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**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, MAY 13, 2010 – 7:00 P.M.  
COLONIAL BEACH TOWN CENTER**

**MAYOR:  
VICE MAYOR:  
COUNCIL:**

**FREDERICK C. RUMMAGE  
TRISH KING  
DAVID COOMBES  
STEPHEN KENNEDY  
BURKETT LYBURN  
KAREN PAYNE  
RONALD RIDGELY  
VAL FOULDS  
ANDREA G. 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.

**CALL TO ORDER:**

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m.

**ROLL CALL OF MEMBERS:** Everyone was present.

**ANNOUNCEMENT OF ABSENCES:** There was no one absent.

**ADDITIONS TO THE AGENDA:**

Mayor Rummage stated he did have an amendment to one of the Ordinances, Number 581.

**APPROVAL OF THE AGENDA:**

Motion was made by Ms. Payne to approve, second by Mr. Kennedy. With no objections from Town Council the agenda was approved. *Motion Carried.*

**APPROVAL OF THE MINUTES:**

Mayor Rummage called for a motion to approve the minutes of the regular meeting of Thursday, April 8, 2010. Motion was made by Ms. Payne to approve, second by Mr. Lyburn. With no objections from Town Council the minutes were approved as presented. *Motion Carried.*

**PRESENTATIONS:**

**SENATOR RICHARD STUART:**

Senator Richard Stuart was present to present a commending resolution to Coach Swope for the Colonial Beach Boys Basketball Team for winning the State Championship. It was a particularly proud moment to me for a boy who grew up in Montross coming from a rural area to be able to show off our folks from the small Town of Colonial Beach to do something as special as what they did. The resolution read as follows:

“Senate Virginia Joint Resolution #1 commending Colonial Beach Boys Basketball Team”.

Whereas, the 2009 Colonial Beach High School Boys Basketball Team had an outstanding season by winning its first Virginia High School League Division I State Basketball Championship before an enthusiastic crowd; and

Whereas, on its way to State title the Region A Champion Drifters won a decisive victory over Alta Vista 55-36; and

Whereas, in an exciting game before more than 3,500 people in front of a crowd in Richmond, Colonial Beach defeated Eastern Montgomery High School 77-75 in a close hard fought game to take home the State Championship Award.

Senator Stuart stated it is a phenomenal accomplishment for those boys to do what they did and we owe a lot of that credit to Coach Swope.

Coach Swope thanked Senator Stuart for the resolution. We would also like to thank him for inviting the team and coaching staff down to Richmond this past January where we had a chance to be recognized. It was a tremendous educational experience.

**EMPLOYEE SERVICE PIN AWARDS:**

Mayor Rummage presented an employee service pin award to Officer Robert Eves for 5 years of service for placing himself at risk and personal injury every day to protect and serve the citizens of Colonial Beach.

**MR. RIDGELY:**

Mr. Ridgely stated that Officer Eves also serves on the fire department and the rescue squad.

Mr. Ridgely stated every year at our banquet we present support awards to people who have helped us throughout the year. A plaque was presented to Ms. Andrea Erard for her service in helping with issues at the rescue squad.

**CHIEF OF POLICE:**

Chief Hawkins stated that he had been asked by the Town Manager to present the changes from the previous parking plan and what has been changed about it. We are hoping with some of the changes that have been made that it will be more palatable for people and for the businesses as a whole in the Town. When various events have happened over the past year, the Town Manager has been under increased scrutiny looking for other revenue sources to accommodate for trash pickup and the beaches and the different litter that has been left behind in the parking lots. One thing that was brought before you was the kiosk. With the kiosk being implemented, other problems came with it as far as how to get people into that parking lot instead of parking in other locations and bottleneaking our streets. The current plan that is moving forward with the

museum parking lot across the street on Hawthorn which is now a parking lot that anyone can park in with no fee. The Tourism lot on Taylor Street between High Tides and the Tourism building requires a Town decal for people who own a summer home property here and would not have a Town decal, a hanger will be provided – one hanger per resident by Town Hall at no fee for the hanger. Also, there are some spaces for the businesses for an annual fee of \$50 per space. The art gallery has already taken the Town Manager up on four spaces for Thor Art Gallery. The businesses so far are providing the signs and they are working that out when it comes to negotiating the spaces. That lot at Tourism is Town decal, hanger or business marked spaces. The Wilder lot which goes from the back of the Vernon House all the way to the Boardwalk is the lot where the kiosk will physically be located within two weeks. The last time I heard from Mr. Murphy, it will be delivered within two weeks. That lot will be Town decal and hanger if you are a summer home or property owner. It will be one per resident or if you do not have those two items, you will use the kiosk. It is \$10 for all day or \$2.00 an hour. Mr. Murphy contacted the kiosk company because there was a big concern about the \$10 fee and they said they were able to do it at the \$2.00 rate per hour because that is what the average parking meter brings in. They would be required to put the slip of paper the machine prints out on the dashboard so the enforcement person will be able to see if they paid or not. Town Commons is right now no parking unless it is under permit by the Town Manager. If she looks at certain events and feels like it is a necessity, she will look at it, but right now there is still no parking on the Town Commons. I know everyone has noticed the fence that went up. There has been a lot of scrutiny over the past two or three years about the orange fence and how it looked. The fence as a whole was causing public works a lot of man hours having to take it up and down or set it up differently from Saturday compared to Sunday. The wooden fence now is on the Town property line and the Chamber is currently looking at doing fund raisers to complete fencing Town Commons. When alcohol is being served, the area has to be cordoned off and it will make it a little easier to do so with the fence. This whole system with the kiosk was not necessarily brought in as a big revenue source, but as a source for funding to clean up trash and clean up what is left behind from visitors once the machine is actually paid for. I believe you have a letter from Mr. Geddes and right now the Town Manager has spoken with Ms. Flanagan at the Riverboat today. She has waived the fees for the Wilder lot this weekend with the Preakness race coming because of all of the visitors we are going to get in light of the kiosk not arriving at this time. Once that has arrived we will play it as it goes, but in response to the letter, the fees have been waived for this weekend. Mr. Geddes has another proposal for your consideration.

Mr. Geddes stated our request would be that the parking regulations would be lifted until such time as that kiosk is installed, in place and running. It gives all of the businesses in that area time to work out the parking arrangements with Ms. Foulds. The last two weekends have been pretty hectic and some of the businesses were not aware as to what was happening. They were caught off guard and to make it fair for everyone if we could just ease those parking restrictions completely until the kiosk is installed. The Chamber's request is that you instruct Ms. Foulds to follow that request.

Motion was made by Mr. Coombes to suspend the rules on parking until the kiosk is in. I just don't want to go through a weekend like I went through last weekend and I think until we can get the process finalized, we should lift everything until the June meeting, second was made by Mr. Kennedy.

Ms. Erard stated that would have to be done by ordinance, it is not something that can be done by motion, however, the Chief of Police is responsible for the enforcement of the ordinance and he would have the discretion as to whether to enforce it or not so it seems to me something could be worked out there.

Mr. Ridgely stated can't we give him our blessing to do that.

Ms. Erard stated you could make a consensus statement.

Mayor Rummage asked couldn't we enact the ordinance tonight?

Ms. Erard responded you have to have a public hearing and it has to be advertised. What Mr. Geddes was suggesting was not advertised.

Mr. Coombes stated we should suspend the enforcement.

Ms. Erard stated if you all are in favor of the Chief not enforcing it, I think the Chief needs to feel comfortable with it.

The Town Council Members all voted aye to suspend the enforcement of parking until the kiosk is installed. **Motion Carried.**

Mayor Rummage stated there will be a delay in enforcement until the kiosk is in place and operating.

Mr. Ridgely stated the Chief is the only one right now that can stop it. I think our vote was simply to say to the Chief of Police, it is our wishes that you don't enforce it.

Mr. Kennedy stated that is the way I understood it.

Ms. King stated the kiosk is going to be on the Wilder Avenue side and the businesses are going to meet with Ms. Foulds regarding the Taylor Street parking, not the Wilder Avenue parking. I am confused as to why the kiosk has anything to do with Wilder. You are not going to have a kiosk on both are you?

The Chief of Police responded the kiosk is only going to operate the lot on Wilder Avenue to the back of the Vernon House, the huge lot the Town owns. Both of the other lots, you can still park there for free if you have a Town decal or a hanger or own a summer home or property. The kiosk will not have any effect on the lots on Taylor because if it is not marked business parking or you don't have a decal or hanger, it is prohibited to park there. The kiosk has nothing to do with that lot.

Ms. King stated but based on what we just talked about, we based on the kiosk being installed on Wilder Avenue. I didn't understand what one has to do with the other. I do not understand what the kiosk has to do with Taylor Street.

Mr. Kennedy responded it doesn't.

Mr. Lyburn stated we are not going to do anything with any lots until the kiosk is installed and we implement everything at one time.

Mr. Coombes stated we just need to get it straight. If we suspend the enforcement of all parking including Taylor Street, it is not fair to do it in one place and have the other place of business still under some kind of rules.

Ms. King stated you keep saying the kiosk.

Mr. Coombes stated when the kiosk is installed you will then implement it everywhere.

The Chief of Police said he had a meeting with all of the officers tomorrow to discuss of all this and we will still enforce the parking meters like we always have.

Mayor Rummage stated the issue about Kentucky Derby day has been resolved.

The Chief of Police stated under instructions from the Town Manager anyone who was issued a parking ticket that day, most of them have been contacted and we are mailing the checks back with a letter stating to please return to Colonial Beach and that we are still looking at the parking process.

Ms. Foulds asked whether parking enforcement has been suspended for Castlewood Park?

Mayor Rummage responded Castlewood Park enforcement would continue.

Ms. Foulds stated she wanted to make an announcement regarding the collection of meals and lodging and business licenses. We have been challenged with getting our collection rate up over the last year. We have been working with the Town Attorney, the Town Clerk and the Chief Financial Officer at a process to start enforcing the collection process. We have made phone calls with no return calls. We are starting enforcement next week with hand delivered notices to some of the businesses for non-payment. We feel it is not fair to our citizens and businesses that do pay their taxes on time.

Mayor Rummage stated so you will be conducting an audit.

Ms. Foulds stated we are going to be asking for supporting documents.

Mayor Rummage stated he had tried to get that going 3 years ago.

Mayor Rummage asked Mr. Grant if we were ready to start the joint meeting between the Planning Commission and the Town Council referring to the the Conditional Use Permit Request for 100 Dennison Street?

Mr. Grant, Chairman of the Planning Commission stated he did not have a quorum at this point, but there are two members on their way. When they arrive, we can conduct the joint meeting then.

### **BOARD OF SUPERVISORS:**

Mr. Roberson reported the County has talked to Sean Trapani from the highway department and in July they will start work on Santa Maria and pave that street. The County has a deadline of May 1<sup>st</sup> to get their budget approved. We did that through some special meetings. There is no tax increase from the County. We did come up with over \$300,000 more for the Westmoreland County School system. A big chunk of that goes to the Pre-K program. Regional Tourism has printed up their flyer and Colonial Beach is in it. Mr. Roberson thanked Peggy Campbell who has been working on our Equalization Board, for those of you who have not been fairly treated as far as the appraisals are concerned. She has been working hard on that and is hoping to end next Thursday. It has been more work for her than she thought it would be and we really appreciate all of her efforts.

### **CITIZENS INPUT:**

Mayor Rummage stated citizens input is not a question and answer session. We just want to hear what you have to say. The Chief of Police or Town Attorney will be keeping track of the 3 minute time limit. It is all on the record and it makes it very official.

Ms. Erard also stated that we will be having separate public hearings on the ordinances.

Mayor Rummage stated we have public hearings after the new business items, but right now we will start with citizens input.

### **RELDA SCHICK – 901 IRVING AVENUE**

Ms. Schick stated she didn't know who made the judgment call on this but someone has spray painted "Golf Cart Parking" on the telephone poles and the pillions that keep people from driving on the beach, and it was so tacky looking. It seems like the Town could buy signs if they want to designate golf cart parking there. To allow more parking, we should get rid of the seesaws. They are pretty dangerous and it would accommodate a lot more parking.

### **SHERRY HUTCHINS – 1306 MONROE BAY AVENUE**

Ms. Hutchins thanked everyone for removing the parking signs off of Town Hill. It looked pretty tacky. It looks very nice now. Another concern, whoever implemented the No Parking on a weekend where everything was going on in Town an apology letter should be written to the individuals who did get a ticket even though they are being reimbursed. You want tourism in this Town and you chase them away. You are our representation. We voted most of you in. As my Town Council the Town Manager should meet with you on everything that occurs within our Town. If she oversteps or anybody else oversteps their bounds, it is your responsibility as elected individuals to maintain control. I also feel that if our Town members have to live here in Town and represent our public that the people who make these other big decisions should also live in this Town. They should feel the impact of what they do to us. As I understand it there was an Ordinance that stated the Town Manager did have to live in Town and I feel that

Ordinance should be put back in. They should pay the taxes that we pay and do everything that you make us do as residents of this Town. Beautification: It is wonderful that they are trying to get a grant – we already know our Town has to have some upkeep especially on the road coming in. I came here 20 years ago and when I turned onto that main road, I turned around and left. We as individuals know, we don't need to pay a consultant \$30K to have work done. Keep that money invested in our Town. There is a young couple who maintains the gardens at Town Hill and they have to beg for a bag of mulch, but you are willing to pay \$30K for a consultant to come in here and tell us differently.

Mayor Rummage asked that the applause be controlled.

### **JERRY HIGGS – 112 RIVERVIEW CIRCLE**

Mr. Higgs stated the other day I ran down to the Town Hall and saw the parking permit plan that you have implemented. I was severely disappointed. I know you can do better. I know how hard you work because I sat up there once myself. If you want to unwelcome people to come then keep charging \$10 a shot for parking. That is just telling everybody we don't want anyone here. Those of you Council Members who are not coming back, thank you for your hard work. My wife and I know how hard you work. I would like to see a new spirit of cooperation. I am tired of the same old nonsense in the newspapers. I know how hard it is to be on Council and bite your tongue but try to stifle yourself and be kind to the other guy.

### **TOMMY EDWARDS – 2<sup>ND</sup> STREET**

Mr. Edwards stated the Tourism Council Information Center is going to be opening up on Friday May 21<sup>st</sup> and will continue through the summer on Friday, Saturday and Sunday. We would like to welcome anybody to join us helping to give out information about the restaurants and places to stay. One of the ladies the other week said nothing happens in Colonial Beach. I don't know where this lady has been but we have some great events in this Town. The Potomac River Festival, the 4<sup>th</sup> of July fireworks and the different events that the Chamber puts on in the summer. I don't know what rock this lady has been living under. Tourism has just had the building renovated. It really looks great. We have the 2010 directories that the Chamber made up. I would like to remind everybody on May 31, 2010 at 11:00 on Monday, Memorial Day, we are having our service at the cannon. We are running into a lot of environmental problems with painting the cannon because of lead, but John Drew has assured me that we will try to get that painted up a little bit. Following the service, there will be a light lunch served at the American Legion upstairs. In case it rains, the service will be held upstairs at the American Legion.

### **DEB RISTON – 323 MONROE BAY AVENUE**

Ms. Riston stated she owns a business in Town and pulled up to go to work on Tuesday morning when I was approached by a female police officer in a golf cart who came in very forceful. I had my two year old grandson with me and it really scared him, and she was going to give me a ticket because I parked in front of my building. She told me if I didn't have my car moved by the time she came back then she was going to give me a ticket. I didn't realize all of this parking business was going on. I moved my car and then I got to thinking about it as the day went on. I pay a lease and I have a business here and I can't park my car in front of my business, but my business can be surrounded by people who buy ice cream all day long because they are only going to be there for 10 or 15 minutes. Because I am going to be in my business for more than

two hours, I am not allowed to park there. I don't understand that. I don't understand as a business owner, if they were going to enforce this parking, why didn't we receive some type of notice or letter or something stating what was going on. I felt it was a really rude way to start my Tuesday morning.

Chief Hawkins offered to follow up on it.

**MIKE LOONEY – 3 MARSHALL AVENUE**

Mr. Looney stated he was currently a member of the Colonial Beach School Board, but was not speaking on behalf of the School Board or any other organization, but speaking as a private citizen with some personal knowledge of the school. We just had two audits in the school system both federal programs. One was Title I and Title III. The Title I audit scored 100% on that. Title III also went out perfectly and scored 100% on that. I would like to congratulate and thank Tasha Pierce and those who participated in Title I and Ms. Kathleen Beane who participated in Title III. Of all of the schools in the State of Virginia, Colonial Beach has made the biggest category for qualified teachers. The elementary school, we now have 98% of qualified teachers and in the high school it is around 98% and the school system as a whole is at 93%. We made the biggest progress of any school in the State.

**KAREN CAMLIN – 2540 RIVERVIEW DRIVE**

Ms. Camlin stated she has been a teacher for 19 years and was really proud to be working with so many amazing teachers. I am a registered voter and taxpayer. I encourage you to listen to what I have to say. The schools cannot afford any more cuts. It is unfair to our children and the school to not give them the best education that we can. I teach 26 amazing children. They deserve everything we have to offer. They are our biggest investment and the future of our town. They are going to be making decisions in this Town. I don't understand why this is an issue. I cannot even consider why you wouldn't give the school the required amount of local funding. It is our obligation and our duty to provide our children with the very best education that we can.

**VERONICA REYNOLDS – 95 LEA ROAD – PLACID ROAD**

Ms. Reynolds stated she has taught in Colonial Beach for 12 years and that is why I am here this evening. It has come to our attention that with budget cuts, there is consideration of the Town Council providing on the State minimum funding for the school. Some of you will have heard because we were labeled as low achieving that we are going to get some extra money. I really encourage you not to use that as an excuse to cut funding. This is a tremendous opportunity for us to work out what needs to be fixed and fix things that we know need to be fixed. As Mr. Looney said, we have 93% of teachers that are highly qualified. That is something you want in this town and we have all learned how to do a whole lot with a very little bit. I just can't see that we can take anymore away from that. There are so many people who don't want this school in Colonial Beach, but do you really want to bus your kids to Montross? We have an awesome school system here and it really needs your support. We are going to get some of that extra help. We are going to get some of that extra funding and I think we can really turn things around. I hope this isn't politically incorrect, but I am going to say it anyway. I never in my life thought I would use Mr. Delano in a speech to the Town Council. I apologize. I know that a lot of us have read the Free Lance Star and thought wow he really likes to show our dirty laundry. Recently I had the opportunity to interview with Mr. Delano and he said something that I think

everybody needs to take to heart. Mr. Delano emphasized that our school system is the “Soul of this Town”. Mr. Delano gets that and I hope everybody else gets that too.

**KYLE SCHICK – 901 IRVING AVENUE**

Mr. Schick stated he understood there were some changes made to the fishing regulations on Town property so I called the police department and an officer got on the phone and gave me great information. It was easy to understand, but I think it is important that it be put down on paper so it can be handed out to people at places who sell tackle, the Information Center because it is very confusing for people. Where can you fish, what time can you fish etc. I would be glad to distribute that at the marina and get the word out as much as I can. I don't want to give out incorrect information.

**DIANE PEARSON – 300 BILLINGSLEY AVENUE**

Ms. Pearson stated one thing I want to remind you of as Mayor and Town Council is for many years and I have been coming to Council Meetings for 52 years, we have always been known as a friendly little town. I am getting to the point where I don't think we are that friendly anymore. You do not give us the information that we used to get from your reports. I have been told that we need to come to your committee meetings. There are a lot of people who work and they cannot come to the afternoon meetings. This is something you need to take into consideration. Also, when we find something to clap about at these meetings, it is our time as well as your time and I think we need to be able to express our feelings when we think something good is going on in these Town Council Meetings. When the new Council comes in, I would like to see us go back to our old way of having committee reports so we the people who put you in there know what is going on in this town. Also, we need the financial advisor to give us some figures so we know how much money we are operating on. I don't really think this is too much to ask. If we come to the Council Meetings, we are here with you. We are going to stay here as long as you are here. You need to take this into consideration when we do not get any information from you.

**RUSTY CURLEY – 554 LAFAYETTE AVENUE**

Mr. Curley stated the parking issue that happened during the Kentucky Derby weekend – four of my seasonal campers were ticketed. Two of them were ticketed by an officer who told them to park there. About 25 – 30 years ago, I went on a vacation with a friend of mine in Cocoa Beach, Florida. At the time it was as big as Colonial Beach, not much bigger, and I got lost. All of a sudden I found myself going the wrong way on a one way street. Unfortunately, I had to make an illegal U-turn to correct my error and more importantly, a police officer saw me do all of this. So he pulled me over and got my driver's license and information and a few minutes later he comes back to the car. I explained to him I was lost and didn't know where I was going. He gave me back my driver's license and told me to have a good stay here. I thanked him. He could have certainly written me a ticket for what I had done. He said the reason why I was pulled over is because I want your stay here to be a safe one. The reason why I didn't give you a ticket is because I want your stay here to be an enjoyable one and I want you to come back. I think somewhere we have lost touch with that mindset. I think all of you want the best for this town, but I really think we have to realize that tourism is a major asset for this town and we need to encourage it. We are not going to make enough money from tickets and speeding tickets to support his town. We need to have these people want to come back.

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**AMANDA PRESTON – 425 MONTICELLO DRIVE – WESTMORELAND SHORES**

Ms. Preston stated she is a teacher in Colonial Beach Schools. I am a graduate from Colonial Beach High School. It was because of our community churches and the support of Town Council that I received several scholarships in order to attend college. I received my Master's Degree in education and I am currently working on my degree in administration. I am giving back to your community. I would very much like for my son to grow up here. On my teacher's salary I cannot afford a home within the town limits. I would like the Town Council to consider increasing their support to our schools. We all have to face the fact that our students aren't going anywhere and I wish you could have seen the children's faces when they were registering and starting their school career and fortunately they do not know the controversy that surrounds our schools and Council. We need to educate not only the citizens of Colonial Beach but we have an obligation to our students and our children and grandchildren and a place that provides them with the love and respect that we really want them to know about. We need to prioritize the things that are truly important. It isn't about the kiosk. I have 28 students who look to me every day for guidance and I am looking at you now for the financial responsibility part of that which will make things happen for them.

**TIM TRIVETT – CHAIRMAN OF THE COLONIAL BEACH SCHOOL BOARD**

Mr. Trivett invited the Town Council to come out on Monday – Mr. Kennedy came to our last forum that we had at the high school and we are going to have another one on Monday. We want you as well as the public to be involved in this transition that this school system is going to go through. There is no doubt in my mind that we have come a long way in the last two years. I really believe in the next year this whole town will see a lot of positive changes take place in our school division. We are very fortunate to have the teachers that we have. They are very well educated. Most of them have Master's Degrees. Most of them as you well know could go to Dahlgren and make probably three times what they make in Colonial Beach and work half the time. Our teachers put in many, many hours a day. Their job does not stop when the school day is over. They take it home with them. They eat dinner in front of it. They bring it back early the next morning. It is a long day for them. I would ask this year that you consider doing the level funding from last year. If we have to take another \$217K hit, we will have to eliminate more positions and we have already had to eliminate this year based on the funding we have received from the state. I ask you seriously to consider that. We don't want to lose our teachers and none of them have had a raise for the last couple of years. They are highly qualified and they do an excellent job of educating our children. I have said it many times. I honestly believe if we don't have this school system, this town would be a retirement community because nobody will have a reason to come here. I hope that we will have your support. You have my word that I am going to do everything possible this year to communicate with you and answer any questions that you have. We are always going to be available to you at any meeting that you want us to be at. The superintendent has pledged to come over to your office, for you to come to her office and I would do the same thing. I really hope that we will put the past in the past and that we will look to the future. I know that we can all do that. We are all grown up. We say things sometimes that we regret and that we shouldn't say. Sometimes it is out of anger but I firmly believe we will really come together and make this the best Town that it has ever been and I know that each one of you on this Town Council has the ability to work right beside the school board to where we get excellent press. About a week ago at our meeting, I don't know who did this but, somebody rigged one of these cords over here and it sounded like gunshots going off and Mr.

Delano jumped under the table. He really thought he was being shot at. It was pretty rewarding to see that happen. Please come to the meeting on Monday night because we will be doing a tour of both schools on Monday night. We don't know whether we are going to be able to come up with the funds to do a middle school. We will answer any questions that you have. The tour starts at 6:30 and then we meet in the cafeteria at 7:00. We had a pretty good crowd last time. I don't believe very many of you were able to make last year's graduation but I would strongly encourage you to try to make this year's graduation and show the kids you really do support them. The graduation is June 20<sup>th</sup> at 4:00 p.m.

#### **WAYNE KENNEDY – MEADOW AVENUE**

Mr. Kennedy stated most of you know I have been in your shoes and seat before. I know you have one of the most difficult tasks in this town and you will never please everybody. You are like an umpire with bang, bang calls. If they are easy you will sit under a shade tree with a big gulp and then just maybe you satisfy 50% of the people. You try to accumulate as much information as you can on every issue. You try to look at what is best overall for the community. Very seldom are you praised. Many times you are almost raised with somebody's foot and that just comes with the territory, you know it or you wouldn't still be here. Sometimes we win, sometimes we lose. Hopefully we do consider the systems and do what is right to the best of our ability. I am here as a citizen although all of you know I do serve on the school board. I did serve where you are for 12 years. My wife and I have been in Colonial Beach for 41 years. I am here tonight to ask you as a citizen to please do all you can to provide level funding for the school board. You have heard all these stories from talented teachers and I can't add to that but we know every community in America fights to keep kids off the corners and keep them in productive situations. Level funding will help assure that. We have great kids here but they are not different than anybody else. Without proper opportunities they are going to go the long course and it is to our advantage and it will save us money in the long run if we can provide everything we can educationally. I know you have issues with infrastructures, streets, water and sewers. That has always been here and it is always going to be here. I am a senior citizen and I am on a fixed income, and that is always going to happen. Somebody paid for us. We have to do what we can for those who come after us and hopefully they will be the leaders of tomorrow. Our teachers have been three years without raises. I know other people have been three years without raises. Keep in mind every five years, they are charged with taking a minimum of 6 more hours of credit or numerous hours of in service just to stay certified, not necessarily highly qualified. Let's do all we can to keep kids off the street corners. Remember all the things you are charged with. You can't possibly do everything, but please let's not shortchange the school. Just be miracle workers like you normally are and do the very best you can and let's make Colonial Beach the town, the school system, the citizens and every group working together, let's be the best we can be at everything and try to help each other.

#### **STEVE CANNADY – 116 HAWTHORN STREET**

Mr. Cannady stated that as many of you all know, I worked for the town in public works. This past 4<sup>th</sup> of July, my wife went into the bathrooms on the Boardwalk facility and she almost came out retching because of the conditions. Later that evening, I ran into the Town Manager and asked her why it wasn't clean. The Town Manager told me it wasn't in the budget. If we don't look after these bathrooms on the weekends, people are not going to want to come here ever again.

**TIM CURTAIN – 801 ELKINS STREET**

Mr. Curtain stated I had not intended to talk tonight. I have been trying to figure out what kind of a contribution I can make to the future to the community. One of the key things I keep hearing lately is your ability to communicate with us in a way that is effective, efficient and timely so we don't feel caught off guard. You guys know that you put your best foot forward in the time you had to get the word out to us. Some of us are not here all the time. What would be the value to all of you of an email distribution list that was comprised of all the business owners, all the property owners and all the full and part time residents in this community. Basically anytime you had anything to say, anytime you were getting ready to implement a parking policy, or a special meeting or emergency meetings and the timeliness and how you go about communicating that to the community so that you get your business done and do it legally. I wondered how much interest there would be in the community and I am pledging tonight to do everything I can do to put it together. You can have distribution lists so you can put information out anytime you needed to so there are no surprises. It can't be that hard to put together. It is worth a try.

With no further citizen input, this portion of the meeting was closed at 8:10 p.m.

A brief recess was taken at this time.

Ms. Payne stated the comment that was made by a member of the public regarding the \$30K that they thought was being spent on the beautification project. That is actually not the case. The \$30K that was referenced was spent on the Comprehensive Plan which is required. The revitalization and irrigation that we are discussing now is not costing the taxpayers a dollar.

**JOINT PUBLIC HEARING BETWEEN THE TOWN COUNCIL AND THE PLANNING COMMISSION**

Mayor Rummage stated this is an unusual procedure but to meet the legal requirements and the time constraints involved, we had to handle it this way. We are going to have a joint meeting. It is a meeting by the Planning Commission and they are going to make a recommendation to us and then we are going to have a public hearing on the same issue and then we will take action on the same resolution.

At this time the meeting was turned over to Mr. Grant, the Chairman of the Planning Commission which concerns the Conditional Use Permit Request for Russell B. Canter for 100 Dennison Street to Operate a Bed and Breakfast.

Mr. Grant called the Planning Commission to order. Let the record show that everyone is here except Maureen Holt and Deserie Urguhart and Cynthia Miscika. We do have a quorum. At this time the public hearing was turned over to the Mayor.

**PUBLIC HEARING:**

**RES: #16-10 – CONDITIONAL USE PERMIT REQUEST FOR RUSSELL B. CANTER FOR 100 DENNISON STREET TO OPERATE A BED AND BREAKFAST**

Ms. Erard stated this is a joint public hearing between the Planning Commission and the Town Council for a request by Mr. Canter to obtain a Conditional Use Permit to operate a bed and breakfast.

There was no public comment.

Mr. Grant asked Mr. Mitchell to present his recommendation for the request for a Conditional Use Permit to operate a bed and breakfast at 100 Dennison Street.

Mr. Mitchell stated Russell B. Canter has applied for a Conditional Use Permit (CUP) to operate a bed and breakfast at 100 Dennison Street (Tax Map Number 3A -2- 2- 80 – 6). The owner of the property, Mr. Canter wishes to open the existing house as a bed and breakfast and be operational this tourist season. Mr. Canter is in the process of renovating the house so as to have it ready for use this summer. The property is zoned as Resort Commercial and is located in the approximate center of the downtown portion of Colonial Beach. The property is zoned Resort Commercial and as such Bed and Breakfasts are permitted only via a conditional use permit. The property will utilize existing on-street parking for its guests. The Comprehensive Plan designates this area as historic resort commercial. The Plan continues by saying that future uses in this area are intended to provide recreational and business opportunities designed to foster tourism. The Plan states that future development within the area should preserve the historic integrity of the area. Mr. Canter is renovating the existing house and will maintain the architectural characteristics of the house in order to promote his Bed and Breakfast and the historic designation of this area as shown in the Comprehensive Plan. Advertisements and the required adjoining property letters have been sent out advising all of this joint hearing as required by state law.

Mr. Mitchell stated there are a number of standards that can be used that are applicable to Conditional Use Permits. Staff believes these standards are all met by Mr. Canter's application. We do have 9 conditions that we recommend to be included with the Conditional Use Permit and those are as follows: 1) The site shall be developed in substantial conformance with the Zoning Application including, but not limited to the General Development Plan prepared by Richard B. Allison dated 7-17-96 as amended. 2) The applicant will record the To-Witt with the Westmoreland County Clerk's Office within 30 days of receiving the To-Witt from the Department of Planning & Community Development (DPCD) and provide a copy of the recorded document to the DPCD. 3) The exterior architecture of the existing house will be preserved and enhanced by the owner. 4) No inoperable motor vehicles shall be stored or parked on the property. 5) The applicant shall provide two (2) off-street parking spaces and utilize on-street parking for guests. 6) The applicant shall have the Building Official inspect the property before opening to the public to ensure the building meets all building and safety codes. The Building Official shall post the maximum occupancy of the building. 7) Signage shall be limited to a single monument sign not to exceed 32 square feet in size and no more than 8 feet in height. 8) The maximum occupancy of the bed and breakfast shall be limited to two (2) adults per guest room. 9) The applicant shall trim the dead sections of the tree on the corner of Dennison St and Irving Avenue. 10) The said property is to be in compliance with all federal, state and local laws.

I did photograph the property in the staff report and we would recommend approval of those conditions.

Mr. Rodeheaver asked about the official document, could we get the wording changed in the Conditional Use Permit to include to a legal clause.

Ms. Erard responded we can add that the property be in compliance with all federal, state and local laws.

Ms. McMullen asked by referencing 2 parents, does that exclude children?

Mr. Mitchell responded 2 guests per room.

Mr. Coombes asked how many guest rooms are there?

Mr. Mitchell responded there are four bedrooms there. How many he plans to use, I am not aware of at this point.

Ms. McMullen stated would the parents of an infant be able to share one room? Do we need to add some flexibility by the manager?

Mr. Mitchell responded we are saying total occupancy. It is two per room. If you have four bedrooms, 8 people, where they stay at is up to them.

Mr. Coombes stated I shouldn't bring this word up again. Parking – we have parking regulations that says a Bed & Breakfast is two parking spaces and 2 for on street parking, is that not correct?

Mr. Mitchell responded that was correct.

Mr. Coombes stated he could have more guests for which he doesn't have parking.

Mr. Mitchell responded he has an agreement with the adjoining property owner to have shared parking there because they are connected in this business opportunity.

Mr. Coombes asked if there were any agreements with anyone else?

Mr. Mitchell responded none that he knew of.

Mr. Rodeheaver asked if 2 parking spaces were enough to accommodate 4 bedrooms in the bed & breakfast?

Mr. Mitchell responded it would be 4 spaces if you had the entire thing rented on a particular weekend.

Mr. Coombes asked if it compares favorably with other bed and breakfasts' that are in Town?

Mr. Grant responded two on the property and two on the street.

Mr. Mitchell responded it did with the ones that he was aware of.

Mr. Grant felt it was a great idea.

Ms. McMullen stated these are the type of businesses we want in Town. I feel very comfortable that it is the right thing to do.

Ms. Erard asked Mr. Mitchell if we should make a provision about the off street parking? Number 5, it says the applicant is only required 2 off street parking spaces.

Mr. Mitchell responded we could increase it, but he has a driveway there capable of handling 6 cars. He is going to live there and might have a car or two of his own.

Ms. Erard asked what is your recommendation regarding Number 5?

Mr. Mitchell responded he thought it was sufficient as is.

Mr. Coombes stated it meets the requirements of our other article for parking in the zoning ordinance?

Mr. Mitchell responded yes - two on and two off.

Mr. Coombes stated it doesn't say two off.

Mr. Rodeheaver stated there is a big conflict for parking there because across the street is the Tide's Inn which has 8 rooms. How could anybody have any parking agreement with one another? I don't know how you could have an agreement with anyone in that area for additional parking.

**Whereas**, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the approval of the conditional use permit application filed by Mr. Russell B. Canter to operate a Bed and Breakfast establishment located on tax map #3A2-2-80-6 aka 100 Dennison Street.

**Now therefore be it resolved**, that the Colonial Beach Planning Commission hereby recommends approval of this Conditional Use Permit with the recommended conditions to the Colonial Beach Town Council in accordance with Section 15.2-2285 of the Code of Virginia 1950 as amended.

Ms. Erard stated that is the 9 conditions outlined in the staff report as well as the 10<sup>th</sup> condition that we added.

Mr. Rodeheaver agreed.

Motion was made by Mr. Coombes to approve, second by Ms. McMullen.

Mr. Grant called for a vote. Ms. McMullen **aye**, Mr. Rodeheaver **aye**, Mr. Coombes **aye**, Mr. Grant **aye**, motion carried and the **Conditional Use Permit for Russell B. Canter for 100 Dennison Street to Operate and Bed and Breakfast was Approved.** Ms. Misicka, Ms. Urquhart and Ms. Holt were absent from the vote. *Motion Carried.*

Mayor Rummage stated after the Planning Commission's favorable report, the Town Council is ready to take action on Resolution - #16-10 – Conditional Use Permit Request for Russell B. Canter for 100 Dennison Street to Operate a Bed and Breakfast.

Mr. Seeber asked if he could make a comment. On Number 5 it says to allow off street parking spaces and utilize on-street parking for guests. It sounds like the guests will have to park on the street. You may want to check your words.

Mr. Grant stated the motion was made and voted on and approved so it will stay that way.

**RESOLUTION - #16-10 – CONDITIONAL USE PERMIT FOR RUSSELL B. CANTER FOR 100 DENNISON STREET TO OPERATE A BED AND BREAKFAST**

Town Manager's Comments:

This request has been expedited because it involves economic development. The project is consistent with the Comprehensive Plan. The Town Manager recommends approval of the request subject to the following conditions:

1. The site shall be developed in substantial conformance with the Zoning Application including, but not limited to the General Development Plan (the "plat") prepared by Richard B. Allison dated 7-17-96 as amended.
2. The applicant will record the To-Wit with the Westmoreland County Clerk's Office within 30 days of receiving the To-Wit from the Department of Planning and Community Development (DPCD) and provide a copy of the recorded document to the DPCD.
3. The exterior architecture of the existing house will be preserved and enhanced by the owner.
4. No inoperable motor vehicles shall be stored or parked on the property.
5. The applicant shall provide two (2) off- street parking spaces and utilize on-street parking for guests.

6. The applicant shall have the Building Official inspect the property before opening to the public to ensure the building meets all building and safety codes. The Building Official shall post the maximum occupancy of the building.
7. Signage shall be limited to a single monument sign not to exceed 32 square feet in size and no more than 8 feet in height.
8. The maximum occupancy of the bed and breakfast shall be limited to two (2) adults per guest room.
9. The applicant shall trim the dead sections of the tree on the corner of Dennison and Irving Avenue.
10. The said property shall be in compliance with all federal, state and local laws.

Motion was made by Mr. Kennedy to approve, second by Mr. Lyburn. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Ms. King **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Conditional Use Permit Request for Russell B. Canter 100 Dennison Street to Operate a Bed and Breakfast was Approved. Motion Carried.**

**UNFINISHED BUSINESS:**

There were no issues to discuss in unfinished business.

**NEW BUSINESS:**

**PUBLIC HEARING:**

**ORDINANCE - #581 – AMENDMENT TO COLONIAL BEACH ZONING ORDINANCE ARTICLE 8, “COMMERCIAL LIMITED” C-1 DISTRICT (MARITIME COMMERCIAL)**

**CAREY GEDDES – PRESIDENT - CHAMBER OF COMMERCE**

Mr. Geddes stated on behalf of the Colonial Beach Chamber of Commerce I would like to comment on Ordinance - #581, amendments to Article 8 & 5 of the zoning ordinance. I understand that an ad hoc committee was formed consisting of the Zoning Administrator, several Planning Commission Members and Town Council Members who worked to create this plan. As a representative of over 125 businesses within the Town, I feel that it was odd that there was not a representative from the Chamber and other citizen groups. The Chamber has clear concerns about the some specific details and general concerns that the local businesses did fully not understand the implications. Anytime there is a taking of private rights there must be a greater public good that results. Therefore the Chamber feels that there should be a public forum dedicated to the full disclosure of the proposed ordinance and the implications to the business community.

**KYLE SCHICK – 901 IRVING AVENUE – OWNER AND OPERATOR OF COLONIAL BEACH YACHT CENTER**

Mr. Schick thanked the Planning Commission and the staff. They have worked very hard on this situation and I do support most of those and I would like to see a little bit of modification in some of the uses as far as the marina's are concerned to stay in the by-right in the Maritime Commercial and C-1

With no further comments on Ordinance - #581, this portion of the meeting was closed.

**ORDINANCE - #585 – AMENDMENT TO TOWN CODE OF ORDINANCES, ARTICLE III, “NOISE ORDINANCE” DELETES SECTION 15-26 “LOUD NOISES PROHIBITED”, SECTION 15-27 “EXEMPTIONS” AND 15-28 “PENALTY AND ENFORCEMENT” AND ADDS SECTION 15-26, “LOUDSPEAKER PERMIT REQUIRED, AND SECTION 15-27, ISSUANCE OF LOUDSPEAKER PERMITS”**

There was no public comment on Ordinance - #585

**ORDINANCE - #586 – AMENDMENT TO TOWN CODE OF ORDINANCES “CHAPTER 14, MOTOR VEHICLES AND TRAFFIC”, ARTICLE 1 “IN GENERAL” TO DELETE SECTION 14-48**

There was no public comment on Ordinance - #586.

**ORDINANCE - #587 – AMENDMENT TO CHAPTER 4, “BEACHES & WATERWAYS”, ARTICLE I, “IN GENERAL”, CHAPTER 5, “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS & FACILITIES, SECTION 5-4 “VEHICLES PROHIBITED ON BOARDWALK”**

**JERRY JARVIS – 225 BOUNDARY STREET**

Mr. Jarvis thanked Town Council for the amendment which is what we brought up before. This is something that we did not want to encourage the kids to do, but give the youth of the Town something to do rather walk the “bitch” and during the year they can also skate to. The recommendation that I made was to have it between the dates of Memorial Day and Labor Day off limits. I do like the April 1<sup>st</sup> date to the fall, but the date I recommended originally was Memorial Day to Labor Day. Everything outside of that would be free.

With no further comment on Ordinance - #587, this portion of the meeting was closed.

*The Public Hearings were closed at 8:35 p.m.*

**ACTION BY TOWN COUNCIL ON NEW BUSINESS:**

**ORDINANCE - #581 – AMENDMENT TO COLONIAL BEACH ZONING ORDINANCE ARTICLE 8, “COMMERCIAL LIMITED” C-1 DISTRICT (MARITIME COMMERCIAL)**

**BE IT ORDAINED THAT THE COLONIAL BEACH ZONING ORDINANCE BE AMENDED BY MODIFYING ARTICLE 8, COMMERCIAL LIMITED C-1 DISTRICT TO READ IN ITS ENTIRETY AS FOLLOWS:**

“Statement of Intent

The purpose of this district is to provide sufficient space and appropriate locations for commercial activities generally serving the complete town and located along existing major thoroughfares.

8-1 Permitted Uses <sup>i</sup>

Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan:

Commercial Accessory Structures  
Arts, Crafts & Photography Studios  
~~Automobile Service Stations~~  
Civic, Social or Fraternal Facilities  
Community Facility-Center/Open Space  
Day Care Center  
~~Convenience Store~~  
~~Financial Institutions~~  
~~Flea Markets~~  
~~Funeral Homes~~  
Live-work units  
~~Marinas~~  
~~Medical Offices~~ (not needed covered under Professional offices below)  
Museums  
~~Private or Public and Commercial Piers~~  
Professional Offices  
Public Utilities Facilities (public utilities, parks, libraries, police/fire stations open space)  
Restaurants  
Small Retail Establishments, not exceeding 1,200 square feet ~~Pawn Shops and Wayside Stands~~  
~~Self Storage Warehouses~~  
~~Service Establishments~~  
~~Vehicle Major Service Stations~~  
~~Vehicular Sales, Service and Repair Establishments~~  
~~Veterinary Hospitals and Kennels~~  
~~All other activities and land uses which are materially similar to the activities listed above~~

8-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding 8-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing, thereon, in accordance with Article 16 herein, the Town Council finds as a fact that the proposed use is consistent with the intent of the Land Use

Plan, and is in the public interest, the following uses may be permitted with an approved site plan.

Auction Houses  
Boat Building Establishments  
Boathouses  
Book Stores  
Bottling Establishments  
Bus and Railroad Stations  
Commercial Recreation Facilities  
Commercial Piers  
Conference Centers  
Convenience Store  
Flea Markets.  
Funeral Homes  
~~Day Care Centers~~  
~~Emergency Service Facilities~~  
Financial Institutions  
Go-cart Tracks  
Hospitals  
Hotels and Motels  
Marinas  
Nightclubs  
Parking Deck/Lot  
Pawn Shops and Wayside Stands  
Restaurants  
Seafood Packing Facilities  
Service & Repair Establishments  
Self Storage Warehouses  
Shopping Centers  
Theaters  
Vehicle Major Service Stations  
Vehicular Sales, Service and Repair Establishments  
Veterinary Hospitals and Kennels  
Watchman or caretakers living quarters employed by the business

### 8-3 Development Standards

No chain link or other types of wire fences may be placed on the required front yard.  
Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.  
Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8-1.1).

Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.

Light standards or poles shall not exceed 15-feet in height.

Across the front of the property a “street tree” standard shall be required as specified by the Director.

Parapet walls or other screening device shall be used to screen roof top mechanical equipment from view.

Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35 feet from finished grade.

#### 8-34 Area Regulations

There shall be no minimum lot area required.

#### 8-45 Front Yard Setback Regulations

For main structures the minimum front yard setback from the street right of way upon which the structure fronts shall be five (5) feet and the maximum shall be thirty (30) feet.

#### 8-56 Minimum Street Frontage Regulations

For main structures, there shall be no minimum street frontage required.

#### 8-67 Lot Width Regulations

For main structures, there shall be no minimum lot width required.

#### 8-78 Side Yard Setback Regulations

For main structures, there shall be no minimum side yard required.

Notwithstanding Section 8-7(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

#### 8-89 Rear Yard Setback Regulations

a. For main structures, there shall be no minimum rear yard required.

b. Notwithstanding Section 8-9(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

#### 8-910 Height Regulations

Permitted structures may be erected up to thirty-five (35) feet from final grade with the following exceptions:

- a. Church spires, monuments, water towers, chimneys, flag poles, television antennae, and radio aerials.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

#### 8-1011 Accessory Structure Regulations

- a. Accessory structures shall have no minimum setback required.
- b. Notwithstanding Section 8-10(a), an accessory structure, ~~including roof overhang~~, shall be located no closer than twenty-five (25) feet to any property line which is adjacent to the boundary line of a residential district.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).

- c. All accessory buildings shall be less than the main building in height.”

**BE IT FURTHER ORDAINED THAT THE COLONIAL BEACH ZONING ORDINANCE BE AMENDED BY ADDING ARTICLE 8A, “COMMERCIAL GENERAL C-2 DISTRICT” TO READ IN ITS ENTIRETY AS FOLLOWS:**

#### **“ARTICLE 8A. COMMERCIAL GENERAL C-2 DISTRICT**

##### Statement of Intent

The purpose of this district is to provide sufficient space and appropriate locations for commercial activities generally serving the complete town or region and located along existing major thoroughfares. These establishments are generally located in areas designated as commercial/industrial land uses in the Comprehensive Plan.

## 8-1 Permitted Uses

Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan:

Arts, Crafts & Photography Studios  
Automobile Service Stations  
Business Service Establishments  
Civic, Social or Fraternal Facilities  
Commercial Accessory Structures  
Community Center  
Commercial Recreation Facilities  
Community Shopping Centers (facilities which do not exceed 99,999 square feet)  
Convenience Store  
Day Care Center  
Emergency Services (fire/rescue)  
Financial Service Establishments  
Flea Markets.  
Funeral Homes  
Golf cart Sales/Service  
Hotels/Motels  
Live-work units  
Museums  
Offices  
Pawn Shops  
Parks/Open Space  
Personal Service Establishments  
Private or Public and Commercial Piers  
Public Facilities  
Restaurants  
Retail Sales Establishments (not exceeding 50,000 square feet)  
Self Storage Warehouses  
Theaters  
Training/Vocational School  
Training Centers for the Physically or Mentally Disadvantaged  
Veterinary Hospitals and Kennels  
Watchman or caretakers living quarters employed by the business

## 8-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding 8-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing, thereon, in accordance with Article 16 herein, the Town Council finds as a fact that the proposed use is consistent with the intent of the Land Use

Plan, and is in the public interest, the following uses may be permitted with an approved site plan.

Auction Houses

Big Box Retail

Boat Building Establishments

Bottling Establishments

Bus and Railroad Stations

Commercial Recreation Facilities

Commercial Piers

Conference Centers

Go-cart Tracks

Hospitals

Major Shopping Centers (exceeding 100,000 square feet)

Marinas

Motor Vehicle Sales (new/used) and Repair Establishments

Nightclubs

Parking Deck/Lot

Seafood Packing Facilities

Theaters

Training/Vocational Schools

Training Centers for the Physically or Mentally Disadvantaged

Truck/Freight Terminal

Warehouse/Distribution Centers

Wholesale Trade Establishments

Watchman or caretakers living quarters employed by the business

### 8-3 Development Standards

No chain link or other types of wire fences may be placed on the required front yard.

Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.

Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8-1.1).

Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.

Light standards or poles shall not exceed 15-feet in height.

Across the front of the property a "street tree" standard shall be required as specified by the Director.

Parapet walls or other screening device shall be used to screen roof top mechanical equipment from view.

Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated

as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35 feet from finished grade.

#### 8-4 Area Regulations

The minimum lot area required is 130,608 square feet (three (3) acres).

#### 8-5 Front Yard Setback Regulations

For the principal structure the minimum front yard setback from the street right of way upon which the structure fronts shall be twenty-five (25) feet and the maximum shall be fifty (50) feet.

Parking lots shall be located to the rear or side of the principal structure and it shall have internal and perimeter landscaping in accordance with this ordinance.

#### 8-6 Minimum Street Frontage Regulations

The minimum street frontage required is one hundred (100) feet.

#### 8-7 Lot Width Regulations

The minimum lot width at the building restriction line is two hundred (200) feet.

#### 8-8 Side Yard Setback Regulations

For main structures, there shall be no minimum side yard required.

Notwithstanding Section 8-7(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

#### 8-9 Rear Yard Setback Regulations

a. For main structures, there shall be no minimum rear yard required.

Notwithstanding Section 8-9(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

#### 8-10 Height Regulations

Permitted structures may be erected up to thirty-five (35) feet from final grade with the following exceptions:

- a. Church spires, monuments, water towers, chimneys, flag poles, television antennae, and radio aerials.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

#### 8-11 Accessory Structure Regulations

- a. Accessory structures shall have no minimum setback required.
- b. Notwithstanding Section 8-10(a), an accessory structure, shall be located no closer than twenty-five (25) feet to any property line which is adjacent to the boundary line of a residential district.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).

All accessory buildings shall be less than the main building in height.”

**BE IT FURTHER ORDAINED THAT CHAPTER 7, “ZONING” OF THE COLONIAL BEACH TOWN CODE BE AMENDED BY AMENDING ARTICLE 5, “MARITIME COMMERCIAL (MC) DISTRICT” TO READ IN ITS ENTIRETY AS FOLLOWS:**

### **ARTICLE 5 - MARITIME COMMERCIAL (MC) DISTRICT**

#### Statement of Intent

The Maritime Commercial (MC) District encompasses the areas formerly designated as the C-1 zoning district that are located south of Boundary Street to the southern town limits. The purpose of this district is to provide sufficient space in appropriate locations for a variety of commercial activities related to water oriented uses.

#### 5-1 Permitted Uses

The following uses are permitted within the Maritime Commercial (MC) District with an approved site plan:

Accessory Structures.  
Community Facility/Open Space  
Private, Public and Commercial Piers.  
Public Utilities, Buildings and Facilities.  
Restaurants.  
Single Family Dwellings  
Single-family attached dwellings.  
Art/Craft/Photography Studios.  
Hotels & Motels.  
Live/Work units (see new definition).

## 5-2 Conditional Uses (Conditional Use Permit Required)

The following uses require a Conditional Use Permit. In order for a Conditional Use Permit to be granted the Town Council must conduct a public hearing, and find that the proposed use is consistent with the intent of the Colonial Beach Comprehensive Plan, the character of the community and is in the public interest. After such a positive finding, the following uses are permitted with an approved site plan.

~~Arts and Crafts Studios~~  
Boat Building Establishments.  
~~Hotels, Motels~~  
Marinas.  
Maritime Resort  
Seafood Packing Facilities.  
Retail Establishments.  
Convenience Stores.

## 5-3 Development Standards

All developments must include full frontage improvements which include curb, gutter and sidewalk

No chain link or other types of wire fences may be placed on the required front yard.

Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.

Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8.8-1).

Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.

Light standards or poles shall not exceed 15-feet in height.

Across the front of the property a “street tree” standard shall be required as specified by the Director.

Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35 feet from finished grade.

#### 5-4 Small Lot Development Standards

Any commercial building constructed or expansion of an existing commercial building on a parcel which is less than ½ acre and is adjacent to a residential use or residentially zoned property must abide by the following standards:

Multiple parcels of less than ½ acre cannot be combined to avoid/circumvent these design standards.

A minimum front setback for the principal structure shall be at least ten (10) feet and a maximum front setback of twenty (20) feet.

Accessory structures shall be located to the rear or side of the front wall of the principal structure and may be located along the edge of the required perimeter landscaping.

The principal structure cannot exceed the average building height of the surrounding buildings up to a maximum of thirty-five (35) feet. No accessory building may exceed the thirty-five (35) feet height limitation.

The exterior of the principal structure must be constructed to resemble a residential structure in appearance.

Exterior walls shall be composed of brick, architectural block, stucco, vinyl siding, or concrete fiber siding. No metal or unadorned corrugated sheet metal building shall be permitted.

A twenty-five (25) foot landscaped buffer shall be installed along all perimeters of the lot except the street frontage. The landscaped buffer shall comply with the transitional buffer standards within this ordinance.

A single, non-illuminated, monument style sign, mounted on a masonry base and no larger than sixteen (16) square feet, and no taller than eight (8) feet shall be permitted.

#### 5-5 Large Lot Development Standards

Any commercial building constructed or expansion of an existing commercial building on a parcel which is two (2) or more acres in size and is adjacent to a residential use or residentially zoned property must abide by the following standards:

The principle building cannot exceed the maximum of thirty-five (35) feet high limit in the Town without a conditional use permit unless otherwise specified within the ordinance. In applying for a structure larger than thirty-five (35) feet, a colored, architectural rendering shall be supplied for review and inclusion as part of the conditional use permit. No accessory building may exceed the thirty-five (35) feet height limitation.

For every ten (10) feet above thirty-five feet (35), the structure must increase its setback by an additional ten (10) feet.

Exterior walls shall be composed of brick, architectural block, stucco, vinyl siding, or concrete fiber siding. No metal or unadorned corrugated sheet metal building shall be permitted for the principle structure. Only boat houses may use metal or corrugated sheet metal buildings.

A thirty-five (35) foot landscaped buffer shall be installed along all perimeters of the lot except the street frontage. The landscaped buffer shall comply with the transitional buffer standards within this ordinance. No accessory buildings may encroach into the required buffer.

There shall be only one (1) ground sign and one (1) building mounted sign. The building mounted sign shall comply with the requirements within this ordinance. However, the ground sign shall comply with the following standards:

monument style sign,

mounted on a masonry base,

no larger than thirty-two (32) square feet,

not more than ten (10) feet in height.

#### 5-36 Area Regulations

There shall be a minimum of 10,890 square feet (or ¼ of an acre) ~~5,000 square feet~~ lot area required.

#### 5-47 Front Yard Setback Regulations

For main structures the minimum front yard setback shall be from the street right-of-way shall be twenty-five (25) feet and the maximum front yard setback from the street right-of-way upon which the structure fronts shall be fifty (50) feet.

5-58 Minimum Street Frontage Regulations

There shall be a minimum twenty (20) feet of street frontage required.

5-69 Lot Width Regulations

There shall be a minimum fifty (50) ~~twenty (20)~~ feet of lot width required at building restriction lines.

5-710 Side Yard Setback Regulations

For main structures, there shall be a minimum of a twenty (20) foot rear yard required.

b. Notwithstanding Section 5-10 (a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

~~a. For main structures, there shall be a total of fifteen (15) feet with one side being a minimum of five (5) feet.~~

~~b. Notwithstanding Section 8-7(a), for main structures adjacent to the boundary line of a residential district, the minimum side yard adjacent to such district shall be ten (10) feet.~~

5-811 Rear Yard Setback Regulations

For main structures, there shall be a minimum of a twenty (20) foot rear yard required.

Notwithstanding Section 5-11 (a), for main structures adjacent to the boundary line of a residential zoning district, the minimum rear yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

~~a. For main structures, there shall be a minimum twenty (20) feet rear yard required.~~

~~b. Notwithstanding Section 5-8(a), for main structures adjacent to the boundary line of a residential district, the minimum rear yard shall be twenty five (25) feet.~~

5-912 Height Regulations

Permitted structures may be erected up to thirty-five feet.

For purposes of this section, “height” shall be defined as follows:

*The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building. For the purpose of measuring building height chimneys will be exempt.*

#### 5-1013 Accessory Structure Regulations

- a. Accessory structures shall be located behind the front wall ~~corners~~ of the main structure.
- b. Notwithstanding Section 5-13 (a), an accessory structure, ~~including roof overhang,~~ shall be located no closer than twenty-five (25) feet to any property line which is adjacent to the boundary line of a residential district.

This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).

- ~~b. Accessory structures, including roof overhang, shall be no closer than ten (10) five (5) feet to any property line which is adjacent to the boundary line of a residential district.~~
- c. All accessory buildings shall be less than the main building in height and area.

#### 5-1114 Screening Regulations.

- a. Notwithstanding Section 2-10 of this Ordinance and in addition to the requirements contained in Article 24 of this Ordinance, the following uses shall be screened from view by a uniformly painted solid board fence or a masonry wall constructed consistent with the principal structure ~~a uniform evergreen hedge, or other similar approved screening measures.~~ Such screening shall be six (6) feet in height and shall not extend past the front corners of the main structure.

Areas provided or reserved for open air storage, display, or loading/unloading of material, merchandise, or equipment.

Areas provided or reserved for the open air storage of damaged, or inoperable boats and watercraft, provided however that this shall not include those awaiting general repair or maintenance.

Areas provided or reserved for the acceptance and collection of refuse.

- b. Notwithstanding Section 5-14 (a), outdoor display of merchandise provided or reserved for resale shall not require screening, if the area designated for such display does not exceed five percent (5%) of the floor area of the structure dedicated to the use.
- c. Such screening shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a

condition dangerous to the public safety. Such screening shall be maintained in perpetuity by the property owner(s) in good condition as determined by the Director. Whenever the enforcement of the provisions of this Section would result in a traffic hazard, the Director of Planning ~~Zoning Administrator~~ may waive or modify such requirements.

5-4215 Additional Requirements Including But Not Limited To:

- a. Chesapeake Bay Act: refer to Article 22 of this Ordinance.
- b. Flood Plain: refer to Article 21 of this Ordinance.
- c. Landscaping: refer to Article 24 of this Ordinance.
- d. Off-Street Parking: refer to Article 13 of this Ordinance.
- e. Signs: refer to Article 12 of this Ordinance.
- f. Site Plan Requirements: refer to Article 14 of this Ordinance.”

**BE IT FINALLY ORDAINED THAT THE COLONIAL BEACH ZONING ORDINANCE BE AMENDED BY MODIFYING ARTICLE 20, “DEFINITIONS,” TO ADD THE FOLLOWING TWO DEFINITIONS SO THAT ARTICLE 20, DEFINITIONS, READS IN PART AS FOLLOWS:**

“Live/Work units – are single-family attached dwellings which are located within residential and commercial districts where artists, photographers, and professionals occupy joint living and work quarters. Typically the first floor is reserved for the commercial enterprise with the living quarters above. An accessory building cannot be used for a live-work unit. The maximum number of such structures that may be attached shall not exceed eight (8) dwelling units.

Maritime Resort - Facilities for the use and enjoyment of water based recreational activities such as boating, fishing, skiing, and similar activities with related amenities that may include the following accessory uses; lodging, spas, restaurants, shopping and meeting/conference centers. Maritime resorts may only be located on a parcel which is greater then 2-acres in size.”

Ms. Payne stated she would like to see minor changes made to the ordinance, changing marinas from conditional use permits to permitted uses in C-1, C-2 and Maritime Commercial.

Mr. Kennedy agreed.

Mayor Rummage stated he requested that this amendment be prepared for this evening. I understand Mr. Mitchell prepared the amendment.

Mr. Mitchell stated originally those things were moved over to conditional use permits and now with Ms. Payne’s comment, now they will be permitted in by-right in each district. That is pretty much as it is now.

Mr. Coombes stated we don’t have a copy of the amendment. Could I get a rationale from moving conditional use to permitted use in all three sections?

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Ms. Payne responded her understanding comes from a concern of the business owners. Just the fact of them having to go through a conditional use permit process when they have already gone through the re-zoning process would be onerous as well as the potential of loss of property value.

Mr. Coombes stated you are just saying they have to go through re-zoning anyway so why put them through it twice.

Ms. Payne agreed.

Mr. Coombes stated that would be same for the hotels/motels that are already there.

Mr. Ridgely stated Maritime Commercial is Article 5 and we should also have a C-2 listed, should we not? Ordinance #581 includes C-1, C-2 and Maritime Commercial in Article 5 and we should amend that heading to incorporate that.

Mr. Kennedy stated C-2 is not on it and neither is Article 5.

Mr. Mitchell stated Maritime Commercial is Article 5.

Mr. Kennedy stated the heading on this ordinance is just Article 8.

Ms. Payne stated we actually have Article 8, 8A and Article 5 and should all be included.

***Mayor Rummage called a recess at this time to correct the title so we will never have a legal challenge if this passed.***

Ms. Erard stated she needed to make sure we know what we are voting on.

***The Town Council returned to the meeting.***

Ms. Erard stated in order to incorporate the amendment that has been suggested, we can modify the last paragraph to say Be it further ordained that the Ordinance #581 will be amended to say that marinas are a use permitted by-right in the following district, Commercial 1, Commercial 2 and Maritime Commercial.

Mayor Rummage called for a motion to adopt the amendment and vote on the ordinance.

Motion was made by Mr. Kennedy, second by Mr. Lyburn.

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

Mayor Rummage stated before we considered the Maritime Commercial last August there were extensive hearings held by the Planning Commission and posted notices on the marinas telling them of this proposed change in the Code. Now that we have not only Maritime Commercial but we have C-1 & C-2 and every time in my past experience if there has been a change in any ordinance of this nature, someone is adversely affected by it. I am wondering if the people who

are in business elsewhere in Town, not on the Point, not the marina owners, they are apparently satisfied as it now stands as amended. But what about the other business owners in this Town, are they aware of what is happening? Were notices posted on all of those businesses?

Mr. Mitchell stated this is a zoning text amendment and notices would not be posted. It was advertised for public hearings and there were public meetings. We are simply changing the ordinance.

Mayor Rummage stated if a person owns a business on Colonial Avenue, what affect is this going to have on that property if any?

Mr. Mitchell stated he believed that any of those would become non-conforming because of this text amendment. Most are within the C-1 as it is now. Anything that would have a big impact would be C-2. The drug store and dry goods store are still in C-1.

Mr. Coombes asked if anything would be down-zoned?

Mr. Mitchell responded no.

Mr. Coombes stated and nothing is re-zoned unless a buyer or owner asks to do something differently is that right?

Mr. Mitchell agreed.

Mr. Coombes stated there seems to be mass confusion about putting this in as ordinance versus actual re-zoning something and we are re-zoning nothing. As it stands now, nothing changes. If somebody has a gas station and wants to go to a repair shop, one could say that is an enhancement and would have to go through perhaps a re-zoning to C-2 correct?

Mayor Rummage stated but right now that would not be necessary. To tell me that it is not a change, it certainly is because that person that has a gas station and wants now to go into the repair business as well is going to have to have a hearing.

Mr. Mitchell stated let's say you have a gas station and you go from selling gas and repairing cars, things that are normally associated with gas stations to selling books, now you have more than one use on the property and you might have to go through an extra hearing for that. Again it depends on what the zoning ordinance says. There is language in there that says if you are not specifically listed in there and the zoning administrator can't fit you in by looking up the definitions in the intent of the ordinance, then that indicates you would have to go through some type of zoning action.

Mayor Rummage stated so the amendment that we put on here to really accommodate the marinas on the point, we have done nothing to accommodate the other businesses.

Mr. Mitchell felt that none of the other businesses were affected by this.

Mr. Coombes stated Mr. Geddes asked that Mr. Mitchell hold another public forum on this and maybe we should not dismiss that without some discussion as well.

Ms. King stated another forum – how long has this been under discussion?

Mr. Coombes responded 3 ½ years.

Ms. King stated 3 ½ years and another forum will do what? You brought it up and Mr. Geddes brought it up. I just can't imagine after 3 ½ years, that at some point in time that everyone hasn't had the opportunity to voice an opinion or be advised.

Mr. Coombes stated as the former Chairman of the Planning Commission, we gave ample opportunity Ms. King to everybody and as a member of the Council for the last two years, we have given opportunity as well as well as Gary having one or two forums.

Mr. Mitchell responded we had one citizen forum in October, and in November, December, January, February and March, it was on the Planning Commission agenda each month which we massaged, amended and whatever. Then it came to Town Council committees so that is 6 to 7 months that it has been brought up.

Mr. Coombes stated the Town Council Members can make their own decisions of whether or not we should have another forum.

Mr. Ridgely stated Mr. Geddes point was that no one has really sat down and the businesses have not seen it in its final form. The businesses have looked at it and participated in it from time to time but have not had an explanation of the final form in front of us tonight.

Mr. Geddes responded that is correct.

Mayor Rummage asked the pleasure of Council – do we want to delay this one more month?

Mr. Coombes stated we have a motion on the floor.

Ms. King asked what have we changed in the ordinance that Mr. Geddes or others would not have already looked at? The only thing we changed is that the marinas now have a by-right that is it. Everything else has been the same for the last month.

Mr. Geddes stated we haven't had time to digest it and quite frankly we truly don't understand it.

Ms. Riston stated the problem is, not the Council, not the public, no one really understands what is going on with this. I actually said this to a local appraiser yesterday who called my office and said to me if this passes we are going to have a mess.

Mr. Kennedy asked who the appraiser was?

Ms. Riston responded John Cheadle.

Mr. Kennedy stated for what reason are we going to have a mess?

Ms. Riston responded she did not know that is what we need to find out.

Mr. Kennedy stated he had a clearer understanding by talking with Mr. Mitchell about what the intent of it is. The only thing that changed from the last time I talked to Mr. Mitchell this afternoon is moving the marinas to a by-right issue. This thing has been discussed, kicked and pulled and punched every which way but loose.

Ms. Riston stated he tells me my business will be affected because there is a part of it I was planning on turning into an apartment and he said if this passes, I would not be allowed to do that. I don't know that for sure. I am just going by what he said. Nobody seems to know the answer to that. Do you know the answer to that?

Mr. Kennedy responded I didn't know you were going to do it. You asked me a question on the spur of the moment. I understand the difference between a C-1, C-2 and Maritime Commercial. C-1 is the commercial and anything outside of its design by by-right or by conditional use would have to go to a C-2 which would be a more intense use. C-2 doesn't even exist right now.

Mr. Mitchell stated Mr. Cheadle called him today at 4:30 and commended me on the ordinance and said it was the best thing he had ever seen.

Mayor Rummage stated I personally had some real reservations. I am looking at the staff comments. The C-1 District that is proposed would be renamed from General Commercial to Limited Commercial. That says something. That is a change. Additionally all three districts C-1, C-2 and Maritime have some development standards instituted so as to provide buffers and screening between commercial and residential districts. It provides a compromise and protects the residents the residential uses from commercial encroachment. It establishes intensive commercial uses to be located in other areas of town where such uses are more appropriate. All of these things raise a lot of questions. They do to me and I think that is what we are hearing from the business people in town. The question now is should we go ahead and pass the bill or should we table the motion with the amendment allowing another public hearing. It seems to me if this has been under consideration for 3 ½ years, one more month to clarify any confusion, is not asking too much. I don't know how the Council feels about that. My approach would be to special order this with the motion and the amendment to the next meeting of Council. This would be an order on the agenda at the next meeting giving Mr. Mitchell and whoever else an opportunity to hold a public hearing with all of this publicity that we have here tonight. I am sure they are all going to know about it. That would be my recommendation.

Mr. Coombes stated instead of a public hearing with all of the cost of the advertising, could not Mr. Mitchell hold a forum like he did before. I realize it is just process but a public hearing will be . . .

Mayor Rummage agreed and stated he was just saying I wouldn't want it to appear as though the Council is trying to pull something on the business people in this town that we dearly want to

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remain here. We want them to expand and we don't want it more difficult for them to do it. This is all I am saying. If it is the wishes to do that and allow Mr. Mitchell to have a forum as Mr. Coombes is recommending, then is there a motion.

Mayor Rummage stated this is a very difficult proposition and we are deviating from the norm. If there is no objection from Town Council we will proceed.

With no objection, Mr. Rodeheaver stated we have been going over one issue for 3 ½ years – Maritime Commercial. The new wrinkle in this is that we threw in C-1 which is an existing code and we also made up a new one C-2 so to say we have been going over the same thing for 3 ½ years is not true. In my opinion anyone who has a C-1 designation should have been notified of these proceedings when we first had them. It is not a text amendment but it is a significant change. I don't know what that means to a person who owns in C-1 now. Everybody focused on the point – that is not the concern now. Now it is the rest of C-1. What should a business owner do on Colonial Avenue who has a gas station now, and they decide to have build an office building? Okay, that was their property and when they bought it, they had the right to do that but what happens to them now?

Mayor Rummage asked are we ready to consider as our legal counsel would say table this until the June meeting? I would say special order it.

Mr. Kennedy asked what are we doing – between now and the next Council session, what is going to happen between now and the next Council session by tabling this? What is going to occur? Are we going to have another informational meeting?

Mr. Mitchell responded there is not enough time to do a forum between now and the next Council Meeting. I have the grant. I have a Board of Zoning Appeals Meeting and there is just not enough time.

Mr. Ridgely responded we need to realign our priorities, but we need an answer by June. I think the people have enough questions. We have enough questions. I don't know what difference one month will make. I am not big on postponing things but I can see their point. I can't believe we can't get a forum together by next month.

Mr. Kennedy stated if that is going to happen, I hope there will be a concerted effort to get every business owner possible in this room and whenever that takes place every question can be answered and resolved at that point. I fully understand what the intent is and I respect what Mr. Rodeheaver says. I would hope that everybody that could be impacted will be sitting in this room to have some input so nobody can say they got left out.

Mr. Geddes agreed and stated they will be.

Mayor Rummage stated I know Mr. Mitchell has been doing an excellent job on the grant proposal. If there is anything we can do as members of the Council, not as Council officials, to help expedite this matter, than count on us to do it.

Mayor Rummage stated is there a motion to table this until the June meeting with the understanding that there will be forum held in this room for the business people to come in and here the sentiments. We are going to hear an explanation and their reaction to it. We will take an official action in the June meeting, hopefully.

Mr. Ridgely stated any other citizens who want to come certainly can.

Ms. Payne stated she would like to reiterate what Mr. Kennedy said. I sure hope that every single business person and anybody concerned about this shows up to the meetings. I know what staff has gone through and the number of public hearings that have been held and I have to say it is very frustrating for them and for us so I really hope that this place is packed whenever this forum is held.

Mr. Kennedy stated the reason I asked this is I have made an effort to come to the Planning Commission Meetings and nobody but me and one other person is sitting out in the audience. That is really distressing and when they are discussing these issues and these topics come up, there is not a soul sitting out there and me and one other person. It distresses me because at the 13<sup>th</sup> hour we run into this. Nobody shows up – please have them come.

Mr. Ridgely stated we are giving them the opportunity. If they don't, we've done all we can do.

Ms. King stated Mr. Mitchell said there wasn't enough time to do another forum.

Mr. Mitchell stated it will be cutting it tight. We need to meet the deadline for the grant which takes a lot of time.

Mr. Ridgely stated you need to make time.

Mr. Kennedy stated it will have to be fit in.

Mayor Rummage stated we will have to fit it in. We are going to have to rely on extensive help from the Chamber and from anyone who wishes to participate as an individual on the Council. I volunteer my time.

Mayor Rummage called for a motion to table.

Motion was made by Mr. Ridgely to table and have a forum before the next meeting and take action in the June meeting, second by Mr. Lyburn.

Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **nay**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and Ordinance - #581 was tabled until the June 2010 Town Council Meeting. **Motion Carried.**

**ORDINANCE NO. 585 AMENDS THE COLONIAL BEACH TOWN CODE BY AMENDING ARTICLE III, "NOISE ORDINANCE," OF CHAPTER 15, "NUISANCES." ORDINANCE NO. 585 RENAMES ARTICLE III AS "NOISE," DELETES SECTION 15-**

**26, “LOUD NOISES PROHIBITED,” SECTION 15-27, “EXEMPTIONS,” AND 15-28, “PENALTY AND ENFORCEMENT.” ORDINANCE NO. 585 ADDS SECTION 15-26, “LOUDSPEAKER PERMIT REQUIRED,” AND SECTION 15-27, “ISSUANCE OF LOUDSPEAKER PERMITS.”**

**BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT CHAPTER 15, “NUISANCES,” ARTICLE III, “NOISE ORDINANCE,” SHALL BE COMPLETELY REWRITTEN TO READ IN ITS ENTIRETY AS FOLLOWS:**

**“ARTICLE III. NOISE”**

Sec. 15-26. Loudspeaker permit required.

It shall be unlawful for any person or persons, firm or corporation to use, or permit to be used, a loudspeaker system or any other like device for the purpose of magnifying the human voice, music or other sounds, without first having received a permit from the Town Manager. Violations shall be punishable by a fine of \$ 100.00 for each day that a Loudspeaker Permit is not properly obtained.

Sec. 15-27. Issuance of loudspeaker permits.

A Loudspeaker Permit may be issued to individuals, businesses licensed in the town, organizations or other non-profit entities for regular public announcements upon the proper application for such permit. Such application shall be addressed to the Town Manager accompanied by a fee of fifty dollars (\$50.00) per application. A separate application shall be required for every day that a Loudspeaker Permit is required. The application shall set forth the date and the hours between which such use is to be made, the nature of the device to be employed for such purpose, and the person to be in charge of the operation. Such permit for a loudspeaker system shall be limited to a specific time-frame as set forth in the permit application. Prior to the issuance of a Loudspeaker Permit, the Town Manager shall provide written notice to all adjoining property owners by first-class mail.”

This Ordinance shall take effect upon adoption.

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

Mr. Coombes stated Section 15-26, does that apply to residential areas as well?

Ms. Foulds responded yes.

Ms. Payne responded yes, it is a work in progress. At the last meeting I volunteered to research some other local ordinances and I am doing that. I am working with the Town Manager. This is not the final product. This is a temporary measure until we come up with something.

Mr. Coombes stated if a neighbor has a band and playing in a private home next to a house, it would apply to that also. Anytime there is a practicing band in the neighborhood, they have to get a permit.

Ms. Foulds responded yes.

Mayor Rummage stated it is my understanding that this has been checked with legal counsel in other jurisdictions and it has been strongly suggested that in order to enforce this ordinance, we are going to have to invest in a decibel meter. Without it is not enforceable.

Ms. Erard responded if you are going to have an ordinance based on measurement of sound.

Mayor Rummage stated that is what this is all about.

Ms. Erard responded no sir that is not what this ordinance is about. This ordinance repeals the existing noise ordinance which is not based on actual sound measurements and it simply says if you are going to “make a lot of noise”, you have to get a permit. That is all it says.

Mr. Ridgely stated what do we have if we don’t pass this?

Ms. Erard responded what we currently have in place is the ordinance that you passed a month ago which utilizes a plainly audible standard if there is a certain distance from the property line.

Mr. Ridgely stated I don’t disagree with this, but when you read this, if a kid has a karaoke machine in his living room and his window is open, he needs to get a permit. That is a problem.

Mr. Seeber stated you can’t have a band in your back yard if you are going to get married without permit.

Mr. Ridgely stated this ordinance is anything that amplifies sound.

Mr. Lyburn stated so you are saying anybody who has a picnic in their back yard has to have a permit.

Ms. Erard responded only if they are amplifying the sound or playing live music.

Mr. Lyburn stated they do have DJ’s in the backyard.

Mr. Kennedy stated then they have to have a permit. We need to separate the residential from commercial resort and you have to have two different issues. You have apparent differences in the two of them and you have to have two different ordinances almost, one to address residential areas, and one to address the other. In the interim, as Ms. Payne said, this is still a work in progress, covers some issues we have before us right now.

The Chief of Police stated this basically deletes the current ordinance for now and gives the Town Manager authority to permit which she does not have right now until Ms. Payne can do her

study and come back to you with a new ordinance. If that takes a long period of time, then we seem to be under some pretty restrictive guidelines. For now she has the authority to permit and she needs to have it.

Mr. Kennedy stated this addresses some issues that were brought up with some of the places that have events here in town.

The Chief of Police stated they have already had two.

Mr. Kennedy stated this helps cure that. It is still a work in progress and we can address those other issues.

The Chief of Police stated it is a matter of getting the permits processed.

Mr. Kennedy stated it gives the Town Manager the ability to issue permits when there is an event going on. That was what the intent was.

Mayor Rummage asked Mr. Ridgely if he was satisfied so far with the explanation from the Chief of Police?

Mr. Ridgely responded I can see somebody getting a ticket for this. I can see the way things go around here. I can see somebody having the karaoke thing or having a party in their back yard getting a ticket. I have a problem with that. It is reasonable. We don't seem to do reasonable.

Mr. Coombes stated if we don't pass this, we are back to nothing.

The Chief of Police stated if we don't pass this, we will operate under the other ordinance.

Mr. Coombes stated the one that you cannot enforce.

Ms. Erard stated no, the one that you can enforce.

Mr. Coombes stated oh the one we just passed last month. I think trying to get a blanket noise ordinance for the town is going to be near impossible and we are going to have to divide it up as commercial versus residential. Most of the complaints in the past have been residential but in the meantime we need to do something. How long is it going to take to get this under control?

Ms. Payne responded she would do everything she could to have the draft initially at the committee meeting at the end of this month.

Mr. Coombes felt we should go ahead and pass this and if we run into problems, we can do something in June and it gives the Town Manager the license to permit and I think that is a step in the right direction.

Mr. Lyburn asked if it could be tabled to the next meeting?

Mr. Kennedy responded no, it would go back to the same thing we have right now.

Ms. Payne stated if we don't pass this, then the Town Manager is not able to give permits to businesses that are going to have music.

Ms. Erard responded the Chief of Police is responsible for enforcing the law.

Mr. Ridgely stated if the Town can't give them a permit what do they do, have a band without one.

Ms. Erard responded under the current ordinance they should not be having the band.

Mr. Coombes stated the existing ordinance is interpreted as no one can have a band within a certain distance or is it until somebody complains.

The Chief of Police stated if we drove by and heard the band within a distance, we would warn them and it was something the officer could enforce. Now we would have to shut the band down because the Town Manager does not have the authority to permit the band.

Mr. Kennedy stated there are bigger problems here but I think what this does, it fixes part of the problem.

Mayor Rummage stated it repeals the part of the ordinance which has caused all of the consternation on the noise.

The Chief of Police stated Westmoreland County has an ordinance right now that the judge is accepting that has to do with decibel meters as one of you brought up earlier. Maybe that is one we can look at.

Ms. Erard stated decibel meters are fine, we just have to have them, which we don't.

The Chief of Police stated we have two but they are outdated.

Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Amendment to the Town Code of Ordinances, Article III, "Noise Ordinance" Deletes Section 15-26 "Loud Noises Prohibited", Section 15-27, "Exemptions" and 15-28 "Penalty and Enforcement" and adds Section 15-26, "Loudspeaker Permit Required" and Section 15-27, "Issuance of Loudspeaker Permits" was Approved. Motion Carried.**

**ORDINANCE NO. 586 AMENDS THE COLONIAL BEACH TOWN CODE, "CHAPTER 14, MOTOR VEHICLES AND TRAFFIC," ARTICLE I, "IN GENERAL;" SEC. 14-1.1, "APPLICATION OF CHAPTER TO CERTAIN PARKING LOTS;" ARTICLE III, "PARKING," DIVISION 1, "GENERALLY," SEC. 14-45, "AUTHORITY OF TOWN MANAGER AS TO PARKING" (TOWN MANAGER AUTHORIZED TO RAISE PARKING FEE UP TO \$ 50); SEC. 14-50, "PARKING VEHICLE WITHOUT CURRENT LICENSE DECAL" (PENALTY INCREASED UP TO \$ 50); SEC. 14-52, "GENERAL PENALTY FOR PARKING VIOLATIONS;" SEC. 14-54, "PROCEDURE FOR DELINQUENT PARKING CITATION" (TOWN MANAGER AUTHORIZED TO ENFORCE); DIVISION 2, "PARKING METERS," SEC. 14-60, "DEFINITIONS;" SEC. 14-61, "INSTALLATION, LOCATION, ETC., OF METERS; MARKING METER ZONES" (AUTHORIZES TOWN MANAGER TO ESTABLISH); SEC. 14-63,**

**“PAYMENT; OVERTIME PARKING—GENERALLY;” SEC. 14-65, “PENALTY FOR PARKING IN VIOLATION OF DIVISION;” SEC. 14-66, “DEPOSIT OF SLUGS;” SEC. 14-67, “PARKING METER RATE” (AUTHORIZES TOWN MANAGER TO SET THE RATE); AND ADDS SEC. 14-68, “SNOW EMERGENCY ROUTES” (ESTABLISHES THE FOLLOWING STREETS AS SNOW EMERGENCY ROUTES: BOUNDARY ST., MONROE BAY AVE., WASHINGTON AVE., COLONIAL AVE., FIRST ST., MEADOW AVE., TWELFTH ST., BEACH ST., DWIGHT AVE., MYERS AVE. AND IRVING AVE., AND PROVIDES THAT THE TOWN MAY RECOVER COSTS OF VEHICLE REMOVAL AND STORAGE IN ADDITION TO A FINE OF \$ 50.) ORDINANCE NO. 586 SUBSTANTIALLY REVISES MANY PROVISIONS IN THE TOWN CODE RELATED TO PARKING.**

## **Chapter 14 MOTOR VEHICLES AND TRAFFIC**

### **ARTICLE I. IN GENERAL**

#### **Sec. 14-1. Compliance with chapter; general penalty for violations.**

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto. Unless otherwise specifically provided, a violation of this chapter or any such rule or regulation shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

State law references: Similar provisions applicable to violations of state traffic laws, Code of Virginia, § 46.2-113; town prohibited from imposing penalty for traffic violation which is greater than penalty imposed by state for similar offense, § 46.2-1300.

#### **Sec. 14-1.1. Application of chapter to certain parking lots.**

The provisions of this chapter shall apply to vehicular and pedestrian traffic upon parking lots within the town which are open to the public, except those provisions which, by their nature, could have no application upon such a lot. No such provision shall be enforced upon such a lot, if it is in conflict with state law or regulations of the state department of highways and transportation for traffic control at a particular location.

#### **Sec. 14-2. Arrest procedure for violations of chapter--Generally.**

(a) Whenever any person is arrested, including an arrest upon a warrant, for a violation of any provision of this chapter, except of section 14-5, the arresting officer shall, except as otherwise provided in section 14-3 or any other section of this chapter, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest, unless the person arrested shall demand an earlier hearing and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours, at a convenient hour, and before a court having jurisdiction. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody.

(b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a Class 1 misdemeanor, regardless of the disposition of and in addition to, the charge upon which he was originally arrested.

(d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal there from upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

**Sec. 14-3. Same--When arrested person to be taken before judicial officer.**

If any person arrested for a violation of this chapter is believed by the arresting officer to be likely to disregard a summons issued under section 14-2, the arresting officer shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail, in lieu of issuing the summons required by section 14-2, and such judicial officer or other person shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or a warrant, as is determined proper.

**Sec. 14-4. Same--Traffic infractions treated as misdemeanors for arrest purposes.**

For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this chapter or state law, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

**Sec. 14-5. Adoption of state motor vehicle law.**

Pursuant to Code of Virginia § 46.2-1313 as amended, all the provisions and requirements of the laws of the state contained in Code of Virginia, Title 46.2, and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2, all as amended, are adopted and incorporated mutatis mutandis, and made a part of the town Code as fully as though set forth in their entirety. It shall be unlawful for any person to violate or fail, neglect or refuse to comply with this section; provided, however, that in no event shall the penalty imposed exceed the penalty imposed for a similar offense under Code of Virginia, Title 46.2 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2. Reference to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town.

**Sec. 14-7. One-way streets.**

(a) The town manager is hereby authorized to designate, for and on behalf of the council, streets within the town upon which vehicular traffic shall be limited to one direction only. When such a designation is made, the town manager shall provide such signs on the one-way street as will apprise an ordinarily observant person of the fact that vehicular traffic is limited to the direction indicated. Notwithstanding the foregoing provisions, no such designation shall be made without authorization from the state department of highways and transportation, if such authorization is required by state law.

(b) Except as otherwise provided in this section, it shall be unlawful for any person to drive any motor vehicle on a one-way street in a direction other than that indicated by the signs provided for in subsection (a) above.

(c) When it can be demonstrated to the satisfaction of the town manager or his duly authorized representative that the strict enforcement of subsection (b) above will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicle on a one-way street, the town manager or his duly authorized representative is authorized to issue a special permit to such person permitting a variance from the provisions of subsection (b) above. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the town manager or his duly authorized representative that the granting of such permit will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience to the person who seeks such permit.

**Sec. 14-8. Blocking intersections or marked crosswalks.**

No operator of a vehicle shall enter an intersection or a marked crosswalk, unless there is sufficient space beyond such intersection or crosswalk, in the direction in which such vehicle is proceeding, to accommodate the vehicle, without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

**Sec. 14-9. Noise from motor vehicles.**

It shall be unlawful for any person in operating a motor vehicle or motorcycle within the town to create any unreasonably loud, disturbing or unnecessary noise. In operating a motor vehicle or motorcycle the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving, thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor and thereby causing unnecessary loud and explosive noise from the motor.
- (4) In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quick and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noises.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.

**ARTICLE III. PARKING**

**DIVISION 1. GENERALLY**

**Sec. 14-45. Authority of town manager as to parking.**

(a) The town manager is hereby authorized to designate, for and on behalf of the council, the times and places when and where motor vehicles may be parked on the streets of the town or on parking lots owned or operated by the town and the method of such parking. The town manager is further authorized to designate no parking or limited parking zones for and on behalf of the

council. Further, the town manager is authorized to assess parking fees not to exceed fifty dollars (\$50.00) per vehicle, per day for town-owned parking lots. The town manager may contract with others for the management and operation of such parking lots for a fee not to exceed fifty (50) percent of the parking fees collected. The town manager shall have the further authority to engage town organizations (e.g., town fire department, rescue squad, chamber of commerce, etc.) to operate such parking lots during town functions for a fee not to exceed fifty (50) percent of the parking fees collected during such functions.

(b) The town manager shall notify the public of any designation made pursuant to this section, by the erection of appropriate signs or markings giving the effect of such designation. It shall be unlawful for any person to park a vehicle in violation of the directions indicated by such signs or markings.

(c) No designation by the town manager under this section shall be in conflict with any provision of this article or other ordinance of the council.

#### **Sec. 14-46. General parking prohibitions.**

No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) In front of a public or private driveway.
- (2) Within an intersection.
- (3) Within fifteen (15) feet of a fire hydrant.
- (4) On a crosswalk.
- (5) Within twenty (20) feet of a crosswalk at an intersection.
- (6) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (7) Within twenty (20) feet of the driveway entrance to any fire station or police station and, on the side of a street opposite the entrance to any fire station or police station, within seventy-five (75) feet of the entrance, when properly signposted.
- (8) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (9) On the roadway side of any vehicle parked at the edge or curb of a street (double parking).
- (10) On a roadway or street, with yellow curbing.

#### **Sec. 14-47. Method of parking on streets.**

No vehicle shall be parked on any street in the town, except within two (2) feet of and parallel to the edge of the curb or roadway, headed in the direction of lawful travel.

#### **Sec. 14-48. Deleted.**

#### **Sec. 14-49. Parking on shopping center parking lot between 1:15 a.m. and 6:30 a.m.**

(a) It shall be unlawful for any person to park any vehicle in or on the parking lot of the property within the town commonly known as the "Shopping Centers", between the hours of 2:30 a.m. and 5:00 a.m. on any day. This prohibition shall not apply to vehicles of legitimate employees of shopping center tenants, which vehicles are to be identified with properly authenticated permits.

(b) This section is enacted pursuant to the provisions of section 46.2-1219 of the Code of Virginia, the owners and lessees of the shopping center, having requested the council to enact this section.

**Sec. 14-50. Parking vehicle without current license decal.**

(a) It shall be unlawful for any person to park a vehicle subject to licensing under article II of this chapter on any street or highway in the town, unless such vehicle has a current town license decal visibly displayed thereon. The decal shall be placed in the center of the triangle of the slow moving vehicle emblem.

(b) The penalty for a violation of this section shall be a fine not to exceed fifty dollars (\$50.00).

**Sec. 14-51. Manner of using loading zones.**

Where a loading and unloading zone has been set apart by the town manager, the following regulations shall apply with respect to the use of such zone:

(1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curbside loading zone during hours when the provisions applicable to such zone are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name in letters three (3) high on both sides of the vehicle. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(2) The driver of a passenger vehicle may stop temporarily in a space marked as a curbside loading zone for the purpose of and while actually engaged in, loading or unloading passengers or bundles, when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading zone.

**Sec. 14-52. General penalty for parking violations.**

Any person convicted of parking a vehicle in violation of any provision of this article for which a specific penalty is not provided shall be fined up to fifty dollars (\$50.00).

**Sec. 14-52. General penalty for parking violations.**

Any person convicted of parking a vehicle in violation of any provision of this article for which a specific penalty is not provided shall be fined twenty-five dollars (\$25.00).

**Sec. 14-53. Reserved.**

**Sec. 14-54. Procedure for delinquent parking citations.**

(a) The Town Manager or his/her designee shall cause a complaint or summons to be issued for delinquent parking citations or tickets.

(b) Notwithstanding the provisions of subsection (a) above, before any summons shall issue for the prosecution of a violation of this Code or other ordinance of the town regulating parking, the violator shall have been first notified, by registered mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section,

shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.

**Sec. 14-55. Disabled/handicap parking.**

Pursuant to Code of Virginia, section 46.2-1237, the town council hereby ordains that it shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard . . . to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk.

**Sec. 14-56. Parking in designated fire lanes.**

It shall be unlawful for a vehicle to be parked in a designated fire lane on public property or on privately owned property open to the public. The penalty for violation of this section shall be one hundred dollars (\$100.00).

**Sec. 14-57. Certain vehicles exempt from parking fees.**

Notwithstanding any provision in this division to the contrary, it shall be lawful for vehicles displaying any of the following designations on their license plates to park in town owned parking lot or facility without the payment of any parking fees: Former POW (section 46.2-746) or Purple Heart (section 46.2-742). Additionally, it shall be lawful for vehicles displaying disabled plates/placards (section 46.2-731) to park in any town owned parking lot or facility without the payment of any parking fees.

**Secs. 14-58--14-59. Reserved.**

**DIVISION 2. PARKING METERS**

**Sec. 14-60. Definitions.**

The term "parking meter," as used in this division, shall mean a mechanical or electronic device located upon a street, public land or sidewalk.-

**Sec. 14-61. Installation, location, etc., of meters; marking meter zones.**

The Town Manager or his/her designee is hereby authorized to install parking meters and to mark parking lots properly on such streets or part of streets or public land as the town council shall designate. The parking meters shall be clearly marked to designate which individual parking space may be utilized in association with each meter.

(b) Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of such payment of the United States therein as the town council may determine, for such period of time as the council may establish, and each parking meter shall continue in operation from the time of depositing the payment until the expiration of the time for which the payment was deposited. Each parking meter shall be so arranged that, upon expiration of the time paid for by the deposit of the payment, it will indicate, by a mechanical or electronic operation, that the lawful parking period has expired.

**Sec. 14-62. Vehicle to be parked entirely within marked spaces in meter zones.**

Any vehicle parked in any parking meter zone shall be parked entirely within the lines marked on the street for such parking.

**Sec. 14-63. Payment; overtime parking--Generally.**

(a) When any vehicle is parked in any parking lot, the owner or operator of the vehicle shall, upon entering the parking space, immediately deposit such payment of the United States as is indicated on the meter which space may then be used by such vehicle for the period of time as shown on the parking meter. If the vehicle shall remain parked in any such parking meter space beyond the time limit fixed for the insertion and deposit of the payment, the parking meter shall indicate such illegal parking and, in that event, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime in such parking space shall be unlawful.

(b) In the event any parking meter space is unoccupied by a person who has paid for the same and the meter for the space indicates that the time paid for has not expired, any person may use the space for the unexpired time, without depositing a payment. If any user of this free time allows a vehicle to remain in the space after the meter indicates that the legal parking time has expired, such vehicle shall be considered as parked overtime.

(c) This section shall be in effect each and every day of the week from the first day of April until the first day of December of each year.

**Sec. 14-64. Same--Exceptions.**

(a) Notwithstanding any provision in this division to the contrary, it shall be lawful for persons operating delivery vehicles to park such vehicles in any parking space, without the payment of parking meter fees, for such reasonable time as is actually required for the expeditious loading or unloading of merchandise or other materials. Such vehicles shall be parked as nearly as possible in a single metered space and in the manner required for parking in such space.

(b) Notwithstanding any provision in this division to the contrary, it shall be lawful for members of the volunteer fire department or any other emergency corps to park their vehicles in any parking space, without the payment of parking meter fees, while such members are actually engaged in the fighting of a fire or actually engaged in participating in a fire drill or any other emergency which necessitates the use of an emergency vehicle.

(c) Notwithstanding any provision in this division to the contrary, it shall be lawful for vehicles displaying any of the following designations on their license plates to park in any parking space, without the payment of parking meter fees: Former POW (section 46.2-746) or Purple Heart (section 46.2-742).

**Sec. 14-65. Penalty for parking in violation of division.**

Any person who shall park a vehicle in violation of this division, or permit a vehicle owned by him or under his control to be so parked, shall, upon conviction thereof, be fined not more than fifty dollars (\$50.00).

**Sec. 14-66. Deposit of slugs.**

It shall be unlawful and a Class 1 misdemeanor for any person to deposit, in a parking meter, any slug or other device or metallic substitute for a payment.

**Sec. 14-67. Parking meter rate.**

The Town Manager shall set the rate for the parking meters and lots.

**Sec. 14-68. Snow Emergency Routes.**

In the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind, storm or the threat thereof vehicles may not be parked on the following streets: Boundary St., Monroe Bay Ave., Washington Ave., Colonial Ave., First St., Meadow Ave., Twelfth St., Beach St., Dwight Ave., Myers Ave. and Irving Ave. These streets shall be designated and posted as snow routes and the Town Manager shall be authorized to remove any vehicles that are stalled stuck, parked or abandoned in a snow route. Violations of this section shall be punishable by a fine of \$ 50 in addition to the cost of the removal and storage of the vehicle

**Secs. 14-69--14-76. Reserved.”**

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

Mayor Rumamge stated this is the bill that has been recommended about the ¾ ton pickup truck.

With no discussion on Ordinance - #586, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Amendment to Town Code of Ordinances “Chapter 14, Motor Vehicles and Traffic”, Article I, “ In General” to Delete Section 14-48 was Approved.**

**Motion Carried.**

**ORDINANCE NO. 587 AMENDS CHAPTER 5, “BEACHES AND WATERWAYS,” ARTICLE 1, “IN GENERAL” OF THE COLONIAL BEACH TOWN CODE, CHAPTER 5, “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS & FACILITIES” SEC. 5-4, “VEHICLES PROHIBITED ON THE BOARDWALK.”**

**BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT** the Colonial Beach Town Code, Chapter 5, “Beaches and Waterways” Section 5-4, “Vehicles prohibited on the boardwalk,” be amended to read as follows:

“Sec. 5-4. Vehicles prohibited on the boardwalk.

(a) It shall be unlawful for any person to ride or in any way propel a bicycle, golf cart, motorcycle, moped, scooter, skateboard, skates, roller blades, or any blades, or any other vehicle on that certain sidewalk known and described as the “boardwalk” adjacent to the Potomac River which extends from Lincoln Avenue to Hawthorn Street, to include that sidewalk providing access to the town pier between April first and September 30 of each year. Bicycles, skateboards, skates and roller blades will be permitted on that certain sidewalk known as the “boardwalk” and also between the hours of 6:00 a.m. and 9:00 a.m. every day of the year. No bicycles, scooters, blades, or skateboards are permitted on the town pier at any time. Power assisted wheelchairs and like devices used for transportation for the handicapped, disabled, or infants will be permitted at all times. Police vehicles, bicycles and golf carts shall be exempt when used in the performance of official police functions.

(b) Any person violating the provisions of this section shall be guilty of traffic infraction and, upon conviction, shall be fined not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).”

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

Mr. Kennedy stated there is no way that I want motorcycles, mopeds and scooters riding on the Boardwalk.

Ms. Payne agreed.

Mr. Kennedy stated he discussed this earlier with our attorney. If you read the second paragraph of the ordinance, where it states vehicles are permitted on the Boardwalk. That was not the intent of the ordinance. The intent was what the gentlemen brought up about walking dogs and bicycling at certain hours. No one that I can recall sitting on this Council recommended to have motorcycles driving up and down the Boardwalk on the off peak season.

Ms. Erard asked what do you want to allow on the Boardwalk?

Mr. Kennedy stated what we wanted to do.

Ms. Erard stated just tell me what you want to allow on the Boardwalk and when.

Mr. Kennedy responded skateboards, skates, roller blades and people walking their dogs at certain hours. That is what the intent was. Take out the motorcycles, mopeds, scooters and the golf cart. The only thing motorized on that Boardwalk should be police or public utility vehicles and emergency vehicles.

Mayor Rummage asked Mr. Lyburn and Mr. Kennedy if they agreed with the amendments to the ordinance?

A citizen asked about the area between the Days Inn and the Riverboat, there are not signs that say anything about bicycles.

Mr. Kennedy responded he didn't think there were any signs at the other end where you enter.

Mayor Rummage stated we will look at the signage and legal aspects as well. We will have to clear up who cleans up that part of the Boardwalk since we have run into a problem in the last four years that I have been on this Council. That comes up periodically, periodically meaning whenever there is a storm. That will have to be corrected.

With no further discussion on Ordinance #587, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Amendment to Chapter 5, “Beaches and Waterways,” Article I, “In General” of the Colonial Beach Town Code, Chapter 5,**

“Beaches, Waterways, Boardwalk, Park, Recreational Areas & Facilities”, Sec. 5-4  
“Vehicles Prohibited on the Boardwalk” was Approved. Motion Carried.

**AGENDA - #17-10**

**RESOLUTION - REAPPOINTMENT TO THE REDEVELOPMENT & HOUSING  
AUTHORITY**

**WHEREAS**, Ms. Cheryl Cramer has served on the Redevelopment & Housing Authority since 2002; and

**WHEREAS**, Ms. Cramer has expressed a desire to be reappointed to the Redevelopment & Housing Authority.

**THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council meeting in regular session Thursday, May 13, 2010 hereby reappoints Ms. Cramer to the Redevelopment & Housing Authority for an additional four year term; such term expiring May 30, 2014.

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

With no discussion on Resolution - #17-10, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mayor **aye**, motion carried and the **Reappointment of Ms. Cramer to the Redevelopment & Housing Authority was Approved. Motion Carried.**

**AGENDA - #18-10**

**RESOLUTION – APPOINTMENT TO THE COLONIAL BEACH TOURISM  
ADVISORY COUNCIL**

**WHEREAS**, Ms. Patricia (Trish) King and Ms. Catherine Bokman have both volunteered to serve on the Colonial Beach Tourism Advisory Council; and

**WHEREAS**, there is a requirement that members of the Colonial Beach Tourism Advisory Council be residents of the Town of Colonial Beach; and

**WHEREAS**, Ms. Catherine Bokman is a part-time resident of the Town of Colonial Beach; and

**WHEREAS**, the Town of Colonial Beach appreciates the dedication and efforts of all volunteers.

**NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council meeting in regular session Thursday, May 13, 2010 hereby appoints Ms. Trish King to the Colonial Beach Tourism Advisory Council for a four year term; such term expiring April 30, 2014; and

**BE IT FURTHER RESOLVED**, that the Colonial Beach Town Council also designates, Ms. Catherine Bokman as an ex-officio, non-voting member of the Colonial Beach Tourism Advisory Council for a four year term; such term expiring April 30, 2014.

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

Mr. Coombes asked if this was the first time we have appointed and ex-officio member to a committee?

Mr. Kennedy stated Ms. Bokman is a part-time resident.

Mayor Rummage felt she would be a wonderful addition.

With no further discussion on Resolution - #18-10, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **abstain**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Appointments to the Colonial Beach Tourism Advisory Council were Approved. Motion Carried.**

#### **AGENDA - #19-10**

##### **RESOLUTION - AWARD OF AUDITING CONTRACT**

**WHEREAS**, the Town of Colonial Beach is required to have a licensed Certified Public Accountant perform an audit each year; and

**WHEREAS**, The Miller Foley Group was engaged in providing auditing services for FY 2008 and FY 2009; and

**WHEREAS**, The Town Council reviewed the proposal dated March 22, 2010.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Colonial Beach Town Council meeting in regular session Thursday, May 13, 2010 hereby approves the awarding of a contract for the FY 2010 audit to the Miller Foley Group for a contract dollar amount not to exceed \$60,000 subject to the approval of the Town Attorney; and

**BE IT FURTHER RESOLVED THAT**, following approval of the contract documents by the Town Attorney, the Colonial Beach Town Council authorizes the Town Manager to execute the appropriate contract documents in accordance with the March 22, 2010 proposal provided that the total amount of the contract does not exceed \$60,000; and

**BE IT FINALLY RESOLVED THAT**, the costs authorized by this Resolution shall be paid out of the line item Number 4-100-012240-3120.

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

Mr. Ridgely stated \$60,000 is where we were last year.

Ms. Foulds stated the contract which was given out at the committee meeting had a clause in there "not to exceed" because last year we ran over and there were additional costs. So we put a cap/limit on it this year.

Mayor Rummage stated it is a limit, but it won't be anything less than that. What about the VML contract that we have?

Ms. Foulds responded that the VML contract is significantly less than they were last year. They are about \$10K less than they were last year.

Mr. Ridgely stated his problem was after we completed discussions with her during this current audit, she continued to spend many, many hours on a project with no fault of hers giving us an opinion on the school board. I don't think she followed the instructions of the people who were responsible for the audit. I find no fault with her findings. I think there was a lot of time wasted with her. There was a lot of money spent and time spent spinning wheels and going back over the same stuff. As far as I am concerned it ran our bill through the roof.

Mr. Coombes asked Mr. Ridgely are you talking about the school? First of all I think we need continuity in our auditor. Secondly, it is our responsibility and staff's responsibility to make sure the time is not wasted.

Mr. Ridgely responded they tried to stop it.

Ms. Foulds responded that is why we made the contract a "not to exceed" clause. The contract has been caveat for an additional \$25K. That is the only way I know how to control the Town's money. I met with her, drove to Fredericksburg and took her to lunch. We are negotiating.

Mayor Rummage stated there is no question that the \$60K figure is a cap.

Ms. Foulds responded yes.

Mayor Rummage stated last year it was \$60K, the year before that was \$30K. I was chagrined when it went from \$30K to \$60K with the additional VML money tossed in. At the time we were talking about paying them up to \$40K.

Ms. Foulds responded no, \$25K was their contract.

Mayor Rummage stated I talked to a couple of business people about this and they laughed at me when I told them what our total budget is and what it cost us to get an audit, but I also said there were unusual circumstances. I still have some reservations about spending that much money on an audit when it is a continuing accounting process you would think they could do it for a lot less.

Mr. Ridgely stated she performed a good audit. Don't get me wrong, but the way it was done the clock went wild. The clock went out of control. We had many discussions with her about the time being spent and she would have to wait two weeks for information. Sooner or later you have to say, I am going to render an opinion and I am out of here. This kept dragging and dragging and the clock kept running. Has she accepted this?

Ms. Foulds responded no.

Mayor Rummage stated there is enough on the record now that nobody will misunderstand. That is why I like this kind of debate on the record so that we can look at that in the future and say hey, the answer was no, we can't exceed the \$60K.

With no further discussion on Resolution - #19-10, Mayor Rummage called for a vote. Mr. Ridgely **aye, for consistency of the auditor, but with reservation**, Ms. Payne **aye, same as Mr. Ridgely**, Mr. Lyburn **aye, \$60K is a lot of money to spend on an audit**, Ms. King **aye, interested to see how it plays out**, Mr. Kennedy **nay, if it only costs \$40K, it will cost \$60K when you put the cap on it**, Mr. Coombes **aye, with the difficulties we have had with consistency, if we were to get another auditor at this point we would be in duck soup**, Mayor **aye, it is too late to get an auditor now, virtually impossible, but I think we should**

**look at this very seriously for the next audit, motion carried and the Award of the Auditing Contract was Approved. Motion Carried.**

Ms. Erard stated Verizon of Virginia and Verizon South have filed appeals with the State Corporation Commission. The State Corporation Commission is responsible for assessing their property. They have applied to the State Corporation Commission to receive a refund for the taxes that they paid during 2009. The refund is approximately 50% and so I am filing a notice to participate on behalf of the town to object to this request for this refund. It pretty much affects every locality in Virginia and I have been working with the Town Manager as well as the Chief Financial Officer on getting the documentation together. It is pretty serious and we are talking about a lot of money.

Mayor Rummage asked how a refund would be handled?

Ms. Erard responded if the State Corporation Commission were to grant their request we would pay half of the money that they paid up in 2009 back to Verizon.

Mr. Coffman asked if that was because of their property values?

Ms. Erard stated they want an equalization of their assessment.

Mr. Lyburn thanked the citizens in the Town and everyone who showed their concerns by being here tonight to help make some decisions and make us look closer at what we are doing. If we could have this participation every time we have a meeting we could get a lot of things done quicker and faster. After 3 ½ years of discussion on the Maritime situation, we shouldn't have to be going back through this all over again. We need to make a decision for the whole Town of Colonial Beach. I encourage everyone to tell their friends, neighbors, get on the phone to let them know decisions are being made and we need your input to get it done quicker and move on. This Town is a great town and we shouldn't spend so much time doing this when we could be doing something else. Thank you again. I know we can't please everybody, but we do try to do our best.

With no further discussion, Mr. Kennedy motioned to adjourn the regular Town Council Meeting of Thursday, May 13, 2010 at 9:45 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor









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