

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, JANUARY 8, 2009 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

CALL TO ORDER:

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, January 8, 2009 at the Colonial Beach Town Center. Members present were Mayor Rummage, Vice Mayor King, Town Council Members Mr. Coombes, Mr. Ridgely, Ms. Payne, Mr. Kennedy, Mr. Lyburn. Others present were the Town Manager, Ms. Foulds, Town Attorney, Ms. Erard, Chief Financial Officer, Ms. Grant and Town Clerk, Ms. Goff, Chief of Police, Mr. Hawkins, Director of Public Works, Mr. Murphy and Director of Building & Zoning, Mr. Bird.

PRAYER & PLEDGE OF ALLEGIANCE:

The Prayer and Pledge were recited.

ADDITIONS TO THE AGENDA:

Mr. Kennedy made a motion to add the By-Laws and Rules of Procedure under new business or with the pleasure of Council to discuss it at the work session.

Mr. Coombes made a motion to add a Resolution - #04-09 – Appointment to the Colonial Beach Planning Commission.

Ms. Payne made a motion to add discussion on the worksheet that was handed out to Town Council tonight regarding the budgetary reductions in the General Fund.

Ms. King made a motion to discuss the Admissions Tax for gaming at the work session in January.

ADOPTION OF THE AGENDA:

Motion was made by Mr. Ridgely to adopt the agenda as presented, second by Ms. Payne. With no objection from Town Council the agenda was adopted as presented. **Motion Carried.**

APPROVAL OF THE MINUTES:

Mayor Rummage called for a motion to approve the minutes of the regular meeting of Thursday, August 14, 2008, the regular meeting of Thursday, December 11, 2008 and the regular meeting of Wednesday, December 17, 2008. Motion was made by Ms. Payne to approve, second by Mr. Ridgely. With no objections from Town Council, the minutes were approved as presented. **Motion Carried.**

Mayor Rummage stated the Clerk was going to try to prepare summary minutes instead of verbatim minutes from now on, because of the amount of time it takes to transcribe the minutes. An official tape is kept of the meeting for referral.

COUNCIL REPORTS:

Budget: Mr. Ridgely reported:

- Still waiting on the auditors report
- Implementation of the Cigarette Tax went smoothly
- A special session is being considered to discuss the budget requests by Ms. Payne

Police Station:

- Reviewing the agreement with Bay Transit to give up the rights to lease the building.
- Recommendation to gut the building at 700 Colonial Avenue to the ground with the exception of the interior walls and steel girders and start over at the foundation. It can be sectioned off as necessary. There would be approximately 5,000 square feet with 2 floors with expansion of other offices. Estimated to start in the spring or summer. Razing and sanitizing the floors is required.
- The Town owns the lot and it is considered prime property.
- Modular buildings are turnkey (ready to move in) and usually run around \$120 a square foot by the time you add the various systems
- Tourism Building needs to be remodeled. Heat pump ordered which was a necessity.
- Discussion of moving the Chamber of Commerce there in the future.
- Three bids have been received for the remodeling the Tourism Building. We need to spec out a bid and give it back to the three builders to modify their bids. The bids were different in the approach. The starting date for repairs if everything goes well should be in the next couple of weeks.
- Discussion has taken place for budget purposes of cutting out the fireworks for the Potomac River Festival, not the 4th of July. The cost to do both is close to \$20,000 for a three week period. There is nothing written in stone, but the possibility is there.

Streets & Roads: Mr. Kennedy

- There are intersections at Lossing Avenue, Bancroft Avenue & Marshall Avenue identified along the Point that we have asked VDOT to install four way stop signs for traffic control. Should be beneficial to slow the traffic down. VDOT has the request.
- Review of Town-owned properties. There is a property on Cedar Avenue and Wakefield that has an old pump station on it. The area will be cleaned up. Report and recommendation by the next meeting as to what to do with this property.
- Ms. King, Mr. Edwards with Colonial Beach Tourism, the Chief and I met with the Westmoreland County Tourism Commission regarding tourism in Westmoreland County. They have initiatives and we need to know how we can work with them to improve

tourism in Westmoreland County. It will be attacked as a local issue. If the rest of the Counties want to join, they are welcome to do so. Short term goals: create tourism, measure the positive economic impact of tourism in the County and to establish a new visitor's center or the visitor's center that they have, reactivate it. We have established ourselves on a number of committees which will go a long way to boosting the economic development in this County.

Planning & Zoning: Mr. Coombes

- Vacancy on the Planning Commission.
- Good candidates and interviews were conducted.
- Recommendation that Cynthia Misicka be appointed tonight.

Water & Sewer: Ms Payne

- Water & Sewer Rates which will be discussed during the public hearing.

Public Safety: Mr. Lyburn

Charlie Robertson – 15 1st Street

Mr. Robertson reported he was speaking on behalf of the Colonial Beach Volunteer Fire Department, Company One and stated he was now the public information officer. We have a newly elected Chief of the Colonial Beach Fire Department, Randy Feltner who has many years in the department. He is taking the place of Dave Robey who was Chief for 7 or 8 years. Before him was Charles Catlett. We hope to have a new level of community participation from the fire department.

Mr. Feltner thanked the Town Council and members of the community for their support. Hopefully this year will go smooth and we will be more active in the process.

Mayor Rummage responded that he felt there was not a good working relationship, and looked forward to the new administration. It sounds like we are moving in that direction.

Mr. Robertson stated the department has a number of volunteers who are career firefighters elsewhere. In the past, availability for meetings has been an issue. That was exemplified by Dave Robey because his schedules were constantly in conflict. That will be the case with Randy also, because he also works at Dahlgren for their fire department. We will be represented and I hope that we will exceed your expectations for our participation.

Colonial Beach Police Department:

Chief Hawkins asked that Town Council consider a grant for funds needed. When we went to Luray I met with someone from the State. He is coming down here to help me write a grant for the Town for tourism. It is around \$5,000 and will help with brochures and advertising. It will not cost the Town anything.

Mr. Lyburn stated any comments that you have for public safety and any ideas, any concerns, please feel free to contact me or through one of the agencies and they will forward them to me.

Economic Development: Ms. King

- Committee will meet on the 27th of January.
- There is a scheduled meeting with Brenda Reamy, the Town Manager in Montross to discuss obtaining a planning grant.

MAYOR'S REPORT:

- Discussion regarding the value of annual evaluations of staff
- Evaluations to be turned into the Town Manager by the 31st of January
- In conjunction with that, there are five people who we are responsible to evaluate by the 31st of January; the Town Clerk, the Town Attorney, the Town Manager, Chief Financial Officer and the Chief of Police. There is a little question as to who will evaluate the Chief of Police. We are expecting department heads to evaluate each person in their department. We have a new, simplified form which is not necessarily set in stone. It can be amended from time to time as needed.
- Mr. Kennedy felt the Chief of Police worked administratively with the Town Manager, so the Town Manager should be doing the evaluation.
- Chief Hawkins stated it is written in my contract that I work directly for Town Council. The day to day operations regarding to budgetary items requires interfacing with the Town Manager.
- Mr. Kennedy stated we don't communicate with the Chief on the day to day operations and the Town Manager has more interaction.
- Mr. Ridgely wanted to know why we are doing an interim evaluation.
- Ms. King asked about the timeframe.
- Mayor Rummage stated he was confused also. I don't know if evaluations have or have not been done every year. I doubt that they have been. I was told they have not been done and I thought it would be a good idea to do an interim evaluation and a final evaluation at the end of the year. It is good business sense and only fair to the employee.
- Ms. Payne suggested the reviews be done on an annual basis, for instance January of every year.
- There were no objections.
- Press Releases need to go out from time to time, especially at this time of the budget preparations.

- Mr. Ridgely felt that Town Council should respond on an individual basis in their respective committees.
- Mayor Rummage agreed but didn't want to neglect the budget process.
- Admissions Tax - Mayor Rummage stated when the slot machine bill was passed in the State of Maryland there was a lot of talk about our Riverboat and whether or not we would have slots in that building. I don't think there is any question, if, it is when. At that time I asked the Senator to ask the specialist in Richmond to do the research to see whether or not a bill that will meet the constitutional challenge could be prepared. They did prepare a bill and he got it to me just before Christmas. I distributed it to you and I would like to get back to him to have him introduce the bill. This is a short session in the Virginia legislature and we will take it up at the work session and if we need a resolution, our Attorney can prepare it. In order to get this under the wire for the special short session in the legislature, I would like to tell the Senator to have it introduced because they are only going to be in session 60 days.
- Mr. Coombes wasn't sure everyone understood what this house bill is. It is called an Admissions Tax for a gaming facility.
- Mayor Rummage stated that he had been questioned by a number of people concerning slot machines coming to Riverboat, since they are in Charles County. In light of how our statutes are now written, we would have no authority whatsoever in participating in any of the revenues that they might receive from that source. It was because of that and my experience with the slot machines and legislation along those lines, that I wanted the legislative reference in Richmond to research this. We know full well that the Attorney General's Office reviews anything that the legislative office prepares for constitutional challenge; hence I knew this was the way to go. This merely says that there will be a .25 cent charge and it has nothing to do with a pack of cigarettes being .25 cents. It is the way the bill was drafted. This is merely a draft from their professional standpoint of what will meet legal muster. I will get additional background information and would like to tell the Senator to introduce it. We can do anything we want with it.
- Mr. Coombes stated so this is an Admission's Fee for the Riverboat payable if you come off the land which is Virginia, not coming by boat which is Maryland. Every person who goes into the Riverboat from Virginia would be charged .25 cents.
- Mr. Kennedy asked how we would collect the money?
- Mr. Coombes felt we shouldn't get to the process yet. It is too early to know.
- Mayor Rummage asked if Town Council wanted to look at it or do you want to tell the Senator to forget it?

- Ms. King stated she would like to discuss it in the work session.
- Mr. Coombes felt we should have a thorough discussion.
- Ms. King stated the slots have not been established in Maryland yet and I would like to discuss it because it is a revenue source. It needs to be in the work session.
- Mr. Ridgely asked for a legal opinion from our attorney.
- Mayor Rummage stated you will be looking at the year 2010 to get a bill passed and that is fine if that is what you want. We will refer this to the next work session
- Mr. Coombes stated in the past, we got into discussion about the slots coming back and how Colonial Beach could tap into any of the revenue sources. It looked like then it would be more of an expense and we would be getting no money back. We have to have definitive discussions among Council Members about how Colonial Beach can capture and pay for the expenses they will incur by the influx of all these people coming. It will mean great things for businesses here but it won't mean anything until we can figure it out and how we are going to accommodate everyone. Parking is an issue. There is ample time for us to deal with this matter over the course of the next few months if slots aren't coming back for a couple of years.
- Mayor Rummage stated this is merely enabling legislation. This is legislation that is required by Richmond, signed by the Governor authorizing this Town to levy this kind of tax to pay for the services that are required now by the Riverboat for which we receive no taxes and no support. This has nothing to do with the imposition of the tax. That will come later by Ordinance. We will refer this to the next work session.
- The next Retreat will be scheduled for February 20, 2009 at the same place.
- Budget discussions will be scheduled for some of the work sessions.

TOWN MANAGER'S REPORT – MS. FOULDS

- Worked with the Town Attorney on several issues
- Produced end of calendar year compliance reports for various financial entities.
- Worked with Building & Zoning and the Public Works Director coordinating with VDOT to resolve storm water easement issues and other requirements related to the possible sale of the Dennison Street property.
- Worked with Miller Foley Group (auditors) to finalize field investigation in preparation of their final report

CHIEF FINANCIAL OFFICER'S REPORT – MS. GRANT

- Main Checking Account deposits - \$3.7 million dollars

- Balance as of 5 p.m. today which includes all encumbrances and all reserves - \$1,348,483.
- Two of the delinquent properties in the tax suit sold at auction. Received one bid, but it was too low and the judge would not accept it. They will stay on the tax roles until next year.
- Cigarette Tax Ordinance went into effect January 1, 2009 and revenues should be received by June 30, 2009 – approximately \$65K based on current sales projections.

Ms. King asked about the \$65K, is that an estimate including our expenses? For the first year you were going to keep detailed reports.

Ms. Grant responded that is the revenue we will receive which is part of the inventory, projected sales less expenses which would be our net. This information is based on discussions with the store manager personally and their opinions.

TOWN ATTORNEY’S REPORT – MS. ERARD

- Worked with the Town Manager and the Chief Financial Officer on the Cigarette Tax which went smoothly.
- Prepared the Ordinance for the advertisement for the water and sewer rate and connection fee increase that is before the Council tonight.
- Worked with the Town Manager on other items such as the resolution for Santa Maria Avenue.
- Reviewed various FOIA requests.
- Prepared a draft of the by-laws and procedures.
- Continuing to work with the Town Manager on the request to vacate Dennison Street. It is ongoing.
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Ms. King stated she heard that VDOT was here discussing the easement.

Mr. Bird stated Sean Trapani and Clifton Balderson came to see us. I forwarded them a copy of the proposed easement plat for their review. The storm water easement and the sewer and water easement are going to overlap about 5 or 6 feet in the existing Dennison Street. We are talking about Dennison Street to Taylor Street to the water. We want assurance from VDOT that it won’t cause a problem. They did not have any problems with the easements. There are a couple of other things that need to be researched and I am hoping to have an answer sometime in the middle of next week. That was the Bird Act. It seems that any street or road that was platted before 1938, the State has to release it before we can vacate it. There may not be an issue as it depends on the length of the road when the street was platted. It can be addressed but it may require another public hearing.

PLANNING COMMISSION – MR. COOMBES

- The Planning Commission met this afternoon at 5:00 and we went over some administrative things for the coming year, particularly

when to meet with Land Studio on the Comprehensive Plan. We are setting up a meeting in January and a proposed meeting in February.

- We are taking each article of the zoning ordinance and looking at it. There are twelve articles to go through.
- The leadership of the Planning Commission will remain the same as in 2008.

BOARD OF SUPERVISORS – MR. ROBERSON

- Bonds have been sold for \$100K for the paving of Santa Maria.
- The County is giving \$50K plus and the Town is giving \$50K.
- Springtime is the estimated timeframe for the work to be done.
- County pleased to see Council Members and the Town Manager attending their meetings.
- The whole County is a Hub Zone and this area of the County is designated for growth.
- There will be reductions in the budget this year.
- Public Hearing will be scheduled in February for tax districts for paving roads.
- A copy was requested by the Town Attorney.
- A special closed session was scheduled on Monday and it should benefit Colonial Beach.

COLONIAL BEACH SCHOOL BOARD – MR. LOONEY

- Meetings were postponed this month due to the holidays.
- School Board is cooperating with the auditors.

A brief recess was taken at this time.

PUBLIC HEARINGS:

- **ORD: - #566 – AMENDMENTS TO CHAPTER 21 – WATER & SEWER FEES AND CONNECTION FEES**

Ms. Payne explained discussion on this issue has been going on for over a year now. Back in January 2008, the former Town Manager, Mr. Krawczel, came to Council with a recommendation to increase the user fees by 41%. After deliberation, the Town Council decided to postpone that because the fee was too high. We had a special committee take a look at this. The committee consisted of myself, Mr. Ridgely, Ms. Foulds, Mr. Murphy and Ms. Grant. We met several times through the fall and took a look at all of the additional expenses on the utility side of the budget and what it will encounter over the next couple of years. We came up with a couple of numbers. Most of you are probably aware of the upgrades going on at the waste water treatment plant. This is not an option for the Town. These are requirements that the Town has to undertake in order to upgrade the waste water treatment plant. Currently it is being funded through a \$6 million dollar grant, however the Town does have a \$2,671,606 loan which we have to start paying in January 2010. That will be roughly \$133,580 a year in annual payments. With respect to

the water system, we have continuing issues with infiltration. We need capital improvements. We have already done some realigning of replacement of water lines in Town and part of Irving Avenue, but there is still a tremendous amount that needs to be done. Estimates on that are in excess of \$4.2 million dollars to continue with that project. We are trying to set aside funds to continue with that project as well general capital improvements and as the Town grows, we have to keep up with the growth of the Town. The cost to operate the waste water treatment plant and the treatment plant crews have both increased. The water rates in the Town have not been increased in 14 years. We are now paying for that lack of attention. We need to come up with these fees. Mr. Krawczel previously recommended an increase of 41%. We are looking at doing less than half of that. We are looking at a 20% increase. What that would come down to for residential users is \$10 per month. That would be for water and sewer. The same for commercial but also it will go up 20% accordingly which is based on a different formula once they exceed 50,000 gallons. The connection fee for new construction, currently is \$6,000 for a new connection. We are proposing that until June 30th which is the end of our fiscal year it would increase from \$6,000 to \$9,600 for connections and starting the new fiscal year, on July 1, 2009, it will go up to \$12,000 for the connection. This is in line with other localities. Some of the other localities have connection fees as high as \$15,000 to \$16,000, so it is not out of line with other localities.

JAY BREEDEN – 3401 RIVERVIEW DRIVE

Mr. Breedon stated he did not think this was the right time to raise anything in this Town. Ninety percent of the people in this Town are retired. We also have construction workers out of work today. They can't afford the water bill. This is just not the right time. You had the opportunity a few months ago to collect some money, that was turned down and now it looks like we want the senior citizens and the citizens of this Town to take the burden of that tax. I just don't feel that is the right thing to do. I sat at one time in the same seats that you people sit in another Town and I know that you have to make decisions. I hope this time you make the right decision.

JOHN GLEASON – 341 – 6TH STREET

Mr. Gleason asked why are we having this Town meeting now when we can have it in the summertime when the summer homeowners are here and they can have some input in it. A lot of us are on fixed incomes and senior citizens. I feel the same way he does that it is not fair. Do we have meters for the water and sewer to see how much each house uses? If you decide to have it in the summertime, could it be on a Saturday when everyone is here because a lot of people work during the week.

JOHN NATELSON – MONROE POINT

Mr. Natelson stated that Monroe Point is the largest development in the last 50 years. We are facing an unprecedented financial crisis in this country which started in the housing market and has now cascaded through the economy. Right now all levels of government especially. The Federal Government is taking every conceivable action to try to stimulate housing, to try to improve the housing market by forcing interest rates down and by buying bad mortgages and by restructuring loans to avoiding foreclosures. All of these are efforts to make it easier for homebuilders and developers to do business and for

people to sell their homes if they are putting them on the market. At Monroe Point, we have 65 homes built. We have completed the infrastructure for the second phase which would be for approximately 40 more homes. We have had negative sales in the last three months. That is to say, there have been no sales, but there have been cancellations. We have cut prices, ourselves and Ryan Homes, to the cost of production in an effort to keep the project alive, but at the same time because of the lack of traffic, Mark Sheppard who is the sales representative from Ryan Homes, has been reassigned to another community. He continues to work with prospects with Monroe Point, but he is not here on a full time basis anymore. Our hope is that we can make some sale, especially as the traditional selling season comes back in February. If we have to make sales at a breakeven level just to be able to make a contribution to overhead to keep the project going, we are willing to do this. We understand that the Town has financial needs, in particular the water and sewer system has financial requirements, and we don't expect the connection fees for new homes to remain static permanently. We absorbed the increase in connection fees about three years ago. At that time the market was strong and it was not a problem. We are in a situation now where you are talking about an increase of about \$6K or \$7K. Right now we can't absorb that. We can't pass it along to our customers and we can't do business at a loss. We just can't be writing a check each time we sell a home. We are asking the Council to defer any increase in the connection fees until there is a demonstrable change in the housing market in Colonial Beach. Once we have traffic and once we are able to get traction again, then we can revisit this issue, we have no objection to that. Right now we believe that any increase will backfire, rather than producing an increase in revenue it will make the sale of new homes virtually impossible. With all due respect, I hope that someone will make a motion to amend this bill and we would request that you consider that tonight and help us out.

MARK SHEPPARD – RYAN HOMES

Mr. Sheppard stated at a time when the Federal Government is doing everything in their power to stimulate housing to flow the economy, at this moment you are talking about increasing the connection fees which would further stifle any sales or future growth which could be the future tax base of this Town. I am not sure why this needs to be executed right now at a time when most of us would consider this to be the absolute worst time in the economic environment. I am supporting Mr. Natelson and what he had to say.

MIKE DZAMAN – MONROE POINT

Mr. Dzaman stated when we add new homes to Monroe Point, it doesn't cost the Town. We are paying for the infrastructure. New homes that come on line at Monroe Point pay real estate taxes, they pay the current \$6,000 connection fee and they pay the annual charge that all of the other Town residents pay. It doesn't really cost because the tap is already in the system. We feel you should be doing everything you can to stimulate more development and build up the housing base and encourage people to invest in this community. Also, in the interest of fairness, we came to this Town, made our deal, we priced our homes when the tap fee was \$3,500. We have already borne an increase of almost 100% and you are talking about another increase of 100%. Not only is it hard to ignore, Mr. Kennedy, we talked to you about this, but it doesn't seem like a reasonable

way to be treated. We are the housing market here. There have been 17 building permits issued in the second half of 2008 and we have 16 of them. If you kill us, you are going to kill most of the new growth in the Town. We would really like to encourage you to postpone any action on this until the market turns around and it gets beyond this financial catastrophe that the world is suffering.

With no further public comment, the Public Hearing for Ordinance - #566 was closed.

PUBLIC PARTICIPATION:

CHARLIE ROBERTSON – 15 1ST STREET

Mr. Robertson stated on Christmas Eve, the volunteers in your community were to deliver Santa Claus to a number of streets and neighborhoods throughout the Town. We assembled about 4:30 in the evening, got on board on the tanker and went to visit various homes and bring Santa Claus. Having done that for 30 years in Stafford that to me was one of the key things that volunteers did and do that really gauges the spirit of Christmas. Unfortunately when we got back to the building at 8:00 p.m., Santa Claus was not out of his outfit. We were dispatched to a working fire, allegedly a person trapped and a structure fully engulfed. I bring this to your attention more for the community than anyone else. People need to understand whether it says volunteer or it says Dahlgren or the fire department or whatever it says on it has no bearing on what we do and how we do it. The call outs to us, the people who do this work, whether we wear armored vests and whatnot at any given time disrupt and in some cases ruin holidays, family activities and whatnot. We have a number of fire department volunteer's who were faced with a fatal fire and that was the end result of that fire on Christmas Eve. We had a fatality. We had a fireman who had to stay on the scene for approximately four hours until the official representatives from the State Fire Marshal's Office came up to do the investigation. I want the community to understand that they are volunteers who work a lot and do a lot of things sometimes people may not connect in terms of cause and effect. At some point, if you see firemen who are asleep on a couch at 10:00 a.m. at the fire station, that may be the reason why. I hope that you don't take away any of the fireworks, particularly the 4th of July, as Dahlgren has done and King George doesn't have in the first place. As a tourism destination, it seems to me that the fireworks are a key piece of what the Town puts on. I have had nothing but good words from people who were docked at my marina that I manage after the 4th of July weekend for the performance and how Colonial Beach took care of the 4th of July. Be careful of providing public information methodologies in terms of how you disseminate information. I think you are going to find in the long term, if you look at all of the models, you should have a central person or a central office in the Town who takes care of that. Each person or committee should coordinate with that individual because what happens in the long run, you develop relationships with media representatives. You should have one centralized person who does your press releases.

MIKE LOONEY – 3 MARSHALL AVENUE

Mr. Looney stated I represented the School Board earlier, but I have three comments to make. 1) My misunderstanding of Monroe Point Development is superficial at best and erroneous at worst and I hope you understand the situation better and please correct me if I am wrong, but my impression is there have been numerous opportunities to endear

themselves to the Town and not take advantage to preserve vegetation there in a timely manner and they did not take the opportunity. I don't feel any sympathy for them. 2) I want to point out that three good things have been happening in Colonial Beach, the Riverview Motel has been put under new management and they have an onsite manager now. There is also a doctor's office coming into Colonial Plaza and third the Bank of Lancaster is opening a branch. Those are all positive developments. 3) At the First Baptist Church in Colonial Beach on Jackson Street, there has been a class going on to train people in operating and staffing doctor's offices. This class graduated 9 students in the past week. Vice Mayor King spoke at the institute. Councilman Lyburn wrote a personal letter to each graduate. The courses were taught by a woman who teaches them professionally in Maryland. She donated her time to teach them here. There is a community development group called Asset Community Development who brings people in to meet the needs of businesses. Asset Community Development works to find out what resources are available in the community itself that could be expanded to serve the community better. I think that is exactly what happened here. Ms. Chisley who taught the course is a part-time resident of Colonial Beach. She was already teaching a course in Maryland but she expanded her contributions to teach here in Colonial Beach. We need to use local assets and I think the significance is that we train people to make good money at a very important field and use local assets. I congratulate Reverend Cunningham and the people of First Baptist Church in Colonial Beach.

MARGARET MCMULLEN – 615 WASHINGTON AVENUE

Ms. McMullen thanked Mr. Looney for sharing that information about the educational opportunities. I want to also thank the Council for putting the minutes on the internet. I finally feel we are in the 21st Century. (Ms. McMullen's report was inaudible at the lecturn.)

WALTER KERN – 813 ROOSEVELT COURT

Mr. Kern stated there are six trailers in his trailer court which is behind the Colonial Beach Mobil Station. Trash pickup is normally scheduled for Wednesday on Colonial Avenue up to about 12th Street. The trash at those six trailers was not picked up until Thursday morning. My trash has not been picked up since the week before Christmas. I have to make trips to the dump now to dump my trash as well as my neighbor's. Fifteen years ago, the Town did a study to do away with public trash pickup and if the trash can't be picked up in a timely fashion, maybe the Town needs to get out of the trash business.

STEVE KENNEDY – 300 THACKERY STREET

Mr. Kennedy stated he likes to face the people I am talking to. After reading your (Mayor) Letter to the Editor in this week's Westmoreland News, I was both amazed and disgusted. The fact that you had the audacity to write such a scathing piece has left a false impression at best. For you to imply that this Council did anything less than honorable without consideration of the citizens of this Town, was both erroneous and without merit. This Council works hard to serve the citizens of this Town and for you to imply otherwise leaves a bitter taste in my mouth. I hope the citizens of this Town know that we make hard decisions and some are not popular but are always thought out and with the Town's best interest at heart. For you to attempt to chastise this Council in a

public forum because they did not agree with you, to this person it was both unprofessional and a discredit to the members of this Council.

Mayor Rummage responded he did not insinuate anything, I stated facts.

With no further public comment, this portion of the meeting was closed.

OLD BUSINESS:

There were no matters to discuss in old business.

NEW BUSINESS:

ORD: - #566 – AMENDMENT TO CHAPTER 21 – WATER AND SEWER TAP FEES AND CONNECTION FEES

BE IT ORDAINED, that Article VI, “Fees and Service Charges,” in Chapter 21, “Water and Sewers,” of the Colonial Beach Town Code be amended to read in part as follows:

“Sec. 21-71. Water user charges; provisions for stopping charges.

(a) Residential service. All residential users will pay a flat charge of one hundred sixty-nine dollars and twenty cents (\$ 169.20) per residential use per year, payable in quarterly installments of forty-two dollars and thirty cents (\$ 42.30).

(b) Commercial service. All commercial water users will be metered and shall pay a minimum charge of one hundred sixty-nine dollars and twenty cents (\$ 169.20) per commercial use, per year, payable in quarterly installments of forty-two dollars and thirty cents (\$ 42.30). This charge shall allow the user sixty thousand (60,000) gallons of usage for the year. Usage in excess of the sixty thousand (60,000) gallons per year shall be charged at the following rates:

- (1) One dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000) gallons.
- (2) One dollar and thirty-eight cents (\$1.38) per one thousand (1,000) gallons or part thereof on the next one hundred fifty thousand (150,000).
- (3) One dollar and twenty cents (\$1.20) per one thousand (1,000) gallons or part thereof on all usage over three hundred sixty thousand (360,000) gallons.

(c) Rates for water service furnished outside corporate limits shall be one hundred fifty (150) percent of the rate for such service within the town, except for water used to fill swimming pools. Charges for water furnished to fill swimming pools located outside the corporate limits shall be at the following rates:

- (1) A minimum of one hundred dollars (\$100.00) per occurrence for each pool. This charge shall allow the user five thousand (5,000) gallons.
- (2) Usage in excess of the five thousand (5,000) gallons per quarter shall be charged at the rate of five dollars (\$5.00) per thousand (1,000) gallons on all usage over five thousand (5,000) gallons.

(d) Water user charges shall be stopped only under the following conditions:

(1) Residential. For a user to be disconnected from water works and no longer subject to water charges, all plumbing fixtures and visible pipes must be removed from the structure, rendering it unfit for human habitation.

(2) Commercial. At a commercial establishment to which a water meter is provided, the user may request water service be disconnected. The town will take a final reading of the meter and remove it, stopping future water charges. When reestablishment of water services is requested, the town will reinstall the meter for a fee of one hundred dollars (\$100.00) and turn on the service after the user pays water fees as provided in section 21-77. Provided, if the user installs a water meter approved by the town at his own expense, said installation fee may be waived.

(e) Minimum and flat usage fees shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one quarter for the quarter immediately preceding.

Sec. 21-73. Connection fees.

No connection with the town water system shall be made except after a payment of a connection as shown below.

(1) For single-family dwellings, townhouses, duplexes, semi-detached dwelling units, multi-family dwelling units, apartments, condominiums, and mobile home parks: three thousand two hundred dollars (\$ 3,200) per residential use until June 30, 2009 and four thousand five hundred dollars (\$ 4,500) per residential use after June 30, 2009.

(2) For churches: Two thousand dollars (\$2,000.00) for the first connection and fifty dollars (\$50.00) for each additional fixture.

(3) For motels, restaurants, service stations, stores or each store under one (1) roof, other commercial and industrial buildings and institutional-type buildings, such as schools, hospitals, nursing homes and governmental buildings and all other users not covered elsewhere in this article and any other users not specifically identified in this section: Two and one half (2 1/2) times the single-family dwelling fee plus one hundred dollars (\$100.00) for each fixture.

(4) The connection fee for users outside of the town limits shall be one hundred fifty (150) percent of the fees set forth in this section for the uses identified in subsections (1), (2) and (3).

Sec. 21-80. —Sewer User Rates.

(a) *Residential service.* All residential sewer users will pay a flat charge of five hundred fifty dollars and eighty cents (\$ 550.80) per residential use per year, payable in quarterly installments of one hundred thirty seven dollars and seventy cents (\$ 137.70) each.

(b) *Commercial service.* All commercial sewer users pay a minimum charge of five hundred fifty dollars and eighty cents (\$ 550.80) per commercial use, per year, payable in quarterly installments of one hundred thirty seven dollars and seventy cents (\$ 137.70)each, for the first sixty thousand (60,000) gallons of

usage. Usage in excess of sixty thousand (60,000) gallons will be charged as follows:

- (1) Four dollars and fifty cents (\$ 4.50) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.
- (2) Four dollars and fourteen cents (\$ 4.14) per one thousand (1,000) gallons or part thereof on the next one hundred and fifty thousand (150,000) gallons.
- (3) Three dollars and sixty cents (\$ 3.60) per one thousand (1,000) gallons or part thereof on all usage over three hundred and sixty thousand (360,000) gallons.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

(c) Rates for sewer service furnished outside corporate limits shall be one hundred and fifty (150) percent of the rate for such service within the town.

(d) Sewer user charges may be stopped in the same manner by which water user charges are stopped in subsection 21-71(d).

(e) Minimum and flat fees for usage shall apply prospectively for the quarter at the beginning of which they are due. Excess usage fees shall be assessed at the start of one quarter for the quarter immediately preceding.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water usage. Commercial sewer users not metered for town water shall be required to install a separate meter to ascertain the actual sewer usage.

Commercial sewer users shall be deemed to have sewer usage equal to their metered water stage unless a substantial portion of water purchased from the town is for cooling or other purposes that do not require the discharge of each used water into the sanitary sewer system. In such case the establishment's owner may: (1) be deemed to have sewer usage equal to their metered water usage, or (2) at the owner's expense, install a meter of design approved by the manager, or his designee, on the waste line from such commercial establishment. The volume of measured discharge by such commercial user shall be considered to be the volume of discharge into the sanitary system.

Sec. 21-81. Sewer connection fee required.

No connection with the town sewer system shall be made except after a payment of a connection fee as shown below.

(1) For single-family dwellings, townhouses, duplexes, semi-detached dwelling units, multifamily dwelling units, apartments, condominiums, and mobile home parks: six thousand four hundred dollars (\$ 6,400) per residential use until June 30, 2009 and seven thousand five hundred dollars (\$7,500) after June 30, 2009.

(2) For motels, restaurants, service stations, stores or each store under one (1) roof, other commercial and industrial buildings and institutional-type buildings, such as schools, hospitals, nursing homes and governmental buildings and all

other users not covered elsewhere in this article and any other users not specifically identified in this section: Two and one-half (2 1/2) times the single-family dwelling fee plus one hundred dollars (\$100.00) for each fixture.

(3) For churches: Two thousand dollars (\$2,000.00) for the first connection and fifty dollars (\$50.00) for each additional fixture.

(4) The connection fee for users outside of the town limits shall be one hundred fifty (150) percent of the fees set forth in this section for the uses identified in subsections (1), (2) and (3).”

Motion was made by Mr. Coombes to postpone voting on Ordinance - #566 for one week to determine what needs to be done and what doesn't need to be done and to come up with a plan dealing with cutbacks, 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 Ordinance - #566 was postponed. **Motion Carried.**

Motion was made by Ms. Payne to call a Special Meeting for Thursday, January 15, 2009 at 6:00 p.m. to further discuss Ordinance - #566. With no objections from Town Council, the motion carried. **Motion Carried.**

AGENDA - #01-09

RESOLUTION – ADDENDUM TO EMPLOYMENT AGREEMENT FOR CHIEF OF POLICE

WHEREAS, Christopher Hawkins was appointed as the Colonial Beach Chief of Police on January 3, 2008; and

WHEREAS, the Colonial Beach Town Council and the Chief of Police seek to amend the terms of the Employment Agreement for the Chief of Police dated January 3, 2008.

NOW THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session Thursday, January 8, 2009 hereby approves an Addendum to the Employment Contract dated August 14, 2008 and the Mayor is authorized to sign the agreement in duplicate originals on behalf of the Colonial Beach Town Council.

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

Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Addendum to the Employment Agreement for the Chief of Police was Approved.** **Motion Carried.**

AGENDA - #02-09

RESOLUTION – REAPPOINTMENT TO THE PLANNING COMMISSION

WHEREAS, Mr. Ed Grant was appointed to the Colonial Beach Planning Commission in March 1997; and

WHEREAS, Mr. Grant's term on the Planning Commission will expire January 30, 2009; and

WHEREAS, Mr. Ed Grant has expressed a desire to serve another term on the Planning Commission; and

WHEREAS, the Town Council appreciates Mr. Grant volunteering his time to serve on the Planning Commission.

THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, January 8, 2009 hereby reappoints Mr. Ed Grant to the Colonial Beach Planning Commission to serve another four year term; such term expiring January 30, 2013.

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

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 **Reappointment of Mr. Grant to the Planning Commission was Approved. Motion Carried.**

AGENDA - #03-09

RESOLUTION – MATCHING FUNDS FOR PAVING OF SANTA MARIA AVENUE

WHEREAS, the Commonwealth Transportation Board (CTB) has selected Westmoreland County as a recipient of the FY 2009 Revenue Sharing Program; and

WHEREAS, Sean Trapani, the Residency Administrator for the Virginia Department of Transportation, has indicated that the state has both appropriated and allocated funds for the Rural Additions project; and

WHEREAS, Westmoreland County has requested that the Town forward the Town's matching contribution of \$50,000 for paving three sections of Santa Maria Road included in this project.

NOW THEREFORE BE IT RESOLVED, that the Colonial Beach Town Council hereby amends the FY 2009 budget to add \$50,000 to the "Highways, Streets and Bridges" category/line item #41200-8151 for a total budget amount in that category of \$50,000 ; and

BE IT FURTHER RESOLVED, by the Colonial Beach Town Council that \$50,000 is hereby appropriated to be paid to Westmoreland County for the purpose of the Town's contribution toward the paving of three sections of Santa Maria Avenue.

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 **Matching Funds for Paving Santa Maria Avenue was Approved. Motion Carried.**

With no objections, it was decided that the Addition to the Agenda, Budget Reductions, requested by Ms. Payne would be discussed at the Special Meeting on January 15, 2009.

AGENDA - # 04-09

RESOLUTION – APPOINTMENT TO THE COLONIAL BEACH PLANNING COMMISSION

WHEREAS, Ms. Barbara Palmer's term on the Colonial Beach Planning Commission expired December 2008; and

WHEREAS, Ms. Barbara Palmer expressed a desire not to be reappointed to the Planning Commission; and

WHEREAS, a vacancy exists on the Colonial Beach Planning Commission; and

WHEREAS, the Town Council advertised for the vacancy; and

WHEREAS, a Town Council appointed Ad hoc Committee conducted interviews for four applicants who submitted applications to be appointed to the Colonial Beach Planning Commission on Tuesday, January 6, 2009.

NOW THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, January 8, 2009 hereby appoints Cynthia Misicka to the Colonial Beach Planning Commission for a four year term; such term expiring January, 2013.

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

Mayor Rummage called for a vote. Mr. Lyburn **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Appointment of Ms. Misicka to the Colonial Beach Planning Commission was Approved. Motion Carried.**

Discussion took place regarding the Bylaws for Rules of Procedures and it was determined that the discussion would take place at the January 29, 2009 Town Council work session.

Mr. Kennedy made a motion to defer the discussion of the Bylaws for Rules of Procedures to the January Town Council work session. With no objections from Town Council the motion carried. **Motion Carried.**

CLOSED MEETING:

Mayor Rummage called for a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711 (A) (1) for the discussion or consideration of hiring a Town Manager.

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

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 convened to closed meeting pursuant to the appropriate Virginia State Code. **Motion Carried.**

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

Motion was made by Ms. King, second by Mr. Coombes.

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 reconvened to open meeting. **Motion Carried.**

Mayor Rummage called for 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 Ms. Payne, second by Ms. King.

Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the Town Council certified only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed. **Motion Carried.**

OTHER MATTERS:

There were no other matters to discuss.

MOTION TO ADJOURN:

Mayor Rummage called for a motion to adjourn the meeting.

Motion was made by Ms. Payne, second by Mr. Lyburn. With no objections from the Town Council, the regular meeting of Town Council was adjourned at 9:35 p.m. on Thursday, January 8, 2009 at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor

