

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, MARCH 12, 2009 -7:00 P.M.
COLONIAL BEACH TOWN CENTER**

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, March 12, 2009 at the Colonial Beach Town Center. Members present included Vice Mayor King; Council Members Mr. Coombes, Mr. Ridgely, Ms. Payne, Mr. Lyburn and Mr. Kennedy. Others present: Town Attorney, Ms. Erard; Town Manager, Ms. Foulds, Chief Financial Officer, Mr. Grant; Town Clerk, Ms. Goff; Chief of Police, Mr. Hawkins; Director of Public Works; Mr. Murphy; Building & Zoning Administrator; Mr. Bird.

The Prayer and Pledge of Allegiance were recited.

ADDITIONS TO THE AGENDA: Motion was made by Mr. Coombes to add Resolution - #22-09, Authorization for the Town Manager to act as Interim Zoning Administrator and Authorization for the Utilization of the Westmoreland County Building Inspector. With no objections from Town Council, Resolution #22-09 was added to the agenda. *Motion Carried.*

ADOPTION OF THE AGENDA: Motion was made by Ms. Payne to approve, second by Ms. King. With no objections from the Town Council, the Adoption of the Agenda was adopted as presented. *Motion Carried.*

APPROVAL OF THE MINUTES: Mayor Rummage called for a motion to approve the minutes of the Special Meeting of Thursday, January 15, 2009 and the Regular meeting of Thursday, February 12, 2009. Motion was made by Ms. Payne to approve, second by Ms. King. With no objections from Town Council, the minutes were approved as presented. *Motion Carried.*

COUNCIL REPORTS:

Budget: Mr. Ridgely stated there would be a special meeting to discuss the audit.

Streets and Roads: Mr. Kennedy referred his report to the Town Manager.

Planning & Zoning: Mr. Coombes responding from a request by Town Council stated that the health insurance aspects for the Town as well as the school would remain the same as they are now. We are talking about 120 employees from the school and the Town. The total sum of premiums on an annual basis approximates to \$750K. Researching the premiums that are paid by the Town and the school are near the National averages and the plan that the Town has, the three plans that the school offers its employees are very, very good plans. Everyone concurs that now is not the time to visit this and make adjustments which could likely reduce the benefits of one entity or the other. Ms. Worrell agrees with that, the Town Manager agrees and the Chief Financial Officer agrees with that. The recommendation was to move forward in the coming year with the plan that we have now.

Water & Sewer: Ms. Payne stated she had been working on the Boardwalk Vendor Program. Language has been drafted and distributed to the committee as well as Council. There is another meeting in the morning. The intention is to have the language discussed at the work session at the end of the month.

Public Safety: Mr. Lyburn referred to Mr. Robertson from the Fire Department regarding the hazardous waste pickup.

Mr. Robertson reporting for the Chief of the Fire Department:

- The new aerial apparatus would be in quarters this week (a set of small items were not up to spec and have now been installed)
- Will take a few weeks to set up the compartments and put the new equipment in
- Training for the members will take awhile
- Thanks to the Fire Department Auxiliary for the financial contributions for the purchase of a lot of this new equipment
- An aerial device to meet the required standard usually runs up to \$30K to \$35K. Some of the devices can be used, but we are purchasing new additional equipment to make it a Class A rated aerial device
- There have been 110 calls so far with an average of 6 members per call
- No response from Mr. Hagedorn regarding the past due amount. The Chief will be in touch with the Mayor as a follow up

Mr. Robertson reporting on hazardous waste:

- The fire department was going to be the drop off site for hazardous waste
- Contacting the Department of Environmental Quality for the requirements on a household hazardous waste collection site – just a one day site
- Took them five weeks to respond and received a 78 page manual littered with very specific requirements in terms of liability insurance, special contractor and as code enforcement people are aware, when you take on hazardous materials there is a domino effect
- To collect at the fire station even in the appropriate container all that material must be containerized before it goes in the container by a license and permitted individual contractor. That individual contractor then needs another permit to transport and then they need another permit to enter an appropriate facility that will accept hazardous waste
- Looks unrealistic for this spring, but we will proceed with the process and then at some point we will decide
- Hazardous household materials consist of hair sprays, paints, aerosols, cleansers, fluorescent bulbs, green light bulbs, thinners, compressed air containers and old cylinders
- Will be looking to simplify the process

Ms. King stated we wanted to have a spring cleanup and have the whole Town participate and we will do this eventually when you can get past all of the other requirements.

Mr. Robertson stated we will accept in the course of this all open partially used paints. That paint becomes available to the Town once the hazmat group has gone through it. It can be used on various projects throughout the Town. These one day drop offs do generate a lot of paint.

Ms. Payne suggested checking with other organizations who have done this before because they already have people lined up with the required licenses to speed the process along.

Mr. Robertson responded that he had done that to a degree and the research is no one close to us here has done one of these. This is strictly a Town event

Economic Development: Ms. King reported:

- Committee met to research Planning Grants
- Attended the Civilian Military Community Relations Council with the Mayor and met with George Robertson, Director of Economic Development from Charles County
- Met with Westmoreland Tourism Council to apply for grants and matching funds
- Website will reach more people to explore the entire County and Montross and would give updated information for us as a tourist destination
- Attended a meeting with Bay Transit in Urbanna and there is anticipation of developing plans for future expansion
- Discussed bicycle racks being installed in the buses so people would have access to bike trials
- Attending a two day grant writing class

MAYOR'S REPORT: Mayor Rummage recognized the Drifters. The Town Council was well represented to see the team off and asked Mr. Roberson to give a statement.

Mr. Roberson stated it was an exciting game at the Siegel Center. The Colonial Beach Drifters won 55-36. This will be put them in the State playoff game tomorrow at 3:45 at the Siegel Center. It will be the first time.

- The Town Attorney was thanked for the demolition order for 908 Horton Street
- Golf Cart crossing bill hasn't been signed by the Governor yet. It has passed the Senate and the House. When signed it will go into effect July 1st 2009. The crossing will be at Second Street and the road that runs behind the Food Lion. Everything should be set up before July 1st, so we can actually open the crossing
- The article in one of the newspapers was false. The Town is certainly going to finance the fireworks on July 4th. The Chamber of Commerce is supposed to be raising funds for the fireworks at the festival

TOWN MANAGER'S REPORT: Ms. Foulds reported:

- Riverside Meadows paving will be started mid September but there are several things that must be done prior to September. If we miss the window due to weather, it will not begin until early spring. It should take about five weeks for completion
- Boardwalk Vendor's Program meeting
- Meeting with Dewberry to pursue Department of Environmental Quality and the Virginia Department of Health stimulus money options
- Budget meeting with department heads
- We are looking at a couple of options of speed control on the Point and we are looking to have that resolved by summer
- Presentation of awards to Black History Month
- Meeting with Virginia Municipal League Insurance Safety Representative
- Staff meeting with department heads
- Consultation with Town Attorney on real estate and personnel issues

Mr. Kennedy stated the Point is the area we selected for speed control, but I believe there are speed control issues all over Town. I don't want people to think we are only concentrating our efforts to one part of Town.

Mayor Rummage stated we receive more speeding complaints from the Point than from other sections of Town.

Ms. Foulds stated she shared a letter with Town Council about the potential restructuring of VDOT which will have significant impact on the way we do business now. Basically instead of having a local residency, it will be centralized. I don't know where the facility will be located, but it could be in Fredericksburg.

Ms. King asked if in July 2010, will we immediately take over the responsibility of the roads or do we have to wait for the result of the census?

Ms. Foulds responded after the results of the census.

Mayor Rummage stated the reports from the census bureau don't usually come out for about a year after the census.

Mr. Kennedy stated we are going to start preparing ourselves now for the inevitable.

CHIEF FINANCIAL OFFICER: Ms. Grant reported:

- Financials for February - \$1,211,098
- Balance as of 5 p.m - \$1,336,230
- One tax suit settled
- Second tax suit did not accept offer
- 4th Quarter water bills mailed with new approved tax rate
- Preparation for June real estate billing

TOWN ATTORNEY'S REPORT: Ms Erard reported:

- A presentation will be made at the work session regarding the Role of Town Council, Mayor and Town Manager
- Dennison Street – documents have been supplied to the Bond Counsel. He is still not done and has not rendered a final opinion. He is requesting additional documentation but it looks like we will need to get a commercial appraisal on the property. Once the commercial appraisal is done the property would need to be sold for fair market value. From that money we would pay off either all or a portion of the bonds from the money that was originally used to do this. It is complicated because it was financed over a period of years
- 908 Horton Street was scheduled to be demolished on Tuesday, March 17, 2009

Mr. Kennedy asked didn't we already have an appraisal done?

Ms. Erard responded we did but it is not clear whether the qualifications of the person who performed the appraisal satisfied the requirements.

Ms. King asked if a qualified appraisal has been done? Would that be acceptable to meet the requirements?

Ms. Erard responded that is what she has asked the bond counsel. If we can use the one we already have, that is what we want to do.

Ms. King stated she was of the opinion that another appraisal on the property recently had been performed.

Ms. Erard responded it is all regulated by IRS. I certainly can inquire whether that would satisfy the requirements.

Ms. King stated sometimes you are not allowed to use the other person's appraisal for whatever reason.

Mr. Coffman stated that he had one done on the property and what it would be with the property and . . .

Mr. Kennedy asked Mr. Coffman who did his appraisal?

Mr. Coffman responded it was the same person from Maryland who did it before.

Mr. Kennedy asked if he has the qualifications for a commercial appraisal – the only one I know of is out of King George, Mr. Cheadle.

Ms. Erard asked for a copy of the appraisal, I will see that Mr. Siegel gets a copy of it to see if that will work.

Mr. Coffman stated he wasn't sure if it was itemized on the property. You have to do a property appraisal, and then you have to do a building appraisal. I did it on an estimate off of what we paid for the property.

Mr. Kennedy asked the status of the property/houses on Taggart, Franklin and Boundary?

Mr. Bird responded the one on Taggart and Franklin Street have been served warrants. The dates expired and I have asked for another court date. We are trying to combine them all with another court date. The court dates have been continued or cancelled. On Boundary Street, a demolition permit was pulled and some of the old wood was being taken out piece by piece. About three weeks ago, the work came to a halt and the Code Compliance Office, Ms. Davis is looking into it.

Mr. Kennedy stated not only is it an eyesore, but it looks like it is getting ready to fall over. The next strong windstorm we have come through here it may not be standing. This concerns me for safety reasons more than anything else.

Ms. Davis was present and stated the permit on the house on Boundary Street has just expired. It expired March 1st. I have been trying to get in contact with the property owner but I haven't had any luck. I plan to do an inspection on that this week and the property will be cited. The property on Taggart Street has received a violation letter and I have asked them to demolish it within 60 days.

COMMISSION REPORTS:

PLANNING COMMISSION: Mr. Coombes reported:

- Planning Commission approved the Annual Report which is required by State law
- Article 18 of the Zoning Ordinance which deals with visibility, site lines, fences, hedges, pods in the miscellaneous section of the chapter. It was approved unanimously and recommended that it be forwarded to Council
- Presentation by Bill Thomas, President of the James Monroe Foundation. It was requested that the James Monroe Birthplace be included in the revision of the Comprehensive Plan, both in narrative form and our maps. The Commission agreed to do that
- Land Studio will be here on March 24, 2009 at 5:30 p.m. At that time we will receive public input for the final time on the future land use chapter, probably the most important chapter of the Comprehensive Plan because it takes us out 10 years
- The State Department of Housing and Community Development will be in attendance at the meeting on March 24, 2009. They will be making a presentation on Enterprise Zones. Our consultant, Land Studio, is recommending that we move in that direction. The Enterprise Zone will become apart of the existing larger Enterprise Zone, if you chose to do it, to include Westmoreland County, Lancaster, Northumberland

- There are two action items in your agenda packet that relate to Maritime Commercial. One is a resolution, the other is an Ordinance. It is a resolution to send the Ordinance to the Planning Commission. The Ordinance is the one that has to be re-done again because it sat at Council for a year and a half and there is a statute of limitations for twelve months. If you don't act on a re-zoning matter within twelve months, you have to start over

Mayor Rummage asked if we are going to re-refer Ordinance - #568?

Ms. Erard responded we are not enacting Ordinance - #568, we are simply referring it to the Planning Commission for their recommendation. It will then come back to the Town Council for adoption.

Mr. Coombes stated we are starting over and you have to get it back into the Commission and the Commission has to hold another public hearing.

OTHER AGENCIES

BOARD OF SUPERVISORS:

Mr. Roberson reported:

- Congratulated Trish King and Steve Kennedy and Ms. Foulds for working very hard with the County, economics and tourism
- Audit Report for the County is done and on the website
- The County is dealing with the O'Gara Group who wants to buy the shell building in the Industrial Park. There is a zoning appeals hearing on that at the end of the month and if that is settled, they will continue on with their plans and will spend \$15 to \$20 million dollars in the County
- We had to pay for dead chickens

COLONIAL BEACH SCHOOL BOARD:

Mr. Trivett reported:

- Thanked those who attended the send off of the team today
- The team will play Eastern Montgomery tomorrow for the State Championship. Schools are being let out tomorrow around noon and we will provide at least two prep buses to go to Richmond
- The budget is going to be extremely difficult to operate on the money that we know is going to be coming. We will look at it very hard and hopefully we can work it out to where we can still have a school system

A brief recess was called at this time.

PUBLIC HEARINGS:

LEASE OF TOWN OWNED PORPERTY KNOWN AS THE WHITE BUILDING ON THE BOARDWALK – 108 TAYLOR STREET

There was no public comment

The public hearing was closed at this time.

PUBLIC PARTICIPATION:

CHARLIE ROBERTSON – 15 FIRST STREET

Mr. Robertson stated the snow is beautiful, but please clear your windshields. Don't leave the snow pads on the roof and hood and the back of the car because more often than not, it ends up on the car that is behind you. Please clean your vehicles off. The roads weren't that bad, you just had to keep your speed down. The snow plows were here. The unsafe condition was not so much the road, it was the driver's who were too stupid to clear off the snow.

MIKE LEGLER – 234 DOGWOOD AVENUE

Mr. Legler stated he was doing research today online on the economic stimulus and I happened to go to Westmoreland County to see what was requested for Westmoreland County which includes Colonial Beach. I noticed that none of the articles that Mr. Rummage wrote in his letter to Mr. Stuart, none of the pieces of pie were requested for Colonial Beach including once again the roads in Riverside Meadows. Was a request put in? I contacted Senator Stuart and he said he received the letter and he responded back that he cannot do that. The Town has to request it through the Governor's Office. I was wondering if the Town actually requested funds for road improvements.

Mayor Rummage responded it will be noted and we will respond to it.

TRICIA CORBIN – 201B N. IRVING AVENUE

Ms. Corbin stated she recently moved here last September and didn't know the speed signs were as such. I was in a hurry to get back home. I was at Get & Zip and made a right and that speed limit sign is 35 mph. I didn't see that and I got a ticket. It was the first ticket I have ever had and I will be 52 years old this year. I had to pay \$126. The point is you can't see the speed signs. Why are the speeds 35 mph from the time you get to Colonial Beach to you get to Wilkerson's Restaurant? I would like to see bigger signs or a 45 mph until after you past 6th or 7th Street.

JAMIE WYNE – 3100 RIVERVIEW DRIVE

Ms. Wyne stated the last time I attended a Town meeting there were approximately 900 delinquent notices sent out for tax delinquencies. I would like to know the number of properties that are currently in Colonial Beach and the number of properties that are currently in foreclosure. I would like to find out the procedure that individuals would follow to ask for a tax deduction on their properties because it is my understanding, based on the economy being what it is whether your house is paid for or not, no one's house is worth what it once was but we are still paying taxes on an assessed value on what properties were a couple of years ago. I would like to find out if we could consider adopting a State ordinance for the children. It seems that the children are not allowed to play on the street and that is a State law. I understand that. What I don't understand is children not being able to play on the streets period, law or not. There are a lot of houses in the Town of Colonial Beach on very small pieces of property. If you have kids,

sometimes the property is not big enough for them to play. I think it is sad that they are not allowed to play on the street period. Kids should be able to play on the street. I haven't lived in this Town very long but I moved here because for years I visited this Town and the people for the most part are very nice. I discovered there are a few people who like to make it difficult for outsiders and new people. Recently I have been having a little difficulty with people's perception of my son who is a senior at the Town of Colonial Beach and his friend. My son did attend the only junior Naval Academy in the State of Maryland for four years. He was top in his class. He decided in his senior year that he wanted to attend a normal public school. All that the school system here offers the children and the support that the community gives the school is unmatched by any public school system that I have seen in four counties in Maryland. I am very glad about that. I think the people who live it speaks a volume to the kind of people who do live here for the most part. The concerns that I have with regards to my son and his best friend who also is new to the area, I think there is a perception over what it is that these two boys may or may not be engaged in. I will be the first to tell you, I have a term I use for people who think their children are perfect. I call it angel syndrome. That I do not suffer from. If my kids are in the wrong, I will admit it. If I accuse anyone of any wrong doing that they didn't do, I apologize. I will tell you if my son does something wrong, I will be the first one to handle him and that is a given. There has been a perception around here that he and his friend have been engaged in suspicious activity. If he is, I expect it to be addressed. I don't see that happening. Both him and his friend are preparing to go into the Navy and if they continually meet with situations where people perceive them to be doing things that they are not, they will lose their ability to join the Navy. I don't want that to happen.

STEVE CIRBEE – 1228 LOSSING AVENUE

Mr. Cirbee thanked Chuck Bird for his time and effort that he has given me and the developers and contractors in the Town over the last several years. I express the concern and urgency to the Town that the Zoning Office is a busy place and it is going to stay a busy place. I have some projects that are new and coming up thankfully. I know that the building department could be handled by the County, but me, as well as others really want to express our urgency to make sure that we have someone we can go to. There is not a week that goes by that I am not in the Zoning Office two or three times to make sure we are following things right. I just want to urge you to make sure we have someone to fill the shoes and somebody who is acceptable to us on an as needed basis. Sometimes we need just a quick answer or definition of the Zoning Ordinance. It has been extremely helpful to have Chuck. He has been a huge help to me.

There being no further public participation, this portion of the meeting was closed.

OLD BUSINESS:

There was no old business to address.

NEW BUSINESS:

AGENDA - #17-09

RESOLUTION – ADOPTION OF FISCAL YEAR 2009 FOURTH QUARTER APPROPRIATIONS

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, March 12, 2009, hereby adopts the Fiscal Year Fourth Quarter Appropriations as follows:

	Third Quarter	Fourth Quarter
General Fund	\$1,414,371	\$1,323,926
Utilities Fund	\$ 450,570	\$ 747,643
Utility Fund Capital Projects WWTP	\$3,500,000	\$1,257,928
School Operating Fund		
Instruction	\$1,350,000	\$1,115,973
Administration	\$ 75,304	\$ 76,262
Pupil Transportation	\$ 84,000	\$ 75,670
Operation/Maintenance	\$ 152,319	\$ 156,956
Cafeteria Fund	\$ 80,000	\$ 83,208
School Construction Fund	\$ 68,023	\$ 0
Debt Service	\$ 92,134	\$ 0
State Transfer Amount	\$ 50,000	\$ 40,840

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

Mayor Rummage called for a vote on Resolution - #17-09. 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 the Fiscal Year 2009 Fourth Quarter Appropriations was Approved. Motion Carried.**

AGENDA - #18-09

RESOLUTION – REAPPOINTMENT TO THE COLONIAL BEACH EROSION COMMISSION

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, March 12, 2009, hereby reappoints Bob Swink to the Colonial Beach Erosion Commission to serve an additional five year term; such term expiring January 2014.

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

Mayor Rummage called for a vote on Resolution - #18-09. Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Mayor **aye**, motion carried and the **Reappointment of Bob Swink to the Colonial Beach Erosion Commission was Approved. Motion Carried.**

AGENDA - #19-09

RESOLUTION – AUTHORIZATION FOR THE TOWN MANAGER TO ADVERTISE FOR A REQUEST FOR PROPOSAL FOR THE RENOVATION OF THE TOURISM BUILDING

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, March 12, 2009, hereby authorizes the Town Manager to advertise for a Request for Proposal to renovate the Tourism Building.

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

Mayor Rummage called for a vote on Resolution - #19-09. Mr. Lyburn aye, Mr. Kennedy aye, Ms. King aye, Mr. Coombes aye, Ms. Payne aye, Mr. Ridgely aye, Mayor aye, motion carried and the **Authorization for the Town Manager to Advertise for a Request for Proposal for the Renovation of the Tourism Building was Approved.** Motion Carried.

AGENDA - #20-09

RESOLUTION – REZONING OF COMMERCIAL GENERAL (C-1) TO MARITIME COMMERCIAL (MC)

WHEREAS, the Colonial Beach Town Council is of the opinion that public necessity, convenience, general welfare and good zoning practice would be served by adoption of an Ordinance to rezone 30 parcels from Commercial General (C-1) to Maritime Commercial (MC); and

WHEREAS the Colonial Beach Town Council seeks to rezone all parcels of land currently zoned Commercial General, C-1 that are south of Boundary Street to the Maritime Commercial District, more specifically identified as follows:

TAX PARCEL ID #	ACRES	ALLOWED DWELLING UNIT DENSITY BY DWELLING UNIT TYPE: (units per acre)		
		MC	C-1	
3A1-2-A1	8(+/-)	8.7	0	
3A1-2-22-1	<1	8.7	0	
3A1-2-22-1A	<1	8.7	0	
3A1-2-22-2A	<1	8.7	0	
3A1-2-22-3	<1	8.7	0	
3A1-2-22-3A	<1	8.7	0	
3A1-2-22-3B	<1	8.7	0	
3A1-2-30-1	<1	8.7	0	
3A1-2-30-1A	<1	8.7	0	
3A1-2-30-1B	<1	8.7	0	
3A1-2-30-3	<1	8.7	0	
3A1-2-50-1	<1	8.7	0	
3A1-2-50-1A	<1	8.7	0	
3A1-2-51-1	.356	8.7	0	
3A1-2-51-1B	.357	8.7	0	
3A2-2-60-A	<1	8.7	0	
3A2-2-60-B	<1	8.7	0	
3A2-2-60-C	<1	8.7	0	
3A2-2-60-A1	<1	8.7	0	
3A2-2-60-C1	<1	8.7	0	
3A2-2-60-C2	<1	8.7	0	
3A2-2-60-C3	<1	8.7	0	

3A2-2-69-1		<1	8.7	0		
3A2-2-69-2		<1	8.7	0		
3A2-2-69-4		<1	8.7	0		
3A2-2-70-1		<1	8.7	0		
3A2-2-70-2A		<1	8.7	0		
3A2-2-70-3		<1	8.7	0		
3A2-2-70-4		<1	8.7	0		
3A2-2-70-6		<1	8.7	0		

NOW THEREFORE BE IT RESOLVED THIS 12th DAY OF March 2009, that the Colonial Beach Town Council refers to the Planning Commission of the Town of Colonial Beach, (the “Planning Commission”) Ordinance #568 to make a recommendation for the rezoning all parcels of land currently zoned C-1 that are south of Boundary Street to the Maritime Commercial District in accordance with Virginia Code §15.2-2286 and §15.2-2285(B) of the Code of Virginia, and Section 19-1 of the Colonial Beach Zoning Ordinance.

Ms. Erard stated for clarification, this is a resolution that refers an Ordinance to rezone the property to the Planning Commission.

Mr. Coombes stated each member should have a revised Resolution - #20-09. There was a little confusion. The Ordinance that Mr. Kennedy referred to is Ordinance - #568 and it does not need to be voted on tonight but that should be attached to Resolution - #20-09. When you vote on Resolution - #20-09, you are either approving or disapproving sending the Ordinance to the Planning Commission to rezone 30 properties and make a recommendation back to Town Council.

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

With no further discussion on Resolution - #20-09, 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 **Referral of the Rezoning of Commercial General (C-1) to Maritime Commercial (MC) to the Planning Commission was Approved. Motion Carried.**

ORDINANCE - #568 – See Resolution - #20-09

AGENDA - #21-09

**RESOLUTION – APPROVAL OF LEASE OF TOWN OWNED PROPERTY
KNOWN AS THE WHITE BUILDING ON THE BOARDWALK – 108 TAYLOR
STREET**

WHEREAS, the Town of Colonial Beach has conducted a duly advertised public hearing at a regular meeting on March 12, 2009 to receive comments on a lease renewal proposal for Town owned property at 108 Taylor Street; and

WHEREAS, the Town Manager has engaged in good faith negotiations with the current lease holders; and

WHEREAS, the Town wants to continue its commitment to support resort and recreational activities on the Boardwalk.

THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, March 12, 2009 hereby agrees to lease the building located at 108 Taylor Street; and

THEREFORE BE IT FURTHER RESOLVED, that the Town Council authorizes the Town Manager to execute said lease for a term of two years for an amount of \$3,600 for the first year and an increase of 10% for the second year; payment for each will be in advance.

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

Ms. Payne stated she did not have an issue with the lease, but I would like to have a cancellation clause in there if we are going to do it for two years, I think we need to have a clause in there where Town Council could cancel the lease with a 90 day's notice. If you do it for one year, I don't think it would be necessary, but in a two year timeframe without having some type of cancellation clause, possibly potential development along the Boardwalk, we are tied into a two year lease with no escape clause or cancellation clause.

Mr. Kennedy stated he would not agree to a two year lease. No one knows what the market is going to do. If the market turns in a one year timeframe and we are tied into a two year lease, the cancellation clause doesn't have anything to do with the lease.

Mr. Coombes stated he did not have a problem with a cancellation clause.

Mayor Rummage asked if the Town Council had a problem with the cancellation clause. Being no objection from the Town Council, the cancellation clause will be included in the lease.

Ms. Erard stated the amendment would be made to the lease.

With no further discussion on Resolution - #21-09, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **nay**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Approval of the Lease of Town Owned Property known as the White Building on the Boardwalk – 108 Taylor Street was Approved. Motion Carried.**

AGENDA - #22-09

RESOLUTION – AUTHORIZATION FOR THE TOWN MANAGER TO ACT AS INTERIM ZONING ADMINISTRATOR AND UTILIZATION OF THE WESTMORELAND COUNTY BUILDING INSPECTOR AS A TEMPORARY DESIGNATED OFFICIAL RESPONSIBLE FOR ALL ACTS PURSUANT TO THE UNIFORM BUILDING CODE

WHEREAS, the Colonial Beach Zoning Administrator has resigned his position with the Town of Colonial Beach effective March 17, 2009; and

WHEREAS, the Town of Colonial Beach requires a Zoning Administrator as well as a Building Inspector; and

WHEREAS, Westmoreland County has offered to perform inspections and sign permits in accordance with the Uniform Building Code.

NOW THEREFORE BE IT RESOLVED that, the Colonial Beach Town Council hereby appoints Val Foulds and authorizes her to act as the Interim Zoning Administrator; and

BE IT FURTHER RESOLVED that, the Westmoreland County Building Inspector is temporarily designated as the official responsible for all acts pursuant to the Uniform Building Code.

Mr. Coombes stated the Town Manager and the legal Counsel have been working on filling the gap that is going to be left by the resignation of Mr. Bird. This agenda item authorizes the Town Manager to act as the Interim Zoning Administrator and as I said earlier to utilize the necessary staff of the County Building Inspector to come into Colonial Beach in concert with the Town Manager to keep things moving in Building and Zoning the best we can. Please recognize this is Interim and we may make changes as things necessitate.

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

With no further discussion on Resolution - #22-09, 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 **Authorization for the Town Manger to act as the Interim Zoning Administrator and Utilization of the Westmoreland County Building Inspector as a Temporary Designated Official Responsible for All Acts Pursuant to the Uniform Building Code was Approved.**
Motion Carried.

CLOSED MEETING:

There were no issues to be discussed in closed meeting.

OTHER MATTERS:

Mr. Kennedy thanked Mr. Murphy and his crew for their work during the storm. Contrary to what I have heard, I think you did an excellent job. You stayed on top of it and did the best you could with what you had.

Ms. Payne thanked Chuck Bird for 6 ½ years of service to the Town and stated there has been a lot of hard work and long nights.

MOTION TO ADJOURN:

Motion was made by Mr. Kennedy to adjourn the regular meeting of Thursday, March 12, 2009, second by Ms. King. With no objections from Town Council, the meeting was adjourned at 8:25 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor