

**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, FEBRUARY 12, 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, February 12, 2009 at the Colonial Beach Town Center. Members present: Vice Mayor; Ms. King, Council Members: Mr. Coombes, Mr. Ridgely, Mr. Lyburn, Mr. Kennedy and Ms. Payne. Others present: Town Manager, Ms. Foulds; Town Attorney, Ms. Erard; Chief Financial Officer, Ms. Grant; Town Clerk, Ms. Goff; Chief of Police Chris Hawkins; Public Works Director, Mr. Murphy; and Building & Zoning Administrator, Mr. Bird.

**PRAYER & PLEDGE OF ALLEGIANCE:**

The Prayer and Pledge of Allegiance were recited.

**ADDITIONS TO THE AGENDA:**

Mr. Ridgely made a motion to pull **Resolution - #11-09** Authorization for the Town Manager to Enter into an Agreement to Renovate the Mary Nalls Allen Building (Tourism Building) with the Most Qualified Bidder from the agenda in order to advertise for an RFP to give all of the builders in Town an opportunity to bid on the renovation, second by Mr. Kennedy. With no objection from the Town Council, Resolution - #11-09 was pulled from the agenda. *Motion Carried.*

Motion was made by Ms. Payne to add **Resolution - #12-09** – Appointment of Val Foulds as Town Manager, second by Mr. Ridgely. With no objection from Town Council, Resolution - #12-09 was added to the agenda. *Motion Carried.*

Motion was made by Mr. Ridgely to add **Resolution - #13-09** – Amendment to FY09 Budget to Transfer Funds to Pay Land Studio, second by Ms. Payne. With no objection from Town Council, Resolution - #13-09 was added to the agenda. *Motion Carried.*

Motion was made by Mr. Ridgely to add **Resolution - #14-09** – Amendment to FY09 Budget regarding Income from Personal Property Tax on Boats, second by Ms. Payne. With no objection from Town Council, Resolution - #14-09 was added to the agenda. *Motion Carried.*

Motion was made by Ms. Payne to add **Resolution - #15-09** – Expenditure for Bond Counsel, second by Mr. Ridgely. With no objection from Town Council, Resolution - #15-09 was added to the agenda. *Motion Carried.*

Motion was made by Ms. King to add **Resolution - #16-09** – Establishment of a Committee to Pursue a New Police Station, second by Mr. Ridgely. With no objection from Town Council, Resolution - #16-09 was added to the agenda. *Motion Carried.*

Mayor Rummage stated he would like to have a consensus from Town Council for the discussion of the stimulus package letter to go to Congress. With no objection from

Town Council, discussion on the stimulus package letter would be discussed at the end of the meeting. Mayor Rummage stated that it was imperative this letter go to our Senator, our Congressman, and the two United States Senators so that it will be handled personally. Timing is crucial.

**ADOPTION OF THE AGENDA:**

Motion was made by Ms. Payne to approve, second by Ms. King. With no objection from Town Council, the agenda was adopted. *Motion Carried.*

**APPROVAL OF THE MINUTES:**

Mayor Rummage called for a motion to approve the minutes of the Special Meeting of Thursday, August 21, 2008, the Special Meeting of Thursday, September 18, 2008 and the Regular Meeting of Thursday, January 8, 2009. Motion was made by Ms. Payne to approve, second by Ms. King. With no objection from Town Council the minutes were approved as presented. *Motion Carried.*

**COUNCIL REPORTS:**

**Budget:** Mr. Ridgely reported that Ms. Grant and Ms. Foulds have given an update on the current status of the budget. Also, we will be meeting with an outsider on Saturday at the Public Works building to discuss the use of the steel structure. Hopefully we will be able to narrow it down and come forward with a recommendation soon. There have been concerns expressed.

**Streets and Roads:** - Mr. Kennedy distributed a handout as a follow up after looking at the property that we have in Town and all of the properties that the Town owns and which ones can be disposed of immediately if we chose to do so. I stand by what I said before. Any kind of sale of Town owned property will not involve me because I will recuse myself from any vote on that.

Mayor Rummage stated he asked Steve to take over this issue and he volunteered to do it because of his expertise in that area. I have no problem with him lending his expertise on real estate matters.

Mr. Kennedy stated the handout is a breakdown of properties that the Town owns and they serve no real function right now other than two. There are two pieces of property that do have a function and one of them is Robin Grove Park and the other is Eleanor Trailer Park. Other than that all of these properties that I have identified 1 through 9 and the Lions Club property, are lots and I don't even know why we have them. There is one on 9<sup>th</sup> Street that is a 2500 square foot lot and sits right in the middle of the block. There are two that are unbuildable for all intents and purposes on Given Street and Garfield Street. I think the only worth that the properties would have are to the adjacent property owners. I think we need to proceed in that manner. Everyone knows what the real estate market is like right now. Right now is not a good time to be selling real estate. When the market picks back up, this is what is available. Everything else that the Town owns has a facility of some sort sitting on it. It might be a well, a pump, a pump station, a school etc.

I did leave off of this list, the Klotz Building, the Police Station, and School Board because eventually if we abandon those buildings, they will be apart of this list.

Mr. Coombes asked if the list included the right-of-ways going to the Potomac River?

Mr. Kennedy responded that it does. On page 2, there are certain streets that run down to the point and some other places where the street extends across Monroe Bay to the water.

Mr. Coombes asked about Riverside?

Mr. Kennedy responded the same issue is there, but on the map I didn't see those identified so it will take more investigation. My intent is to include those. If they are no good to us and are being used by the public as part of their yard, in some cases I think they have been built on and over the years, no one knows it is there. I talked to Mr. Murphy and there are two on the Point where there are structures built on what are platted as streets in this Town. I think those issues need to be addressed right away. There is one on Ball Street off Lafayette and an extension of Lawrence, the same with Jefferson, Weems, Vernon to that extent. Vernon Street is used as a driveway to someone's house. I don't think they are buildable because of the Chesapeake Bay Act and they are just too small. They are only good for the adjacent property owners unless we are going to clear them out and use them as a boat ramp every other block.

Ms. King asked that this be put on the work session to discuss the possibilities of selling some of these small pieces of property.

**Planning & Zoning:** Mr. Coombes reported under the Planning Commission segment.

**Water & Sewer:** - Ms. Payne reported that she attended a Statewide Budget Meeting in Richmond along with Ms. Grant and Ms. Foulds. There is a scheduled meeting for the Boardwalk Vendors Program with some of the interested parties along with the Town Manager. We briefly mentioned the stimulus package and letters going out but I just thought people would be interested in hearing what we have already submitted to the government agencies particularly with respect to water and sewer. We have requested \$50K for the Horton Street Pump Station renovations; \$725K for upgrading the water and sewer controls and security; \$222K for replacing 2,100 linear feet along Taggart and Longfellow; \$250K to replace 2,200 linear feet along Livingstone from Billingsley to Washington and the installation of 5,800 feet of 8 inch water lines for a total of \$715K from Bancroft to Boundary. Those are requests that have already been put in. We have extensive needs in the infrastructure.

**Public Safety:** - Mr. Lyburn reported the windy season is upon us and in the last couple of days the wind has been very high. There has been information put out all over the County about burning. Please do not burn if it is windy. It is against the law. People who smoke are a threat throwing cigarettes out of their windows. The fire department supported Dahlgren and the King George area with a big fire on the base at Pumpkin

Neck yesterday. They could not attend tonight's meeting because they were there yesterday for almost 10-12 hours. We want to thank them.

Chief Hawkins reported the police department was working on getting the radio frequencies in compliance with the FCC, which has to be implemented by April. It will cost around \$1,900 to have all of the radios programmed. There is a new manager at Riverwood named Valerie Jones. She will do a full inspection of the residences out there and from there she would like to start a Neighborhood Watch Program.

**Economic Development:** Ms. King reported last month's meeting was not held due to scheduling conflicts, the weather and the fact that Land Studio was having a very interesting meeting here. Mr. Kennedy and I attended the VML VACO Meeting where the Governor spoke to the County and Town officials about the budget. He did not paint a rosy picture. Everything is being reduced because of the economy. He is trying to see what we can do to work together. The whole idea right now is partnerships. Bay Transit called and I will be representing the Town at the Bay Transit Study Group, which will be studying the improvements of transit in Colonial Beach and the surrounding area. The Department of the Navy in Dahlgren asked me to sit on their Council of people from Indianhead, Maryland, Charles County, Dahlgren and Colonial Beach and we will be working together to improve the areas within each jurisdiction. Going out beyond Colonial Beach is how we are going to get to know other people, working together and putting a good face forward. We need to improve our own image with our neighbors and with the County. Governor Kaine launched a website for stimulus projects and since the Mayor has already developed a list for a group of projects, I assumed that he would use this website.

**MAYOR'S REPORT:** - Mayor Rummage mentioned the significance of the letter to our Senator and Congressman on the stimulus package and the timing of it. At our Retreat, we are going to go over the minutes of the previous Retreat and see if the issues have been addressed, how many have not and how we can take care of them in the future and there will be new items added.

**TOWN MANAGER'S REPORT:** - Ms. Foulds reported that she has worked on the following issues:

- Asset identification and depreciation
- Asset Capitalization Policy
- Worked with Rural Development, Dewberry for Letter of Conditions
- Chaired monthly staff budget prep meeting
- Attended Statewide budget meeting in Richmond, VA
- Worked on Personnel Policy Manual
- Worked with Town Attorney on several matters

**CHIEF FINANCIAL OFFICER'S REPORT:**

- Deposits to the Main Checking Account - \$1,981,505
- Balance as of 5 p.m. today which includes all encumbrances & reserves - \$1,348,483

- Staff Operations – working on personal property and real estate delinquent tax collections – 900 bills for personal property and 300 for real estate were issued
- Third Quarter water/sewer billing cut off notices have been issued

**TOWN ATTORNEY’S REPORT:**

- Prepared and reviewed resolutions
- Negotiated and finalized contract for Town Manager
- A significant amount of time has been spent on the Dennison Street vacation/purchase. There are a few legal kinks that we can’t seem to get ironed out. Every time we run it by the Bond Counsel who has handled some prior transactions, he emails us and says he is not sure we can do this without a taxable issue to the Town. We have gathered together all of the relevant documents and given them to Dan Siegel who is Bond Counsel with Sands, Anderson & Marks and Miller. I am confident he will do his very best to find out the easiest and fastest way to do what we want to do.
- Delinquent water and sewer letters will be going out soon
- The Town Manager and I have consulted many times on personnel issues and we are making changes to the personnel policy manual

Ms. Foulds stated that Mr. Siegel worked as our Bond Counsel on our last deal with the \$8 million dollar project at the waste water treatment plant. He is very efficient and responsive.

Ms. Erard stated they also represent local governments so they understand the pressure we are under and what we want to do. He is a good person for that.

Mayor Rummage asked can we assume that every one of the delinquencies in the water and sewer area have received a letter?

Ms. Erard responded yes.

Ms. Grant stated the letters have been mailed with the exception of the people who are on payment plans or bankruptcies.

Ms. Erard stated a question was asked about fees we can charge, I am going to make sure that for all of the things we do, we are collecting the appropriate fees.

**COMMISSION REPORTS:**

**PLANNING COMMISSION-** Mr. Coombes reported if anyone has read the newspapers, we had quite a meeting last week. The Commission did meet on February 5, 2009 and we continued the review of the various articles in the zoning ordinance. We completed Article 18, which is titled *Miscellaneous*, but it covers such things as fences and walkways, construction trailers, temporary structures, pods, and also visibility in various places. When that is finished we will hold a public hearing in March and then send it to you. The next issue that the Planning Commission will consider is **Article 26** which deals with Home Occupations, both Minor and Major. We will go through that

and see what needs to be changed in it as well. We had a special meeting January 27<sup>th</sup> and at that time Land Studio met with us and among other things made a recommendation that we move with some dispatch in considering the establishment of enterprise zones in Colonial Beach. After hearing that discussion the Commission made a resolution to ask the Town Council to consider and we will send this resolution to you with enterprise zones in the area of Washington Avenue on both sides and Colonial Avenue. I will send the background information on this to each one of you. At the next meeting of the Planning Commission on March 5<sup>th</sup>, Land Studio will also be here again and we will have two representatives from the Department of Housing and Community Development address the Commission on enterprise zones. They are enthusiastic that we will consider this and I would ask that the general public as well as you might want to be present to hear the discussion from the State officials. At the same meeting, we will have the President of the James Monroe Foundation address us to see if as we get into the future land use of the Town that we just don't consider the Town but that we go beyond it in some respect and how that development will fit into the plan and vice versa. This was also recommended by Land Studio. It will be big meeting. We also discussed at some length the business of the Maritime Commercial and the residential aspects of how land is zoned south of Boundary. I guess I am going to die before we get this resolved one way or the other. It has been going on now for two years. At the last Council work session, Council directed the Planning Commission to consider rezoning the former block where Parker's Restaurant was to R-2. It is now zoned as you know C-1 purely commercial along with seven other properties south of Boundary. In pursuing that request, staff brought to our attention that the current zoning won't allow that and particularly the existing current Comprehensive Plan in two places will not allow that. In order for us to consider going from C-1 to R-2 in that whole block or any of the other seven parcels, we would have to have a text amendment to the existing Comprehensive Plan. That existing plan is not going to be around any longer than 3 or 4 months. We are working on a new one. We will get those properties straightened out in the new one. To make a text amendment to the existing plan will take at least 60 days and then it will be another 60 days before we can hold the hearings for the rezoning. The recommendation from Chuck to us was that we consider rezoning that to Maritime Commercial. The Maritime Commercial which is on our books will allow for single family dwellings to be built on that site. We got into that discussion and for those of you who have read the papers we had several commission members almost become hostile, in terms of not just that block, but the entire seven parcels south of Boundary. That was the recommendation the Commission sent to you and that was for you to consider rezoning of all eight parcels south of Boundary to Maritime Commercial. What that means is we are back where we were two years ago. My recommendation is, and I am going to send that motion to you all, but I would like as Chairman of the Commission, the opportunity to talk at length with Council about the pros and cons of doing just that one block or doing the whole thing. There are significant reasons why we should or shouldn't and I need to have time to have those discussions with you. After the Planning Commission Meeting, two commissioners came to me and said they did not understand. With Council explaining it and my explaining, why they didn't understand, I don't know. They didn't say they would vote any differently, but they just said they didn't understand. In any event, the

motion that comes to you is to go back to the CM for the entire area, but I would ask that we have some discussion before Council acts on that.

Mr. Kennedy stated this issue with this Maritime Commercial, it is my understanding that the owner of that piece of property once called Parker's, has pushed this issue. Is that correct?

Mr. Coombes responded that he wrote a letter to Mr. Bird saying that he had been waiting to hear from the Town for 120 days about what we were going to do with that piece of property and in that email, it indicated that whatever financing he had was about to expire and that if we didn't do R-2, these are my words, you would have to go back and look at the letter, he was of the mind of possibly building storage facilities on that piece of property since it was zoned C-1.

Mr. Kennedy stated then in other words, he is giving us an ultimatum.

Mr. Coombes stated he wasn't sure how serious to take this.

Mr. Kennedy stated he did not like threats and that is the way I took it.

Mr. Coombes stated we should take our time and that is why I am asking for more time so I can discuss this with you one way or the other and not be moved into a hasty action that we might regret.

Mr. Kennedy asked if there was a reason why Washington Avenue and Colonial Avenue were included in the enterprise zone?

Mr. Coombes responded because it is commercial.

Mr. Kennedy asked if there were any other thoughts about outside on Route 205?

Mr. Coombes responded we did not get into that. Those are the types of things we can get into later on. I just want the whole notion of enterprise zone as it relates to commercial activity in everybody's mind and so does Land Studio because there is money there.

Mr. Kennedy stated that he and Ms. King met with the County yesterday and heard some of this.

Mr. Coombes stated this is just planning. We will have to indicate to them from our perspective if it is a good idea to designate those areas and there may be more or there may be less.

**OTHER AGENCIES:**

**BOARD OF SUPERVISORS** - Mr. Roberson reported:

- The County is working with the Northern Neck Planning District to start a new group which would involve the Town of Colonial Beach, Town of Montross, Westmoreland County and others to see if we can get economic development started
- Roads – Westmoreland County passed a resolution that pays the highway department to get things started to pave Santa Maria Avenue and we also have another road at the lower end that we are taking care of. The only requirement is if we are doing any water and sewer connections on vacant lots, to get them in before the road is paved so we don't have to tear the roads back up
- Mr. Risavi is working on the budget with the support of the Board. We are still waiting for the General Assembly to complete their budget. There is no telling who is going to get what and how much will be left. It does seem like there will be a lot of cuts
- The Transportation Special District Ordinance, one of the Board members wrote it up, not the attorney. He was asked to look it over. The County wanted to make the whole County a district so we wouldn't have to pass an ordinance every time someone wanted to get a road paved under this method of extra taxing. He said that is what we are going to have to do and it is up to the Town if you want your road paved, it must surpass a State maintained road. There are different ways of doing it and guidelines you must follow. We were trying to make a standard ordinance

Mr. Kennedy asked about the O'Gara Group. One paper says they are on and the other says they are off.

Mr. Roberson responded they are on. There were some problems with the contract and the Securities and Exchange Commission wanted that reworded.

**COLONIAL BEACH SCHOOL BOARD:** - Mr. Looney reported:

- Mr. Luttrell was reappointed as a part-time superintendent
- Non-salaried expenditures were 209K
- 3 heat pumps at the high school died – cost \$30K
- Revenues through January slightly exceeded \$4 million
- Expenses slightly under \$4 million
- Compressor in the freezer at the high school went down. Food was taken to the Riverboat and nothing was lost
- Good example of the community coming together in a crisis

**PUBLIC HEARING:**

There were no issues for public hearing.

**PUBLIC PARTICIPATION:**

**TEEKA MANN – 149 5<sup>TH</sup> STREET**

Ms. Mann stated she has lived here for 14 years and this is the first time she has attended a meeting. Ms. Mann stated in reference to what was spoken to collecting the delinquent taxes asked. . .

Mayor Rummage stated we will not answer any questions and all comments should be addressed to the Chair and not Ms. Grant. We will take any questions that you have under advisement and we will get back to you.

Ms. Mann stated in reference to the delinquent taxes that you were trying to recoup, I would like some input to it. Is there a cutoff of the minimum amount of tax that you try to recoup as what the actual cost of the office is? I have a friend who just got billed for \$1.65. How much did it cost to buy the paper, the envelope, buy the ink, post it, did it offset properly. Do you have a cutoff and is that cutoff followed?

Mr. Rummage responded we will certainly look into that.

Ms. Mann stated in hard times trying to save money, little things can add up. Another thing to look at is the vacant lots in this Town that are overgrown. They are not kept up. I don't know who would have appropriate records as to the ownership. Has any thought been given to starting a program to pursue the owners to clean the lots?

Mayor Rummage responded it is well on the way.

Ms. Mann stated if they don't clean it, then charge them for it.

Mr. Kennedy stated he got a bill the other day for .52 cents and it was hand delivered to me when I went to pick up my mail at Town Hall.

Mayor Rummage stated everything is so automated now, that any amount owed is printed out.

Ms. Mann stated she was concerned about the offsetting cost.

#### **ELSIE LESHLEY – 712 BANCROFT AVENUE**

Ms. Leshley praised Teresa Davis. There are two eyesores and Teresa has worked diligently to see about getting this property spruced up and taken care of. She is a blessing to this Town and is working, very, very hard. I thank you for having her here and getting this Town cleaned up or at least my neighborhood.

Mayor Rummage stated our people don't hear those kind of compliments often enough. I have reports that come over my desk everyday of work that she has done and I agree with you.

Mr. Kennedy stated once again, no one is immune. She got me too. She picked my real estate sign up and took it back to the office with her.

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

**OLD BUSINESS:**

There were no issues in old business.

**NEW BUSINESS:**

**AGENDA - #06-09**

**RESOLUTION – REAPPOINTMENT TO COLONIAL BEACH TOURISM ADVISORY COUNCIL**

**BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, February 12, 2009 hereby reappoints Mr. Lloyd T. Edwards to serve an additional four term on the Colonial Beach Tourism Advisory Council; such term expiring November 2012.

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

With no discussion on Resolution - #06-09, 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. Edwards to the Colonial Beach Tourism Advisory Council was Approved. Motion Carried.**

**AGENDA - #07-09**

**RESOLUTION – REAPPOINTMENT TO REDEVELOPMENT & HOUSING AUTHORITY**

**BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, February 12, 2009 hereby reappoints Tommie L. Moeser to the Redevelopment & Housing Authority for an additional four year term; such term expiring October 2012.

Motion was made by Ms. Payne to approve, second by Ms. King.

With no discussion on Resolution - #07-09, Mayor Rummage called for a vote. Ms. King **aye**, Mr. Lyburn **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Kennedy **aye**, Mayor **aye**, motion carried and the **Reappointment of Ms. Moeser to the Redevelopment & Housing Authority was Approved. Motion Carried.**

**AGENDA - #10-09**

**RESOLUTION – RURAL DEVELOPMENT PHASE III SEWER FINANCING**

**BE IT RESOLVED**, that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the improvement of the sanitary collection system encompassing the Third Street Lift Station drainage area and Bancroft & Lafayette lift station drainage area to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED**, that the Town Manager of the Town of Colonial Beach be authorized to execute on behalf of the Town of Colonial Beach the above reference agreements and to execute such other documents including, but not limited to debt instruments and security instruments as may be required in obtaining the said financial assistance.

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

With no discussion on Resolution - #10-09, 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 **Rural Development Phase III Sewer Financing was Approved. Motion Carried.**

**AGENDA - #11-09**

**RESOLUTION – AUTHORIZATION FOR THE TOWN MANAGER TO ENTER INTO AN AGREEMENT TO RENOVATE THE MARY NALLS ALLEN BUILDING (TOURISM BUILDING) WITH THE MOST QUALIFIED BIDDER – Pulled from the agenda – to advertise for RFP**

**AGENDA - #16-09**

**RESOLUTION – ESTABLISHMENT OF COMMITTEE TO PURSUE A NEW POLICE STATION**

**BE IT RESOLVED**, that the Town Council meeting in regular session hereby establishes a committee for the purpose of facilitating the relocation of the police department to a new facility.

**BE IT FURTHER RESOLVED**, the members of the committee will consist of Chairman, Burkett Lyburn, Ronald Ridgely, Steve Kennedy, Trish King and the Chief of Police.

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

With no discussion on Resolution - #16-09, 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 **Establishment of a Committee to Facilitate the Relocation of the Police Department to a New Facility was Approved.**  
**Motion Carried.**

**AGENDA - #15-09**

**RESOLUTION – EXPENDITURE REQUEST FOR BOND COUNSEL**

**WHEREAS**, a private entity has made a request to purchase Lot 12, Tax Map #3A2-2-81-12 in order to expand his business, High Tides Restaurant: and

**WHEREAS**, Lot 12, Tax Map #3A2-2-81-12 was purchased in April 15, 1993 with a down payment in the amount of \$40,000; and

**WHEREAS**, the down payment of \$40,000 for the purchase of Lot 12, Tax Map #3A2-2-81-12 came from the Series 1994A General Obligation Public Improvement and Refunding Bonds; and

**WHEREAS**, there was a subsequent bond issuance by the Town of Colonial Beach in 2004 which refunded in part the Series 1994A bond; and

**WHEREAS**, the Town Manager has been advised by bond counsel that it is not clear whether or not Lot 12, Tax Map #3A2-2-81-12 may be sold without tax consequences to the town of Colonial Beach as a result of the bond issuances; and

**WHEREAS**, Daniel M. Siegel, Bond Counsel with the firm Sands, Anderson, Marks & Miller has provided a not to exceed fee estimate of \$2,000.00 for an opinion letter regarding whether or not Lot 12, Tax Map #3A2-2-81-12 can be sold by the Town of Colonial Beach to a private entity without tax consequences to the Town.

**NOW THEREFORE BE IT RESOLVED THAT**, the Colonial Beach Town Council hereby authorizes the expenditure of up to \$2,000 from Line Item 12210-3100 – Legal Services for the purpose of obtaining an opinion letter from Daniel M. Siegel, Esq. regarding whether or not Lot 12, Tax Map #3A2-2-81-12 can be sold by the Town of Colonial Beach to a private entity without tax consequences to the Town.

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

Mr. Coombes asked for an explanation.

Ms. Erard stated as I mentioned in my report, we have been attempting to unravel for quite some time how the Town came to own the parcel of land that is adjacent to High Tides and what funds were used to purchase it and whether the Town has the legal ability just to sell it to a private developer. We have had ongoing correspondence with Mr. Kulp with Hunton and Williams who was Bond Counsel in 1994 and 2004. He keeps saying no because he is not sure we have the ability to just sell it. We have gone through every piece of paper at Town Hall. We have drafted the Mayor Emeritus into service and gathered all of the documentation. We would now like to give it to Dan Seigel and we are asking that he write us a letter saying yes, you can sell this parcel, and here is why or if you sell this parcel, the taxable consequence will be this. There is a possibility there could be a tax consequence to the Town.

Mr. Coombes asked how much?

Ms. Erard responded she did not know. That is what we want him to tell us. This is just for the one parcel that is now a parking lot, is that right or is this the whole thing?

Mr. Bird responded this is the independent block.

Mr. Coombes asked if we are going to have to go through this every time we sell a piece of land in that area near the Boardwalk?

Ms. Erard responded possibly.

Ms. King stated she wasn't here when the Town attempted to sell some other property, but I have been told that because everything possibly wasn't looked into that the Town had quite a bit of difficulty when they went to sell the property. We need to be really sure that everything is correct and everything will be okay when it is finished.

Mr. Kennedy stated once there is a ruling by bond counsel, wouldn't that carry to each parcel that is on the front that was bought underneath the same policy?

Ms. Erard responded no, because each parcel was acquired at a different time in a different manner. For example this particular parcel was purchased originally in 1994 with a down payment and paid off in five years. The initial \$40K down payment came out of the bond issuance, but the subsequent annual payments to the land did not. The money came from different places.

Mr. Kennedy stated his position is if we are going to go forward down the road to doing this with other parcels, we need to get a ruling on every one of them.

Ms. Erard stated if we used bond proceeds to purchase them we may.

Mayor Rummage stated let's address each one accordingly and that will give counsel an opportunity to come back to us and tell us what she thinks. We will listen to you before we listen to a third party.

Ms. Erard stated Ms. Foulds and I have attempted to figure this out on our own and then get the blessing of Mr. Kulp and we have not been successful. This is very important.

With no further discussion on Resolution - #15-09, 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 **Expenditure Request for Bond Counsel was Approved. Motion Carried.**

**AGENDA - #12-09**

**RESOLUTION – APPOINTMENT OF VAL FOULDS AS COLONIAL BEACH TOWN MANAGER**

**WHEREAS**, the Town Manager for the Town of Colonial Beach resigned on August 28, 2008; and

**WHEREAS** Val Foulds has served as the Interim Town Manager since August 28, 2008; and

**WHEREAS** the Colonial Beach Town Council is overwhelmingly pleased with the manner in which Val Foulds has served as the Interim Town Manager and would like for her to continue as the Town Manager.

**NOW THEREFORE BE IT RESOLVED** that the Colonial Beach Town Council hereby approves the hiring of Val Foulds as the Colonial Beach Town Manager as well as the enclosed Employment Agreement between the Town of Colonial Beach and Val Foulds and the Town Council further authorizes the Mayor to sign the Agreement on behalf of the Town.

**BE IT FURTHER RESOLVED**, that the effective date of the Employment Agreement shall be retroactive to February 1, 2009.

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

With no discussion on Resolution - #12-09, 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 **Appointment of Val Foulds as Colonial Beach Town Manager was Approved. Motion Carried.**

**AGENDA - #13-09**

**RESOLUTION – AMENDMENT TO THE FISCAL YEAR 2009 BUDGET APPROPRIATION FOR THE TRANSFER OF FUNDS FOR THE PURPOSE OF PAYING LAND STUDIO**

**BE IT RESOLVED**, that the Town Council meeting in regular session Thursday, February 12, 2009 hereby amends the Fiscal Year 2009 Budget Appropriation for the transfer of funds for the purpose of paying Land Studio as follows:

|                              | FY 2009 Approved | FY 2009 Revised | Change     |
|------------------------------|------------------|-----------------|------------|
| General Fund/Town Manager    |                  |                 |            |
| Contracts for Prof. Services | \$20,000         | 0               | - \$20,000 |

General Fund/Bldg & Zoning      \$10,000                      \$30,000                      + \$20,000

**WHEREAS**, the Town Council on March 13, 2008 authorized the Town Manager to enter into a contract with Land Studio, PC to assist with the update of the Town's Comprehensive Plan; and

**WHEREAS**, the funds to satisfy a significant portion of the contract were approved in the Town Manager's budget line item 4-100-12100-3100; and

**WHEREAS**, the appropriate allocation of these funds should reside in the Building and Zoning Department – line item 4-100-81100-3100 in total.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session on Thursday, February 12, 2009 hereby approves the transfer of \$20,000 from the Town Manager's budget to the budget of the Building and Zoning Department.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2009 budget is amended from \$20,000 to -0- for contracts for Professional Services, Town Manager and from \$10,000 to \$30,000 for the contracts for Professional Services, Building and Zoning Department.

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

With no discussion on Resolution - #13-09, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Amendment to the Fiscal Year 2009 Budget Appropriation for the Transfer of Funds for the Purpose of Paying Land Studio.**  
Motion Carried.

#### **AGENDA - #14-09**

#### **RESOLUTION – AMENDMENT TO THE FISCAL YEAR 2009 BUDGET APPROPRIATION REGARDING REVENUE IN ANTICIPATION OF INCOME FROM PERSONAL PROPERTY TAX ON BOATS**

**BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, February 12, 2009 hereby amends the Fiscal Year 2009 budget appropriation for the revenue in anticipation of income from personal property tax on boats as follows:

|              | FY2009 Approved | FY2009 Revised | Change    |
|--------------|-----------------|----------------|-----------|
| General Fund | \$480,000       | \$380,000      | \$100,000 |

**WHEREAS**, the Town Council approved the Fiscal Year 2009 budget which included \$100,000 as revenue in the anticipation of income from a personal property tax on boats; and

**WHEREAS**, the amount of \$100,000 was offset in the expenditure portion of the budget in the category titled Council Contingency; and

**WHEREAS**, the Town Council wants to ensure clarity in matters relating to the budget.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session Thursday, February 12, 2009 hereby approves a budget amendment to lower the amount of revenue category 3-100-11030-0001 and expense category 4-100-11010-5836 by \$100,000 respectively.

**BE IT FURTHER RESOLVED**, that the amendment for the Fiscal Year 2009 budget from \$480,000 to \$380,000 for Personal Property Tax and from \$150,712 to \$50,712 for Contingency, Town Council.

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

Mr. Ridgely explained when the budget was prepared last year, Mr. Krawczel put \$100,000 in Contingency anticipating the Boat Tax. The Boat Tax did not go through and neither did the decal tax. This is a paper move, moving the money from the Boat Tax money back into the budget.

With no further discussion on Resolution - #14-09, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Amendment to the Fiscal Year 2009 Budget Appropriation Regarding Revenue in Anticipation of Income from Personal Property Tax on Boats was Approved. Motion Carried.**

*A brief recess was taken at 8.25 p.m..*

Mayor Rummage stated the staff and I worked on this letter and we would like you to consider it a draft. Another original should be sent to the United States Senators. I realize the Governor has come up with a website and he has asked everyone to list all of their requests. As you can guess, that will receive about as much attention as by not sending anything in. What happens, is those items that are put down in black and white in a certified letter are sent to the appropriate political figures. In this case, it is our Senator in Richmond. He can handle it however he sees fit from there, whether it goes through the Governor's Office or something else. We will have the personal attention of the individual as well as the personal attention from our Congressman, Mr. Wittman as well as the personal attention of our two Senators. The Town Manager has worked with me on the letter and feels very strongly that if we use this approach that we will get a lot further than if we just toss our requests in with a lot of other people. As a matter of fact, she has a very thick book of requests from throughout the country, from towns, counties, cities and you know that will not get the attention that a personal letter will get. I called the Senator's office and asked them repeatedly if any other requests had come in to that office and they said no. I would hope this type of letter would be approved this evening so that we can strengthen our requests. If we want to add things to it, we need to make sure that they are not some minor thing or something that is not well underway. As you know, you have heard from reporters as well as Congressmen and the President himself, they want to have something that is ready to go. That is what we kept in mind while we were preparing this and we tried to give it a priority as we saw it. You may not agree with that priority but again, I would like to have something that we can get in the mail before this week is out so that we will be up at the top at least as far as Richmond is concerned.

Ms. Payne felt the letter was a great idea. Having worked in the government, I know how effective that can be. I do want to clarify that these items in the letter, have gone through the appropriate channels already through the website that the Governor's Office has set up. This letter sounds like it will reinforce what we have already submitted and give it the personal attention of our Senator and others. I would make a motion that we move forward with this letter to reinforce what has already been submitted and that the Town Manager be requested to plug in any appropriate numbers to finalize the letter.

Second was made by Mr. Coombes.

Mr. Kennedy felt it could not have been said better and agreed with sending the letter.

Mr. Coombes stated one of the things that got my attention was the fact that the Town Council has contracted Land Studio last summer to the tune of \$35,000 to tell us what to do with 700 Colonial Avenue and basically that is the Municipal Center of which the first part is the police complex. I would recommend that we give consideration of putting the entire Municipal Complex in here as a rather high priority. Otherwise it just sits and we do nothing with it. The other thing in looking at this, my recommendation would be to send it to the

Town Manager and list the justifications in the letter and use the buzz words that are around, like shovel ready. Some of this wording does need to be strengthened so that the people who read it know the sense of urgency.

Ms. Payne stated there is a chart being passed out now showing what the Town Manager has already put through to the Governor's Office and the police station is part of that to the tune of \$500,000. We can again reinforce what we have already asked for, we can basically take things from this chart and flow those into the letter because this includes everything from public safety to infrastructure to 911 mapping and GIS.

Ms. King stated keeping in mind that shovel ready – I am just wondering if we should not use those words *study and completion*. If you say study, it means you just want to look at this. The obligation of money is what has to be done by a certain time. Just removing the word study, I think it would help. I like the project description, the police facility and we could add the complex. Dr. Fahrney mentioned something that we do have that is shovel-ready is the Town pier. For \$35,000 we could increase the boating and tourism.

Dr. Fahrney stated this is a quick win for us because it would increase tourism, increase commerce, increase the exposure, increase boating infrastructure and the maritime commerce that we want here. We have all of the approvals from the State and the Corps of Engineers. It really is shovel-ready. The only thing we lack is money.

Ms. King stated the Town Manager should contact Dr. Fahrney for the details. I have an appointment on February 17<sup>th</sup> and I would be more than happy to hand carry a copy of this to Christopher Jones the District Representative for Rob Wittman. I will be meeting with him at Montross will hand him a copy of this letter directly.

With no further discussion and unanimous support from Town Council, Mayor Rummage stated we will work on this tomorrow and get the letter out. **Motion Carried.**

**CLOSED MEETING:**

There were no issues for Closed Meeting.

**OTHER MATTERS:**

There were no other matters to discuss.

**MOTION TO ADJOURN:**

Mayor Rummage called for a motion to adjourn. Motion was made by Ms. Payne, second by Mr. Lyburn. With no objections from Town Council, the regular meeting of Town Council held on Thursday, February 12, 2009 was adjourned at 8:35 p.m. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor