

**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, JANUARY 14, 2010 – 7:00 P.M.  
COLONIAL BEACH TOWN CENTER**

**MAYOR:  
VICE MAYOR:  
COUNCIL:**

**FREDERICK C. RUMMAGE  
TRISH KING  
DAVID COOMBES  
STEPHEN KENNEDY  
BURKETT LYBURN – tardy  
KAREN PAYNE  
RONALD RIDGELY – absent  
VAL FOULDS  
ANDREA G. ERARD  
JOAN GRANT  
BARBARA A. GOFF**

**TOWN MANAGER:  
TOWN ATTORNEY:  
CHIEF FINANCIAL OFFICER:  
TOWN CLERK:**

**PRAYER:**

Let us Pray. We thank you for this day and thank you for your presence with us here tonight. We ask your guidance upon this meeting so that the needs of our community will be met and for your blessing on the citizens of the Town. We also pray for all the people affected in Haiti as well as those attempting to assist them.

**PLEDGE OF ALLEGIANCE:**

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

**CALL TO ORDER:**

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, January 14, 2010.

**ROLL CALL OF MEMBERS:** All members of Town Council were present except for Mr. Ridgely and Mr. Lyburn.

**ANNOUNCEMENT OF ABSENCES:**

Mr. Ridgely was absent due to illness. Mr. Lyburn was late.

**ADDITIONS TO THE AGENDA:**

There were no additions to the agenda.

**APPROVAL OF THE AGENDA:**

Motion was made by Ms. Payne to approve, second by Mr. Kennedy. With no objection, the agenda was approved. *Mr. Ridgely and Mr. Lyburn were absent from the vote. Motion Carried.*

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF THURSDAY  
DECEMBER 10, 2009:**

Motion was made by Mr. Kennedy, second by Ms. Payne. With no objection the minutes were approved as presented. *Mr. Ridgely and Mr. Lyburn were absent from the vote. Motion Carried.*

## **PRESENTATIONS:**

### **Board of Supervisors:**

Mr. Roberson reported on the new tax reassessments and stated some people are happy, some are not. The question to ask is would you sell your property for that price? If you say yes because it is worth more, they are probably in the ballpark. If you say no then it is way over. There will be times set up when you can explain your situation with the County to those people who did the assessment for us. If you don't like what happens with them, there is a board of appeals to be approved by the Circuit Court. When they are approved and on board and trained by the State then you can appeal it to them. There is a manner to appeal the decision. As you know we have a new Chairman for the Board of Supervisors, Woody Hynson. A while back the County asked about extending the sewer line out Route 205 to pick up a few more houses. We have not heard any reply back from that whether we can do it, whether we want to do it or if the Town wants to do it. We certainly want to know where we stand. We have a couple of people who keep asking.

Mayor Rummage asked the Town Manager about this.

Ms. Foulds responded that she had been in touch with Reid Engineering to look at our facilities.

Mr. Roberson stated we were under the impression that it has been upgraded already. We had an accident on 1<sup>st</sup> Street with a pedestrian. Years ago, we did a study with the highway department and there was a lot of talk of putting a sidewalk down 1<sup>st</sup> Street because of the kids. There were some right-of-ways that had to be checked on which was never done. At our regular meeting, it was discussed that there is a grant for sidewalks that pays 80%. I don't know what the 20% is the Town would have to pay for that sidewalk. I would like to see if we could do something there and I would be more than happy with your permission help walk that through and get the grant ready. I will also say, the State budget is working right now and don't be surprised if they cut the grant, but it is still in effect right now and the faster we can do something with it, maybe we can get a nice sidewalk down 1st Street to help prevent a situation like we had.

Mr. Kennedy asked if the grant was part of the Safe Route to School Program?

Mr. Roberson responded I was told there are a couple of grants. We may be able to get those grants and it would cost the Town very little. If you have ever been on 1<sup>st</sup> Street when school is getting out, or the weather is bad, there is no place to walk but in the street.

Mayor Rummage stated it would be worth considering.

Ms. King stated the school did get a Planning Grant for the Safe Routes to School and Dr. Taylor worked very hard on it. Perhaps we could follow up and see where the status of that might be since there has been quite a bit of work already done.

## **CITIZENS INPUT:**

**MIKE LOONEY – 3 MARSHALL AVENUE**

Mr. Looney stated the Colonial Beach High School is now included in the Northern Neck District of Virginia. There are five other schools in the district with all of them considerably larger than Colonial Beach – Essex, Lancaster, Northumberland, Rappahannock and Washington & Lee. In spite of our small size, last night the Colonial Beach Academic Team won the regular session competition in our district and then went on to win the tournament. We won both the regular season and the tournament. Once again proving it is not the size of the dog in a fight, but the size of the fight in the dog.

Mr. Roberson stated the champion basketball team went to Richmond and they were recognized by our elected officials, Albert Pollard and Richard Stuart and they will be getting a proclamation from the Capitol of Richmond.

**CHARLIE ROBERTSON – 15 FIRST STREET**

Mr. Robertson acknowledged the loss of Mason Grigsby over this past week and what he thought was a very special turnout from the community on behalf of him and his family. In discussion of the sidewalks right now in Stafford County, an area that Major Blevins and I have familiarity with, they are building sidewalks all over the place through some of the grants that Mr. Roberson mentioned because of school safety issues. And living still at 15 First Street, I can tell you right now that it is not even really a two way street. There are times that traffic coming from one direction has to stop while traffic coming from the other direction gets by them. I think a sidewalk particularly on First Street would be useful in terms of the safety of those kids going to and coming back from school.

**KYLE SCHICK – 901 IRVING AVENUE**

Mr. Schick thanked Town Council for eliminating the Boat Tax last fall and stated he was looking through the Free Lance Star yesterday and it is nice to see counties like Stafford County are starting to do what Colonial Beach has been doing for years. It is nice to see that little old Colonial Beach is thinking ahead of the curve and I am hoping that in your deliberations this spring for the upcoming budget year you will remember what we talked about in the fall and keep those boaters here so we can keep on growing.

With no further Citizens Input, this portion of the meeting was closed.

**UNFINISHED BUSINESS:**

There were no issues in Unfinished Business to discuss.

**NEW BUSINESS:**

**PUBLIC HEARING: COMPREHENSIVE PLAN FOR THE TOWN OF COLONIAL BEACH**

**KYLE SCHICK – 901 IRVING AVENUE AND OWNER/OPERATOR OF COLONIAL BEACH YACHT CENTER - 1787 CASTLEWOOD DRIVE**

Mr. Schick stated he had written a letter to the Planning Commission and I understand the Planning Commission did have a chance to look at the letter. I could not attend, so I am not sure exactly what came out of some of my suggestions. In general I feel that this Planning

Commission has done a great job with the Comprehensive Plan and I find it a very thorough document and it will serve the Town very well. There are some areas of concern that I do have. First and foremost one of the concerns that I have is after this body on several occasions disagreed with the concept or the written zoning ordinance of the Maritime Commercial, this document calls for Maritime Commercial and I think it should be stricken. That area if it needs to be dealt with separately than the rest of the commercial district it should be called something like the Monroe Bay Commercial District showing that area has special concerns over other districts. I noticed in the future planned layout, it has three different commercial areas – Maritime, Historic and General. We have four different zones, General, Resort Commercial, Residential, Commercial and Maritime. That chart does not really depict the actual zoning ordinances that we can apply. I think eliminating the name, Maritime Commercial, and calling it the Monroe Bay Commercial District would show that the area does need special attention and there are special concerns between the commercial district and the residential area there. I printed out the letter I sent to the Planning Commission but I think the general tone of what I wanted to say is that the emphasis of the long time history of waterfront development and water dependant use on Monroe Bay Avenue, Lafayette and Castlewood Drive is understated in the Comprehensive Plan. I really think the changes that I have suggested would bring this out. This is for more than just planning as you all know for the Town, but this a document to send out to the country. If you come to Colonial Beach, this is a place we want you to live and work and establish a business and have your family grow up. When words like *restrict, constrain or not allowed* are used, those give negative connotations. That is what it needs to soften that and still get the desired effect because it is only a guide, not the 10 Commandments. I think some of the uses should be considered. I am not going through point by point, but in my letter the areas in red show the areas of concern and the blue is wording that I have put in and have struck out other terms. I don't know if you are going to make a decision this evening but I will be glad to drop off my copies of this and again thank you. I know the Planning Commission has worked very hard on this document and they have done a really good job.

**PETER FAHRNEY – 3419 RIVERVIEW DRIVE**

Mr. Fahrney stated he was representing the Colonial Beach Foundation and we heartily endorse or recommend that you pass the Comprehensive Plan. On February 20, 2010 – 2:00 p.m. we will have a symposium or forum concerning the development, the ins and outs, questions and so forth concerning developing a Historic District in our Town of Colonial Beach.

This portion of the meeting was closed at 7:20 p.m.

**AGENDA - #01-10**

**RESOLUTION – ADOPTION OF THE 2029 COMPREHENSIVE PLAN**

**WHEREAS,** Virginia Code Section 15.2-2230 requires that the Planning Commission review the Comprehensive Plan at least once every five years; and

**WHEREAS,** the Colonial Beach Planning Commission has reviewed the Colonial Beach Comprehensive Plan and conducted a public hearing on the proposed changes in accordance with Virginia Code Section 15.2-2225 and recommended approval of the revised Comprehensive Plan to the Colonial Beach Town Council; and

**WHEREAS**, the Colonial Beach Town Council held a duly advertised public hearing on January 14, 2010 to hear comments on the proposed changes to the Comprehensive Plan in accordance with Virginia Code Section 15.2-2226.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, January 14, 2010 hereby approves the Colonial Beach Comprehensive Plan as revised.

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

Mr. Coombes stated this has really been a labor for the Planning Commission and I would like to start by thanking all of the six other members of the Planning Commission for their attention and perseverance to this project and to the staff. We held numerous public hearings. We sent out a questionnaire to every household to which we received a 25% or 26% return and have had two maybe three work sessions and public hearings and the product that you have is the result of this initiative. It is a thorough comprehensive document that takes Colonial Beach out 20 years from this point in time. It has to be reviewed every 5 years. A message that Mr. Schick just left at the podium both the Commission has considered his letter and his wife's letter as well as the Council. You all have had that letter before you tonight. I brought it up again last week at the Planning Commission and the Planning Commission decided it was going to stay with what is recommended in the Plan at this time. Having said that, I hastened to add that the Chair did appoint an ad-hoc committee composed of Mr. Mitchell and two other members of the Planning Commission to take a continued look at the Maritime Commercial situation. I think Mr. Schick's comments tonight need to be passed onto that ad-hoc committee. It is the Planning Commission's recommendation that Council pass this resolution tonight keeping in mind that the minute it becomes effective it is outdated because everything is dynamic. We have movement going on one of which is the Maritime Commercial. Council also tells us that we can come back and amend the Comprehensive Plan at anytime. With a year and a half work behind us, holding this up for one or two dynamic situations which are still under consideration is not something that I would recommend or want to do.

Ms. Payne stated she had a couple of minor issues with the Plan, basically having to do with things being outdated as soon as you pass it. There are a couple of things I would like to see changed so they could be as up to date as possible. For example it refers to the Building & Zoning Office on Hawthorn and the Police Department needing to be replaced.

Mr. Coombes responded I thought those were taken care of. I don't know which version of this you are looking at.

Mr. Mitchell stated we have edited it in the Planning Commission and once the Council works on that we will incorporate all of those edits into the revised document. In other words, we didn't want to print 20 or 30 versions of this. I have the edits and we were holding all of that so that we can make one change. The changes have been submitted to Land Studio.

Mr. Coombes asked if the changes were put on the internet? My understanding was that those changes were going to go forward.

Mr. Mitchell responded yes.

Mr. Coombes stated each one of these documents costs us \$85.00 and I just didn't think we should print anymore.

Ms. Payne stated as far as the Maritime Commercial goes, I understand what Mr. Schick is saying and I understand what Mr. Coombes is saying, but if I am not mistaken, did we not defeat the Maritime Commercial.

Mr. Coombes responded it is still in there while we go through this special ad-hoc special committee that Council sent back to us. We are still considering it. Gary did a special public hearing on the matter and last month we appointed the ad-hoc committee to do what Council asked us to do. It can be changed, but we have been working with this Maritime Commercial for three and a half years. We can come back when we reach a conclusion and amend the Comprehensive Plan and that will be our recommendation if the commission comes to you and says they want to do something different.

Mayor Rummage stated the Maritime Commercial resolution was defeated 6-1, I remember the vote. You commented on the special committee set up – will they take this Maritime Commercial issue into consideration in the fact that Council turned that down before it is printed?

Mr. Mitchell stated it is my understanding that the Maritime Commercial was sent back to the Planning Commission to come up with an alternative solution. With the group of citizens that I had at the public hearing and the Planning Commission, we decided to tinker with the ordinance language as opposed to actually changing the Comprehensive Plan so it addressed some of the issues that were far out. Whatever the result of all of this is, it will be coming back to the Planning Commission next month in terms of what the ad-hoc committee has found in their report.

Mayor Rummage stated when the Comprehensive Plan goes to the press for final printing, whatever this document says about Maritime Commercial at the present time, it will be printed that way.

Mr. Mitchell agreed.

Mayor Rummage stated if we decide to make a change then we have to amend the document that has already been put in final form.

Mr. Mitchell agreed.

Mayor Rummage asked if that was wise?

Mr. Coombes responded he did not see a problem with amending a plan. The plan is fluid. The actions that go on in the Town are dynamic and fluid and not stopping. Before the Comprehensive Plan, as I can recall in 15 years, it has only been used once or twice determining some type of action that this Council has to take. In other words, it sat dormant. This one is so comprehensive and contains so much more that we would be remiss to let it sit dormant. I think as the issues come up, the plan will need to be amended. Maybe the plan will need to be amended in the next 60 days once this ad-hoc committee gets through its work. There is so much in here

that my recommendation to you is not to let one or two items or some minor detail hang up consideration of this plan now.

Ms. King stated Dr. Fahrney was talking about the Historic District and I just want to assure everyone that the Historic District is in the Comprehensive Plan. There is an area that has been addressed and has to be better implemented it in the future so I didn't want anyone to think this wasn't considered.

Mr. Coombes stated the Plan does go far beyond the last Plan. The three sections in there that I think are important are the Future Land Use, there is a whole section on implementation and a methodology to implement the recommendations in the Plan. None the least it is the recommendation on where and how to get funding for much of what is in the Plan, through grants etcetera and then in the back we printed all of the comments returned on the questionnaire, good and bad and verbatim. It is really interesting reading to see what the citizens and your neighbors said about certain things going on in the Town. I would urge everyone to read those to see what is going on and how people are thinking.

Ms. Payne asked to add an amendment to the motion to approve if it is acceptable and that would be to authorize the staff to initiate as necessary to implement this Plan so it can speed things along.

Mr. Coombes did not understand.

Ms. Payne responded for the implementation of the amendments to the Comprehensive Plan, perhaps the Town Manager or Mr. Mitchell could expand on that a little further, but it is my understanding that anytime the implementation goes forward it is supposed to be initiated from the Planning Commission and this would authorize the staff to go ahead with the implementation and it would speed things up.

Mr. Coombes stated all of this is going to take money.

Mr. Coombes and Ms. King accepted the amendment.

With no further discussion on Resolution - #01-10, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Ms. King **aye**, Mayor **aye**, motion carried and the **Adoption of the 2029 Comprehensive Plan was Approved.** *Mr. Ridgely was absent from the vote. Motion Carried.*

Mayor Rummage announced that Mr. Lyburn arrived at 7:10 p.m. and I failed to recognize that.

#### **AGENDA - #02-10**

#### **RESOLUTION – APPROVAL OF TOWN OF COLONIAL BEACH TO PARTICIPATE IN THE SOUTH POTOMAC CIVILIAN-MILITARY COMMUNITY RELATIONS COUNCIL**

**WHEREAS**, the South Potomac Civilian-Military Community Relations Council (COMREL) is comprised of local community leaders as well as members of the military establishment for the

purpose of enhancing the quality of life in the communities surrounding the military installations; and

**WHEREAS**, the Town of Colonial Beach has been a member of COMREL since July 2008; and

**WHEREAS**, the Colonial Beach Town Council finds that it is beneficial for the Town to participate in COMREL.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Colonial Beach approves participation by the Town of Colonial Beach in COMREL, provided that funds for the Town's participation are included as part of the annual budget, and hereby designates the Mayor as the Town's representative and official liaison to COMREL; and

**BE IT FURTHER RESOLVED**, in the event of the absence or inability of the Mayor to serve as the Town's representative and official liaison to COMREL, the Vice Mayor shall be authorized to serve in place of the Mayor.

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

With no discussion on Resolution - #02-10, Mayor Rummage called for a vote. Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Approval of the Town of Colonial Beach to Participate in the South Potomac Civilian Military Relations Council was Approved.** *Mr. Ridgely was absent from the vote.*  
*Motion Carried.*

#### **AGENDA - #03-10**

#### **RESOLUTION - AUTHORIZATION FOR TOWN MANAGER TO PAY INVOICE #24411 TO PARRISH, HOUCK & SNEAD, PLC**

**BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, January 14, 2010 hereby authorizes the Town Manager to pay Parrish, Houck & Snead, PLC for invoice #24411 dated November 30, 2009 from the legal services line item #12210-3100.

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

With no discussion on Resolution - #03-10, Mayor Rummage called for a vote. Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Authorization for the Town Manager to pay Invoice #24411 to Parrish, Houck & Snead, PLC was Approved.** *Mr. Ridgely was absent from the vote.* *Motion Carried.*

#### **AGENDA - #04-10**

#### **RESOLUTION – ADDITION OF ITEM #10 TO THE PUBLIC HEARING PROTOCOL PROCEDURES**

**WHEREAS**, the Town Council of the Town of Colonial Beach desires to promote fairness and consistency with regard to the ability of citizens to express their comments and provide input.

**THEREFORE BE IT RESOLVED**, that the attached Public Hearing Protocol is hereby adopted.

#### **PUBLIC HEARING PROTOCOL**

1. The purpose of a public hearing is for the Colonial Beach Town council to listen carefully to the verbal expression of position and opinion from the citizens of the Town.

2. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
3. Public hearings are not question and answer sessions or debates and all statements should be addressed to the Chair.
4. Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research and discussions with appropriate public officials.
5. When a member of the public offers comment, he/she needs to clearly state his/her name and address prior to making comments.
6. All comments are to be pertinent to the issue being considered.
7. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
8. Additional public comments/speakers will not be allowed after the public hearing is closed.
9. Written copies of statements made at a public hearing are requested but not required.
10. All persons speaking during Citizen's Input and/or public hearings are requested to conduct themselves appropriately and not to engage in personal attacks.

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

With no discussion on Resolution - #04-10, Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and the **Addition of Item #10 to the Public Hearing Protocol Procedures was Approved.** *Mr. Ridgely was absent from the vote. Motion Carried.*

#### **CLOSED MEETING:**

Mayor Rummage called for a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711 (A) (7) for consultation with legal counsel regarding specific legal matters – the Town's legal requirements, in terms of financial practices, and the Virginia Freedom of Information Act.

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

Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and Town Council convened to closed meeting. *Mr. Ridgely was absent from the vote. Motion Carried.*

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

Motion was made by Mr. Lyburn, second by Ms. Payne. With no objections the Town Council reconvened to open meeting. ***Mr. Ridgely was absent from the vote. Motion Carried.***

Mayor Rummage asked if there was 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 indentified 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 Mr. Lyburn.

Mayor Rummage called for a vote. 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 were lawfully discussed. ***Mr. Ridgely was absent from the vote. Motion Carried.***

#### **OTHER MATTERS:**

Mr. Lyburn asked Mr. Looney about the Safe Routes to School. Do you still have the information?

Mr. Looney responded that Linda Crandell was the Chairperson of that committee so she would know more about that than I do whether there is any documentation.

Mr. Kennedy stated the Safe Routes to School involved a whole lot of different things and it kind of fell through the cracks and there was never any activity on it. There was some question about who is supposed to be doing it.

Mayor Rummage stated he remembered a study being done.

Ms. King stated they applied for a school grant.

Mr. Coombes stated it came up at the time we were having big rezoning issues on Wilder Avenue next to the Rescue Squad Building. It was Charlotte Hall who was working on it and it was a Planning Grant only in the sum of \$5,000. Once we resolved the rezoning down there, then there were personnel changes in the school and that was the end of it as far as we were concerned. Ms. Crandell I know nothing about – it was Charlotte Hall.

Ms. King stated there was a committee with Ms. Crandell and Carol Risso and others and they were trying to pick up where Dr. Hall left off.

Mr. Looney stated they were talking about putting a track around the ball field and the \$1 million dollars went throughout the State. The last I heard that we might be able to get is painting some yellow lines down the roads. That was the last I heard about it. I assume Ms. Crandell might still have some of the documentation.

With no further discussion, Mayor Rummage called for a motion to adjourn the regular Town Council Meeting.

Motion was made by Mr. Kennedy to adjourn the regular Town Council Meeting of Thursday, January 14, 2010, second by Mr. Lyburn. With no objection the meeting was adjourned at 8:00 p.m. on Thursday, January 14, 2010 at the Colonial Beach Town Center. ***Mr. Ridgely was absent from the vote. Motion Carried.***

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor





