

**TOWN COUNCIL MEETING HELD THURSDAY
JUNE 10, 2010 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

MAYOR:	FREDERICK C. RUMMAGE
VICE MAYOR:	TRISH KING
COUNCIL:	DAVID COOMBES
	STEPHEN KENNEDY
	BURKETT LYBURN
	KAREN PAYNE
	RONALD RIDGELY
TOWN MANAGER:	VAL FOULDS
TOWN ATTORNEY:	ANDREA G. ERARD
CHIEF FINANCIAL OFFICER:	JOAN GRANT
TOWN CLERK:	BARBARA A. GOFF – <i>absent</i>

PRAYER:

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

PLEDGE OF ALLEGIANCE:

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

CALL TO ORDER:

Mayor Rummage called the regular meeting of Council to order on Thursday, June 10, 2010 at 7:00 p.m. at the Colonial Beach Town Center.

ROLL CALL OF MEMBERS: Everyone was present.

ANNOUNCEMENT OF ABSENCES: There was no one absent.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF THE AGENDA: Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no opposing votes, the agenda was approved as presented. *Motion Carried.*

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THURSDAY, MAY 13, 2010. Motion was made by Mr. Lyburn to approve, second by Ms. Payne. With no opposing votes, the minutes were approved as presented. *Motion Carried.*

PRESENTATIONS:

Employee Service Pin Awards

At this time Mayor Rummage presented employee service awards and pins to Theodore (T-Bone) Pickens, (5 Years) Danny Smith (10 years) and Walter Wright, absent (5 years) and Assia Beverly (30 years).

Board of Supervisors:

Mr. Roberson stated the Board of Supervisors meeting will be on Monday night at 6:00 p.m. Things are nice and quiet in the county and that's the way we like to keep it.

Plaque Presentations:

At this time, Mayor Rummage presented plaques to David Coombes (8 ½ years) and Patricia (Trish) King (4 years) for their dedication to the Town and citizens for their time spent on Council.

Dr. Power – Superintendent of Colonial Beach Schools:

Dr. Power presented a Power Point Demonstration for the proposed middle school.

CITIZENS INPUT:

LARRY ROBERSON – CEDAR AVENUE

Mr. Roberson stated he understood we have a chance to keep our Chief around for a little while longer. I certainly expect you to do that. For the first time since John Anderson and Buddy Jackson, I have seen the cooperation between the County and the Town and even the State police. I haven't seen that in quite a number of years. He has done an excellent job and anything you can do to keep him here would be well worth the effort. Look at the drug raids we have had. There are still some more out there. He has done an outstanding job and I think you would be foolish to not to try to keep him.

TOMMY EDWARDS – SECOND STREET

Mr. Edwards thanked the citizens who attended the Memorial Day Service. It was an excellent crowd and I appreciate it. Mr. Edwards also thanked the ladies auxiliary who donated all of the food for it. The cannon is in the process of being cleaned, scraped and painted. On behalf of Tourism, we opened up a week before Memorial Day. A few people did come by. Our Tourism Officers are as follows: Rosemary Higgs, President; Tommy Edwards, Vice President; Helen Moffit, Secretary and Ginger Roth is Treasurer. We also welcome two new members, Trish King and Cathy Bokman to the Tourism Advisory Council. We look forward to that. As you know we are always looking for a few good men and women to come in and help us man our building. We have been inundated with change because people are feeding the meters. We do have t-shirts, decals and colored shirts and caps for sale and we advise any of the townspeople to please stop by and support tourism. On another note, with the Potomac River Festival I was approached by Captain Seay and he informed me that we have motormen from the State bicycle police officers coming here. We are going to let the Tourism Building be a key point for them to come in and use the facilities to get out of the heat. I heard a rumor about the Chief but I can only say with working in city government as I have, I have gone through a lot of police chiefs myself. I know we can get on our high horse and say I will show him for what he tried to do, but I hope with what he did with the Accreditation and he showed you what he could do with the time he has been here, I don't care what you have to do to keep him. Signing a two or three year contract is the way to do this if you want him to stay. To me, you are cutting your nose off to

spite your face if you tell this man he has to go. He has done an excellent job and you will be hard pressed to find somebody else.

PETER FAHRNEY – 3419 RIVERVIEW DRIVE

Mr. Fahrney stated he did not know about any of the rumors of the Chief and this is the only time that the citizens have had the opportunity to express their gratitude for what the Chief has done with our community over the past few years he has been here. If there is a rumor that he will stay, then maybe I should know that now so that my comments are superfluous and I will issue those in private. I want you to know in my brief time here, the Chief has shown expertise, tack, good humor and certainly hard work in what he has done. His accomplishments have been well documented in the newspapers and the press and what hasn't been documented is something that I have been very aware of and that is the community spirit and the community hard work that the Chief has done for the overall betterment of our community. Not just providing for the safety and the trust that we have in the police department, but the overall improvement in our community and for that we owe him a debt of gratitude. If we can negotiate his contract, I would certainly urge that forward. Mr. Fahrney also stated his concern was the upholding of the Comprehensive Plan. Tonight on your agenda, you have to look at Article 8 of the zoning regulations that C-1 as listed. I understand that C-2 is also going to be discussed. I am concerned about it. Dave Coombes could tell you how many years it has been for the Maritime Commercial district and the whole C-1 thing that has been bounced back and forth between the Planning Commission and the Town Council. Some months ago, the Town Council approved the Town Comprehensive Plan. It is a document that has required hundreds of hours of work. It has involved hundreds of our citizens. There have been a dozen or more open meetings to discuss the Comprehensive Plan at all levels and you have passed this and it should hold us for 20 years. We are very lucky that we have a professional zoning administrator, Mr. Mitchell. Based on what he has seen with the Comprehensive Plan he came forth with suggestions about how Article 8, C-1 & C-2 are being constructed and this was presented to the Planning Commission. This was agreed by the Planning Commission and only later did a letter go out to certain and selected individuals in the community to re-discuss and make whatever suggestions that they had for changes. I understand that Article 8, C-1 and C-2, which has been discussed previously, is now going to be changed. I am not too concerned about the changes and I think that if I had the chance to study and look at all of the changes, I probably would agree with it, but I am very concerned about the process of all of the hours going into the Comprehensive Plan, all the hours Mr. Mitchell put in the Comprehensive Plan when he put forth his best idea of what would hold up the Comprehensive Plan only to have it changed in the back room by a select group of citizens. Does that mean that in the future for the Comprehensive Plan that any one or two but certainly not three of the Council Members in coordination with the group of citizens could again change the wording that would affect the plan? I am very well aware that this is a text amendment that you are working on tonight and text amendments can be modified at the will of the Council but knowing that we have already spent years to get to the point that we did, text amendments are just about as hard to change as pure zoning. Again, I speak because I object to the way it has been handled in the last few days. It is has come before you for approval tonight for a text amendment change because a group of citizens put pressure on the Planning Commission and the zoning office to make those changes.

PEGGY CAMPBELL – REPRESENTING THE CHAMBER OF COMMERCE FOR ONE EVENT

Ms. Campbell stated our Chamber President, Mr. Carey Geddes started pursuing bringing the tour (APBA) to the beach. He went to the County and made a presentation asking for sponsorship. He asked for \$5,000 and the supervisors agreed and we received the check almost immediately. He also came to this Council. This Council pledged \$5,000 in support with \$2,000 in contingency. It is a reality. I wanted to show you what you are getting for your money. Ms. Campbell modeled a t-shirt. You will all get a shirt, but you have to pay for it.

SHERRY HUTCHINS – 1306 MONROE BAY AVENUE

Ms. Hutchins stated that she had some concerns, one being Article 5, the Maritime Commercial District. I noticed beside single family dwellings, single family attached dwelling was added. In the Comprehensive Plan, I understood it to begin with that the Point was to remain low density. When you add single family attached dwellings, it now becomes a high density area. I know your definition of your single family attached says a maximum number of structures that may be attached are 8 dwelling units. I live on the Point. I don't want townhomes or condos on the Point. The roads can't handle it and the people who live on the Point do not want it. I think this was slipped in there just like the other gentlemen said, without the citizens realizing what you are doing. Again it goes to vote tonight, but I am totally against it. Why was the parking kiosk placed where it was placed? We rode up there trying to find this machine where people are supposed to pay for their parking and it is off in the corner. You would think the machine would be where you could see it and it is stuck way up in the corner where you can hardly see it. I am sure there was a reason, but none of us can figure that out.

TIM TRIVETT – 3407 WAKEFIELD STREET

Mr. Trivett stated once again I would like to ask that you consider level funding for the school and that you don't cut the \$215K from our budget. The Police Chief has done one outstanding job without a doubt. He has come to our school board meetings. He has had many meetings with us in private. He told us about things going on in the town that we kept confidential that involved students and things going on in the school. He is one of the most professional individuals that I have ever worked with. I have worked with many federal, state and local law enforcement officers through the year. You yourself should know from the Accreditation it hasn't been that long ago that you were here and saw the accolades and went to Richmond. If we have the opportunity to keep him we would be foolish not to do that. He has done an outstanding job with citizen interaction. He makes it a point to get out and be seen. You can go out anytime of the night and you can see him all over the place. He is a working police chief. You don't see that much anymore. He stays on the street. He wants to know what is going on and that is a direct result and reflection on his department and the people who work for him. They have done a very professional job in the last two years. Very few departments in this state have accreditation. That is really something to accomplish in the last two years. That is unbelievable and then to maintain it is just as hard. I think with his professionalism and expertise we will have no trouble whatsoever maintaining that accreditation with him at the helm. I hope you strongly consider anyway you can to get him to stay.

DIANE PEARSON – COLONIAL BEACH

Ms. Pearson understood there were new signs put up that says you can fish on the beach from 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. Who is policing this area for safety? We have children who are going to be out on the beach and this is something that will have to be taken care of if you are going to allow them to fish where they also go swimming. Before, when they were allowed to fish off the pier or fish off the rocks, we have not had as many accidents with fish hooks. You are going to have to have police if you allow them to fish in the bathing area. Today I was out a luncheon at the Riverboat and it was a fiasco. We had people who were given tickets because they parked in the old Monte Carlo parking lot. I would like to say I know we have to iron out these problems but I agree if it is something with power, you need to find some way to run power and move that box. People cannot see it. A young man was given a ticket today and he had a town sticker on his vehicle. The police officer said he was new so he wasn't that familiar with what the new rules were. We all have to get used to these new rules and regulations. I was told if we had a town sticker we could park in these parking lots without a charge. Now this is being changed. I called the police department today and talked to the dispatcher and was told that we go to town hall and get the sticker for the windows. I told her I was at the Council Meeting when they said only the part-time people would have to get those. The part-time people aren't going to like me right now because I think they should be charged some kind of a fee for that. You all need money. Instead of trying to find other ways to get money, charge them a price to get this also. We have to pay for our stickers, why should they be given a decal to hang on the window. Also, this thing about charging fees down at the Point, I understand two men went out fishing and had two different boats and it was between the hours of 6:00 a.m. and 7:00 a.m. I know the kiosk is not open at that time, but they have to make some kind of allowance for this. The men came back in and were ticketed and they offered to pay the \$10. We are running people away from Colonial Beach instead of keeping of them here. We need their revenue and we need their support to keep this town going.

KYLE SCHICK – 901 IRVING AVENUE

Mr. Schick stated as a business owner here I was going to come tonight to say we appreciate the hard work that the Chief has done and wish him well in his new endeavors but after hearing what I am hearing tonight instead of saying that I hope I can welcome him back. I have witnessed the results from this police department since he has been here. We have had a lot of good chiefs in the past, but he has been far above and beyond any of the Chiefs we have had since I have been here. As far as the C-1 vote, as Colonial Beach Yacht Center, I do support the amendments that were changed. As a matter of fact I supported them last month. As far as the issue with attached houses and Maritime Commercial, that is something that you have to go through re-zoning. The public will get full interest review before that can be done. It is only going to be on 2 acres or larger lots. There are not that many pieces of property on the Point. There are additional setbacks to deal with so the concept that it is going to be overrun by condos on the Point is not going to happen. It will be very difficult to do it on any of them, plus traffic studies have to be done. All of those issues that people are concerned about will be brought forth to the Planning Commission and recommendations made to Council before anything can go forward. I would like to say I support the C-1 and C-2 and Commercial Maritime issue.

VALERIE JONES – RESIDENT MANAGER OF RIVERWOOD APARTMENTS

Ms. Jones stated she has been back in the area since February 2009 and before that time I was here for 8 years. Chief Hawkins and his staff have been awesome. We have had issues and we

have corrected them. We have issues with security and we are still correcting them, but he has been a lot of help. I hope he stays. If he doesn't I am sure whoever comes in his place will hopefully work with me as well. I have done a lot of work up there over the past few months. We have redone the parking lot so you don't have to go through the obstacle course in order to get from one location to the other. We have also installed a playground as of this week. The kids now have a place to play. Over the past year or so, I have had three major inspections; one through HUD which is a physical inspection and I did pass. We have made the repairs that they required of us. We have also had audits. Rural Development came in and we passed all of our inspections and I got a satisfactory on one, mainly because of the parking lots. I am hoping to get a superior on that this year. Last year we had a fun day and we are doing it again this year and it will be on June 19th. I have put in my loudspeaker permit and yes I have paid \$50.00. I would like to invite the current Council and the incoming Council. I have almost 200 people on my property – probably almost 90 of them are children. A lot of the people have been there since the day it was opened in 1983. It would be nice to have some of the local government come meet some of the people. They do vote for you. Fourth Street is a town road and I have called numerous times to public works. There are two very huge potholes that I really wish someone would take care of. They have been filled in with gravel a few times and they really need to be paved. That is not just for us, but also for the people who live on Fourth Street.

KEN MORELAND – 221 DENNISON STREET

Mr. Moreland stated he was a full time taxpayer, and a part time renter and now Ms. Pearson wants to get in my pocket for the decal to hang on my windshield. In my earlier life, I spent 41 years in law enforcement, 21 years with the Metropolitan police department where I retired as captain and 20 more years in federal law enforcement where I retired as a supervisor. Around town people know me best as a person who gets out and rides a bike about 6:30 to 7:00 in the morning. I see what is going on in the town and what is taking place since the Chief has taken over. I am here tonight to recommend if in fact you have not already made that decision, that he be retained. It is very unusual to accept a job in another department and come back and then change your mind. I have no idea why that took place but I am sure he has a good reason. I would highly recommend for all of the things the others have said, it is very hard to find a person of his caliber with his young age with the experience he has had to come to small town like this to start with. He has done an excellent job. I keep in touch with what is going on even though I am in Florida for about 6 months of the year. I think we are truly blessed to have him as a Chief of Police and I think it would be unfair to the community if the Council does not choose to accept his change of ideas of where he wants to serve. One thing I would like to say having going through this for 41 years, if he stays or goes, the Council really needs to consider to increase the pay of these lower ranking officers to keep us more competitive with other departments that are close by. We train them and then all of a sudden someone else snatches them up once they are trained.

ART BUSWELL – 2058 MONROE BAY CIRCLE AND PRESIDENT OF COLONIAL BEACH HISTORICAL SOCIETY/PRESIDENT AND OWNER OF METRO GOLF CARTS

Mr. Buswell stated he was worried about his buildings. When the Chief got here he started sending the night patrols around to check the buildings. It is very comforting to find a card slid under the door to say we were here at 2:00 in the morning and everything looked good. There is

a tremendous investment in the Museum and Metro Golf Carts. Two weeks ago we were fortunate in opening the James Monroe Visitors Center at the James Monroe Park on Route 205. We have volunteers who have come from Montross and we are trying to recruit volunteers from Colonial Beach Schools to come out and be guides on Saturdays and Sundays so we can continue to have that open on the weekends. I recommend that you come out there. I think you will enjoy that and very soon I hope you will see bricks and mortar go up as the replica of James Monroe Birthplace start to take place on that facility.

LISA MOTT – 318 9TH STREET

Ms. Mott stated she was a new homeowner and if Chief Hawkins leaves, I will feel less secure in this town. I am also a teacher here and for example we went on a field trip and they saw him on the street and they thought they saw a rock star. He stopped his conversation to talk to these children. So many of our children have no strong role models at home and Chief Hawkins is that role model for them. In a time when so many young boys need a strong male role model, we need Chief Hawkins.

BOB SWINK – 101 MONROE BAY AVENUE

Mr. Swink stated everything I have heard tonight has been “let’s keep the Chief”. I don’t see any reason why anyone would think we wouldn’t keep the Chief. For whatever reason and I heard this rumor and I hope this rumor is true that he wants to come back. We would be foolish not to let him come back. Some people make decisions in haste and maybe that is what he did this time. You can tell by the amount of people here tonight that they want the Chief to stay. How secure do you feel at night? You may have personal issues, some do I am sure, about what the Chief has done over a period of time that may have made you mad. He doesn’t make us mad. He is here every day for us. Just like they spoke a minute ago about checking the businesses at night, we are with him. He watches out for us. If you have been watching, we lost one of our best business people in the past week – Perry Smith. A great person and I was up there watching for a couple of days and the task force here coordinating with the County. I have never seen such a turnout of people working together – the County and our Town. If you could have seen how they coordinated this – it was over and above. They brought in resources that I couldn’t imagine. They had planes overhead. They had people in boats, people riding ATV’s. They walked through the woods. They shared that responsibility with the County. Over many years, there used to be times when the County didn’t get along with our Town and King George, but if you look now we probably have the best Tri-County force I have ever seen. They work hand in hand and so good together. Are we going to give that up? Continuity in this Town we keep losing. Every time we lose it, we lose a year or two of advancement of what we had. I hope there is not one Council person or the Mayor that would ever think about letting him go. You have an opportunity – he can withdraw his resignation, you can make a new resolution, you can amend the resolution, because there is no way that he should have to anything other than say, “I want to come back”. Everyone in this room and everyone in this Town will support that. If you don’t there is no reason for that at all. Please support the Chief.

TIM CURTAIN 108 ELKINS STREET

Mr. Curtain stated he was speaking about the superintendents budget and the proposal for the middle school. I have two children who will be impacted by what you decide. One of them will be moving into seventh grade and one in eighth grade. I feel a bridge to the high school is

necessary and until this proposal of which they are actively speaking, I did not like the high school. We don't like the prospect of putting a 14 year old in with young adults. Please think it over. It is the right thing to do. Chris, you have done an awesome job. My first full time job was with this department in 1983. This department is in better shape now today after 28 months than it has been in 27 years. When I found out Chris was resigning I couldn't think for two hours. To think what we have endured through the early part of this decade into the mid part of this decade, the crime, the shootings, we all know what went on here. I don't know what legal hoops you have to jump through, call the attorney general, do whatever you have to do – you have a treasure here. Please don't let this man go.

FATHER RON OKRASINSKI – ST. MARY'S CHURCH

Father Ron stated someone mentioned Perry's death – I officiated at Perry's funeral today. I am going to make a statement and then tell you a story. The best thing that has happened in this Town is sitting right there – Chris Hawkins. The story is this – a number of years ago, I got tired of you and your shenanigans in this ridiculous town. I tried to leave. I was called by the Rector of Great Church in Bath, Maine. We were up there looking for houses. We were going to move there. My wife said to me this isn't right. Your ministry is not done at St. Mary's in Colonial Beach. That is the same decision that Chris made. I have been in ministry for 44 years. I have worked with the police all over this country. I have never worked with a man that I respect more than Chris Hawkins. If you vote not to keep him, I am going to Bath, Maine.

DEBRA STONE – 323 MONROE BAY AVENUE

Ms. Stone stated she moved to Colonial Beach about 20 years ago from Southern Maryland and I can still recall when I moved here I didn't know much about the town. I found it a quaint little town but once I moved here I decided to go to the 7-11 one night with my grandchildren. I had to push the kids down onto the floor board of my car because they were selling drugs along the street and I was afraid something awful would happen to them. When Chris came here, I now feel I can go anywhere in this beach with my grandchildren or any member of my family and be safe. I can let my grandchildren play in my yard. When I first heard that he was leaving my pastor called me that night and asked what I was doing. I told him I was getting ready to put a for sale sign up in my yard. He said why is that? I told him Chris was leaving. If Chris was leaving, I was leaving too. I have been here for 20 years and I am a very positive person and I have waited and waited for something good to happen in Colonial Beach. This man here has made a big change in this area and I am afraid if he goes I am going to go also.

WALTER KERN

Mr. Kern stated the Chamber of Commerce for the last 58 years has held the Potomac River Festival. On Friday nights, we tie up Jackson Street and Garfield Avenue with participants for the parade. We need to thank those residents in that area. Those two streets are tied up all day long and by 2 o'clock the only way you are going to get down there is on foot. Handicap parking – the article in the paper – according to the paper Wilder Avenue has 110 parking spots. Out of the 110, 5 had to be set aside for handicap, not including handicap van accessibility. Taylor Street I believe has 25 or 30 – same thing. The Tourism Building has 15 spaces; the Museum has 20 spaces. Each of those individual parking lots you have to set aside a specific number for handicap accessibility parking. Town Hall parking lot – 5 spots – for 15 years or more ever since this handicap parking came into law, there was one spot set aside for handicap

parking – the parking lot for Town Hall administration and the school board office. The Town hired a new employee – what happens the sign comes down, handicap has no parking. I am asking within 72 hours or sooner that the sign be put back up because that was a designated area before the employee came about. They can park behind the other building. Secondly, we as taxpayers paid for a \$75K street sweeper. It hasn't been used in two years. Is it broken, damaged, wrecked or what? Four months ago, a resident on the 200 block of Wilder complained about a stopped sewer cover that was torn up and not removed. That was 9 months ago. Two months ago, I took a Town Council person down there and I burnt his ears also. It is still the same way. The hole is 3 foot wide, 4 foot deep and it is a storm sewer. Thirdly, on Colonial Avenue in the 500 block in front of McKinney Insurance, there is a water leak that took 4 months to get that taken care of. Instead of putting in 4 or 5 inches of dirt, they put in 21A stone. In the 700 block of Colonial Avenue, we have a brand new business opening up this weekend. Papa John's – nice sidewalk in front of the building at one point then the Town comes in last week and puts in a brand new water meter and can't even put a decent sidewalk back. Here is a man who spends \$250K or more and the Town is absolutely a jerk when a new business comes in town – it is mind boggling. I think it is time for the Mayor and Town Council to get a new Public Works Director and revamp it because they are not getting the job done.

Ms. Payne stated no attacks on personnel.

Mr. Kern stated I'm not the only one who gets this – I can call down at Town Hall at anytime and I would not identify myself but I asked to speak to the Town Manager. What do I get? She is on the other line, a conference call or in a meeting. I am walking down from the post office two weeks ago, a town official was there and I called Town Hall on my cell phone what do I get, she's on the other line. It will be a cold day in hell when she is on the phone at Town Hall and is seen at the post office too. Instead of Welcome Back Kotter, it should be Welcome Back Chief.

GEORGE BONE – 516 TAGGART STREET

Mr. Bone stated I have been through three selections of Chief of Police since I was on Council and the Mayor. It is difficult. When you give up somebody that you know for an unknown, it is mind boggling. When I heard what I call a rumor, that there was an opposition to it, it is hard to believe that you have seven conscious people who would reject his withdrawal for a person who has proven himself. If you have management issues, address them that way. Performance issues, I haven't seen a problem personally. A bird in the hand is worth two in the bush. You know what you have. You don't know what you are going to get. Some of those rumors, at least one is totally uncalled for. There are at least two members on Council who know exactly what I am talking about. If you base your decision on that, you are basing it on personality and not performance. My appreciation to the Chief for what he is.

SHANE BUZBY – 205 SANTA MARIA AVENUE

Mr. Buzby stated he was speaking on behalf of the citizens of Colonial Beach and Westmoreland County that I have talked to – to the ones who have flagged me down in the street, called my house and even came to my house. Every one of them supports the Chief of Police. They want him to stay. I personally have worked here as a police officer. I have been through 3 different Chief of Police and by far Chief Hawkins is doing an excellent job. I would like for you to consider him staying.

WANDA GOFORTH – 500 MARSHALL AVENUE

Ms. Goforth stated I have three issues I would like to mention. I know we are putting off the Noise Ordinance for a while however I would like to mention while you are studying the Noise Ordinance, I have noticed there is an increase in the decibel level of the music at the Tiki Bar at High Tides. I think while you are studying the Noise Ordinance, you are going to have to reconsider the permitting issue. The level of the music has increased and it has become a problem as you have probably realized by reading Topix. People are complaining that they are hearing it at their homes all the way down to Second Street and further and they are hearing it all over Town. They are playing the music in a 100 x 100 area. The second issue is parking. I went online this evening just before I came here and I am not sure which Parking Ordinance you have online. Have you put out the new one? I am not sure what the new one says, but the old one actually made disabled exempt from parking and I am not sure if you removed that from your new parking or not but the old Section 14-57 *Notwithstanding any provision in this division to the contrary, it shall be lawful for vehicles displaying any of the following designations on their license plates to park in any town owned parking lot or facility without the payment of any parking fees; former POW or Purple Heart. Additionally it shall be lawful for vehicles displaying disable plates/placards to park in any town owned parking lot or facility without the payment of any parking fees.* This would eliminate the problem that was published in the Journal by the gentlemen that had an issue. I would like to also mention that I have had my issues with the Chief but I fully support him staying just like Mr. Bone said, we know what we have with the Chief and I fully support him staying. There is no way we could train someone and we know what we have with the Chief and I would certainly hate to see him leave.

Ms. Payne commented on the Noise Ordinance and stated her hope was to have that come before Town Council at the next meeting. I have a list of citizens that I can email the Ordinance to. I can deliver copies prior to the public hearing to solicit comments.

A brief recess was called at this time.

The meeting was reconvened at 8:45 p.m.

JIM JETT – 111 MARSHALL AVENUE

Mr. Jett stated he was the Fire Chief and was speaking on behalf of the fire department for Chief Hawkins. I have had the opportunity to work with the Chief in several operations at administrative levels. He is a good guy and has done a good job. Anytime I call him, he has been there to support the fire department. I don't think you will get a much better job than what you have here. The Chief told me he was leaving and going to Portsmouth. I was a little shocked. I was wondering who we might get next? Now we have to try to get along with another Chief of Police. We work pretty well together. I think it would be a mistake to let him go. I have a hard time understanding why Portsmouth would want him but Colonial Beach doesn't. It boggles my mind. Chief, I wish you the best of luck in the future. Hopefully it is here. The fire department always has your back. Congratulations on the opportunity to go to Portsmouth, but I hope you are staying here.

CAREY GEDDES – PRESIDENT OF COLONIAL BEACH CHAMBER OF COMMERCE

Mr. Geddes stated last March at our Awards Ceremony, 127 businesses decided to give the Chief and his department an award as a Friend of the Chamber. I can assure you tonight that there are 127 businesses who want him to remain a friend of the Chief's. We encourage you to do the right thing.

WAYNE KENNEDY – 213 MEADOW AVENUE

Mr. Kennedy stated he thought that Colonial Beach has been blessed with the leadership we now have in the police department. I have been here as long as most of you if not just a little longer. We have a good department for most of those years but I have to say in all of those years, I don't believe we consistently had the leadership and the professionalism that has been expressed and demonstrated during Mr. Hawkins tenure. I think the majority of the citizens without a doubt would love to see him stay here and continue what he started. Our senior citizens especially feel much safer under his leadership so I certainly ask you to please consider bringing the Chief back.

With no further citizen input, this portion of the meeting was closed.

UNFINISHED BUSINESS:

ORDINANCE NO. 581 AMENDS THE COLONIAL BEACH, zoning ordinance, ARTICLE 8, "COMMERCIAL LIMITED C-1 DISTRICT," SEC. 8-1, "PERMITTED USES," SEC. 8-2, "CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED)" SEC. 8-3, "DEVELOPMENT STANDARDS," SEC. 8-4, "AREA REGULATIONS," SEC. 8-5, "FRONT SETBACK REGULATIONS," SEC. 8-6, "MINIMUM STREET FRONTAGE REGULATIONS," SEC. 8-7, "LOT WIDTH REGULATIONS," SEC. 8-8, "SIDE YARD SETBACK REGULATIONS," SEC. 8-9, "REAR YARD SETBACK REGULATIONS," SEC. 8-10, "HEIGHT REGULATIONS," AND SEC. 8-11, ACCESSORY STRUCTURE REGULATIONS. ORDINANCE NO. 581 MODIFIES THE PERMITTED USE CATEGORIES AND REQUIRES A CONDITIONAL USE PERMIT FOR MORE INTESIVE COMMERCIAL USES IN THE C-1 DISTRICT. ORDINANCE NO. 581 ALSO ADDS STANDARDS FOR COMMERCIALFOR COMMERCIAL DEVELOPMENT AS IT RELATES TO BUFFERS, FENCING, OUTDOOR LIGHTING, SCREENING, SETBACKS AND PARKING IN THE C-1 DISTRICT. ORDINANCE NO. 581 ALSO AMENDS THE COLONIAL BEACH ZONING ORDINANCE BY ADDING ARTICLE 8A, "COMMERCIAL GENERAL C-2 DISTRICT," SEC. 8A-1, "PERMITTED USES," SEC. 8A-2, "CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED), SEC. 8A-3, "DEVELOPMENT STANDARDS," SEC. 8A-4, "AREA REGULATIONS," SEC. 8A-5, "FRONT YARD SETBACK REGULATIONS," SEC. 8A-6, "MINIMUM STREET FRONTAGE REGULATIONS," SEC. 8A-7, "LOT WIDTH REGULATIONS," SEC. 8A-8, "SIDE YARD SETBACK REGULATIONS," SEC. 8A-9, "REAR YARD SETBACK REGULATIONS," SEC. 8A-10, "HEIGHT REGULATIONS," AND SEC. 8A-11, "ACCESSORY STRUCTURE REGULATIONS." THE FOLLOWING USES ARE PERMITTED IN THE C-2 DISTRICT: COMMERCIAL ACCESSORY ACCESSORY STRUCTURES, PHOTOGRAPHY STUDIO, DAY CARE CENTER, LIVE-WORK

UNITS, PROFESSIONAL OFFICES AND PUBLIC FACILITIES. THE FOLLOWING USES ARE PERMITTED IN THE C-2 DISTRICT WITH A CONDITIONAL USE PERMIT: VEHICLES MAJOR SERVICE STATION, VEHICLE SALES, SERVICE AND REPAIR, VETERINARY HOSPITALS AND KENNELS, SELF-STORAGE WAREHOUSES, SERVICE ESTABLISHMENTS, CONVENIENCE STORE, FINANCIAL INSTITUTION, FLEA MARKETS, COMMERCIAL PIERS, MARINAS, FUNERAL HOMES, PAWN SHOPS, WAYSIDE SHOPS, WAYSIDE STANDS, AND WATCHMAN/CARETAKER LIVING QUARTERS EMPLOYED BY BUSINESS. ORDINANCE NO. 581 CONTAINS DEVELOPMENT STANDARDS FOR THE C-2 DISTRICT. ORDINANCE NO. 581 ALSO AMENDS THE COLONIAL BEACH ZONING ORDINANCE BY MODIFYING ARTICLE 5, "MARITIME COMMERCIAL (MC) DISTRICT," SEC. 5-1, "PERMITTED USES," SEC. 5-2, "CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED)," AND ADDS SEC. 5-3, "DEVELOPMENT STANDARDS," SEC. 5-4, "SMALL LOT DEVELOPMENT STANDARDS," SEC. 5-5, "LARGE LOT DEVELOPMENT STANDARDS," AND AMENDS AND RENUMBERS SEC. 5-6, "AREA REGULATIONS," 5-7, "FRONT YARD SETBACK REGULATIONS," SEC. 5-8 "MINIMUM STREET FRONTAGE REGULATIONS," SEC. 5-9, "LOT WIDTH REGULATIONS," SEC. 5-10, "SIDE YARD SETBACK REGULATIONS," SEC. 5-11, "REAR YARD SETBACK REGULATIONS," SEC. 5-12 "HEIGHT REGULATIONS," SEC. 5-13, "ACCESSORY STRUCTURE REGULATIONS," SEC. 5-14, "SCREENING REGULATIONS," AND SEC. 5-15, "ADDITIONAL REQUIREMENTS INCLUDING BUT NOT LIMITED TO." ORDINANCE NO. 581 ADDS SINGLE FAMILY ATTACHED DWELLINGS, ART AND CRAFTS STUDIOS, PHOTO STUDIOS, HOTELS AND MOTELS AND LIVE WORK UNITS AS PERMITTED USES IN THE MC DISTRICT AND DELETES THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR ARTS & CRAFTS STUDIOS, HOTELS/MOTELS AND ADDS MARITIME RESORT AS A USE PERMITTED WITH A CONDITIONAL USE PERMIT. ORDINANCE NO. 581 ALSO ADDS DEVELOPMENT STANDARDS FOR COMMERCIAL DEVELOPMENT IN THE MC DISTRICT BASED UPON LOT SIZES AND GENERALLY INCLUDE: OUTDOOR LIGHTING, SETBACKS, SCREENING, SIGNAGE, FENCES AND PARKING. LASTLY, ORDINANCE NO. 581 AMENDS ARTICLE 20, "DEFINITIONS" OF THE COLONIAL BEACH ZONING ORDINANCE BY ADDING A DEFINITION FOR LIVE/WORK UNITS AND MARITIME RESORT.

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

“Statement of Intent

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

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

Commercial Accessory Structures

Arts, Crafts & Photography Studios

Automobile Service Stations

Carwash

Churches/Places of Worship

Civic, Social or Fraternal Facilities

Community Facility-Center/Open Space

Convenience Stores

Day Care Center

~~Convenience Store~~

Financial Institutions/Financial Service Establishments

~~Flea Markets~~

Funeral Homes

Live-work units

Marinas

Medical Offices

Mini-warehouse/Self Storage Warehouses

Museums

Private or Public ~~and Commercial~~ Piers

Professional Offices

Public ~~Utilities~~ Facilities (public utilities, parks, libraries, police/fire stations open space)

Restaurants

Small Retail Establishments, not exceeding 12,000 square feet ~~Pawn Shops and Wayside Stands~~

~~Service Establishments~~

Vehicle Major Service Stations

Vehicular Sales, Service and Repair Establishments

~~Veterinary Hospitals and Kennels~~

~~All other activities and land uses which are materially similar to the activities listed above~~

8-2 Conditional Uses (Conditional Use Permit Required)

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

- a. Auction Houses
- b. Boat Building Establishments
- c. Boathouses
- d. Book Stores
- e. Bottling Establishments
- f. Bus and Railroad Stations
- g. Commercial Recreation Facilities
- h. Commercial Piers

- i. Conference Centers
- ~~j. Convenience Store~~
- k. Flea Markets.
- l. Funeral Homes
- ~~m. Emergency Service Facilities~~
- n. Go-cart Tracks
- o. Hospitals
- p. Hotels and Motels
- q. Nightclubs
- r. Parking Deck/Lot
- s. Pawn Shops and Wayside Stands
- t. Seafood Packing Facilities
- u. Service & Repair Establishments
- v. Shopping Centers
- w. Theaters
- x. Veterinary Hospitals and Kennels
- y. Watchman or caretakers living quarters employed by the business

8-3 Development Standards

- a. no chain link or other types of wire fences may be placed on the required front yard.
- b. Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.
- c. Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8-1.1).
- d. Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.
- e. Light standards or poles shall not exceed 15-feet in height.
- f. Across the front of the property a "street tree" standard shall be required as specified by the Director.
- g. Parapet walls or other screening device shall be used to screen roof top mechanical equipment from view.
- h. Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35 feet from finished grade.

8-34 Area Regulations

There shall be no minimum lot area required.

8-45 Front Yard Setback Regulations

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

8-56 Minimum Street Frontage Regulations

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

8-67 Lot Width Regulations

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

8-78 Side Yard Setback Regulations

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

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

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

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8-89 Rear Yard Setback Regulations

- a. For main structures, there shall be no minimum rear yard required.
- b. Notwithstanding Section 8-9(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) ~~ten (10)~~ feet.

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

8-910 Height Regulations

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

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

8-1011 Accessory Structure Regulations

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

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

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

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

“ARTICLE 8A. HEAVY COMMERCIAL C-2 DISTRICT

Statement of Intent

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

8A-1 Permitted Uses

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

Arts, Crafts & Photography Studios

Automobile Service Stations

Business Service Establishments

Civic, Social or Fraternal Facilities

Commercial Accessory Structures

Community Center

Commercial Recreation Facilities

Community Shopping Centers (facilities which do not exceed 99,999 square feet)

Convenience Store

Day Care Center

Emergency Services (fire/rescue)

Financial Service Establishments

Flea Markets.

Funeral Homes

Golf cart Sales/Service

Hotels/Motels

Live-work units

Museums

Offices

Pawn Shops

Parks/Open Space

Personal Service Establishments

Private or Public and Commercial Piers

Public Facilities

Restaurants

Retail Sales Establishments (not exceeding 50,000 square feet)

Self Storage Warehouses

Theaters

Training/Vocational School

Training Centers for the Physically or Mentally Disadvantaged

Veterinary Hospitals and Kennels

Watchman or caretakers living quarters employed by the business

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

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

Auction Houses

Big Box Retail

Boat Building Establishments

Bottling Establishments

Bus and Railroad Stations

Commercial Recreation Facilities

Commercial Piers

Conference Centers

Go-cart Tracks

Hospitals

Major Shopping Centers (exceeding 100,000 square feet)

Marinas

Motor Vehicle Sales (new/used) and Repair Establishments

Nightclubs

Parking Deck/Lot

Seafood Packing Facilities

Theaters

Training/Vocational Schools

Training Centers for the Physically or Mentally Disadvantaged

Truck/Freight Terminal

Warehouse/Distribution Centers

Wholesale Trade Establishments

Watchman or caretakers living quarters employed by the business

8A-3 Development Standards

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

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

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

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

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

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

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

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

8A-4 Area Regulations

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

8A-5 Front Yard Setback Regulations

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

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

8A-6 Minimum Street Frontage Regulations

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

8A-7 Lot Width Regulations

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

8A-8 Side Yard Setback Regulations

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

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

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

8A-9 Rear Yard Setback Regulations

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

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

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

8A-10 Height Regulations

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

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

8A-11 Accessory Structure Regulations

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

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

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

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

“Article 5. MARITIME COMMERCIAL (MC) DISTRICT

Statement of Intent

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

5-1 Permitted Uses

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

Accessory Structures.

Community Facility/Open Space

Marinas

Private, Public and Commercial Piers.

Public Utilities, Buildings and Facilities.

Restaurants.

Single Family Dwellings

Single-family attached dwellings.

Art/Craft/Photography Studios.

Hotels & Motels.

Live/Work units (see new definition).

5-2 Conditional Uses (Conditional Use Permit Required)

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

~~Arts and Crafts Studios~~

Boat Building Establishments.

~~Hotels, Motels~~

Maritime Resort

Seafood Packing Facilities.

Retail Establishments.

Convenience Stores.

5-3 Development Standards

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

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

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

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

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

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

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

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

5-4 Small Lot Development Standards

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

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

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

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

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

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

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

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

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

5-5 Large Lot Development Standards

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

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

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

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

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

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

monument style sign,

mounted on a masonry base,

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

not more than ten (10) feet in height.

5-36 Area Regulations

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

5-47 Front Yard Setback Regulations

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

5-58 Minimum Street Frontage Regulations

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

5-69 Lot Width Regulations

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

5-710 Side Yard Setback Regulations

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

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

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

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

~~b. Notwithstanding Section 5-7(a), for main structures adjacent to the boundary line of a residential district, the minimum side yard adjacent to such district shall be ten (10) feet.~~

5-811 Rear Yard Setback Regulations

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

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

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

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

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

5-912 Height Regulations

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

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

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

5-1013 Accessory Structure Regulations

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

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

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

5-1114 Screening Regulations.

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

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

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

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

- b. Notwithstanding Section 5-14 (a), outdoor display of merchandise provided or reserved for resale shall not require screening, if the area designated for such display does not exceed five percent (5%) of the floor area of the structure dedicated to the use.

- c. Such screening shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety. Such screening shall be maintained in perpetuity by the property owner(s) in good condition as determined by the Director. Whenever the enforcement of the provisions of this Section would result in a traffic hazard, the Director of Planning ~~Zoning Administrator~~ may waive or modify such requirements.

5-1215 Additional Requirements Including But Not Limited To:

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

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

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

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

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

Mr. Kennedy stated to Mr. Mitchell that he was under the impression like the lady who spoke earlier that multi-family homes were not permitted on the Point.

Mr. Mitchell responded yes, multi-family homes were not.

Mr. Kennedy responded they are in the conditional use process.

Mr. Mitchell responded singled family attached like a duplex.

Mr. Kennedy responded townhomes?

Mr. Mitchell responded single family home or a duplex.

Mr. Kennedy stated he understood that nothing of that nature was allowed south of Boundary and that it was not permitted.

Mr. Mitchell asked do you want me to strike it out?

Mr. Kennedy felt the same way as Ms. Hutchins that it was the low-density – single family attached dwellings or duplex, are they not?

Mr. Mitchell responded duplexes are single-family homes attached.

Mr. Coombes asked why is this in there?

Mr. Mitchell responded because the ad hoc committee thought that a single family attached home was like a duplex or a triplex home would be a good addition to the housing mix of the area.

Mr. Ridgely motioned to amend the Ordinance remove the strikeout of this but leave it as a conditional use.

Mr. Kennedy stated that way it would have to go before public hearing.

Mayor Rummage stated a motion has been made to strike, second by Mr. Kennedy. With no opposing votes and aye votes, the motion carried. **Motion Carried.**

Mr. Kennedy stated a conditional use permit would have to go for public hearing. As long as it meets the zoning requirements, it can be in by-right.

Mr. Coombes stated after 4 years, I have no further discussion.

With no further discussion on Ordinance - #581, 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 Approval of a Text Amendment to the Colonial Beach Zoning Ordinance Article 8 Commercial Limited C-1 District (Maritime Commercial) was Approved. Motion Carried.**

Mayor Rummage thanked Mr. Mitchell for squeezing the public forum in to speak to the business owners and get some things straightened out. He also thanked the Chamber of Commerce to get many of the businesses to turn out for the forum and participate.

NEW BUSINESS:

AGENDA - #21-10

RESOLUTION - ENDORSEMENT OF AMENDMENT TO NORTHERN NECK REGIONAL ENTERPRISE ZONE

WHEREAS, Westmoreland County, along with the counties of Lancaster, Northumberland, and Richmond, and the Towns of Warsaw and Kilmarnock, comprise the Northern Neck Regional Enterprise Zone; and

WHEREAS, the Town of Colonial Beach proposes to extend Westmoreland County's Enterprise Zone to include parcels within the town's boundary, as outlined on Attachment 1 to this Resolution; and

WHEREAS, Westmoreland County has authorized the Northern Neck Planning District Commission to serve as program administrator and to submit all information needed to effectuate the proposed amendment and to carry out all program administrative and reporting requirements on its behalf.

NOW, THEREFORE, BE IT RESOLVED that the Town of Colonial Beach hereby endorses the proposed amendment to the Northern Neck Regional Enterprise Zone and will support the initiatives to encourage industrial and commercial enterprises to locate within the designated enterprise zone area.

Motion was made by Mr. Payne to approved, second by Mr. Coombes.

With no discussion on Resolution - #21-10, Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and the **Endorsement of Amendment to the Northern Neck Regional Enterprise Zone was Approved. Motion Carried.**

AGENDA - #22-10

RESOLUTION – AUTHORIZATION TO PICK-UP THE EMPLOYEE’S CONTRIBUTION TO VRS UNDER SECTION 414 (H) OF THE INTERNAL REVENUE CODE FOR PLAN 2 EMPLOYEES

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as “Plan 2 Employees”). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code Section 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Town of Colonial Beach, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 – June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked up as an additional benefit not paid as salary are not considered wages for purposes of VA Code section 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code section 51.1-100 et seq; and

WHEREAS, the Town of Colonial Beach desires to pick up and pay its Plan 2 Employees’ member contributions to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation; and

WHEREAS, VRS tracks such picked up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that effective the first day of July 2010, the Town of Colonial Beach shall pick up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Colonial Beach in lieu of member contributions; and it is further **RESOLVED**, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked up contributions made by the Town of Colonial Beach directly instead of having them paid to VRS.

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

Ms. Payne asked does this leave things the way we are currently doing it?

Mr. Coombes stated in the resolution these percentages are in parenthesis. Do you select one percentage?

Ms. Foulds responded the Council can select one of those percentages?

Mr. Coombes asked what are we doing now?

Ms. Foulds responded 5%.

Mr. Coombes stated so all of the others except the 5% would be stricken from the resolution.

With no further discussion on Resolution - #22-10, Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried for the **Authorization to Pick-up the Employee's Contribution to VRS Under Section 414 (H) of the Internal Revenue Code for Plan 2 Employees. Motion Carried.**

CLOSED MEETING:

Discussion took place whether there would be a closed meeting.

Mr. Kennedy stated we were supposed to have a resolution on the table for discussion to hire the Chief of Police.

Mr. Kennedy asked is there a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711 (A) (1) for the purpose of discussion of the hiring of a police chief?

Motion was made by Mr. Kennedy to convene to Closed Meeting, second by Ms. King.

Mr. Coombes stated if we vote this down, where do things stand? If we do not go into closed meeting, where do things stand?

Ms. Erard responded at this point the Council has accepted his resignation and his last day is June 28th.

Mr. Coombes stated then that is the way it would stay if we don't go in and do something else.

Mayor Rummage called for a vote. Mr. Ridgely **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and the Town Council convened to closed meeting pursuant to the appropriate Virginia State Codes. **Motion Carried.**

Mayor Rummage called for a motion to reconvene in open meeting.

Motion was made by Mr. Kennedy, second by Ms. Payne. With no opposing votes and all aye votes, the Town Council reconvened to open meeting. **Motion Carried.**

Is there a motion to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council?

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

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 Town Council certified that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed. **Motion Carried.**

Mayor Rummage stated there will be additional work to do since the legal procedures that have to be followed are a result of the resignation and then the request to rescind the resignation of the Chief of Police. We have to issue a new contract. It will be similar as to the terms and conditions of this contract with some additions. I would like to call upon the Town Attorney who will draft that and it will be adopted by this Council at a meeting before the 28th of June.

The Town Attorney agreed.

Ms. Erard stated she would begin working on the contract immediately and I talked with the Police Chief and I will be sending him a draft of it and hopefully there will be a formal vote next week but the decision is the Council would like to keep the Chief.

Mayor Rummage stated as we all agreed in closed meeting, the attorney will be working closely with the Town Manager working out the details of the agreement.

RECESS/ADJOURNMENT

Motion was made by Mr. Kennedy to adjourn the regular meeting of Town Council of Thursday, June 10, 2010 at 10:20 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Meeting attended by:
Mary Mendenhall

Transcribed by:
Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor
