

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, NOVEMBER 13, 2008 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, November 13, 2008. Those present included Mayor Rummage, Vice Mayor Ms. King, Council Members, Mr. Kennedy, Mr. Coombes, Mr. Ridgely, Mr. Lyburn and Ms. Payne. Others present included the Town Manager, Ms. Foulds, Town Attorney, Ms. Erard, Chief Financial Officer, Ms. Grant and Town Clerk, Ms. Goff.

The Prayer and Pledge of Allegiance were observed.

ADDITIONS TO THE AGENDA:

Ms. Payne asked to have discussion on the procedures for the sign-in sheet.

ADOPTION OF THE AGENDA:

Motion by Mr. Coombes to approve the adoption of the agenda, second by Ms. Payne. With no objections the agenda was adopted as presented. *Motion Carried.*

APPROVAL OF MINUTES:

The minutes were approved for the regular meeting of Thursday, July 10, 2008 and the regular meeting of Thursday, October 9, 2008. *Motion Carried.*

COUNCIL REPORTS:

BUDGET – Mr. Ridgely reported that the Cigarette Tax passed is in the process of moving forward. The decals have been ordered. Next month there should be a detailed report from the Town Manager and the Chief Financial Officer regarding the transfer of funds to the proper areas of the budget. At the present time a lot of the funds are in the wrong area and we are going to transfer so we can get better track of the budget.

STREETS & ROADS – Mr. Kennedy stated he spoke with Mr. Richard Stuart about the matching funds program with VDOT. He has a meeting set up with the Secretary of Treasury about the cuts in the State budget. The crosswalks in Town have been redone. VDOT repainted those. The Public Works Director and I have started looking at possible locations for four way stop signs. Officer Gray approached me about getting with Dominion Power about the streetlights that are out in Town which number around twenty. I have sent an email to Dominion Power to approach that situation. Mr. Bird and I will be discussing a drainage issue on Meyer's Avenue.

Mayor Rummage asked if Riverside Meadows and the exact status of that could be brought up with speaking with Virginia Department of Transportation? I have heard nothing to the contrary so I am to presume that will proceed as planned.

PLANNING & ZONING: - Mr. Coombes reported that as of December 1st, there is going to be a vacancy on the Planning Commission. If there is anyone considering applying for that vacancy that should see the Clerk for an application.

WATER & SEWER – Ms. Payne reported the study group has been looking at that the water and sewer rates and connection fees and we now have a written draft that we are reviewing and we will be meeting on that draft tomorrow at 10:30 at Town Hall. The hope is to have this in front of Council at the December 2, 2008 work session with the goal if the Council approves the language, is to hold public hearings in January. In addition to that in looking at the third quarter budget numbers, if my calculations are correct, that the connection fee revenues are down by approximately 11%, so that is something we have to take into consideration.

PUBLIC SAFETY – Mr. Lyburn reported for those who own golf carts our Town, please be aware of the time change and that it does get dark earlier now and be aware of minors. Obey the laws and be safe. Mr. Lyburn asked Chief Hawkins to report on a few items.

Chief Hawkins reported in his contract, it is was time to bring everyone up to speed on a few items.

- Cadet Program was implemented with the Westmoreland County Sheriff's Office
- While You Are Away Program was implemented
- Secondary radio systems installed in all of the police cruisers, a State-wide radio system
- At the present time we have Memorandum of Understandings with Caroline County and Charles County, MD. We are in the process of setting up Memorandums of Understanding's with Westmoreland County and King George County
- We are looking at a program called Life Guard
- Inmate work force to do painting around Town
- EOC overall completed
- Dispatchers and Officers have received prior training and specially trained for example the K-9
- Free generators a possibility
- Joined the Tri-County drug task force in March which consists of Westmoreland, King George and the State Police and Caroline which has become a very effective tool for us
- Working on a contract with Riverwood and it seems it is going forward to supply a police officer in Riverwood
- Worked out an agreement with Riverwood & Beachgate where people are trespassing to charge people on private property
- Overall police department has taken a good turn. Officers are working hard and working together. Have done an exceptional job. The Town Council has been supportive of the police department. All of the staff has been working together

Mayor Rummage asked the Chief to elaborate on Riverwood.

Chief Hawkins reported the current owners are in limbo, everything that we go to them for, they are running by the potential owners to make sure that everything will be carried forward and everything has been signed off by both parties so far. We have received a letter from them making the Colonial Beach Police Department an agent of their organization. That means we don't have to have them to prosecute anymore for trespassing. If we go on that property and the person is not visiting or a guest, we can charge them right then. We can prosecute without waiting for the manager to call us. It is a very big plus with the security side of it. If we can get an officer in there, they will be there the same time as the security is currently in there. The difference is the officer has the power of arrest obviously so if anything happens, they can handle it at that second. We issued the security guard a radio and they call us and we respond but if we don't see it and it is misdemeanor, there is nothing we can do about it. That is where we fall through the cracks sometimes. This will help us in reducing the crime that we do have out there which really isn't that significant anymore. We have come a long way, but we can reduce it more.

ECONOMIC DEVELOPMENT – Ms. King reported she met with Mr. Murphy, Chief Hawkins and Mr. Tim Bennett, the Program Director for Emergency Preparedness for Dahlgren. We will continue to have open cooperation and he will assist us to help with our emergency preparedness. I met with the Tourism Council about their concerns and working together for future uses of the building and working with the members of the Colonial Beach Project. The committee would like to obtain a grant under the Planning Grant in the amount of \$25,000. Given the status of the economy, the grants will be more difficult to obtain. As a Town we will have to demonstrate a willingness and support to obtain a grant. Our target area was Colonial Avenue corridor. This decision was enforced by the results of the survey conducted by Land Studio. The recycling dumpster has been moved back away from the street for a better appearance. We will continue to improve that area. With the continuing discussion of moving the police department to 700 Colonial Avenue, this will bring ascetic improvement to that area and stimulate interest and attention to the need for total renovation of Colonial Avenue. Additionally, building the police department in this location would be the first building of what has been proposed as a municipal complex. During our meetings we have discussed briefly some ideas that have been offered for Boardwalk development. It was agreed by the committee that parking would have be addressed in the form of a parking garage or other endeavors to handle the increase of traffic that Boardwalk development would create. I visited Kilmarnock to get a view of how the Main Street Program had worked and it was very nice. I spoke to several of the merchants as to what they encountered during the improvements. For the most, they were very positive and they did say some of the disruption of the businesses was difficult. Some of the Council Members and members of the Economic Development Committee will be making a trip to Luray to discuss Tourism and economic development as they have also had a Main Street Program. The web committee and please note that tonight's agenda was on the web and will continue to be. After the approval of the minutes, the October 9, 2008 will also be on the website. We have sent pictures in and the website committee is working on those pictures and you will be seeing a lot of improvements there. We realize that the website is the first

appearance of the Town and we want to improve this. This is not only the local people to get information, but for Colonial Beach's first impression to the outside community and inviting them to come and visit. I have been able to talk to several people of Fredericksburg's Regional Alliance and will be scheduling a meeting with them in the near future to learn more about the successful endeavors that they have done to increase tourism in the Fredericksburg area. I also attended the Military Council Affair's dinner in which Congressman Rob Whitman was the keynote speaker and Katherine Hamp, the Commanding Officer of Dahlgren gave an indebt presentation of the Importance of Dahlgren in the Community.

Mayor Rummage stated that he had been appointed as a member of the executive committee to the Dahlgren Community Leadership Council to come out into the community and as a result of inviting us there, it gives us an opportunity to promote Colonial Beach. As a matter of fact, the new Captain in charge of the facilities has been to Colonial Beach many times. We want to use this as an opportunity to help the businesses here especially during the down season – now through March.

Ms. King stated she also spoke to Mr. Luttrell yesterday at the Science Fair about setting up a mentoring or scholarship programs with Dahlgren, the high school and the elementary school. Mr. Luttrell responded that he would look at what has been done before and try to bring that committee back together. Mr. Wright said that he had served on that committee and there were guidelines already written. Dalgren has the largest amount of scientist and engineers in the area. I conducted my own brief property management and inspection to the exterior of the building in the Riverwood project. I met with Richard Hurlbert, the attorney for Related Properties who will be the new owners at Riverwood. We discussed matters of security, tenant selection, property management and resident management. I will be looking forward with the new owners and the improvements that they will bring to Riverwood and the residents of the Town.

MAYOR'S REPORT:

At this time, Ms. King presented **Certificates of Appreciation** to the ladies of the Tourism Council who have long served the community. Ms. Barbara Cooper for 15 years of service as a Charter member; Ms. Helen Payne (Boots) for 14 years of service on; Ms. Gloria Rogers for 14 years of service.

Chamber of Commerce Presentations:

Detective Kenneth Blevins Jr., of the Colonial Beach Police Department explained that the program Law Enforcement Cadet's is a program for teens starting in 8th grade can learn the possibilities and aspects of law enforcement. I was fortunate at the Stafford County Sheriff's Office to be involved in a program similar to this when I was a teenager. When I started in Colonial Beach, I wanted to give the opportunity to these young people. I will be teaching the same thing that every law enforcement agency teaches without going into detail. They go through a lot of training, a lot of classes, a lot of meetings, deeds for the Town as well. At this time, the cadets were introduced: Lieutenant Cody Howl??, Senior Cadet Officer Brad Theudos??, Cadet Destiny Allison. There are three

advisors and if it wasn't for them, I wouldn't be able to do this program. One our advisors is Officer Eves. The other officers are Troy Parlett and Deputy Smith

Ms. Ralston stated the Chamber of Commerce of 127 members wanted to show their support and make a contribution to a very worthy program. We think it is important that other organizations within our community follow our lead and provide support to the worthy program. We hope the families within our community realize that we do have programs for our youth. We hope this will help get the word out. A check in the amount of \$250.00 was presented to the Police Cadet Program which will help to get their uniforms and other things they need for this program.

Lieutenant Blevins Jr., thanked the Chamber of Commerce, the Town Council and Chief Hawkins.

Mayor Rummage stated if it was not for our Chief, this program would not have been initiated.

TOWN MANAGER'S REPORT – Ms. Foulds reported over the last month she worked on the following:

- The Town's auditors for their 2008 review which included a disclosure statement for Town Council Members, grant agreements were reviewed for accuracy, sewer construction expenditure schedule and the presentation of their findings to the Council sometime in December or early January
- Met with Department Heads for budget meetings, the first in a series of meetings and analyzed expenditures and shared best practices between departments for control and best management
- Working on administrative priorities for the Town Council Retreat
- Developed a written customer service standard for all Town employees to assist department heads with defining minimum expectations that must be met when call and what they can count on. This is to assure that all Department Heads will have something in writing that they can guide and instruct and coach their staff on
- Worked with the Town Attorney on some legal contract negotiations related to the Town's acquisition of the Town's IBM server for the financial system

CHIEF FINANCIAL OFFICER'S REPORT – Ms. Grant reported the financials were for the month of October, the October deposits to the Main Checking Account were \$1,621,858; balance as of 5 p.m. today which includes all encumbered resources and reserves is \$1,156,943. Staff Operations – real estate and personal property bills have been mailed and notifications will run in the newspapers for two weeks. Depositions were taken yesterday in our real estate tax suit with 2 cases involving the Town of Colonial Beach.

Mayor Rummage asked if there had been an increase in delinquencies this year because of the economy?

Ms. Grant responded that she is finding people are finding themselves in a situation where they are delinquent but they have started to request payment arrangements to support that situation. We take each case individually and work with the taxpayer understanding the financial situation.

Ms. King asked if there was a date when the auditors might be making their report to us?

Ms. Grant responded we have been talking with the auditors and it will probably be in December or early January, but they will be asking for a separate special meeting and not coming to a Town Council formal session or work session, but a dedicated session so you are able to really sit down and talk with just the auditors and only have that topic on the table at the time. They will be here all of next week. I think we will have a better idea at the end of next week.

Ms. King asked when would we know about the projected revenue?

Ms. Grant responded that information would be available after the December 5th, December 6th timeframe so I can see what the taxes for personal property and real estate are, the receivables. The December Town Council Meeting or work session is when the information would hopefully be available.

TOWN ATTORNEY'S REPORT -

Ms. Erard stated as the Town Manager mentioned we have been working some financing documents and we are hopeful to bring that to closure soon. As the Police Chief mentioned we did work on the Riverwood Agreement to provide for a full-time officer at the Riverwood Apartments. I have also reviewed the agreement that Mr. Hurlbert mentioned the last time that he was here and making changes to it because I don't think it has the level of detail that the Council was interested in. One of the things that was not included for example was your request that the manager have certain real estate credentials. I have also reviewed and revised the Memorandum of Understanding with King George and that will be on the work session agenda and should be adopted in December hopefully. We have had several FOIA requests which is customary and I have also continued to work with Mr. Bird on a couple of enforcement cases. One I know that has been of interest to several members of Council is at 1216 Marshall Avenue which we anticipated was going to go to Court on Tuesday, but we have been unable to get further on the individuals. They are out of State and Mr. Bird tells me that Service of Process has been difficult so that case will not go forward next week. We were to have a hearing on November 4, 2008 for the building code violations on Mr. Herschfield, and at 9:00 the night before I received a phone call from his attorney advising me that Mr. Herschfield had indicated that he is hearing impaired and would be requesting a continuance because he has contacted a disability rights group and that now requires a court provided interpreter. That court date was also continued and I will keep apprised.

Mr. Kennedy asked about the issue at 1216 Marshall Avenue, could it go beyond what the survey needs to be done from a health department standpoint? Isn't it a health issue?

Ms. Erard responded she could not speak for the health department, but I believe Mr. Bird has communicated with the health department about it, but I can follow up and verify that.

Mayor Rummage stated with your persuasive ability, could you get Mr. Hurlbert to come up with letter of agreement, right now we have two, to consolidate those in one document so that the agreement will be readily understood.

Ms. Erard agreed.

COMMISSION REPORTS:

PLANNING COMMISSION – Mr. Coombes reported at the last Planning Commission Meeting we made another recommendation to you for approval of a Bed & Breakfast at 1225 Irving Avenue. The people who requested that are the owners of the Wakefield Motel and apparently they own that property as well and would like to turn it into a Bed & Breakfast, so that will be on your agenda for next month. Tonight you have before you the recommended revisions to the Parking Ordinance and the Planning Commission recommends that you approve that. Land Studio who was here several weeks ago and holding a public forum will hold a second public forum on the Comprehensive Plan on December 9, 2008 at 5:30 at the Town Center. The principle item of discussion will their recommendations for the future land use plan for Colonial Beach derived from comments at that meeting, the Planning Commission comments over the recent past and the over 500 plus questionnaires that were returned. It is an important meeting as far as the Planning Commission is concerned. The future land use of the Comprehensive Plan is probably the most important section of the plan. Hopefully there will be a good attendance. I have gotten a couple of calls of the demolition of the old Parker's Restaurant and it brings up a Planning Commission/Council situation. One year and half ago, the Planning Commission sent to Council a recommendation that the C-1 properties south of Boundary Street, the truly commercial properties south of Boundary Street, of which there are 7, 8 or 9, and that block where Parker's is and several houses is a C-1 zone. We sent to Council a request that Council consider having the Commission re-zone that property from C-1 to Maritime Commercial. The demolition of Parker's has brought the question to the forefront again, because that is purely commercial and as things stand now, anything is allowed under C-1 from convenience stores to gas stations to auction houses and it runs the gambit and can be built there without Planning Commission approval and Council approval. It is a by right, it is commercial. The question before you, you have had that for one and half years, and it has not come back to the Planning Commission for any reconsideration or consideration of that re zoning and the Planning Commission cannot act until the Council requests that it act. If as rumor has it, homes are to be built there, the land will have to be rezoned even though it is in an area of R-2, that whole block is C-1 so if they want to build homes there, it has to be rezoned to R-2 and that requires public hearings. I haven't had a chance to really talk to Chuck about, but there is room on one of those lots for homes to be built which have not be platted. Since they haven't been platted, they must conform to the Chesapeake Bay Act which requires a 100 foot setback which makes the availability of those lots for homes a real problem. There may not be enough room at all when you go back 100 feet from the

water. It is a built-in problem. I would ask the Council however to look into the Planning Commission's old request of rezoning that to Maritime Commercial. I know there are businesses that don't want that to occur, but some of the neighbors do, so it is up to Council whether or not you will send it back to us or not. If you want us to consider it, then it will have to come back from the Council.

OTHER AGENCIES:

BOARD OF SUPERVISORS – Mr. Roberson stated we had our regular meeting yesterday at the A.T. Johnson Building, once again on the agenda, the Town of Colonial Beach, but no one from this board was there to give us a presentation. I wish someone would take that opportunity to tell us what is happening in Colonial Beach. I talked to VDOT yesterday and they informed me that their big meeting will be in December and as of now revenue sharing is still on and we are still a go, but it will be December before we find out how true all of that really is. As far as they are concerned the Riverside Meadows work is still on. There is equipment at the bridge at Wilkerson's testing to see how deep they have to go, how solid the foundation is, that project has been changed about 100 times and probably changed another 100 times before it is ever decided. Right now the thought is they would just replace the bridge that is there. It won't be high, wide, deep, long. With the shortfall of money they have, it might be just as quick to replace it. They are encouraged that they won't have to shut it, it may be one lane for a while, but they are hoping to keep one lane going while they replace part of the other. The water and sewer for the County out at the Oak Grove area, we are still 100% behind that project. As you know we were trying to get a grant for \$1.3 million dollars and that did not come about. What that means is we are still going ahead with the project, those people who have signed on for the sewer system will have to pay a little more, a few dollars more a month to cover that loan for \$1.3 million dollars. That system is a vacuum system and you have to place pump and the other pump back to the Town within a 2 1/2 mile radius so there were just three strategic locations that we could put it. One place we were trying to get fell through and now we have another place once it is negotiated for the piece of property for the pump station. Then the engineers will start in earnest drawing the plans. We are still working on the land. It looks good.

COLONIAL BEACH SCHOOL BOARD – Mr. Looney was not available to give a report.

A brief recess was taken at this time.

Mr. Roberson announced that Colonial Beach High School will be playing the Town of West Point for the semi-finals district championship game. It is a competition between the two only public school systems that are Town's in the State of Virginia.

PUBLIC HEARINGS:

ORDINANCE - #562 – BOAT SAFETY DECAL

Mr. Ridgely requested that Mayor Rummage poll the members of Council for their current position on the Boat Safety Decal.

Mr. Ridgely stated he had given this issue serious consideration. I have talked with the business owner's, the marina owner's and some people who don't even own a boat. After much deliberation and the lack of what I consider reasonable enforcement, I will not support Ordinance #562, you will have a no vote from me.

Ms. Payne stated she had spent many months looking over this and I would like to thank Trish King for the amount of work that she has put into this; however I do have a lot of concerns particularly the same as Mr. Ridgely said, enforcement issues and others so I too will be voting no tonight on this Ordinance.

Mr. Coombes stated when you read this Ordinance and I know a lot of work went into it from Ms. King, the Chamber of Commerce, business owner's, there are a few words that come to my mind are involuntary servitude and that relates to the marina owner's. The Town is asking them to become the taxing agent for the Town and I think that is wrong. They don't want to do it and they shouldn't do it. We should be the ones to work out the details and the enforcement aspects of it. My vote tonight will be no.

Ms. King stated about six months ago when all of this started, when the Town was going to decide whether or not to re-instate the Boat Tax on personal property, a level of \$3.75 per hundred of value, the marina owners said no, this was just too much and it would drive their business out, can't we do something else? At one of the Council Meetings, I said okay, because I don't like personal property tax of any kind, so in an effort to try to help the marina owners, help the Town, the Town needed some money, marina owners needed some help, we got together and had several meetings, wrote up the law several different ways again, again and again. Each time there were things that weren't acceptable and I came before the Council one night and said I can't write this up anymore. I don't know where to go with it. Some of the other Council Members said okay, we need to get this together, more meetings were held, more writings, and this is what has come out of all of those meetings. It probably isn't everything everyone wanted and there are things that could be different, but I still believe in the concept that would help the tourism part of attracting boats, boat owners and everything about the water to Colonial Beach. This was my motive for doing this. I agree with some of things that the other Council Members have said there are some things that need to be changed. In the present status, it isn't everything, but given the fact that I worked so hard on it and given the fact that I truly believe it is a better way than personal property taxes, I am still going to vote yes.

Mr. Kennedy stated he had decided several weeks ago after listening to a number of people in this audience talk to vote against this Ordinance. I think it is ambiguous, I think it is vague and I think it is unenforceable. I want to thank Ms. Sanford for making me realize that. Her passion speaks – when she talks, I listen. I think that goes a long way with what we are doing here tonight, we are listening to you. We are not setting up with deaf ears. I don't think that the marina owners should be the collectors for this Town. If I were going fishing and I go into a store to buy bait, it is not up to the proprietor of that store to enforce my fishing license. It is up to me. It is up to me to make sure I am compliance with the law. The same way with the marina owners, it is not up to them

to enforce the law and make people compliant. It is up to this Town to enforce their own Ordinance's, therefore, I could not vote for this the way it was written. I stand on that today.

Mr. Lyburn stated he read the Ordinance and listened to the each and everyone who has had a discussion about it. I feel the way as Mr. Kennedy and some of the other Council Members that the marina owners should not responsible for the decals. That is the Town's responsibility and not the marina owners. I am going to vote no against this. We are not trying to run everyone out of Town because of the boat tax. We are a community who loves the water. I have been here for over 25 years, but Colonial Beach is for boaters. We love the boats, we love to fish, we love to swim, and we don't want people to carry their boats somewhere else. We want the boats to stay here in Colonial Beach. We are a water Town. I am voting no on this Ordinance.

Mr. Kennedy stated he had the utmost respect for Ms. King. She worked long, long hours trying to work this out. She has been torn by it also. I think she is due a lot of credit.

Mayor Rummage stated I have was asked when I became the Mayor of the Town if I was going to operate as some towns or some mayors do and not vote on anything except when there is a tie or to make a tie? I said no, I don't think so, because people have a right to know where I stand on an issue. This one is a very difficult one for me to cast a vote on although I intend to do it, but before I do that, I am going to say one thing. We have a hole in the current budget of \$100,000. We are going to have to fill that hole. This was going to take care of about one half of it. There are some other possibilities. We have an awful lot of work to do before now and the end of January. I am not easily convinced that when you heard what the vote is going to be and the final analysis, I think the Mayor will vote no on this Ordinance.

Mayor Rummage asked the public who signed up to speak to speak at this time.

Ms. Sanford thanked everyone.

CHARLIE ROBERTSON – 15 FIRST STREET

Mr. Robertson stated the aye that I am casting is on behalf on the owners of Bayside Marina who wanted me to express the following and I think it is consistent with their previous expression that something does need to be done. As you mentioned, the hole is there, it needs to be filled, but we have been strong in our position of it is difficult for the marina owners and operators to be the agents that implement such a program, oversee such a program and enforce such a program. With that said however again as many people have mentioned in prior meetings what is the flavor the medicine that you take and how strong is it? Of all of the choices that we had up to this point, this seems to be the more palatable of the choices, so with that said, Mr. Eddie Blount and Bobby Blount, they would go along with this if it is approved and they will support the Town in doing whatever they can. They have already cut back their annual prices for the upcoming year understanding the nature of economy and yet they are a brand new marina that has yet to

see even 50% occupancy. With that said, the affirmative vote from the Blount's is now official.

VIRGINIA STANFORD – STANFORDS MARINE

Ms. Stanford stated she was prepared to speak to tell you how I have operated since 1945. I just can't see the railway closed down. We need people to come in help us. I do thank you for helping us. I don't know what next year will bring. Ms. Stanford's stated she was going to ask tonight, do you want me here or don't you.

Ms. Stanford's statement was not made at the lecturn and was very difficult to hear and transcribe accurately.

RUSTY CURLEY – WINKIE DOODLE POINT

Mr. Curley thanked the Town Council and their consideration of the marina owners in our situation and the difficulties that we would incur because of this tax and Ms. King for her hard work. I think all of the boaters from Colonial Beach thank you as well. We realize this is a difficult time and I am not the person to tell you how you should feel about this deficit you are facing now, but I don't believe the boaters are the way to go. I think the boaters are the future of this Town and we need to do all we can do to encourage them to be here. They will spend money at all of our local businesses and they are truly and asset to the community. That is the first and foremost this Council should consider when passing the tax ordinances.

CANDY CURLEY – no comment

PEGGY CAMPBELL

Ms. Campbell stated she attends all of the Town and County meetings. I do want to thank you for listening to the voices of the Town and hopefully you will be able to find a way to fix this deficit and if this decal ordinance comes back again, I will be here with the marina owners.

SAL PUGLISI

Mr. Puglisi stated since the Town is going to appeal the boat decal tax, I wanted to say I was planning to go back to Maryland because I already pay \$753 to Rusty's marina and the Virginia personal property tax. I was either going to go back to Maryland or cut the donation to the fire department, rescue squad and police department and use that money to pay for my decals.

BRIAN IRVIN

Mr. Irvin stated he hopes nay wins for the day and didn't feel it was fair to tax the boats because most of them are not here and they are not represented and they don't have a vote. They are up in Alexandria, Fairfax or wherever they are from.

WALTER KERN – no comment

WANDA GOFORTH

Ms. Goforth stated she was not a boat owner so I don't really interest. I am become friends with a lot of boat owners that are at Kyle's marina and I know they spend a lot of money in this Town. They have bought golf carts, they move their boats there, they buy their groceries here, some of them have had their boats here for two years and it is not that they can't afford a decal, but it is the principle of it. They can move their boats out, they can go south or they can go to Maryland. They are just not going to pay for a decal. We are going to lose the benefit of the money that they are spending. They go to dinner and spend money on drinks at Dockside. My interest is seeing the Town grown.

KYLE SCHICK – COLONIAL BEACH YACHT CENTER – 1787 CASTLEWOOD DRIVE

Mr. Schick stated as I said earlier and someone asked me if I supported the boat decal and I said it is like choosing between the flu and malaria. I would rather have the flu. I have supported the concept of this boat decal. I know it has been implemented in other places in the Commonwealth without having law enforcement problems or marina owners having to collect a tax. The problem is we have heard consensus about not having the boat decal but that is a rabbit in a hole, now we have to talk about the dragon. I would like to see a consensus of doing away with personal property tax on boats for next year. I will read this letter from one of my former boater's

'Dear Mr. Fred Rummage:

My name is Michael Wood and I live in Stafford County, Virginia. In September of 2007, I moved my boat from Middlesex, Virginia to the Colonial Beach Yacht Center. I entered into a one-year contract with the Yacht Center with the expectations of maintaining a long time relationship with the Colonial Beach community. In fact my wife and I were anxiously looking for real estate to retire in the Town of Colonial Beach. However at this time, progress has become clear that the taxes that I would be required to pay for keeping my boat at the Yacht Center would be consistent of that of Stafford County. I spoke with the Colonial Beach Treasurer's Office and they informed that this is true. I had this discussion with Mr. Schick at the Yacht Center, I was informed that this matter of the taxes was a hot topic and was being discussed within the Council. Given that my contract with the marina was scheduled to terminate in September 2008, and there was no decision to reduce the tax rate, I was forced to move my boat to King George County'. Although some may view the circumstances a personal issue, I want you to realize that because of the in decision the position on taxes has forced me to move my boat. I no longer will have a need to come to Colonial Beach. This means my family will no longer be dining at their restaurants, making purchases at the hardware store and NAPA, purchasing things at Food Lion, 7-11 using ATM machines, registering golf carts and getting work done at the Metro Golf Cart, eating at the coffee shop and supporting vegetable stands and so forth. This might be a single situation, but I doubt it. The point is effectively the decision the Council has to make will have a significant impact to the Colonial Beach economy. The bottom line is I will now be spending thousands of dollars a year in King George County, not Colonial Beach'.

Mr. Schick stated that means the Town is more expensive than King George County by bringing the tax back. If you have heard from the people about a \$225 boat sticker we certainly don't need personal property tax. I realize you have a deficit and it has to be

met, but it cannot be on the backs of marinas whether it is in decal form, or whether it is in personal property tax. I would like to see a resolution come up before January that will be no personal property tax in the 2009 season and why, because I have to rent slips. I can't rent slips if there is no decision on Council. We certainly don't want to be the Town with no boat tax on December 31st. On January 1st, we are going to be a Town of maybe a boat tax. It might be a dime or it may be \$3.50. Boaters aren't going to bring to Colonial Beach this spring. I have had five boats get repossessed this year because of the economy. That is more boats this year than in the previous 20 years I have owned the marina. We are talking about nice boats. We are talking small boats and, big boats. People are giving up their loans on their boats just like their houses. I would like to attract people to fill those slips. Here is one slip I have to fill because there was an in decision about what we were going to do about the tax situation. I know this problem was inherited and you did not make this situation. I certainly appreciate the hard work you have done, but I am pleading with you, do away with the boat tax do away with it now.

There was no further public comment on Ordinance - #562.

ORDINANCE - #564 – AMENDMENT TO REVISE THE CONTENT OF ARTICLE 13 OF THE COLONIAL BEACH ZONING ORDINANCE FOR PARKING

Mr. Coombes stated this Ordinance has been revised, recommended to Town Council and the bottom line is we have loosen it up considerable and being less restrictive on parking requirements for businesses and residences.

Ms. King asked if this changes the requirements for the Potomac Renaissance Condo's?

Mr. Coombes responded no it should not. There is nothing retroactive.

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

Public Hearings closed.

PUBLIC PARTICIPATION:

There being no one signed up to speak this portion of the meeting was closed.

OLD BUSINESS:

RES: - #64-08 – RESOLUTION – DONATION TO THE COLONIAL BEACH VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Colonial Beach Volunteer Fire Department employs a full time firefighter to staff its station during normal working hours; and

WHEREAS, the Town of Colonial Beach makes an annual contribution to the Colonial Beach Volunteer Fire Department for the support of its general operations; and

WHEREAS, full-time firefighter has been unable to afford health insurance for himself because of the cost of the \$500.00 per month premium; and

WHEREAS, the Colonial Beach Volunteer Fire Department has asked the Town pay for the cost of health insurance for the full-time firefighter.

NOW THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session Thursday, November 13, 2008, pursuant to the grant of authority contained in Virginia Code section 15.2-953, hereby approves a monthly donation in the amount of \$ 500 per month to the Colonial Beach Volunteer Fire Department, beginning on January 1, 2009, for the purpose of assisting the full-time firefighter in obtaining health insurance.

BE IT FURTHER RESOLVED, that this additional financial support from the town is specifically intended to enable the Colonial Beach Volunteer Fire Department to assist the full-time firefighter in obtaining health insurance benefits.

BE IT FINALLY RESOLVED that this monthly donation is subject to an annual appropriation of funds by the Colonial Beach Town Council, and that the monthly donation in the amount of \$500 is subject to termination at any time by the Colonial Beach Town Council, with or without notice.

Mr. Ridgely stated this resolution provides to the Colonial Beach Fire Department in the amount of \$500.00 per month starting in January to assist them to provide health insurance for their one paid person they have during the week. It should be noted that this is something we will look at during the budget cycle next year, but this will at least carry us through this budget. He is not an employee of the Town and it will be up to the fire department to work out some kind of arrangement for his hospitalization.

Motion by Mr. Coombes to approve, second by Mr. Kennedy.

Ms. King asked about the \$500 and stated do you know if it just for the fireman or for his family?

Mr. Ridgely responded it to provide single coverage for the employee of the Colonial Beach Fire Department.

Ms. King asked if the proper amount of money is available?

Mr. Ridgely responded we do and we will be transferring money next month on the appropriations. It will be funded.

With no further discussions, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely because of the appearance of a conflict of interest in public safety, **abstained**, Mayor Rummage **aye**, and the **Partial Payment of Monthly Health Insurance Premium for Paid Employee of the Colonial Beach Volunteer Fire Department was Approved. Motion Carried.**

ORDINANCE - #562 – BOAT SAFETY DECAL

ORDINANCE NO. 562 ADDS ARTICLE VII, "BOAT SAFETY FEE" TO CHAPTER 5, "BEACHES AND WATERWAYS," SECTION 5-80, "STATEMENT OF PURPOSE," SECTION 5-81 "DEFINITIONS" AND SECTION 5-82 "BOAT SAFETY FEE ESTABLISHED/DECAL REQUIRED/PENALTY" TO THE COLONIAL BEACH TOWN CODE. ORDINANCE NO. 562 CREATES A BOAT SAFETY FEE FOR PERSONS WHO MOOR, DOCK OR STORE A BOAT WITHIN THE TOWN OF COLONIAL BEACH FOR MORE THAN ~~THIRTY~~ FORTY FIVE DAYS IN ANY CALENDAR YEAR. THE BOAT SAFETY FEE FOR BOATS ASSESSED AT \$ 5,200.00 OR HIGHER IS ~~\$ 400.00~~ \$225.00 AND IS DUE BY MARCH 31 OF EVERY YEAR. FOR PERSONAL WATERCRAFT AND BOATS ASSESSED UNDER \$ 5,200.00, THE BOAT SAFETY FEE IS \$ 25.00. THE PENALTY FOR FAILURE TO DISPLAY A DECAL AS EVIDENCE OF PAYMENT OF THE BOAT SAFETY FEE IS A \$ 200.00 FINE. ORDINANCE NO. 562 ALSO ESTABLISHES A PENALTY OF \$ 200.00 FOR ANY MARINA THAT PERMITS A BOAT OR PERSONAL WATERCRAFT WITHOUT A PROPER BOAT SAFETY DECAL TO MOOR OR DOCK AT THE MARINA AND REQUIRES THAT MARINA OWNERS PROVIDE A MONTHLY LIST OF ALL BOATS AND WATERCRAFT MOORED OR DOCKED AT THE MARINA. ORDINANCE NO. 562 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA CODE SECTION 15.2-1125.

BE IT ORDAINED THAT the Colonial Beach Town Code shall be amended to add Article VII, "Boat Safety Fee" to Chapter 5, "Beaches and Waterways," Section 5-80, "Statement of Purpose," Section 5-81 "Definitions" and Section 5-82 "Boating Safety Fee Established/Decal Required/Penalty" to read in its entirety as follows:

"Article VII, "Boat Safety Fee"

Sec. 5-80. Statement of Purpose

The purpose of this ordinance is to defray the cost of the enforcement of the ordinances related to boating of the Town of Colonial Beach and to assist in the provision of fire, rescue and police services to boaters.

Sec. 5-81. Definitions

For the purpose of this article, the following terms shall be defined as follows:

Boat-any watercraft propelled by any type of motor including electric motor and designed to float or plane on water and provide transport over it, not used solely for business purposes.

Personal watercraft- any watercraft that is not a boat, such as a jet ski, designed to float or plane on water and provide transport over it, not used solely for business purposes.

Marina-a harbor where boats and yachts are kept in or out of the water and where services are provided related to recreational boating.

Sec. 5-82. Boating Safety Fee Established/Decal Required/Penalty

All persons who moor, dock or store a boat that is assessed by the Westmoreland County Commissioner of Revenue's Office at \$ 5,200.00 or higher within the Town of Colonial Beach (regardless of where the boat is registered or documented) for a period of more than thirty ~~(30)~~ (45) days in any calendar year, whether the days are consecutive or cumulative, shall pay a boat safety fee in the amount of \$ ~~400.00~~ \$225.00 by March 31 of every year. It shall be unlawful for any person to dock or store a boat within the Town of Colonial Beach for more than thirty ~~(30)~~ (45) days in any calendar year, whether the days are consecutive or cumulative, that does not display a current boat safety decal as evidence of payment of the boating safety fee. Failure to display a current boat safety decal after April 1st shall constitute a violation of this ordinance and is punishable by a \$ 200.00 fine.

All persons who moor, dock or store a personal watercraft or boat that is assessed by the Westmoreland County Commissioner of Revenue's Office under \$ 5,200.00 within the Town of Colonial Beach (regardless of where the personal watercraft or boat is registered) for a period of more than thirty ~~(30)~~ (45) days in any calendar year, whether the days are consecutive or cumulative, shall pay a boat safety fee in the amount of \$ 25.00 by March 31 of every year. It shall be unlawful for any person to dock or store a personal watercraft within the Town of Colonial Beach for more than thirty ~~(30)~~ (45) days in any calendar year, whether the days are consecutive or cumulative, that does not display a current boat safety decal as evidence of payment of the boat safety fee. Failure to display a current boat safety decal after April 1st shall constitute a violation of this ordinance and is punishable by a \$ 200.00 fine.

All marinas located within the Town of Colonial Beach shall be prohibited from permitting any boat or personal watercraft to moor or dock in the marina for more than ~~30~~ 45 days in any calendar year, whether the days are consecutive or cumulative, unless the boat or personal watercraft displays a current boat safety decal. Any marina that permits a boat to dock in the marina that has been moored, docked or stored within the Town of Colonial Beach for a period of more than ~~30~~ 45 days in any calendar year, whether the days are consecutive or cumulative, without displaying a current boat safety decal is subject to a fine of \$ 200.00 per watercraft. Every marina shall provide a list, on a monthly basis by the first day of each month, to the Treasurer of the Town of Colonial Beach, of all boats and personal watercraft that are moored or docked at the marina and shall certify that each such boat or personal watercraft displays a current boat safety decal.

On January 15th of each calendar year, each marina shall be invoiced and issued boat safety decals for the Town of Colonial Beach based on the percent of the occupancy rate for the previous year. Each marina will be responsible for full payment of the boat safety decals ~~and issued~~ to them by the Town of Colonial Beach and sold on or before May 1st of each calendar year. Marinas in operation for less than twelve months will be issued decals equivalent to thirty (30) percent of the total number of slips in said marina.

All marina owners will allow a designee of the Town of Colonial Beach to enter the property to make site inspection for boat safety decals.”

Motion by Mr. Ridgely to reject Ordinance - #562, second by Ms. Payne.

With no further discussion, Mayor Rummage called for a vote. Mr. Ridgely **ay to reject**, Ms. Payne **aye to reject**, Mr. Coombes **aye, to reject**, Ms. King **nay to accept**, Mr. Kennedy **aye, to reject**, Mr. Lyburn **aye to reject**, Mayor **reluctantly aye to reject**, motion carried and the **Boat Safety Decal Ordinance - #562-Failed to be Adopted.**
Motion Carried.

NEW BUSINESS:

ORD: - #564 – AMENDMENT TO REVISE THE CONTENT OF ARTICLE 13 OF THE COLONIAL BEACH ZONING ORDINANCE; PARKING

Motion by Ms. King to approve, second by Mr. Kennedy.

With no discussion on Ordinance - #564, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Amendment to Revise the Content of Article 13 of the Colonial Beach Zoning Ordinance; Parking was Approved.** **Motion Carried.**

CLOSED MEETING:

Mr. Lyburn stated he needed to call a closed meeting for the police department.

Mr. Ridgely asked if he could bring up an item before going into closed meeting and stated sometime ago we had a request from the Virginia Retirement System to increase the benefit for our policemen. It is called Hazardous Duty Position. At the time they quoted it as \$1,000 and that included the entire police department. The quote came back at \$4,800 or \$4,900 for all of our policemen to be eligible for that benefit. We did move to do it at \$1,000 and I would like for us to move forward on this amount. It is in lieu of their low wages and this will certainly help support them if they have to retire early. The money would be taken out of the police department benefit fund.

Mayor Rummage stated this has been discussed before?

Mr. Ridgely responded we had a resolution in August for the \$1,000 and I made the motion based on the fact that I told the public it was \$1,000 and it turns out to be about \$4,800. If I need to put through another resolution, I can, but I would like to correct the money.

Ms. Erard stated she did review the action that Town Council took and I don't think that additional action approving this is necessary by Town Council although I don't know whether a budget amendment or an appropriation may be necessary, the dollar amount was not included in the resolution, it was just a percentage. The action is still valid.

Mr. Ridgely responded we intend to pay it out on the benefit level for the police department so right now it doesn't require any movement and that is why I want to move on this motion. The money is there. I think I owe it to the Town Council and the public that the figure quoted to us was wrong and I want to correct it for the record.

With no objection from Town Council, the issue will be handled administratively.
Motion Carried.

A brief recess was taken at this time.

Mayor Rummage called the meeting back to order.

Mr. Lyburn stated after confirmation from the Mayor and Town Attorney, the closed meeting motion was withdrawn and the issue will be taken care of administratively.

Mayor Rummage stated there is one more item that was requested for discussion by Ms. Payne.

Ms. Payne stated she wanted to discuss this issue and noticed there have been a lot of comments by some of the Town Council Members showing a concern about how it is handled, whether people have to sign up in order to speak and then there has already been some confusion tonight on the sign-in sheet. I personally feel that it is very important whether someone has signed up or not, that everybody be allowed the opportunity at the end of each public hearing rather than just closing the public hearing, that there be an announcement that anyone who would like to speak, be allowed that opportunity. To just

close it without having that final opportunity, someone may need to respond to a previous comment. I feel strongly about that and I think the other Town Council Members have had concerns expressed to them as well.

Mr. Kennedy stated he agreed with Ms. Payne. If I was sitting in the audience and didn't have any idea that I was going to speak that night and then something that somebody said might cause me to want to get up and speak without signing up, I would feel prohibited to do it. I think asking people aye or nay on an issue is inappropriate. This is just my feeling. I think we should leave it as status quo and let people stand up and speak, but with that said, make sure that everyone understands that they need to address the Chair. Try to keep your comments short, but address it to the Chair. We haven't gotten away from that a little bit and I don't think a sign in sheet with the Town this size is necessary. Tonight we had a pretty big crowd because it was a major issue. Normally we don't have this many people who have this much impact on us.

Ms. King stated there is someone here in the audience who came to me during the recess that wanted to make a public statement about a safety issue and has pulled the agenda off the internet and with public participation which they thought was relating to a previous Ordinance. Maybe we can change it and maybe we can tweak it. If there is something a citizen wants to talk to us about, they should have the opportunity to speak about other matters other than a public hearing.

Mr. Ridgely requested that the gentlemen with the safety issue be allowed to speak tonight.

Mayor Rummage stated he intended to do that.

Mr. Coombes asked if he could ask our counsel to give us a legal overview of the policies? We are processing ourselves to death it seems like.

Ms. Erard stated she would like to research it and provide you with a memorandum if that would be acceptable.

Mayor Rummage stated he would like to take this up at the work session but until a final decision is made, we are going to continue to have people sign up. I have served in other chairmanships and never before have I not had a list. No chair of a standing committee would ever consider allowing people to come in and testify without having them state their name and the purpose for which they wanted to speak. When I came here on this Council, I was mystified to learn that it was not done. I didn't say anything and I didn't try to do anything about it when I became Mayor until I went to the Mayor's conference and I brought this up at an appropriate time and they looked at me. The Mayor's at the conference all agreed that they had a sign up sheet. I came back from the conference and thought long and hard about it and I concluded after three individuals on this Council were personally attacked without any former knowledge whatsoever or forewarning, personally attacked for being conflicts of interest. I saw to it that individual was given a copy of the Conflict of Interests data and she realized it was a mistake. Those are the

reasons why this has appeared on the agenda. I wouldn't think of discussing issues that are not on an appropriate agenda. I don't like to come here and say with a suspension of the rules we can do anything we want. We don't do that. If there is dire emergency between the time, the budget or the agenda is printed and the meeting, then and then only will I ask for a suspension of the rules to add additions to the agenda that the public does not know about. At the same time, I think us sitting up here have a right to know when we are going to be under attack. I think the Chair has a right to make a rule on such an item. This is will be addressed at the work session in December.

OTHER MATTERS:

WANDA GOFORTH – 500 MARSHALL AVENUE

Ms. Goforth stated already there is confusion on the sign up. I have stated to several Council Members already that I am opposed to the sign up sheet. I also stated that to the Mayor tonight. I am opposed to it because I feel Colonial Beach is a small town. I am encouraging citizens to attend the Council Meetings. I don't think there are enough people attending or getting involved in the town. I am a "come here". I am trying to actively participate. I think this is stifling. I think people are spontaneous. Some people come here with notes prepared to speak, but on a hot issue only 50% of them come prepared to speak. I have come from a large area, Fairfax County and there I would say you have to sign up to speak. I went to a small town, Orange County. At the time I was there you did not have to sign up, only when it was a hot issue. Then we would sign up and we had 3 minutes to speak. My concern is we are stifling the people that may be interested. I would like to have made another comment after Kyle spoke tonight, but I couldn't because I hadn't signed for two times tonight. The sign up sheets were confusing. There were a number of people here who felt the same way I do. I wish the Council would consider it. I think we are interested in keeping our citizens interested and participating.

CHARLIE ROBERTSON – 15 FIRST STREET

Mr. Robertson stated having come from 27 years in Stafford, served as the fire commissioner and many meetings, many boards of supervisors meeting, they had a practice where you signed up for the hot issues, but once those people who signed up either in person before the meeting began or electronically on the website, you would then ask the entire body to gather at the meeting and they would ask if there were any additional comments to be made. That worked out very well. I had an issue in my declining age I forgot until Mr. Lyburn it was already done sign up time and I was waiting for general comment. In other boards I have attended and been a part of it, general comment was just that. It was limited to 3 minutes unless you represented a specific organization and then it was 5 minutes. You were given a warning and they were tough. The other thing that transpired during these interactions was there was a one way street, as a public comment, the public comes from the audience, stands, make their statements, should not be given answers to questions they pose. It is a comment session. They make their comments, turn around, they go back and they sit down. Recently in emergencies along Route 205 we have had an increasing number of auto accidents. Sometimes it is the deer, sometimes it is the darkness or sometimes it is the nut behind the wheel. What has happened in all too many of these recently is that people have not

paid attention to that big red thing with the lights on the top of it flashing blocking the lane. They feel that big red thing called a fire truck is there and is an impediment to their progress. Rather than paying attention to the fire officers trying to hold them while the live wires are cleared off the road or the wrecked cars are moved out of the way by a rollback tow truck, they drive around the fire officer directly them to stop and they drive around the fire truck endangering those people who are trying to perform public safety. There are not enough law enforcement officers to be able to respond to every call on a timely basis. Most often in these areas, particularly Route 205, the State Police cover most of that and it takes them quite a while to come from other areas. My point being something needs to be made more public to the people who now have left that when you come up on an emergency and the lights are flashing you come to a stop and you obey the people who are in charge of that incident. You do not decide that I am late for my coffee and you drive around them at a high rate of speed and we are screaming ahead because the live wires are still across the road. Normally it is the second weekend of every October, all the fire fighters in this Country who are killed in the line of duty are memorialized in Emmitsville, Maryland at the National Fire Academy. Roughly 13 of them were the results of people going through traffic zones stopped for safety reasons. Law enforcement is very familiar with it, VDOT is very familiar with it and I would hope there is something we can do to raise the level of consciousness of this community.

Ms. King stated we will be adding more areas on the website and one of them will be Council comments and have it address this issue.

Mr. Robertson stated from experience, law enforcement does everything they can. Very often it is manpower. They are trained to park at an angle so that car becomes a roadblock and people are still driving along the shoulders in the ditches. In 25 years of working on the interstate from the 133 mile marker to the 148 mile marker north and south bound, I have never seen it as bad as I have seen it here. The most recent incident happened at Hall's Market.

Chief Hawkins stated we will get together with the State Police and the County and do some type of public safety message.

Ms. King stated we will also put it on the public access channel.

Mr. Ridgely stated you are trying to leave a lane open and people are in danger. You almost have to block the road. The other day people accelerate going pass the equipment. It is a narrow road to start with and once you get a truck there, people just go around you like you are not even there. What you end of doing to protect your crews and public safety, you block the road off and everyone stops or has to detour. Unfortunately you have to do that to protect your personnel.

MOTION TO ADJOURN:

Mayor Rummage asked for a motion to adjourn the regular meeting of Thursday, November 13, 2008.

Motion by Mr. Kennedy, second by Mr. Lyburn. With no objections from the Town Council, the regular meeting of Thursday, November 13, 2008 was adjourned at 9:00 p.m. at the Colonial Beach Town Center. *Motion Carried.*

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage
Mayor

