even open the doors and go in until they do something about the lien. The owners realize they have an investment there and it is a shame to just let it sit.

Budget Committee:

Ms. Payne speaking for Mr. Ridgely read the Treasurer's Report which stated: Revenue - \$14,870,434 – Expenditures - \$14,831,064 as of June 30, 2011. Invoices for June are still being paid to close the fiscal year, final will be known tomorrow. The new BAI Web Server is to be installed tomorrow. Design of new application will begin next week. We have started providing auditor with year- end reconciliations, documentation and financial confirmations. Prior to public comment, we do have Ordinance - #605 – Clarification/Amendment to Ordinance #605, Adoption of Tax Rates and Budget for Fiscal Year 2011 – 2012 which is the result of an error in calculations. It was not an error in appropriations. I accept responsibility for my part as I am a member of the Budget Committee. I should have caught that and didn't but we will be clarifying that later on this evening.

Public Works Committee:

Water & Sewer – Mr. Seeber reported tonight we are going to vote on the emergency repair contract. We had discussion about the State money/loan money for the jet truck. You can get grant monies if you want it 30 years from now or you can get the loan which will be at the full interest rate. I think that is the way we are going instead of waiting for years to try to get a small portion of the truck paid by the grant. The major sewer repair on 4th Street, that is still in the works. We are still waiting on VML to see what they are going to charge us for water pipes.

Public Works Committee:

Roads, Streets, Parks, Public Property – Ms. Payne reported we still have a number of issues we are working on. The right-of-way policy continues to go forward and is currently being

reviewed by the Town Attorney. We are also continuing to work with Mr. Mitchell on the impact fees for roads. This is for new construction only not for existing projects. Taking over of the roads – starting July 1st of next year, we are doing the first step which is the road survey in moving forward with what currently needs to be done with VDOT. Working with Mr. Mitchell in Building and Zoning, we have the Low Impact Development Policy which we are working on and it will be discussed at the next committee meeting. Lastly, we have the meeting with VDOT on the Mattox Creek Bridge and I understand a lot of people turned out for that. I will be providing written comments on that and hope that everyone continues to follow that. I know the Town Manager is.

Public Safety Committee – Mr. Lyburn reported on the last couple of weeks and the July 4th weekend, I would like to say for people who own boats in the area, please follow the guidelines and the rules of the river. We had a tragedy over the holiday and you should be more aware of what you are doing when we are out in the boat. Please study your manuals, tell your friends, tell your children to please be aware. If you have jet skis, please be safe out on the river. We want everyone to have a safe weekend. We have the jet ski race coming in on July 29, 30 and 31st. Some of the streets will be closed off. We do not want another fatality here in the Town of Colonial Beach. Our heart goes out to that family for what happened. Let's just take care of one another and when you are out on the boat just be careful. Watch Channel 8 for information on the jet ski race events for that weekend.

Chief Blevins stated the jet ski event is three days this year instead of two days – Friday, Saturday and Sunday. The only street that will be closed off is Hawthorn Street and I will get with the newspapers and that will be advertised over the next couple of weeks. Pedestrians will be safer in that area of Beach Terrace and for the jet skiers when launching their jet skis. The 4th of July was good. We only had 1 minor accident. There was a large crowd, a lot of traffic and we managed to get the traffic out of town in less time this year. We will keep trying to improve on that. Over that weekend we had some issues about grills in the area of the Fisheries Building. Mr. Carpenter is writing a letter to me authorizing the police department to enforce violations in that area since it is private property.

Mayor Rummage stated I believe you said that the turnout for the 4th of July is about the same as last year.

Chief Blevins stated our traffic counter on Colonial Avenue counted 4,300 cars coming into Town.

PRESENTATIONS:

There were no presentations.

CITIZENS INPUT:

LAWRENCE ROBERSON – Mr. Roberson stated we had a problem this weekend with the radios for the rescue squad and fire department. Mr. Risavi was up here trying to work with that. They are now working. I don't think they are back to full capacity. It ended up being one of those situations where you have microwave towers, Motorola for the radios and each one

pointing the figure at each other. The County is going to have a meeting with those involved – Oak Grove and Colonial Beach. We need to figure out a plan.

PETER FAHRNEY – 3419 RIVERVIEW DRIVE

Mr. Fahrney stated he had given his materials to the Clerk for distribution at a later date. This evening I am speaking on behalf of the Colonial Beach Foundation. The mission of the Foundation is to envision enhancing the quality of life in Colonial Beach and its immediate vicinity and bring those visions to reality. We have been working in many areas of the community over the past three years to achieve our vision. One of the areas of our specific concentration is to work to maintain the safe recreational harbor for the residents and transient boaters. In the spring of 2006, prior to the Town Council of March 30th, the Foundation requested of Mayor Bone and the Town Council, Mr. Risvai and the Board of Supervisors of Westmoreland County to consider making the entire length of Monroe Creek and Monroe Bay a six mile per hour no wake boating zone. The Town Council received the boating safety document that was prepared by the Foundation and I believe the matter was referred to a committee for study and recommendation. I don't recall if the Board of Supervisors even considered the matter. At some point enforcement of a no wake zone was brought up as well as other boating safety issues. As I recall the result of this discussion was the boating decal fees that were to defray the cost of law enforcement. That turned out to be quite a farce. Obviously the safety problems of 5 years ago still exist and even magnified today because of the plethora of fast, faster personal watercraft that buzz around through the marina's of Monroe Bay. I have a boat and I keep that at Stanford's Marina. I personally have seen muzzle boats racing past Dixon's Point. Dixon's Point is where the campground is – Curley's Camp Ground. The children are swimming in an unmarked uncontained swimming area directly racing between Winkie Doodle Point and the Yacht Club. I can tell you at low tide those children walk as far as they can out on the bar seeking deeper water or to see how far from shore they can get, directly in harm's way of these big boats. The late Jack Maguire reported that boats race from the current Lighthouse Restaurant to the #4 buoy pass the Colonial Yacht Center. He also reported of nighttime races from the same restaurants after the bar is closed. I personally have seen a kayaker be attacked by the wake of a heavy craft that pulls out with its captain looking straight forward and seemingly oblivious to the deadly wake. Even one of my guests on my boat was nearly thrown overboard by the same situation. I can't imagine that any of the marina owners in Colonial Beach are happy with the heavy wakes that are caused by these boaters and I am sure they are affecting their clients. People who live further up Monroe Creek report that every weekend during the summer months there are jet skiers racing in the torturous roots of Monroe Creek where the water is only a couple of feet at most being impacted by erosion, causing property owners great expense. The wildlife which was once very plentiful in that area is hardly observable now. It is time again to take a serious look at the safety issues in Monroe Bay and Monroe Creek before we have another calamity. We have one of the most scenic and lovely recreational areas on the entire east coast. It is past time that we make it a safe place for all to enjoy. I have supplied the safety report that the Foundation did five years ago which is pretty much the same even today because the same issues exist today. There are a couple of things I would like to point out – 1) Monroe Bay is divided down the middle so that everything on the east side is governed by the Town and everything on the west side is governed by the county. As you can see at the end of the point it has become very shallow. We have a dangerous situation and we have to look at it again. It is our problem.

ART BUSWELL – MONROE BAY CIRCLE

Mr. Buswell agreed with Mr. Fahrney and stated he was a member of the Colonial Beach Foundation. I live on the bay. Many times I wonder if they are going to take my deck away when they go around the corner on the jet skis. They are out of control. I think before we have another double fatality we should do something about Monroe Bay and Monroe Creek. I would be very happy to support that the best I can. The real purpose of speaking is to bring you up to date on the museum roof. We are raising the roof. We have awarded the contract to Twin Rivers Roofing for \$7000. We do appreciate the Town's \$1400 contribution to that as well as the many contributions from townspeople, Fat Freda's held a benefit for us and so did Dockside Restaurant to help generate the funds for this. The contractor is scheduled to start in early August. He estimates four days for completion. We will have to approach the police department or the Town Manager to get some safety taping along the sidewalk and immediately on the one side of the building as the roof comes off. The roof will be red. It will match the roof that we put on five years ago. I thank you for your support.

JACOB LITTMAN – 2130 MONROE BAY CIRCLE

Mr. Littman agreed with Mr. Fahrney and Mr. Buswell. The problem was handled several times with the county. Nothing has been enacted to help improve the speeding and ignorance of many boaters to Maritime law that told them how they should be operating their boats. Many that operate the watercraft on the bay and up the creek do it in a very hazardous manner. Any measure that I can do to support developing a better safety situation on the bay, I am available. I have talked with Kyle Schick who has also talked with the other marina owners in the bay and I think you will find that we have a favorable situation with those people who were undecided before on what they wanted to do. They are anxious to do something now. It was a very tragic predictable accident that we had on the 4th of July. It saddened many people. We hope that this will not occur again in the future. Something has to be done to improve safety on the bay.

Mayor Rummage asked if the Town Manager knew where the jurisdiction ends for the marine police and where our jurisdiction begins.

Ms. Foulds responded she was not sure, but she would contact the marine police.

Mr. Lyburn stated since it is divided down the middle, would that fall in the 4th District.

Mr. Roberson responded he would take it up with Mr. Risavi.

Ms. Erard stated there is a State Code section for establishment of No Wake Zones and it says that we have to apply to the Board for Game and Inland Fisheries for special rules and regulations and then after that we can enact ordinances to establish more wake zones and other protective measures.

WALTER KERN – 823 ROOSEVELT COURT

Mr. Kern stated the Potomac River Fisheries maintains the enforcement of the Potomac River, Monroe Bay and the tributaries. These are either handled by the Virginia Marine Police or the Maryland side of things. They get into the safety factors involved in Monroe Bay. When I was a

youngster, I used to water ski all up and down Monroe Bay. The other topic has to do with the decal fees in relation to golf carts and motor vehicles - \$30; mopeds \$10; antique cars \$10; boat trailers \$12.50; motorcycles \$15. There is a disparity among all of those. Golf carts are normally operated in Town along with mopeds. We need to reduce the golf cart fee. Raise the fees for antique cars, boat trailers and motorcycles. They can go on Route 205 – they can go to Fredericksburg. People with golf carts can't. Give us a break in that regard. Location of the number of piers that are being put in – there is a pier that has been there for a year in a half. It is the last pier on Monroe Bay Avenue before you get to the boat ramp. That is town owned property. We are ultimately responsible for the upkeep and maintenance of that pier. If you do not own property on the water or river side he should not have the right to build a pier. This is the second year in a row a couple of All Star Teams have represented Westmoreland County at a State level. The County gave a nice contribution because they are expensive trips for the teams to make. I am asking that the Town at the August meeting consider a donation of \$750 to go to the Westmoreland County Little League since they are representing the Town of Colonial Beach. The other item I am going to ask for at the August meeting is for an organization in Town for the Colonial Beach Youth Athletic Association. It started in 1979 by the late Bobby Duke Sr, H.O. Williams and me. Bobby passed away in 1994, Mr. Williams moved out of Town. I retired in 1999. I left the organization in the hands of Scott Foster. There were over 140 kids in that program that runs from August to November. I am also asking for a donation from the Town of \$750 to be considered at the August meeting for this organization.

ROSEMARY HIGGS – CHAIRMAN OF TOURISM ADVISORY COUNCIL

Ms. Higgs stated the Tourism Council saw 300 visitors for the month of June and about one quarter of them we spoke to were first time visitors to Colonial Beach. We also had \$100 from the Town for quarters to give out for the parking meters. In one weekend alone, we gave out over \$150 in quarters. For the entire month it was well over \$300. We are asking for an additional \$100 in quarters for the rest of the season – when the jet ski competition comes in, hopefully we will have a lot of people come in, we will need to have enough money on hand for that. I would also like to thank Mr. Ham for working with the people to get the Day's Inn up and running. We would like to be informed when that happens so we can let people know.

NEW BUSINESS – PUBLIC HEARINGS:

ORDINANCE - #604 – TERMS OF ELECTION FOR MAYOR & TOWN COUNCIL MEMBERS

There were no comments on Ordinance - #604

ORDINANCE - #605 – AMENDMENT/CLARIFICATION TO THE FISCAL YEAR 2011 – 2012 BUDGET

Dr. Power asked for clarification on the Fiscal Year 2011 – 2012 Budget. On the columns for FY 2012, the numbers are to be added together except the \$1,608,496.00 for a total of \$14,770,879.00. Is that correct?

Ms. Payne responded that \$1,608,496.00 should not be included in that total. That was the error. The new total is the \$14,770,879.00.

Dr. Power stated that would be the total number listed on the FY 2012?

Ms. Payne responded yes.

Dr. Power stated it was the wrong number.

Mayor Rummage stated this procedure had been used for a number of years. When I first came on the Council I noticed it and I called it to the attention of the fiscal people. They said well that is the way it has been done. The numbers never added up to me and I couldn't understand why the auditors never picked it up. The Town Manager has assured us that we will not see that mistake again.

Dr. Power stated she believed the numbers were still incorrect.

Mr. Seeber agreed – they are not right.

Mayor Rummage responded the numbers will be corrected.

MIKE LOONEY – 3 MARSHALL AVENUE

Mr. Looney stated that he did not have a document in front of him, but I believe the bottom line states something like a total of all funds. I think that is where the problem came in. People who see a budget document expect that is what it is going to be there in total in the anticipated revenue and in total anticipated expenditures. Actually what I think the Town Council has been doing has been adding the money that occurs in all the funds regardless of whether that sum equals the total anticipated revenue and total anticipated expenditures. I would recommend if you are going to change the number, change it to say total anticipated revenue and total anticipated expenditures and do away with the total of all funds.

Mayor Rummage stated we will talk about that.

With no further discussion on Ordinance - #605, this portion of the public hearings were closed.

ORDINANCE - #606 – APPROVAL OF ABANDONMENT & SALE FOR RIGHT-OF-WAY FOR FRANCIS TATE – 1305 MONROE BAY AVENUE

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

Public Hearings closed.

UNFINISHED BUSINESS:

CLARIFICATION/AMENDMENT TO ORDINANCE NO. 605

Ordinance #605 (REVISED)

**ADOPTION OF TAX RATES AND BUDGET FOR FISCAL YEAR 2011-12
COMMENCING JULY 1, 2011**

WHEREAS, on June 29, 2011 the Colonial Beach Town Council approved a budget for FY 2011-12 in the total amount of \$ 16,379,375; and

WHEREAS, historically the Town Council reflects a line in its budget entitled “School Transfer for Operating Fund” as well as “School Operations” even though “School Transfer for Operating Fund” is actually a subset of “School Operations”; and

WHEREAS, the Town Council seeks to clarify that the total budget for FY 2011-12 for the School Board is \$7,043,907 and the total budget for the town is \$14,770,879.

NOW THEREFORE BE IT ORDAINED BY THE, Colonial Beach Town Council at its regular monthly meeting on July 14, 2011 that Ordinance Number 605 shall be clarified and amended to read in its entirety as follows:

TAX RATES			
	FY 2011 Tax Rate	FY 2012 Tax Rate	Change
Real Estate	.58	.58	0
Personal Property	3.75	4.00	+ .25
Mobile Homes	.58	.58	0
Farm Machinery	2.60	2.60	0
Public Utilities (poles, lines, etc.)	.58	.58	0
Boat Tax	.01	.01	0

All rates listed above are per \$100 of assessed value.

Decal Fees are as follows:

Motor Vehicles and Golf Carts	\$30.00	\$30.00	0
Mopeds	\$10.00	\$10.00	0
Antique Automobiles	\$10.00	\$10.00	0
Boat Trailers	\$12.50	\$12.50	0
Motorcycles	\$15.00	\$15.00	0

PROPOSED FISCAL YEAR 2011-2012 BUDGET			
	FY 2011	FY 2012	Change
General Fund – Town Government	\$3,473,719	\$3,513,596	+1.1%
School Transfer for Operating Fund	\$1,757,850	\$1,608,496*	- 8.5%
Grand Total – General Fund	\$5,231,569	\$5,122,092	- 2.0%
School Operations	\$7,596,526	\$7,043,907	- 7.27%
Utilities Fund	\$2,492,408	\$2,503,376	+0.43%
Utilities Capital Projects	\$2,096,924	\$1,710,000	-18.4%

***Included in School Operations**

BE IT FURTHER ORDAINED by the Town Council of Colonial Beach, Virginia that the FY 2011-2012 budget as set forth in revised Ordinance 605 is hereby approved as clarified and amended, and that all funds as set forth in the FY 2011 – 2012 budgets as reflected in the revised Ordinance 605, including all state and federal funding are appropriated as of July 1, 2011.

Mr. Ham stated we have the General Fund at \$3.5, crossed out the \$1.608 and the General Fund at \$5.1 which still includes the \$1.6 and we still have the \$1.6 in School Operating.

Mayor Rummage stated we don't have the issue before us and called for a motion.

Motion was made by Ms. Payne, second by Mr. Buzby.

Ms. Payne requested a 5 minute recess to get the numbers correct.

Mr. Seeber felt we could make the changes real quick. Mr. Seeber felt that the numbers shown are relatively important to show all of them. The fact that we spent \$3.5 on the Town and \$1.6 some of which comes from the County and the total General Fund is \$5.1. The fact that the School Operations Budget is \$7 million by itself is meaningful. The Utilities Fund is meaningful and the Capital Projects Fund is meaningful. I think if we did away with *Grand Total of all Funds* and delete that off the sheet, then the numbers there are the important numbers to show. I don't want to cross out the \$1.608 because that shows what the Town gives. If we cross out the Grand Total line and modify it everything will be fine. The total of those numbers right now is almost over \$20 million dollars, not \$15 million.

Ms. Erard asked about the \$1.6 for the School Operating Funds it is my understanding that it is a subset of the School Operations line, is that correct?

Everyone agreed.

Mr. Seeber stated it is still important to show because what the Town is giving the school. To make it simple, just cross out the *Grand Total Of All Funds*. The numbers still show the numbers that are important. Mr. Seeber also suggested to insert in the resolution the words *including all state and federal funding*. Also an asterisk stating *Included in School Operations* should be added.

Mr. Seeber asked for a motion to amend Ordinance #605, second by Mr. Lyburn. With no opposing votes and all aye votes, the amendment to Ordinance #605 was approved. *Mr. Ridgely was absent from the vote. Motion Carried.*

Mayor Rummage called for a vote on Ordinance - #605. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mayor **aye**, motion carried and the **Clarification/Amendment to Ordinance # 605 was Approved. *Mr. Ridgely was absent from the vote. Motion Carried.***

NEW BUSINESS:

ORDINANCE NO. 604

PROVIDES THAT THE MAYOR AND THREE MEMBERS OF TOWN COUNCIL SHALL BE ELECTED FOR FOUR YEAR TERMS AT THE NOVEMBER GENERAL ELECTION DATE BEGINNING IN NOVEMBER 2012 FOR TERMS TO COMMENCE JANUARY 1, 2013, AND THREE MEMBERS OF TOWN COUNCIL SHALL BE ELECTED FOR FOUR YEAR TERMS AT THE NOVEMBER GENERAL ELECTION DATE BEGINNING IN NOVEMBER 2014 FOR TERMS TO COMMENCE JANUARY 1, 2015. ORDINANCE NO. 604 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA CODE SECTION 24.2-222.1.

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL that, pursuant to Va. Code § 24.2-222.1, the Mayor and three members of Town Council shall be elected for four year terms at the November general election date beginning in November 2012 for terms to commence January 1, 2013, and three members of Town Council shall be elected for four year terms at the November general election date beginning in November 2014 for terms to commence January 1, 2015.

BE IT FURTHER ORDAINED that the terms of the Mayor and members of council shall be modified as follows:

	<u>Term Began</u>	<u>Current Term End</u>	<u>New Term End</u>
Ronald "Sparky" Ridgely	July 1, 2008	June 30, 2012	December 31, 2012
Burkett Lyburn	July 1, 2008	June 30, 2012	December 31, 2012
Karen Payne	July 1, 2008	June 30, 2012	December 31, 2012
Mike Ham	July 1, 2010	June 30, 2014	December 31, 2014
Gary Seeber	July 1, 2010	June 30, 2014	December 31, 2014
Fred Rummage	July 1, 2008	June 30, 2012	December 31, 2012
Shane Buzby	July 1, 2010	June 30, 2014	December 31, 2014

CHARTER

CHAPTER 3. MAYOR AND COUNCIL

Sec. 3.1. Election, qualification and term of office of councilmen and mayor.

The Town of Colonial Beach shall be governed by a town council composed of six (6) councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. The councilmen and mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, 1982, in the manner prescribed by law, for terms beginning on the first day of July next following their election, each of them serving until the successors shall be elected and qualified. The three candidates for council receiving the highest number of votes and the mayor shall be elected for initial terms of four years, and the four candidates receiving the next highest number of votes shall be elected for initial terms of two years. Thereafter, all councilmen and the mayor shall be elected for terms of four years at a regular municipal election which shall be held on the first Tuesday in May of each even numbered year, the number of councilmen elected each election year being equal to the number of councilmen whose terms expire during such year and the mayor being elected every fourth year. (Acts 1981, Ch. 70, § 1).

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

Mr. Seeber asked is the purpose of this was to do away with the May election and extend it to November with members taking office in January which is the same way the County does it?

Ms. Payne stated and the reason for doing that is because of the loss of state funding or we would have to pay for it ourselves.

Mayor stated it will also bring a larger turnout of people.

With no discussion on Ordinance - #604, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Terms of Election for Mayor and Town Council Members was Approved.** *Mr. Ridgely was absent from the meeting.* **Motion Carried.**

Mr. Roberson stated he could help with the election. Westmoreland County had to approve the redistricting and they couldn't do anything until that was done.

Ms. Erard stated she would find out.

ORDINANCE - #606

APPROVAL OF ABANDONMENT OF RIGHT-OF-WAY FOR FRANCIS TATE – 1305 MONROE BAY AVENUE

WHEREAS, Ms. Francis Tate has requested that the Town of Colonial Beach abandon a portion of the undeveloped, unnamed road located to the rear of her property (# 3A1-2-5-5B & 5) consisting of +/-2,600 sq. ft.; and

WHEREAS, this undeveloped right of way follows along the shoreline along Monroe Bay and connects to Monroe Bay Avenue to the south of Ms. Tate's property; and

WHEREAS, the Town of Colonial Beach has no plans to utilize this property for any purpose.

NOW THEREFORE BE IT ORDAINED, by the Colonial Beach Town Council, at its regular monthly meeting on July 14, 2011 at Town Center, that the undeveloped right of way as shown on the attached GIS map and identified as an unnamed road is hereby vacated; and

BE IT FURTHER RESOLVED, that, in accordance with Va. Code § 15.2-2006 that a certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the Town of Colonial Beach.

Ms. Erard stated this is just the abandonment. The sale will have to be separately advertised.

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

Mr. Seeber motioned to modify the Ordinance – delete *& Sale*, second by Mr. Lyburn. With no opposing votes and all aye votes, Ordinance - #606 was amended. *Mr. Ridgely was absent from the vote. Motion Carried.*

With no further discussion on Ordinance - #606, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mayor **aye**, motion carried and the **Abandonment of Right-of-Way for Francis Tate – 1305 Monroe Bay Avenue was Approve. *Mr. Ridgely was absent from the vote. Motion Carried.***

RESOLUTION - #35-11

AGENDA - AUTHORIZATION TO EXECUTE CONTRACT DOCUMENTS FOR EMERGENCY SEWER REPAIRS

WHEREAS, the Town of Colonial Beach was awarded loan funds in the amount of \$1,088,000 at a rate of 2.75% and grant funds in the amount of \$552,000 for a total disbursement of \$1,640,000 from the United States Rural Development Authority for the purpose of upgrades to the sanitary sewer collection system operated by the Town of Colonial Beach; and

WHEREAS, on or about March 4, 2011 an unanticipated incident occurred within the sewer system that requires emergency repair; and

WHEREAS, the Town of Colonial Beach received two bids from interested bidders for this repair project; and

WHEREAS, Trinity Building Company, LLC was the lowest responsible bidder with a bid of \$32,155.86; and

WHEREAS, the total cost of the emergency repair will be funded by the United States Rural Development Authority pursuant to the loan and grant funds awarded on May 27, 2010.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Colonial Beach that the Town Manager is authorized to execute the construction contract documents between Trinity Building Company, LLC and the Town of Colonial Beach for the purpose of emergency repairs to the Colonial Beach sewer system funded by the United States Rural Development Authority with funds being paid out of the Sewer Capital Projects Line item 502-48000-8401.

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

Mr. Seeber stated this project is the sewer cave in on 4th Street. The total amount is \$32,155.86.

With no further discussion on Resolution - #35-11, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Buzby **aye**, Mr. Ham **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Authorization to Execute Contract Documents for Emergency Sewer Repairs was Approved**. *Mr. Ridgely was absent from the vote. Motion Carried.*

AGENDA - #36-11

RESOLUTION – ACCEPTANCE OF RETIREMENT OF TOWN CLERK

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 14, 2011 hereby accepts the request by the Town Clerk, Barbara A. Goff, to retire from the Town of Colonial Beach effective November 1, 2011.

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

With all aye votes and no opposing votes, the motion carried to **Accept the Retirement of the Town Clerk effective November 1, 2011**. *Mr. Ridgely was absent from the vote. Motion Carried.*

CLOSED MEETING:

There were no issues to discuss in Closed Meeting.

Ms. Payne announced that a Cancer Benefit would take place at the Eagles on Saturday.

RECESS/ADJOURNMENT:

Mayor Rummage adjourned the regular meeting of Thursday, July 14, 2011 at 8:00 p.m. at the Colonial Beach Town Center.

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor

