

**MINUTES OF TOWN COUNCIL MEETING HELD  
THURSDAY, MARCH 11, 2010 – 7:00 P.M.  
COLONIAL BEACH TOWN CENTER**

**MAYOR:  
VICE MAYOR:  
COUNCIL:**

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

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

**PRAYER:**

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

**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.

Mayor Rummage stated he had the good fortune of being invited to Richmond today to see and to participate in the proceedings of the Police Department Accreditation. It is quite an eventful happening. It is very impressive. Without saying anything else, I would like the Chief to stand and be acknowledged. The Chief has a staff which has helped to make this possible but I will always remember that the leader leads. Of course Mr. Kennedy was there with me.

Mr. Kennedy stated it was one of the most impressive things I have seen in a long time. This has been a process. Everyone was impressed that a small town like this has achieved so much in a short timeframe. Most of the departments were from the City of Richmond and the County of Hanover, large departments that were either getting reaccredited or accredited for the first time and for us to do this in the timeframe that we've done it in, I can't say enough about this staff. Everyone sitting in this room knows what conditions we had several years ago, what the police were working in and now it is like a whole different world. We are now a top-notch unit. They deserve every bit of the credit. This Town should certainly be proud of them.

**ROLL CALL OF MEMBERS:** All present.

**ANNOUNCEMENT OF ABSENCES:** No one was absent.

### **ADDITIONS TO THE AGENDA:**

Mr. Kennedy stated he wanted to talk about the committees and their responsibilities on the committees concerning public safety at the end of the meeting.

Ms. Payne motioned to add Resolution - #12-10 – Notice of Award to Hydrostructures, PA for Sanitary Sewer Phase III Investigation.

Mayor Rummage stated he wanted to add the School Board request for federal funds that have not been used and have not been authorized by the Town.

Mayor Rummage also stated there was something as a result of the article that was in the Journal Newspaper written by Linda Crandell regarding emergency management issues in the Town especially the fact that we don't have a Red Cross approved shelter.

Mr. Ridgely objected to the first addition made by the Mayor which was adding a change to this agenda concerning the School Board appropriations. The Town Manager requested data from the School Superintendent two weeks ago and that same information is requested from all department heads or agencies requesting any changes that need to be made. With this information the Budget Committee, the Chief Financial Officer, the Town Manager and Town Attorney would have the necessary time to review material that were received tonight. The package was received late Tuesday afternoon and Ms. Foulds continues to go over this information. The parties involved have not had an opportunity to collectively review this information. There is no recommendation one way or the other coming out of the Budget Committee tonight as a result of it and I urge my colleagues to reject adding that to the agenda tonight because we simply are not ready for it.

Mayor Rummage stated he would press the issue. If the Council is dissatisfied with that, it will take a motion to strike it and it will have to be voted on.

Mr. Ridgely motioned to strike the addition, second by Ms. King.

Ms. Erard stated you are moving to strike it from the proposed agenda, is that the motion?

Mayor Rummage responded no, Mr. Ridgely is moving to strike my recommended addition to the agenda. In order to do that, it has to be by vote of the Council.

Mr. Kennedy asked if the documentation has been received from the school?

Ms. Foulds responded she had received some documents.

Mr. Kennedy asked if this was something that could be resolved by the next Budget Committee Meeting and could we act on it at that time? Instead of stretching this out for another month, is there a possibility to have this resolved. Will it give staff ample time to review the documentation and have it resolved at the Committee meeting? Would that be satisfactory with the rest of the Council?

Ms. Foulds responded yes.

Mr. Coombes stated we received a copy of Ms. Payne's resolution - #12-10. Do you have copies of Resolution of #12-11 and #12-12?

Mayor Rummage responded he did not. I did not have ample time when I got back from Richmond today. I just received the material this afternoon and I didn't have time to prepare it. I want to put it on the record primarily and if need be, we can take a recess and have our able counselor prepare it.

Mr. Coombes responded that he did not want to vote on anything that is not before us. We need to see what we are talking about on both of those resolutions.

Mayor Rummage stated we are talking about items that the federal government has funded for programs for the school system that are being held up for no justifiable reason, in my opinion.

Mr. Coombes responded that may be, but we haven't voted in the past by my recollection on a proposed resolution, if they are not in front of us so we can see it. That is why I am asking for it.

Mayor Rummage responded that I intended when I came here to have a recess to have ample time to speak with the counselor to prepare a resolution. It will be very short and it will be in writing.

Mr. Kennedy stated I want to see this resolved and expedited as soon as possible. If this is something for the children of this school in any way shape or form I want it resolved. I understand that we asked for documentation from the School Board and it wasn't received until last night. I am not prepared to vote on anything tonight without staff having ample time to review it.

Mr. Ridgely felt in the next few weeks before the Budget Committee Meeting, we should all be in a position to review the documentation and come to the table with a recommendation. We just can't do it tonight.

Mr. Kennedy agreed. That is just my suggestion and it would cut down two weeks and if staff agrees, that it would give you ample time. Do I make that in the form of a motion?

Mr. Ridgely stated there is a motion already on the floor.

Mayor Rummage stated we can make a substitute.

Mr. Kennedy stated then I move to make a substitute.

Mr. Ridgely asked what is the substitute?

Mr. Kennedy responded he was making a substitute motion that the staff be given time to review the documentation that the School Board delivered. The Budget Finance Committee will make a recommendation to Council at that time and move forward.

Ms. Payne stated it would be a friendly amendment.

Mayor Rummage asked all of Town Council if they were in favor of the amendment on the table? There were all ayes with no opposing nays. **Motion Carried.**

Ms. Erard asked that the motion be restated, is the request to remove it from the agenda and to put it on the work session agenda of the 25<sup>th</sup> of March?

Mayor Rummage agreed that, that was the amendment. As a comment about the federal funds, we are talking about \$360K that this school system is entitled to subject only to the approval which is a formality by this Council. To hold up \$360K from the school system that is having problems, I am sure you read the same article that I did, is a travesty in my opinion. There are people here who would like to drag their feet and create a problem. I have said it before about the two elected entities in this Town to be fighting all the time is ridiculous. We should resolve these problems and not just keep postponing them.

Ms. Payne stated she objected to that statement. This isn't a matter of simply approving receiving funds. This is a matter of us having to provide funds to them for them to be reimbursed. We need to have information from the staff, from the Chief Financial Officer and we have been waiting for that information for two weeks. It arrived two days ago at the end of the day and I think for anyone to be accused of us not taking this seriously is just erroneous and not fair.

Mayor Rummage stated I should have made the comment about the Budget Committee.

Ms. Payne stated the Budget Committee is part of the Council.

Mayor Rummage stated he amended.

Mr. Ridgely stated they are the Council. Wait a minute. We got information 48 hours ago and I am sure there was a lot of work getting it together. Don't get me wrong, but you just want us to rubber stamp something that the other six members of Council don't understand and have never had a chance to review. I don't think that is prudent and I think it wipes out your fiduciary responsibility.

Mayor Rummage stated he was prepared to pass this out, but I will withhold it until the committee meeting.

Mr. Ridgely stated it is too late for that.

Mr. Coombes stated it is my understanding, picking up on Ms. Payne's statement, that this money is actually money, even though it is federal money that we haven't received. When we

appropriate the \$360K that is tantamount to a temporary loan to the school until the federal money comes back in. The length of time for that varies from 6 months to a year.

Mr. Trivett stated wrong.

Mr. Coombes stated I may be wrong but it is still a loan to you all until that federal money comes in. We need to be sure, it is not budgeted, we haven't budgeted anything in our budget for a loan so let us go through this and deal with it correctly on the 25<sup>th</sup> of March.

Mr. Trivett asked if he could speak.

Mayor Rummage stated he had no objections because Mr. Trivett is the Chairman of School Board.

Mr. Trivett stated first of all the first resolution came to the Town Council in August, seven months ago. It hasn't been acted on, then we just added to that based on other federal funds so we are talking seven months ago when you got the first resolution that you have in your hand. We have been open and provided every bit of information we have been asked for. Mr. Coombes I believe he said two months ago, that he didn't want to hold this up. He thought we should bring this to the Finance Committee and get it on the agenda which is exactly what we did and it is still being held up. It is not a loan. We have carried over every single quarter and we know how much money we have. We have assured the Town Manager that we are not going to overspend what we already have in our budget. It takes about 30 days to recover whatever we spend. It is holding things up for us. It has been going on since August. It just didn't start yesterday. Frankly, I just believe there are some people who are not going to understand it. They keep trying to put a roadblock up and I have been dealing with many, many issues for a long time, for the last two years. I have done everything possible to right this ship and it seems like every turn this Town Council just keeps fighting us. I cannot understand that. We want to do the right thing. Karen is the only person who has been over. We invited her to come over and review things she asked about. I appreciate that. Actually Ms. King has been there as well. It baffles my mind why we just keep dragging this thing on when we need these funds. We are going to do the right thing. We said we were going to do the right thing with RDA, with our financial system. You can read the papers as well as I do. I have not let up for two years of getting things straightened out. I can promise you they are going to be straightened out before this year is over. We are always here to answer questions, but it seems like nobody wants to ask any questions or come forward and work with us. If you ask us for information or the Town Manager asks us for information, the Superintendent has provided it as quickly as we could get it. We have stopped everything to do that. We have nothing to hide. You wouldn't believe the hours it has taken us to make sure we are keeping everything straight. It takes hours and hours because of the requirements that you have put on us. We are trying to comply with every single thing you are asking for. We are just asking you to please start working with us. Let's work together. It has to be a two way street.

Mayor Rummage stated if you can make it until our Committee meeting, we have the authority to approve it then.

### **APPROVAL OF THE AGENDA:**

Mayor Rummage asked for a motion to approve the agenda. Motion was made by Mr. Lyburn, second by Ms. Payne. With no objections the agenda was approved as presented. *Motion Carried.*

### **APPROVAL OF THE MINUTES:**

Mayor Rummage asked for a motion to approve the minutes of the Special Meeting of Thursday, January 28, 2010 and the regular meeting of Town Council of Thursday, February 11, 2010. Motion was made by Mr. Kennedy to approve, second by Mr. Lyburn. With no objections, the minutes were approved as presented. *Motion Carried.*

### **PRESENTATIONS:**

#### **BOARD OF SUPERVISORS:**

Mr. Roberson stated everyone in the County is worried about the re-assessments. We have not gotten the final word from the company, Pearson who put it together. They have told us that they will be reducing the values of the non-waterfront property. We have not gotten a figure on it. I would like to see a letter sent back to everybody in the County, including us, of what that reduction would be. State law says you don't have to send a letter out if it is a reduction. If there is an increase, yes. My personal feeling is maybe Pearson's company who came up with these figures that lowering the figures should take care of that. Naturally, they don't see it that way. There will be a reduction and as soon as I find out exactly what it is, I would like for you to call and find out what the new assessed value will be. You have the right to do this.

Ms. King asked about the people in the county who got the original notices, will they all be notified of their rates? Will they have to wait until the tax bills come out?

Mr. Roberson responded the people who went down and spoke to Pearson because they were in disagreement with him made an appointment, those people will be receiving notice and only those people. The rest of us will not. Now there is also an Equalization Board and those people have gone through the training and this week they were approved by the Circuit Court Judges and they are setting up their timeframes of when they are going to hear people. Soon they will be in operation and you can talk to them if you don't think you got a good deal from Fred Pearson when you talked to him the first time. Again, by law there doesn't have to be any notification of a reduction. I am trying to get a courtesy one, but I am running into some issues.

Ms. King stated on behalf of the people who didn't go down there and they would like to know in advance if it is a general amount, 5% or 15% whatever, you could at least put a notice in the newspaper.

Mr. Roberson felt the papers would take care of that for us reporting what the reduction will be. There are still people who didn't call. This Equalization Board will be the next step that you can go to and talk to them about it. They are citizens throughout Westmoreland County who sit on this board.

Ms. King stated I am just trying to get some information ahead of time rather than when you open that letter in December that says surprise.

Mr. Roberson stated once Fred Pearson tells us what the percentage is and if it is going to be lowered, please call down and find out exactly what it is. You will need your tax map numbers. I had the opportunity to go to the safety meeting of the Jet Ski Competition. We had Major Blevins from Colonial Beach, Major Hoover from Westmoreland County, Trooper Sergeant Horne, fire and rescue were there and they seem to have their act together on what they are going to do. I think it is very similar to the Potomac River Festival. They are going to meet again in May to formalize everything. I think they are counting on thousands of people to show up.

Mr. Kennedy stated at the Supervisors Meeting this past Monday, Mr. Balderson from VDOT was there. He gave a phone number of 804-472-3179 to call for pothole repair on VDOT maintained roads. Is there an update on Santa Maria Avenue?

Mr. Roberson responded he asked and they said they are in the process of completing two roads, one in Placid Bay and on Santa Maria. The engineer is working on it right now.

#### **DR. POWER AND THE SCHOLASTIC BOWL TEAM:**

Dr. Power presented the students of Colonial Beach High School who are members of the Scholastic Bowl Team and stated they have brought great honor to the school by being the winners of the district and regional championship. At this time the coaches were introduced.

#### **CITIZEN INPUT:**

##### **DR. FAHRNEY – PRESIDENT OF COLONIAL BEACH FOUNDATION**

Dr. Fahrney stated the Colonial Beach Foundation is pleased to announce its support of the Beach and Water Coalition which has recently been formed by the efforts of the Colonial Beach Alliance. Mr. John Drew is the Chairman. Perhaps you have already read the excellent articles reporting the project and published this week in the Fredericksburg Free Lance Star and the Westmoreland News. This project is to improve the water quality at beaches in Colonial Beach. The Coalition members include the Virginia Cooperative Extension Service, the Chesapeake Bay Foundation, the Colonial Beach Schools, Tidewater Oyster Gardner Association, Project Colonial Beach and several leading citizens who are mindful of public service and want to improve our community. The Town has made a serious investment in improving the quality of water in Monroe Bay and the Potomac River by spending millions of dollars to improve the waste water treatment plant. This coalition of invested citizens and organizations will take this one step further. This ambitious project of the Beach and Water Coalition will be divided into several phases. Phase I will begin this month with an educational program introducing oyster gardening. Those of you who are near my vintage remember the cleanliness of the Potomac River when we were younger and the vast oyster beds which were part of the economic life blood of this community. Oysters effectively filter the water of the river and Monroe Bay. By farming oysters in floats we can go a long way to clean up Monroe Bay. The Boy Scouts will be part of this program as well as students from the Colonial Beach Schools. The Colonial Beach Foundation encourages the dock owners of Monroe Bay to make dock space for the oyster floats. As you can see on the brochure that was handed out, there will be an educational seminar at the St. Mary's Parrish Hall on March 27<sup>th</sup> beginning at 9:00 a.m. If you plan to attend registration is suggested by notifying Natalie Kelly. Phase I of this project will also include the Water Wizards Program by the 4H of the VA Extension Service. The Water Wizards Program is an educational

program that will take our children on excursions in the river and bay and teach them about the dynamics of our waterways around Colonial Beach. This will be actualized by the Colonial Beach Schools in coordination with the 4-H. There will be canoe expeditions in and around this area again as an educational tool for the youth of Colonial Beach. Phase II of this ambitious program continues with improving the elements of water quality and restoration. The Planning Commission, Ed Grant, Chairman has taken the lead and recommended standards for new development in regard to pollution and erosion control. The challenge is now before the Council to enact those recommendations for regulations concerning erosion control, runoff and storm water management. Town authorities must now take up the challenge and enforce existing laws concerning building activities as well as developing anti-sediment and pollution regulations. The effort will be made to educate the waterfront properties about the harmful effects of nutrient and pollution runoff from their properties. An aquatic and sea grass project is being developed in cooperation with the Chesapeake Bay Foundation, the Colonial Beach Schools, the Boy Scouts and civic organizations to bring back protective native grasses to our shorelines. Mr. Drew is here and available to answer any questions that you may have concerning the Beach and Water Coalitions. As the Colonial Beach Foundation relies on the generosity of the community in order to award grants for such projects, we do specifically solicit such grants in the name of the Colonial Beach Foundation.

Ms. King stated that she has met with these folks and has been learning about the importance of oysters in our waterways. The process of just one oyster is truly amazing. I am really looking forward to seeing how this works. I understand there will be demonstrations at the schools. They put aquariums out and they show them how fast the oysters can clean it all up. I think it is a wonderful project. I know some of the people that work oysters in the area have contributed donations and support and I would really like to see the community get back into native oystering. I am in total support and really excited to be a part of this.

Ms. Payne asked can you sponsor a float if you don't live on the water? It seems that maintenance is minimal if you are a sponsor.

Dr. Fahrney responded because the sediment hangs on and suffocates the oysters, every now and then you have to turn the float over so that they get sunny side up. The sun kills the stuff that hangs onto the oyster.

Ms. Payne stated then a sponsor would still be required to go out and do the maintenance.

Dr. Fahrney responded there is some maintenance involved. In addition to the oyster floats for people who have docks on open Potomac River waterfront, sometimes the water can get pretty choppy and would be ruinous to a float. There are kinds of sunken cages for such oysters. They require maintenance also.

Ms. Payne stated it might be helpful or people who aren't able to do the maintenance required themselves, perhaps some of the students . . .

Mr. Drew stated we are working specifically with the school system so some of the students can be the actual assistors and you can sponsor the students.

Ms. Payne stated then the students would be the ones to do the actual maintenance.

Mr. Drew agreed.

Mr. Lyburn asked the size of the float?

Mr. Drew responded approximately 3x4 which holds about 400 oysters. We will be planting 5,000 oysters in April.

Mr. Kennedy stated who supplies the seed oysters?

Mr. Drew responded we have been working with the Tappahannock Oyster Gardner's Associations.

Ms. Kelly stated they have a fair in the spring where we can go buy them.

**ART BUSWELL – PRESIDENT OF COLONIAL BEACH HISTORICAL SOCIETY AND BOARD OF DIRECTORS OF THE JAMES MONROE FOUNDATION**

Mr. Buswell thanked Town Council for approval of Resolution - #05-10 which allows the Colonial Beach Historical Society to begin a custom license plate program for Colonial Beach. Shane Buzby talked to the Superintendent and the school kids are going to be offered the opportunity to design the license plate. The best design will be used and we will go forward with that. The community will be asked to participate by subscribing to the license plate as we go through. We need 350 subscriptions paid before we can get the state to allow us to have the license plate. We will put the Town on license plates and I am sure it will be a success because Shane is going to do it. I would like to call the attention of the Town Council and the Townspeople to the fact that President James Monroe's 252<sup>nd</sup> birthday will be celebrated at the birthplace on the 24<sup>th</sup> of April at 10:30 a.m. We anticipate some patriotic remarks. The Governor has been invited. He has not confirmed. We want to have as many people from the Boy Scouts and the school to welcome the Governor but more importantly to recognize President James Monroe's birthday. He is our historical site. We need to recognize that we have an historic asset and support that. Probably before the fall we will break ground for the replica of the James Monroe Home. The welcome center is there and will be set up as a museum before the 24<sup>th</sup>. We will be open on weekends.

**DR. POWER – SUPERINTENDENT OF COLONIAL BEACH SCHOOLS**

Dr. Power stated she had a few items of clarity regarding the federal fund allocation. The meeting when we talked about what was needed by Council was exactly 8 days ago, not two weeks ago. It was March 3<sup>rd</sup>. The documentation that is submitted is not exactly a review or an acceptance of understanding, but rather a checklist. For your understanding, each of the award letters list the amount that is awarded by the federal government which that in itself, is proof that the money is forthcoming. On it, it also includes the date by which the funds must be encumbered, most of which would be September 2010. In the process of spending the money it is important for Council to know that by the time items are picked, purchase orders are written, sent to me for approval, I take them to an instructional committee to make sure they are in line

with the Standards of Learning, sent to the company, the items arrive, double checked that they are correct and everything is included in the order and submitted for payment and it takes anywhere from 45 to 60 days. Obviously you can understand our concern that time is running out to submit to Town Council our state of financial affairs which is June 30<sup>th</sup>. I cannot begin to impress upon Council enough that it is simply a formality in absorbing the money. It would be a very different conversation and a very different negative perspective if the School Board had to go into the negative because we were not able to use the money that is rightfully used for the education of the children. I hope this clarifies some of the important points that in reviewing the material before you, it simply is a checklist to check the federal ID number of the grant. Check the amount of the check and the encumbered date. I would urge Council to please move on it so that the services and groups of children are not affected.

Ms. Payne stated for clarification, how would that put you in the negative? Are these funds that have to be spent? This grant money, I am a little confused on how that would put you in the red.

Dr. Power responded the first thing we do is to pay with local dollars before we can submit for reimbursement. We need to order before the date that the grant runs out. My worry is that it is a 45-50 day period before the actual reimbursement is submitted. The federal local dollars are used in that 45-60 day period thereby crunching our quarterly allotment. We will be stretching it as far as meeting other obligations, like payroll.

Ms. Payne stated then it is a reimbursement program where you would be spending the money and then the money would then be reimbursed after the fact.

Mr. Ridgely stated but you have to spend the money before they give it back to you.

Dr. Power agreed.

Ms. Payne stated that is where some of my questions are coming from. Do you have that money there to spend or are you asking that from Council?

Dr. Power responded our Finance Director has assured the Town Manager and the Treasurer in our meeting on March 3<sup>rd</sup> that we would not run over our appropriations in spending. My concern is that we are going to push it hard to the limit if we have no definite time when this matter will be resolved. We can certainly work within our budget if we know that Council's approval is forthcoming.

Mr. Ridgely responded we have assured you that we will do everything in our power to have a decision by the committee meeting.

Dr. Power asked at the finance committee, is there going to be an approval or just simply a recommendation?

Mr. Ridgely stated from what he gathered earlier, we would be in a position to approve it and we can still take final action on it.

Mayor Rummage stated we would take final action at the committee meeting.

**JEANNETTE ROSE – 340 4<sup>TH</sup> STREET**

Ms. Rose stated she was happy to hear about the coalition to clean up the water. I am a green person. I would like to remind everyone that all of our properties feed directly into the water so whatever you put on it, whether it is Roundup or whatever, if it goes on your lawn or plants it goes into our river and goes into our bay. Your grass will be green if you just mow and rake it. I realize it is a very difficult job to have but I live by simple philosophies and one is that you have to give to get. As far as the funding and getting federal subsidies I understand. No one wants to go in the red. But if you never give, you will not get and there are just some moments in time that you have to make that choice. Stand by it, but I honestly think that is the right thing to do. It is hard but sometimes the right thing to do is to give to get.

**WALTER WYNE – 3100 RIVERVIEW DRIVE**

Mr. Wyne stated he wanted to thank everyone involved with the snow removal this year. I live on the corner of Riverview Drive and Santa Maria and I see the sign that says End State Maintenance at Santa Maria Avenue and Stratford. I hear the back and forth about the paving. Can someone give me an answer so I can understand what is going on?

Mayor Rummage responded this is just for you to make a presentation. If you have a question, we will get an answer to you.

Mr. Wyne stated his question is about the paving of Santa Maria because I see a sign that says End State Maintenance at Santa Maria and Stratford. I want to know what is going to get paved, what's not going to get paved and whatever happened to the money I heard last year that the beach was putting up and the county was going to match and the state was going to match and everything just disappeared. I am really tired of eating dust and can't keep a damn thing cleaned. After five years, it is getting old.

Mayor Rummage responded we are hopeful that this will occur this year. The Supervisor representing this area, Mr. Roberson, has confirmed this.

Mr. Roberson offered to speak with Mr. Wyne after the meeting.

**WALTER KERN – 813 ROOSEVELT AVENUE**

Mr. Kern stated the time changes Sunday morning at 2:00 a.m. It seems to me the Town has double standards when it comes to the Chesapeake Bay Act enforcement. There is a house being built on Irving Avenue and there was erosion runoff into the road and I called the Town concerning this. There is no preventive maintenance such as netting that is required by law on a main disturbance at this particular residence, but yet there is construction directly behind it that has it up. When I addressed the Town officials concerning this they passed it on to VDOT, saying it is VDOT's responsibility. Secondly, at the intersection of Euclid and 2<sup>nd</sup> Street at the stop sign coming off of Route 205, the Town has water or sewer repairs. For two weeks there has been a hole sitting there. The people who travel that street have to avoid that pothole. In front of 501 Colonial Avenue at McKenney Insurance, for some reason between the sidewalk and the curb, the Town has placed two metal plates there because there is nothing underneath of it.

Between the two plates, there is a gap of 4 inches and 6 inches on the outside edges. Someone is going to fall and trip. The hole is at least 5 feet deep. The Town needs to take responsibility to get that done. It is a safety issue. I also see that there are new Public Works people working. I did not see any information in the papers concerning that. On the General Bond Issue, I would like to know what bonds have been paid off. Are the 1993 Bonds paid off and what is the \$1,088,000 bond going to be used for?

**MIKE LOONEY – 3 MARSHALL AVENUE**

Mr. Looney stated he is a member of the School Board, but I am not speaking as a member of the School Board or a representative of the School Board or any other organization. I am speaking as an individual. I want to thank the Mayor for his attempt tonight to get the issue of unspent federal grant money on the agenda for tonight. As a private citizen, I do not share the School Board's patience with the Council on this matter. I find that the Council has consistently deprived the students of what we now realize is \$360K of education this year. I look forward to them finally approving this next month.

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

Mayor Rummage called brief recess at 8:00 p.m.

**UNFINISHED BUSINESS:**

There were no issues to discuss in unfinished business.

**NEW BUSINESS:**

**PUBLIC HEARING: INTENTION OF THE TOWN OF COLONIAL BEACH VIRGINIA TO PROPOSE FOR PASSAGE A RESOLUTION AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION AND SEWER REVENUE BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,088,000**

Ms. Payne stated this is a basically a continuation of ongoing projects that the Town has been doing. This was originally authorized on February 12, 2009 to pursue obtaining this. The \$1.6 million dollars is for a loan not to exceed, \$1,088,000 and there is a grant in the amount of \$552K that goes along with that. What this will do is to continue with the water and sewer line improvements and it will be done on 3<sup>rd</sup> Street and Lafayette Street pump station areas.

There was no public comment and this portion of the meeting was closed at 8:05 p.m.

**AGENDA - #09-10**

**RESOLUTION – AUTHORIZING THE ISSUANCE AND SALE OF A \$1,088,000 GENERAL OBLIGATION SEWER BOND, SERIES 2010 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

**WHEREAS**, the Town of Colonial Beach, Virginia (the “Town”) is authorized to acquire, construct, operate and maintain sewer systems in the Town (the “System”); and  
**WHEREAS**, the Town is authorized pursuant to the Public Finance Act, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended (the “Act”) to borrow money and to issue its general obligation bonds to pay all or part of the cost of the System; and

**WHEREAS**, the Town previously authorized and built a sewer system to serve residents of the Town and financed a portion of the cost of such system through the issuance, sale and award of the Prior Bonds (as hereafter defined); and

**WHEREAS**, the resolutions under which the Prior Bonds were issued (the “Prior Resolutions”) provided for the issuance of additional bonds upon certain terms and under certain circumstances as set forth therein; and

**WHEREAS**, the Town is not in default in the payment of principal of or interest on the Prior Bonds or in the performance of any of the covenants, conditions, agreements or provisions contained in the Prior Resolutions, and, within the limitations of the Prior Resolutions, the Town is authorized to issue additional bonds (the “Additional Bonds”) secured on parity with the Prior Bonds as to the pledge of the revenues of the System (as hereafter defined); and

**WHEREAS**, the Town Council of the Town (the “Town Council”) has determined to improve the System located in the Town and that to do so it is necessary to issue its General Obligation Sewer Bond, Series 2010 (the “Series 2010 Bond”) in the amount of One Million Eighty Eight Thousand and 00/100 Dollars (\$1,088,000), the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of the Project hereinafter authorized; and

**WHEREAS**, the United States of America, acting through Rural Development and/or Rural Utilities Service (formerly Farmers Home Administration), is the sole bondholder of all of the Prior Bonds except for the Town’s \$6,875,037 Taxable General Obligation Sewer Bond, Series 1993, has consented to the issuance of the Series 2010 Bond on parity with the Prior Bonds, and has offered to purchase the Series 2010 Bond upon certain terms and conditions; and the Town, after consideration of the condition of the municipal bond market, has determined to satisfy such terms and conditions, to authorize and issue its Series 2010 Bond, and to award the sale of the Series 2010 Bond to the United States of America; and

**WHEREAS**, the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund has consented to the issuance and sale of the Series 2010 Bond on parity with the Prior Bonds.

**BE IT RESOLVED BY THE TOWN OF COLONIAL BEACH, VIRGINIA, AS FOLLOWS:**

**ARTICLE I.  
DEFINITIONS**

Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

“**Act**” shall mean the Public Finance Act (Chapter 26, Title 15.2, Code of Virginia, 1950, as amended).

“**Bondholder**” shall mean the holder or owner of the Bond.

“**Bond**” shall mean the Series 2010 Bond authorized and issued under Section 3.1 hereof.

“**Certified copy**” shall mean a copy of a resolution or other paper certified by the Town Manager of the Town, Mayor of the Town, or by any other authorized town official.

“**Closing Date**” shall mean the date on which the Series 2010 Bond is delivered to the United States upon payment of the purchase price therefor.

**“Consulting Engineer”** shall mean the firm of Dewberry & Davis, Inc., or such engineering firm or individual engineer as may be employed by the Town as Consulting Engineer in accordance with Section 8.6.

**“Costs”** shall mean the cost of improvements; the cost of all lands, properties, rights, easements and franchises acquired and the cost of all conveyances in fee simple of the Town’s title thereto and leased thereof; the cost of preparing the land; the cost of impact fees to host jurisdictions; the cost of all labor, machinery, equipment and furnishings; financing and credit enhancement charges; interest prior to and during construction and for one year after completion of construction; cost of engineering and legal services, plans, specifications, surveys, estimates of costs and revenues; any deposit to any bond interest and principal reserve account; start-up costs and start-up operating capital; other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, improvement or construction; administrative expenses and such other expenses as may be necessary or incident to the financing hereby authorized, or to the acquisition, improvement or construction of the Project.

**“Fiscal year”** shall mean the twelve-month period beginning on July 1 of one year and ending on June 30 of the following year.

**“Prior Bonds”** shall mean the Town’s \$6,875,037 Taxable General Obligation Sewer Bond, Series 1993 and its \$1,160,500 General Obligation Sewer Bond, Series 1999, each authorized and issued pursuant to one of the Prior Resolutions.

**“Prior Resolutions”** shall mean the resolutions adopted by the Town under which the Prior Bonds were authorized and issued.

**“Project”** in the context of this resolution shall mean the renovations and improvements to the Town’s sewer system located in the Town substantially as described on Exhibit A, attached hereto.

(a) **“Series 1993 Bond”** shall mean the Town’s \$6,875,037 Taxable General Obligation Sewer Bond, Series 1993 authorized and issued pursuant to one of the Prior Resolutions.

(b) **“Series 1999 Bond”** shall mean the Town’s \$1,160,500 General Obligation Sewer Bond, Series 1999 authorized and issued pursuant to one of the Prior Resolutions.

**“Series 2010 Bond”** shall mean the Bond authorized and issued under Section 3.1 hereof.

**“System”** shall mean the Town’s sewer system and all additions, extensions and enlargements thereof and any sewer project or projects that may be duly authorized by the Town and made a part of the System.

**“Town”** shall mean the Town of Colonial Beach, Virginia.

**“Town Council”** shall mean the Town Council of the Town.

**“Town Manager,” “Assistant Town Manager,” “Mayor,” “Vice-Mayor” or “Treasurer”** shall mean, respectively, the persons holding such offices of the Town.

(c) **“U.S.” or “United States”** shall mean the United States of America acting by and through Rural Development and/or Rural Utilities Service, each an agency of the United States Department of Agriculture.

Section 1.1 Other Definitions. Words defined elsewhere in this resolution shall have the meanings therein provided.

Section 1.2 Rules of Construction. Unless the context clearly indicates to the contrary, words importing the singular number shall include the plural number and vice versa.

**ARTICLE II.**  
**AUTHORIZATION OF PROJECT, SUPPLEMENTAL  
RESOLUTION**

Section 2.1 The Project. In order to provide improvements to the water facilities serving Town, the acquisition, construction and equipping of the Project are hereby authorized.

Section 2.2 Modification of Project. The Project authorized hereby may be modified by the Town; provided, however, that any such modification shall first have been approved by the U.S. and recommended in writing by the Consulting Engineer.

Section 2.3 Supplement to Prior Resolutions. This resolution is adopted and the Series 2010 Bond is authorized pursuant to, within the limitations of, and in compliance with the Prior Resolutions. All covenants and provisions of the Prior Resolutions shall apply with full force and effect to the Series 2010 Bond and to the owners thereof, except as otherwise provided herein. All other terms defined in the Prior Resolutions shall have the same meaning herein unless otherwise defined herein or the context clearly indicates otherwise. This resolution is intended to supplement the Prior Resolutions and does not replace or restate the Prior Resolutions.

Section 2.4 Project Made Part of System; Pledge of Revenues. All improvements, extensions, additions and replacements constituting the Project financed in part or in whole by the issuance of the Series 2010 Bond shall be a part of the System and all revenues derived from the ownership and operation of the System (**the “System Revenues”**) are pledged to the equal benefit of the owners of the Series 2010 Bond and the Prior Bonds, but such revenues are not pledged to the benefit of the owners of any other bonds issued by the Town except and to the extent expressly set forth therein and permitted under the Prior Resolutions and this Resolution.

**ARTICLE III.**  
**AUTHORIZATION, FORM, EXECUTION, DELIVERY  
AND REGISTRATION OF SERIES 2010 BOND**

Section 3.1 Authorization of Series 2010 Bond. There is hereby authorized to be issued a general obligation sewer bond of the Town in the principal amount of One Million Eighty Eight Thousand and 00/100 Dollars (\$1,088,000) to provide funds to finance, in part, the cost of the Project. The Series 2010 Bond shall be designated the “Town of Colonial Beach, Virginia, General Obligation Sewer Bond, Series 2010.” The Series 2010 Bond shall be issued under the authorizing resolution of the Series 1999 Bond as an Additional Bond on a parity basis with the Prior Bonds as to the pledge of the System Revenues.

Section 3.2 Details of the Series 2010 Bond. The Series 2010 Bond shall be issued as one fully registered bond (registered as to principal and interest) without coupons, shall consist of a Bond in the denomination of \$1,088,000 numbered R-1, shall be dated as of the Closing Date

and shall bear interest on the unpaid principal balance at the rate of two and three-fourths percent (2.75%) per year (or such lesser rate as may be agreed to by the U.S.). Interest only shall be paid during the first four (4) quarters after closing, such interest being payable on the first anniversary date of the Closing Date. Thereafter payment for 156 quarters of principal and interest shall be made in equally amortized quarterly installments of Eleven Thousand Four Hundred Three and 00/100 Dollars (\$11,403.00) beginning in the fifth quarter following the Closing Date and in quarterly installment thereafter for a period of thirty-nine (39) years, until paid. If not sooner paid, the final installment shall be due and payable on the fortieth anniversary of the Closing Date of the Series 2010 Bond in 2050. Each payment shall be applied first to interest accrued to the payment date and then to principal. If the Closing Date actually occurs on the 29th, 30th or 31st day of a month, then the closing date for purposes of this paragraph shall be deemed to be the 28th day of such month.

Installments of principal may be prepaid at the option of the Town as a whole or in part, without premium (but if in part, in inverse chronological order) on any interest payment date, upon not less than thirty nor more than sixty days' notice forwarded by registered or certified mail to the registered owner of this Bond at the address shown on the registration books maintained at the office of the Registrar, upon payment of the principal amount of installments to be prepaid and interest accrued to the date fixed for such prepayment, without premium, by check or draft mailed to such owner at such address.

At the request of the U.S., the Series 2010 Bond may be delivered as a fully registered bond in the alternative form contained herein providing for principal advances to be made from time to time by the U.S. in an aggregate amount not to exceed \$1,088,000. An authorized officer of the U.S. shall enter the amount and the date of each such principal advance on the Certificate of Principal Advances attached to the Series 2010 Bond when the proceeds of such advance are delivered to the Town. Each such principal advance shall bear interest from the date of such advance so entered on the certificate.

Section 3.3 Execution of the Series 2010 Bond. The Series 2010 Bond shall be signed by the manual signature of the Mayor or Vice Mayor of the Town and the Town seal shall be affixed thereto and attested by the Clerk or Deputy Clerk of the Town Council of the Town.

Section 3.4 Form of the Series 2010 Bond. The Series 2010 Bond shall be in substantially the following form:

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

With no discussion on Resolution - #09-10, Mayor Rummage called for a vote. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and the **Authorization for the Issuance and Sale of a \$1,088,000 General**

Obligation Sewer Bond Series 2010 and Providing For the Form, Details and Payment Thereof was Approved. Motion Carried.

**AGENDA - #10-10**

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

**NOW THEREFORE BE IT RESOLVED**, that the Town Council meeting in regular session, Thursday, March 11, 2010 hereby approves the Fiscal Year 2010 Fourth Quarter Appropriations as follows:

	<u>Fourth Quarter Appropriations</u>	
	<b>FY 2010 Budget</b>	<b>4<sup>TH</sup> Quarter</b>
General Fund	\$5,263,028	\$1,324,598
Utility Fund	\$2,469,295	\$ 617,412
School Operating Fund		
Instruction	\$5,171,337	\$1,292,835
Administration	\$ 291,270	\$ 52,814
Pupil Transport	\$ 347,670	\$ 86,916
Operations/Maintenance	\$ 568,900	\$ 162,227
School Construction Fund	0	0
School Cafeteria	\$ 286,708	\$ 71,677
State Transfer	<u>\$ 200,000</u>	<u>\$ 50,000</u>
SCHOOL TOTAL	\$6,865,885	\$1,716,470

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

With no discussion on Resolution - #10-10, 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 **Adoption of Fiscal Year 2010 Fourth Quarter Appropriations was Approved. Motion Carried.**

**AGENDA - #11-10**

**RESOLUTION – APPROVAL OF ADJUSTMENTS TO TOWN COUNCIL COMMITTEE MEETING TIMES**

**WHEREAS**, by Resolution - #54-09 which was approved by the Colonial Beach Town Council on July 9, 2009 the schedule of Council committee meetings was established; and **WHEREAS**, adjustments to the schedule of Council committee meetings has become necessary.

**NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council at its regular monthly meeting on the 11<sup>th</sup> day of March, 2010 hereby approves the following schedule for the Council committee meetings as follows:

ON THE FOURTH THURSDAY OF THE MONTH:

Economic Development Committee:	4:30 p.m.
Budget Committee:	5:15 p.m.
Public Works Committee	6:00 p.m.
Public Safety Committee	6:45 p.m.

Ms. King stated this has happened before that one committee will not use as much time that has been allotted, do I understand that we cannot move to the next committee until the specified time on the resolution. Say Economic Development only takes an half an hour, could that be the end and you move to the next committee?

Ms. Erard stated you have to go by the specified time on the resolution.

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

With no further discussion on Resolution #11-10, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mayor **aye**, motion carried and the **Approval of Adjustments to Town Council Committee Meeting Times was Approved. Motion Carried.**

Mayor Rummage stated the reason he brought up the matter on the Emergency Management Preparedness, was because he was a bit disturbed with the article in the Journal and I want to call your attention that there are not any Red Cross approved shelters located in the Town of Colonial Beach. Is that a fact?

Ms. Foulds responded that is correct.

Mayor Rummage responded he thought the elementary school was the shelter.

Ms. Foulds responded that it is the shelter, but it is not Red Cross approved.

Mayor Rummage asked shouldn't that be done?

Ms. Foulds stated we can work at it and if my memory serves me right under the last Town Manager I think we were not able to meet Red Cross's recommendation.

Mr. Ridgely stated it had to do with long term storage of generators.

Mayor Rummage stated another reason I brought that up was just to discuss the fact that we have not had an Emergency Management Meeting since I have been Mayor. We better have one. I thought that the day I was caught in the blizzard. The elderly become very frightened when the current is shut off and I have had a number of them call me. We need a meeting before the hurricane season and we should have a plan and move ahead.

Mayor Rummage motioned to refer this matter to the appropriate committee, Public Safety.

Mr. Ridgely responded it is the ultimate responsibility of the Town Manager to coordinate that.

**AGENDA - #12-10**

**RESOLUTION – NOTICE OF AWARD TO HYDROSTRUCTURES, PA FOR SANITARY SEWER PHASE III – INVESTIGATION**

**WHEREAS**, on March 4, 2010, the Town of Colonial Beach received bid proposals from contractors for the investigative work related to the Sanitary Sewer Improvements, Phase III; and **WHEREAS**, the Town of Colonial Beach received three bids from interested bidders for this project; and

**WHEREAS**, Hydrostructures, PA was the lowest responsive and responsible bidder for the project with a bid of \$54,357.00.

**NOW THEREFORE BE IT RESOLVED**, that the Colonial Beach Town Council meeting in regular session, Thursday, March 11, 2010 hereby authorizes the Town Manager to issue a Notice of Award to Hydrostructures, PA in the amount of \$54,357.00 for the investigative work related to the Sanitary Sewer Improvements, Phase III.

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

Ms. Payne stated this is a bid to Hydrostructures, PA for sanitary sewer Phase III investigation. This did go out for bid and the contract was reviewed and we have a recommendation for us to accept this. This would start the first stage of the water and sewer construction.

Mr. Coombes stated then you are saying the \$54,000 is part of the bond money. Is it part of the approved bond?

Ms. Payne clarified that this is part of the approval of the \$1.6 million, the \$1,088,000 loan and the \$552K grant.

Ms. Foulds stated we are identifying this as Phase III project.

With no further discussion on Resolution - #12-10, Mayor Rummage called for a vote. Mr. Coombes **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Notice of Award to Hydrostructures, PA for Sanitary Sewer Phase III Investigation was Approved. Motion Carried.**

Mr. Kennedy stated there was a Jet Ski Race Committee Meeting and after discussing some issues, we realized that a lot of the issues tied to this event are public safety issues. I know Mr. Ridgely attended the meeting with Chief Hawkins and seems like other than the question about trash pickup, the majority of the issues are public safety issues. I would request that Mr. Lyburn's committee, Public Safety handle all questions and inquiries prior to that event rather than having each committee answering questions, funnel it through the Public Safety Committee and have it addressed that way.

Mr. Coombes stated with all due respect, I have a problem from a management standpoint with committees handling things. I really think it should be directed to the Town Manager and not to committees that meet periodically, people aren't there, they miss meetings etc. I think committees handling a major event that will bring thousands of people in here would need to have a focal point. In my judgment, it is the Town Manager for us and Cary Geddes for the Chamber. That is the way it should go and not us messing with it.

Mr. Kennedy stated yes, it is true that the Town Manager is the ultimate person, it is her responsibility. We have the Economic Development Committee asking questions. We have had Budget and Finance asking questions. We need to condense some of that to just one committee and address it and pass it on to staff.

Mr. Coombes responded we should not be involved in terms of the management of this function and a focal point for us if we need information should come from Val. Val can obtain it from the Chamber of Commerce. We don't need to be messing with the event because sure enough three or four people running in different directions will get it fouled up. I really believe it needs to be with Val and Carey Geddes and then if we need to get involved in making decisions, Val can bring it to the right committee or to the whole Council. That is my perspective on it.

Ms. Foulds agreed with Mr. Coombes.

Mr. Kennedy stated he would defer it to the Town Manager and back off of my suggestion.

Mayor Rummage stated he agreed with Mr. Kennedy that the Public Safety Committee should be involved.

Mr. Kennedy stated his whole point was that we had committees asking questions of that group from different angles and I was just trying to narrow it down so we all don't get hammered from different sides.

Ms. Foulds stated we have a management team, the Chief of Police and the Director of Public Works and the Director of Planning and Zoning. I believe we can handle it.

Mr. Lyburn stated on that note, we have never had a problem and if there is one, we can all get on the phone with one another and work as a team. We will reap the benefits from this. Ms. Foulds and the Chief have always been on top of things. I understand what Mr. Kennedy is saying that maybe we should take the lead, but Ms. Foulds and the Chief are here every day and all they have to do is relate to us and we will work with them to help them get what they need.

Ms. Foulds stated she wanted to assure Mr. Kennedy that she was working with VML Insurance and they sent us a package of special events training that we actually have to complete to make them comfortable that this will go off without any issues.

Mr. Kennedy stated this all came about with some conversation that we had with them the other night and to be straightforward, Mr. Geddes had questions that came from several people and we felt like that shouldn't happen. The Public Safety Committee will do whatever the Town Manager requests.

Mr. Ridgely stated we should not obligate anything without going through the Town Manager. The meeting I attended I didn't actually leave there feeling warm and fuzzy. We left there with more questions than we had answers. I am not going to obligate the rescue squad until I check with Chief Hawkins and Chief Jett to make sure we are all on the same page.

Mr. Kennedy stated he didn't say anything about obligating this Town to do anything. I will funnel the questions through the Town Manager. I have no misunderstanding with that. There were questions from other people and Mr. Geddes decided he needed a point of contact. That was the only suggestion I was making.

Mayor Rummage asked that an update be included in a report to Council regarding anything that needs our attention.

Ms. Foulds agreed and stated she would update everyone through email.

**CLOSED MEETING:**

There were no issues to discuss in Closed Meeting.

**RECESS/ADJOURNMENT**

Mayor Rummage adjourned the regular meeting of Town Council of Thursday, March 11, 2010 at 8:25 p.m. at the Colonial Beach Town Center without objection.

Respectfully submitted:

Barbara A. Goff,  
Town Clerk

Frederick C. Rummage,  
Mayor









