

**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, MARCH 10, 2011 – 7:00 P.M.  
COLONIAL BEACH TOWN CENTER**

**MAYOR:  
VICE MAYOR:  
COUNCIL:**

**FREDERICK C. RUMMAGE  
BURKETT LYBURN  
SHANE BUZBY  
STEPHEN KENNEDY  
KAREN PAYNE  
RONALD RIDGELY  
GARY SEEBER  
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 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 this 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:**

All members were present.

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

**ADDITIONS TO THE AGENDA:**

Motion was made by Ms. Payne to add Resolution - #14-11 – Amendment to Ordinance #584 Chapter 5, Section 5-7, Beaches and Waterways.

**APPROVAL OF THE AGENDA:**

Motion was made by Mr. Lyburn to approve, second by Mr. Kennedy. A unanimous vote carried. *Motion Carried.*

**APPROVAL OF THE MINUTES:**

Mayor Rummage called for a motion to approve the minutes of the regular meeting of February 10, 2011. Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no

discussion, Mayor Rummage called for a vote. A unanimous vote carried to approve the minutes as presented. *Motion Carried.*

## **COUNCIL ANNOUNCEMENTS:**

### **Committee Reports:**

#### **Economic Development Committee:**

Mr. Kennedy reported at our last Economic Development Meeting we talked at length about the possibility of bringing the YMCA here. This is something I will stand behind and I think it will be a huge asset to this community and go a long way to help with the economy.

#### **Budget Committee:**

Mr. Ridgely reported there are several projects we are working on. The revenue is - \$8,854,478; expenditures - \$9,921,356. The 4<sup>th</sup> quarter utility bills have been mailed in the amount of \$454,966. DMV license stops will start on 3/23/11. The business license collections are progressing but are coming in slow.

#### **Public Works Committee:**

##### **Water & Sewer:**

Mr. Seeber reported we are still waiting to hear back from VML with the interest rate. We are possibly going to use VML to work on the water pipe repairs at the Point and some other places. The Town Manager is waiting on some research. We talked last summer about doing a water shortage measure implementation. As it turns out there is a requirement that we as part of the Northern Neck region have a Northern Neck Regional Plan in place by November of this year. Part of that is an Appendix K which in fact is a recommended local ordinance. I am going to make up a list of questions and give them to the Town Manager and put a copy in everybody's box. We have notification that there is a signed contract for the sewer repairs between 3<sup>rd</sup> and 12<sup>th</sup> Street. They have a projected schedule. They have to do a survey first which has to be done by the end of April, sign the documents in May, revised documents at the end of June, building documents mid-July, and out for bid at the end of August and begin the infrastructure in mid September. That means the roads won't be messed up until after the summer season.

#### **Roads, Streets, Parks, Public Property:**

Ms. Payne reported there are two items coming up tonight. The first one is the right-of-way abandonment of Lawrence Lane. That public hearing has already been held and will come up for a vote tonight. Again, this is only for the abandonment and not for the actual sale of the property. This only authorizes the Town Manager and the Town Attorney to start negotiating any potential sale of that property once the abandonment is done. The second item is the agenda item – Resolution - #14-11 which was just added. Last spring the Town Council made some revisions to the Beaches and Waterways Ordinance. Following much discussion and many public hearings there was a lot of input from the Town. One of the results of that was prohibiting sleeping on the beaches and public property. The Town recently received a request from the Boy Scouts to hold an overnight camp on Town Hill which, because of this Ordinance, would not be allowed. What this new agenda item would do, would be to go ahead and advertise for a public hearing to change that section of the code and call a special meeting on March 25<sup>th</sup> at 9:00 a.m. if this moves forward tonight.

**Public Safety Committee:**

Mr. Buzby reported the committee discussed having the citizen's sign up for the Alert System so we can notify them in case of emergencies. Please see the Town Manager or myself.

Mayor Rummage stated he did not have a report but wanted to call to everyone's attention to the By-Laws that were passed nearly two years ago. Pay particular attention to Section 6-1A and 6-1B. A lot of requests are being made directly to the professional staff. The Town Manager knows nothing about this until after the fact and a lot of times it causes a lot of confusion because what comes first – the request from an elected official or the plan that is already invoked. This is just a strong suggestion on my part to help the staff do what the staff is supposed to do which is work for the Town.

**PRESENTATIONS:****Board of Supervisors Report:**

Mr. Roberson reported the Board of Supervisors meeting is on Monday at 9:30 a.m. at the A.T. Johnson Building. All are welcome. The State has now finished their budget and they will let us know what kind of money they are going to get or the lack of money we are going to get. Now the County is busy putting their budget together and it is grim. As you know and read in the paper we are looking at a court house that citizens are demanding that we do. We put it out to have the drawings done. We will have hearings with public input long before it goes out to bid. The drawings will be available and I will try to get a set up here. It is a sad state when you have to design the buildings now so the judges can come and go without being seen and they have a particular hallway they can walk down. The prisoners have another hallway that they have to walk up and down. The jury and all of the other people have another hallway so it makes the building a whole lot bigger. A new court house will also include the Sheriff's Department. I don't have a problem with that. I have a problem with the price tag. They did come down a little. I think the last figure was about \$10 million instead of \$12 million. The judges are making us do it.

Mayor Rummage asked if an order had been issued as of this date? Do you expect that?

Mr. Roberson stated now that we are doing something, no, they just signed off on these plans. They have the final say in it, not us.

Mayor Rummage asked if it was expected?

Mr. Roberson responded now that we are doing something, no. They just signed off on these plans and they have the final say in it. We just get the price tag.

Mr. Kennedy asked about the O'Gara Group. Has the sale of the shell building been finalized?

Mr. Roberson responded yes, very shortly. They are renovating it and have put over one million dollars worth of repairs into that building and then they will purchase it.

Mr. Kennedy asked if it would be over a month?

Mr. Roberson responded more than that. They are not up to full capability. They hope to get that building renovated and up and ready to bring in the big clients.

Mr. Kennedy stated last year I brought this up to you and since it is in the County, did you inquire to VDOT about the maintenance on the road going toward Oak Grove as far as trash goes? For whatever reason, it seems that is the trashiest road I have ever seen.

Mr. Roberson stated he would take care of it and bring it up on Monday. They usually bring in the trustee's to clean up the trash.

**Dr. Power, Superintendent of Colonial Beach Public Schools**

Dr. Power stated it never ceases to amaze me how wonderful this Town is. After a rainy, awful, terrible day like today, you can drive pass the Town hill which is under water and there is a whole family of mallards out there. I would like to let the citizens and Town Council know as part of the high school improvement grant, one of the things we are required to do is reach out to the community and to the parents and offer instructional classes in the evening. We just started that this past Monday. We offer free classes in Spanish, culinary, Microsoft 10. We have an average enrollment of 8 per class. The classes are free to the public. This is something for teachers and is paid for through the grant. We are delightfully happy with our fund raising efforts for the new elementary library. We are within \$5,000 of our goal. I would like to thank Mr. Ridgely for the extension of the Budget Committee Meeting at the end of March. At the actual meeting I will be out of Town at a conference and Mr. Ridgely and Mrs. Foulds have been nice enough to extend that meeting so I can do my budget presentation to the Budget Finance Committee on Monday, March 28, 2011 at 1:00 p.m. What was almost a demise of the school system was the mismanagement of the Title I Grant and at any opportunity I can, I want to assure Town Council that we are in full compliance. One of the big things about the Title I is that it is a comparability mandate and that services for all children whether they be Title I or not Title I are equal. In that evaluation just done before January, the letter you have in front of you states that we are in full compliance. Tracy Tungstle was instrumental in bringing Title I back into compliance. The newsletter that is attached, we are working overtime to educate parents in the community and what is going on. I wish I could have predicted how awesome that last Title I parent night was when we brought in therapy dogs and the kids read to them. They sat there like real people looking over the kid's shoulders. Anytime I have an opportunity to present that we are in compliance with all of these things, we will do that. Mr. Mitchell and I continue to work on our VDOT plans. One of the requirements is to survey the parents. The survey is on the Colonial Beach Public Schools website. We ask that parents complete that survey by March 14<sup>th</sup>. I should have the narrative of that grant to Mr. Mitchell by the middle of next week. If that works out, we will apply for the Safe Routes to School Grant with the real figure.

At this time a video, audio presentation by the kindergartners was presented to the Mayor, Town Council and audience in the name of 'This is My Town'.

**CITIZEN INPUT:**

**JO TOWNSEND – 1300 ESMOND LANE**

Ms. Townsend stated she has taught school for 30 years, it just thrills my heart to death and makes me realize how much I love Colonial Beach. My concern is with the vacating of

Lawrence Lane which is centered around what is best for the Town. When I spoke the last time, I asked if you could show me and the rest of the citizens what is best for us, that we would go along with whatever if you prove your point. Through rumors and such I have heard you are not going to have a survey and that was voted on in October and the people that I talk to really do not know what they are vacating and many of the Councilmen I talk to are not quite sure of the piece they are vacating. There is a concern there and I speak for the people who have talked to me. Mrs. Tate is one of the property owners who adjoins the property. I noticed your Planning Commission voted against it and the last time you had some questions about it. You don't get a piece of land everyday that you can deal with in this way. I appreciate you giving it serious thought in your decision.

#### **MARVIN WILSON – STAFFORD COUNTY**

Mr. Wilson stated he was next door to the property and the only problem I have if the Town sells it, the property line marked on the one you had at one time – I wouldn't be able to get to it. My lot is a little over 4,000 square feet and when I park there, I park back where it starts and I pull in the backyard. If I park on the street side of the house, I have just enough room to park a car there and if we get company you won't even see the house. Three or four cars will block off the house. This is something I am very concerned about and it blocks my backyard.

#### **BILL MILLESON – 1205 MONROE BAY AVENUE**

Mr. Milleson stated he supported the Town with their move to sell off the unwanted land and alleyways. Our application was very clear as to the small piece of land next to our land. It does not affect any of the parking whatsoever. The first 60 feet of Lawrence Lane will stay intact the way it is. There is 100 feet and 40 feet will allow for a lot of parking. I think we addressed these already. Plenty of diagrams have been available. Gary has had them in his office for six months. If anybody had any questions, they could easily have studied them. Of all of the questions that have come up, none of them have applied which is why the survey was not needed at this point. It is needed but not at this point. I have talked to numerous Council members, Town Manager, Gary and they felt like the survey was not needed at this time because it is self explanatory. I would like to see you vote yes on this. You have voted yes in the past on several vacations and alleyways that you decided to get rid of. If you vote no, I am assuming you don't want to sell anymore property to include waterfront as well.

#### **JEAN CONATY – 207 MONROE BAY AVENUE**

Ms. Conaty stated she was here tonight on behalf of the Historical Society. I want to bring your attention to the Annual Big Band Dance on May 14, 2011 and for the first time we are going to combine it with the annual meeting. We will start the meeting at 6:30 and dinner at 7:00 and then those who wish to attend the dance can have dinner and continue with the Big Band Dance. I hope you will attend. Personally, I think this business of alleys, alleyways and streets that aren't used has gone on for so long it is actually ridiculous. A decision needs to be made. If this land cannot be used by the Town, why not sell it? It makes no sense to me since the Town needs money.

#### **JEANETTE ROSE – 340 FOURTH STREET**

Ms. Rose thanked the staff for the street cleaning machine out and about Town. It always makes me happy to see we are doing something about cleaning the roads. Personally for me and my

husband I want to thank whoever was responsible for finally replacing the well pump on the Town square gardens. We really don't use much water because we are big conservators but every once in a while there is a plant in the garden that actually needs some watering after all the care that we give to it. I want everyone to see what I brought tonight. It is very hot pink and I am trying to call attention to everyone here is that there is this great program called Box Tops for Education. For anyone who hasn't heard of it before, it is basically free money for an elementary school. We have a coordinator in Town. She can use your help. The biggest help would be, including everyone on Town Council, is to collect the box tops. I have decorated this bin and it sits in the library so those who are not involved in the elementary school will have a place that they can drop off their box tops. Each box top is worth .10 cents. Our school can actually earn \$20,000 in one year if we collect 200,000 box tops. My goal is 50,000 for this year. In the past our school has not earned anywhere near that many. I am hoping that everyone can contribute. This particular bin has quite a few brand names on it and those brand names all represent companies who have a Box Top for Education on their product. There are also special things happening throughout the year. Food Lion had a deal where if you bought so many products for education you got a coupon for 20 which is another \$2.00 for our school. This is now sitting in the library and every month I am personally sponsoring a contest about proper education products and whoever drops off the most box tops in one month gets all the products on the shelf. I am hoping we can get more people in. In January, nobody won because nobody dropped off box tops. February nobody won because someone did drop off box tops but they forgot to leave their name and number so I could contact them. There are close to 200 products that are included in Box Top for Education and it covers everything including trash bags, Ziploc bags, diapers and yogurt.

#### **WAYNE ROSE – 340 FOURTH STREET**

Mr. Rose expressed his support for the possible conversion of Monroe Bay Avenue and Irving Avenue into one lane roads that would have a dedicated lane for pedestrian and bicycle access. It would be a really successful project and I think it would be an asset to the Town to have this type of recreational activity. I have seen it done in some parks that I have worked in and I think it would be something to draw people into the Town. The other issue is I am not supportive of vacating any right-of-ways that lead down to waterfront property even though these properties may not be used right now, in the future they could be a valuable asset for the Town.

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

Mr. Kern stated the time changes this weekend. The 7-11 will be closing for 10 days for renovation. The 7-11 as you now know it will not be the same when it is completed. They have spent \$400,000 on the remodeling inside the store. In the paper this past week, the Town had an article in there concerning the dismal condition of our water and sewer pipes. You would be surprised what is on the History Channel. I was at the Colonial Beach Fire House watching the History Channel and they had it on there concerning localities that are having problems with their underground water and sewer pipes. In the one particular segment it had to do with the City of St. Louis. They have 11,000 miles of underground water and sewer pipes that they are going to replace. They are going to do it by not digging up. They are going to do it by relining. Just like the Town has done with the sewer. It can be done with the water as well with a savings up to 50%. I got on the phone yesterday morning and talked to the Town Manager concerning the program and I would like to see someone in this Town contact St. Louis and see what they are

doing and get information. If this saves us 50% on these problems we need to look into it. I always look forward to Dr. Power's talk when she gets up here and talks about our school system and the improvements that have been made particularly when they go back on the history of our Town. I also support the vacations of right-of-ways. Back in the 70's believe it or not Colonial Beach had two boat ramps set up. One at the Point for the businesses and the ramp was between what is now the Lighthouse and Nightengales for Town citizens. I also endorse the work that is being done to try and get a YMCA here. There is nothing for people my age, older, 30 years old, 18 years old, elementary school, to do in this Town. We need this type of facility. I hope the Town does what is necessary. The one good thing, the executive director of the YMCA in Fredericksburg got his start in Colonial Beach. He is the one who got the triathlon to come to Colonial Beach. Seven years ago in the National magazine, they had a list of the top 10 triathlons small and large in North America. Colonial Beach was the only one listed as hosting a small triathlon with a 1,000 participants and under, the only one on the east coast. We need to take advantage of everything there is to get people down here.

#### **WANDA GOFORTH - 500 MARSHALL AVENUE**

Ms. Goforth stated she wanted to speak about Resolution - #47-10 – Abandonment of Lawrence Lane. Again I voice my opposition to sell the parcel of land on the bay at Lawrence Lane. This sale was voted against by the Planning Commission. The resolution states the Milleson's submitted an application for the vacation of Lawrence Lane. In one of the earlier meetings, Mr. Milleson stated he didn't care one way or the other, but if the Town was interested in selling, he was interested in buying. I believe there has been too much controversy and misstatements and confusion concerning this sale. There still has not been a survey performed as promised. Why is it that the Council appears to seem anxious to sell the assets of the citizens? Have the other adjoining property owners been allowed to purchase a portion of this? Have they been asked if they are interested? Has any consideration been given to all these parcels fronting on the water being sold, then possibility a structure erected on them that will block the view of the neighbors? Many of these neighbors pay a higher premium for their property because it has water view. As you know I come to just about all of the meetings, there are no restrictions placed on the property that they sold, vacations of all of these roads. I don't believe there has been enough forethought or consideration given to selling these properties. One citizen spoke at a previous meeting suggesting that the funds from the sale of the property be earmarked for a special fund and not put into the General Fund. Has this been discussed seriously by Council? Also, I will be interested in knowing as probably some of the other citizens what happened to the funds from the previous sale? I am respectfully requesting that the Council not approve Resolution - #47-10. I think the Town Manager was going to get the cost for moving the election and has there been any headway made on that?

Ms. Foulds responded no. We have made several calls and I would be delighted to share with you what I have along with copious notes.

Mayor Rummage reminded everyone that in order to speak, you must sign up on the sign up sheet in the foyer. It gives us a bit of control over the time.

#### **MARVIN WILSON – STAFFORD COUNTY**

Mr. Wilson stated he did not object to buying the property on the street next to my property. The problem is Mr. Milleson needs 50 feet of frontage on Lawrence Lane in order to have a conforming lot. If I buy half of it, 25 feet of it, he cannot have a conforming lot. Therefore I am getting landlocked without an option to buy it unless we can move it back towards the water. That is my only problem. I don't want to be landlocked in the front yard.

Mr. Roberson asked if the jet ski film could be aired on the government channel?

**UNFINISHED BUSINESS:**

**AGENDA - #47-10**

**RESOLUTION - APPLICATION FOR RIGHT-OF-WAY ABANDONMENT FOR AN UNDEVELOPED PORTION OF LAWRENCE LANE**

**WHEREAS**, Mr.& Mrs. Milleson have submitted an application for the abandonment of an undeveloped portion of Lawrence Lane; and

**WHEREAS**, the Colonial Beach Planning Commission recommends that the land not be vacated; and

**WHEREAS**, the Colonial Beach Town Council has advertised and conducted a public hearing on October 14, 2010; and

**WHEREAS**, the Town Council decided to delay a final decision for approximately ninety days.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular monthly session on Thursday March 10, 2011 hereby approves the request by the applicant for the right-of-way abandonment for the undeveloped portion of Lawrence Lane.

**BE IT FURTHER RESOLVED**, that the Town Manager and the Town Attorney are hereby instructed to proceed with the appraisal and other requirements for the sale of the property.

Mayor Rummage called for a motion.

Motion was made by Mr. Kennedy to accept as written, second by Ms. Payne. (THIS WAS A MOTION TO APPROVE THE ABANDONMENT) (Town Attorney's clarification)

Mr. Kennedy stated he was fully prepared to vote on this and vote in favor of it, but after reviewing some documents that have come before me, I cannot do that. I have seen one plat and an aerial view that shows two different things. I have copies for everyone. I am not sure as Ms. Townsend said what exactly I am looking at.

Mr. Kennedy asked for point of order.

Mr. Kennedy stated if in fact we are doing what one gentleman says and land locking his backyard, I can't support that. I have said time and time again I support selling off the property in this town that is of no use to anybody else and I still support that if it doesn't adversely affect somebody else's property. I am looking at two things, one showing a plat of Ms. Tate's property in one design and an aerial view showing another design. Until that is clarified, I cannot support this.

Mr. Ridgely stated from the beginning it has been nothing but questions and questions. I don't get a lot of people calling me because obviously I am not real popular, but I have had 9 calls on this and I have only had one speak in favor of it. To me there have been too many complications from the beginning and gray areas. I can't support it and never could.

Mr. Kennedy stated he was not opposed to selling off a piece of property that is of no use to anybody else as long as you can clarify to me exactly where the dimensions are and where the boundaries are. That to me is a little hazy right now and if it is going to adversely affect somebody else's property, I cannot support it.

Mr. Ridgely felt the Council should vote what is on the table up or down.

Ms. Payne asked if Mr. Wilson's property could be clarified and where is he being landlocked.

Discussion took place between Mr. Kennedy and Mr. Seeber.

Mr. Ridgely asked if Resolution - #47-10 could be modified. I would like to revise it that it reads next to the last paragraph 'now therefore be it resolved that the Town Council meeting in regular monthly session on Thursday, March 10, 2011 hereby denies the request by the applicant for the right-of-way abandonment for the undeveloped portion of Lawrence Lane'. Then omit the last paragraph that starts with 'be it further resolved'. (A REQUEST FOR AN AMENDMENT THAT WAS NEVER SECONDED SO IT FAILED) (Town Attorney's clarification)

Mayor Rummage stated you can just vote against the resolution.

Ms. Erard stated if you vote against the resolution you are just voting down the resolution, you are not taking any action one way or the other on the actual request.

Mr. Kennedy stated but the request can go forward if it is clarified exactly what is being sold.

Mr. Seeber stated if you change the resolution, you vote with the amendment.

Mr. Kennedy stated he wanted full clarification on this before I go forward with it. After seeing this and after talking with Mr. Mitchell the other day I was completely confused.

Mayor Rummage stated this has been delayed a number of times and if that is what you wish and if that is what the Council wishes, let's make this a special order for the next meeting.

Mr. Kennedy agreed.

Ms. Payne asked Mr. Mitchell to clarify this. We keep going round and round on this.

Mr. Mitchell stated you have a plat that was filed by Mr. Milleson. The colored map is a GIS map based on the County tax map. Everybody knows the County tax maps are not correct. Is it 100% accurate, I don't know. The County is the one who gave us that information. The plat that is black and white is a survey plat. If you want to keep this alive, if you remember the last time we talked about this you all decided not to have a survey done. Now maybe you should have a survey done so everyone knows where everything is. I can't authorize a survey without you saying to do it.

Mr. Seeber stated the problem is this is the plat that they had when they bought the property. Therefore it only includes what is on their side of Lawrence Lane with the exception of Mo Wilson's property which is on the corner not involved in the survey. We don't know what this really is. This map from what Mr. Mitchell just said is not anywhere near 100% reliable. This one is only reliable inside the area of the property that they bought. We don't know what this is over here. That is a real problem. If we vote on this motion they can get another survey if they want to pursue it.

Mr. Ridgely asked do you mean the property owner?

Mr. Seeber responded or the Town.

Mr. Mitchell stated in January you said no survey.

Mr. Seeber stated that is why we are seeing this which may or may not be meaningful. Referring to the plat, the problem is this part is the only part that is meaningful. This could be anything.

Mayor Rummage stated the sentiment here is to get a survey, then what we should do is special order it until the next meeting. Is that not correct?

Mr. Seeber responded unless there are four people who do not want to sell it. Apparently there is at least one.

Mr. Ridgely stated he was not in favor of this.

Mr. Kennedy stated he has a right to his opinion.

Mayor Rummage called for a motion to postpone this to the next meeting. (THIS WAS NEVER SECONDED SO THE MOTION FAILED) (Town Attorney's clarification)

Discussion took place at the Council table.

Ms. Erard stated your motion is to postpone it until the next meeting.

Mayor Rummage responded yes.

Ms. Erard stated yes it takes precedence.

Mayor Rummage called for a second to the motion.

There was no second, which means we are on the main motion. (CORRECT, AND THE MAIN MOTION WAS TO APPROVE THE ABANDONMENT)

Mr. Kennedy asked what are we voting on?

Ms. Erard stated we are voting on the resolution as originally written to approve it.

Mayor Rummage called for a vote. Mr. Buzby **nay**, Mr. Kennedy **nay**, Mr. Seeber **nay**, Mr. Lyburn **nay**, Ms. Payne **aye**, Mr. Ridgely **nay**, Mayor **present**.

Discussion took place from the citizens in the audience.

Mr. Kennedy called for Point of Order.

Ms. Townsend then speak so we can hear you.

Ms. Goforth stated what is the result?

Mayor Rummage stated there are 5 nays, 1 aye, and 1 present. The five supercedes all others. The resolution is defeated. (CORRECT – SO THE MOTION TO APPROVE THE ABANDONMENT DID NOT PASS. THAT’S IT. THE REQUEST HAS NOT BEEN APPROVED AND IT HAS NOT BEEN DENIED EITHER) (Town Attorney’s clarification)

**AGENDA - #09-11**

**RESOLUTION - AUTHORIZATION OF PARTICIPATION IN DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) COMMERCIAL DISTRICT AFFILIATE PROGRAM**

**WHEREAS**, the Virginia Main Street has established the DHCD Commercial District Affiliate Program in the Virginia Department of Housing and Community Development to assist localities in developing public/private efforts to revitalize their downtown commercial areas, and

**WHEREAS**, interested Virginia cities, towns, and counties that are exploring downtown revitalization, those that may not be eligible for designation or those that do not wish to meet Main Street requirements may participate as an Affiliate, and

**WHEREAS**, Affiliate communities will have access to all Virginia Main Street training and limited on-site assistance, as resources permit, and

**WHEREAS**, the Town of Colonial Beach desires to participate in the DHCD Commercial District Affiliate Program.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF COLONIAL BEACH**

**SECTION 1.** That the Town of Colonial Beach applies for selection to participate in the DHCD Commercial District Affiliate Program with the specific goal of economically revitalizing the designated downtown district within the context of historic preservation using the Main Street Approach;

**SECTION 2.** It is recognized that downtown revitalization requires an on-going commitment, continuous attention and a full public-private partnership. The Main Street program is considered one of many economic and community development tools used by a locality.

**SECTION 3.** The Town of Colonial Beach understands that participation as an Affiliate Community does not guarantee selection as a Designated Main Street Community, and we will be eligible to receive Affiliate Community services from Virginia Main Street as long as the requirements stated in the Program Guidelines are met.

**SECTION 4.** That the Department of Planning & Community Development is designated to assist in the submission of the application.

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

Mr. Mitchell stated this resolution is part of Community Development Block Grant Program and helps us in term of points and how they score our grant application to become an affiliate of the Virginia Main Street Program. It is not the full program and we would have to go through another process for that. We gain points for the grant. It puts the real responsibility on the Town but it does give several opportunities for training.

With no further discussion on Resolution - #09-11, Mayor Rummage called for a vote. Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Seeber **aye**, Mr. Buzby **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Authorization of Participation in Department of**

**Housing and Community Development (DHCD) Commercial District Affiliate Program was approved. Motion Carried.**

**AGENDA - #10-11**

**RESOLUTION - ADOPTION OF TOWN OF COLONIAL BEACH BUSINESS INCENTIVE POLICY**

**TOWN OF COLONIAL BEACH BUSINESS INCENTIVE POLICY RESOLUTION**

**WHEREAS**, the Town Council of Colonial Beach has determined a need to encourage business development in the Town as a means of stimulating further economic development to broaden its tax base, increase Town revenues, and provide for expanded employment opportunities for its citizens; and

**WHEREAS**, the Town wishes to encourage appropriate business development within the Town; and

**WHEREAS**, certain incentives offered at the local level may be needed to cause particularly desirable business enterprises to locate within the Town of Colonial Beach; and

**WHEREAS**, any such incentives should be offered only as business-like investments toward definable revenue and job creation objectives with a pay-back period of not more than seven (7) years.

**WHEREAS**, any incentives offered should be provided only upon receipt of necessary guarantees of recoverability in the event the undertakings upon which they were based fail to materialize; and

**WHEREAS**, the Town Council has proposed the attached business incentives to serve as the guidelines for negotiation with potential business enterprises wishing to locate or expand within the Town of Colonial Beach as being a reasonable exercise of the Town's discretion in furthering the economic development of the Town, to wit:

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of Colonial Beach is in general agreement with the incentive policies outlined herein and will support the efforts of the Town Manager and Director of Community Development in encouraging business enterprises to locate within the Town consistent with these guidelines.

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

Mr. Seeber stated yesterday was the first time I have seen this. It is meaningful and detailed and not easy to just say yes or no to. There has been no discussion. This needs to go to committee. I support the intent which is to give breaks to new businesses coming to Town depending on how many people they hire. However there are a lot of numbers in here and percentages and five years, three years and I think it is something we need to discuss in more detail.

Mr. Ridgely asked who would administer this policy? I got a little bit more information picked up but this is the first time I have heard about it. My question is who actually administers this? I am not against it but if you give discounts for taxes are you changing the tax rate for these people under Virginia statute? Is that something we can do?

Ms. Erard responded I have not looked at this in depth. I have not talked to staff about it in depth.

Motion was made by Mr. Ridgely to table, second by Mr. Seeber.

Ms. Payne responded we have seen this before.

Mr. Kennedy agreed.

Mr. Mitchell responded it has been to committee 4 times since May of last year.

Mr. Seeber stated has it been presented since July 1<sup>st</sup> – I have never seen it and I read everything. Was it presented in August when I was out of Town?

Mr. Kennedy stated if everyone is not comfortable with it, then we should refer it until the next committee.

Mayor Rummage stated the matter has been referred to committee unless there is an objection.

With no objection Resolution - #10-11 was referred to committee for further study.

**AGENDA - #11-11**

**RESOLUTION – ADOPTION OF FISCAL YEAR 2010-2011 FOURTH QUARTER APPROPRIATIONS**

**BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, March 10, 2011 hereby adopts the FY 2010-2011 Fourth Quarter Appropriations as follows:

**Fourth Quarter Appropriations**

	<b>FY 2010 – 2011 Budget</b>	<b>Fourth Quarter</b>
General Fund	5,146,569	1,316,211
Utility Fund	2,492,408	629,204
Utility Capital Projects Fund	2,096,924	260,000
School Operating Fund		
Instruction	5,919,391	1,438,708
Administration	444,665	103,508
Pupil Transport	365,293	61,773
Maintenance	649,585	162,396
Food Service	217,592	48,796
School Total	7,596,526	1,815,141

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

With no discussion on Resolution - #11-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Adoption of Fiscal Year 2010-2011 Fourth Quarter Appropriations was Approved. Motion Carried.**

**AGENDA – #12-11**

**RESOLUTION – COUNCIL SUPPORTS FURTHER STUDY OF PLAN TO BRING YMCA TO COLONIAL BEACH**

**WHEREAS**, The Economic Development Committee has asked the Town Council to support the concept of bringing the YMCA to the Town of Colonial Beach by providing initial funding. **NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council meeting in regular session, Thursday, March 10, 2011 endorses further study of the concept of bringing the YMCA to the Town.

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

Ms. Payne stated as she said at the committee she would like nothing more than to see a YMCA come here but providing the initial funding without numbers, without knowing what we are getting into, knowing that we have \$4 million dollars in water repairs and roads that need to be paved and we don't even have a number.

Mr. Kennedy agreed and stated although this was my resolution and this is what I asked to be brought before Council it was not to ask for initial funding. What I asked for during the committee was to have the endorsement and the backing of the Council that they would support the concept of bringing the YMCA here. I would say amend this resolution by removing that portion of it, take off *by providing initial funding*. For those who were not at the committee meeting, Mr. Buzby and I met with the regional Director of the YMCA to talk about the possibility of getting a YMCA here in town. He was very excited about it. We are still working on it. I think there is a possibility, maybe slim but I am going forward with it and keep on pushing it until they tell me no. I think it would be a great asset to this Town. The first ten people I saw in the King George YMCA came from this beach. Everybody I have talked to has supported this when I talk to them on the street. I have people come to me and say if I have a steering committee they want to be a part of it. It will take the backing and endorsement of the Council. It takes the support of the Town. I want to see this go forward.

Mayor Rummage asked if there has been a feasibility study done? I believe you said that the Director of the King George YMCA would handle it.

Mr. Kennedy responded they do their own feasibility study.

Mayor Rummage asked if it was better to get an outside group to do a feasibility study with something this large?

Mr. Kennedy stated when we talked with the Northern Neck Association they wanted us to put up \$25,000 to have a study done. That money would have to be solicited from everyone. I had to find 25 people who were willing to put up \$1,000 a piece just to get the study done. We talked to Mr. Riley and they said they are doing their own study. He is already doing some groundwork himself from my understanding from our meetings we had with him. They will say yes or no, but we have to do something on our end if they come back and say their study says yes we can do that. That is why I am asking for the endorsement of Council without a financial commitment. There is no money at this time, but I will come back and ask later on.

Mayor Rummage asked Mr. Kennedy to clarify for the record what the resolve is.

Mr. Kennedy responded the resolve is to get a YMCA in this Town. Mr. Kennedy motioned to take out to *provide initial funding* out of the resolution.

Ms. Erard stated that is a motion to an amendment for Resolution - #12-11.

Second was made by Mr. Ridgely.

Mayor Rummage called for a vote on the amendment of the Resolution. With all aye votes and no opposing votes, the amendment to Resolution - #12-11 was approved. **Motion Carried.**

With no further discussion on Resolution - #12-11, Mayor Rummage called for a vote on Resolution - #12-11. Mr. Buzby **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Further Study to Bring the YMCA to Colonial Beach was Approved.** **Motion Carried.**

#### **AGENDA - #13-11**

##### **RESOLUTION – CHANGE FROM MAY TO NOVEMBER ELECTION CYCLE**

**WHEREAS**, Va. Code Section 24.2-222.1 allows for towns to conduct elections for the Mayor and the Members of the Town Council in November; and

**WHEREAS**, Va. Code Section 24.2-222.1 requires that in order to change from a May election cycle to a November election cycle that the Town Council adopt an ordinance designating a November election; and

**WHEREAS**, due to budget reductions on the state level the Town of Colonial Beach wishes to minimize any and all election costs paid by the Town of Colonial Beach and change to a November election cycle.

**NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council requests that the Town Attorney prepare the appropriate ordinance in accordance with Va. Code section 24.2-222.1; and

**BE IT FURTHER RESOLVED**, that the Town Manager is authorized to properly advertise a public hearing for the April Town Council meeting on the ordinance to change from a May to November election cycle.

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

Ms. Payne asked if the Town Attorney could explain what is happening so everyone in the audience knows what the situation is.

Ms. Erard stated a year ago, the General Assembly decided that it was going to encourage cities and towns that have May elections to go to a November election cycle. They selected their means of encouragement as eliminating the funding for the May election. What is happening is it is fine to continue to have May elections but because there will be no subsidy from the state towards those elections it would result entirely as a local cost. I think as Ms. Foulds indicated, I have talked with the State Elections Board about this and there just doesn't seem to be anybody there that really knows what is going on. I got my information from some people who work in

the General Assembly and who were present at the hearings. The exact numbers do not seem to be clear. The only thing that does seem to be clear is that every locality that has a May election will save money by switching to a November election cycle.

Mayor Rummage asked if we ever got a number of what it would save the Town?

Ms. Erard responded no.

Mayor Rummage stated so no one in Richmond is willing to do an analysis. They have to know.

Ms. Erard agreed but I have not been able to find the person who knows.

Ms. Payne stated I know the Town Clerk and the Town Manager have also attempted to get some type of number and no one is talking.

Ms. Erard stated in the last election that for the Town of West Point they had approximately \$7,000 in unexpected election costs. That was a year ago.

Mr. Roberson stated 10 years ago when I was sitting up there, it was \$5,000 to have a May election.

Mr. Seeber asked if the County was moving to the November election cycle?

Mr. Roberson responded that they were.

Mr. Seeber stated this resolution isn't to change the date. This resolution is to make up an ordinance to have a public hearing, so we are not changing the date tonight. We are going to advertise for a public hearing to hear comments from the people in Town. We paid \$2,000 for what it cost us for input when the State ran the May election. Other than them providing the computers, knowing the people who worked 37 hours to make it happen, we pretty much covered their salary for sure.

Mr. Ridgely stated once we have the election, it goes to the County and they do their thing.

With no further discussion on Resolution - #13-11, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Buzby **aye**, Mr. Kennedy **aye**, Mr. Seeber **aye**, Mayor **aye**, motion carried and the **Change from May to November Election Cycle was Approved. Motion Carried.**

#### **AGENDA - #14-11**

#### **RESOLUTION – AMENDMENT TO ORDINANCE #584 CHAPTER 5, SECTION 5-7, “BEACHES AND WATERWAYS”**

**WHEREAS**, the Boy Scouts have requested permission to conduct a camping activity on Town Hill on March 26 - 27, 2011; and

**WHEREAS**, section 5-7 of the Town Code prohibits sleeping on public property; and

**WHEREAS**, the Town Council wishes to amend section 5-7 of the Town Code so as to permit the Boy Scouts to camp on Town Hill.

**NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council hereby authorizes the Town Manager to advertise for a public hearing on March 25, 2011 at 9:00 a.m. for Ordinance No. 598 in The Free Lance Star on March 11, 2011 and March 18, 2011; and

**BE IT FURTHER RESOLVED**, that the Colonial Beach Town Council shall conduct a Special Meeting on March 25, 2011 at 9:00 a.m. for the purpose of conducting a public hearing on Ordinance No.598 and taking action on Ordinance No. 598 following the public hearing.

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

Mr. Ridgely asked if we were using the Free Lance Star because of the time involved.

Ms. Erard responded yes.

Ms. Payne stated this is to authorize the Town Manager to advertise for a public hearing on March 25, 2011 at 9:00 a.m. and to be advertised in the Free Lance Star because of the time frame.

With no further discussion on Resolution - #14-11, Mayor Rummage called for a vote. Mr. Buzby **aye**, Mr. Kennedy **aye**, Mr. Seeber **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Amendment to Ordinance #584 Chapter 5, Section 5-7, "Beaches and Waterways" was Approved. Motion Carried.**

**CLOSED MEETING:**

There were no issues to discuss in Closed Meeting.

**RECESS/ADJOURNMENT:**

Motion was made by Mr. Kennedy to adjourn the regular meeting of Thursday, March 10, 2011 at 8:10 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor







