

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, JULY 9, 2009 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

**MAYOR:
VICE MAYOR:
COUNCIL:**

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

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

CALL TO ORDER:

Mayor Rummage called the regular meeting of Town Council to order at 7:00 p.m. on Thursday, July 9, 2009 at the Colonial Beach Town Center.

PRAYER & PLEDGE OF ALLEGIANCE:

The Prayer and Pledge of Allegiance were recited.

ADDITIONS TO THE AGENDA:

Res: - #63-09 – Authorization to Record Plat – Santa Maria Avenue

ADOPTION OF THE AGENDA:

Motion was made by Mr. Ridgely, second by Mr. Lyburn. With no objections from Town Council, the agenda was adopted as presented. *Motion Carried.*

APPROVAL OF THE MINUTES:

Mayor Rummage called for a motion to approve the minutes of the regular meeting of Thursday, June 11, 2009. Motion was made by Ms. Payne to approve, second by Mr. Lyburn. With no objections from Town Council, the minutes were approved as presented. *Motion Carried.*

COUNCIL REPORTS:

Budget: Mr. Ridgely reported that Ms. Grant and Ms. Foulds are working with the auditors on the current year budget.

Streets: Mr. Kennedy reported he had nothing new to add since Santa Maria is on the agenda tonight.

Mr. Kennedy thanked Mr. Murphy and his group for all of the trash pickup during the 4th of July.

On July 28th, between 4 -7 p.m. at the Colonial Beach Town Center, VDOT will be have a public information meeting concerning the bridge at Wilkerson's.

Planning & Zoning: Mr. Coombes did not have a report for this meeting.

Water & Sewer: Ms. Payne reported everything is up and running at the waste water treatment plant although they are doing the final tests and punch out lists. We are waiting on the final letter of approval and once everything on the punch list is completed, sometime within the next month, we will be looking at a ribbon cutting ceremony. The deadline was met.

Public Safety: Mr. Lyburn thanked everyone for attending the 4th of July festivities. There was an estimate of 30,000 people here. With that many people and the little bit of incidences that we had, we did very well. Please give Chief Hawkins an applause for everything he did. Thank you to the fire department, rescue squad and all of the auxiliaries, the Chamber of Commerce and all of the organizations.

Fire Department: Mr. Kern reported

- Total calls for the month of June – 12
- EMS calls – 23
- Accidents – 4
- Average of 8 members per call
- Attended Ocean City, MD Parade – took 1st place in Virginia
- Attended parade in Tappahannock – took 1st place for new fire truck
- Brush high around the fire hydrants from 1st Street and up
- New trucks are big and we need room to maneuver
- Fantastic fireworks

Rescue Squad: Mr. Ridgely reported

- Calls up 8% over last year
- Stayed up Friday through Sunday with 5 units
- Calls were spread out over the entire weekend
- Cooperation from the residents was phenomenal
- Units were scattered all over the beach

Chief of Police:

- Citizens dropped water bottles off to the officers during the 4th of July
- Chamber of Commerce and the members of St. Mary's Church came out and volunteered their help. Without them, it would have been tough

- Within two weeks, the painting will be done on the new building and ready to be inhabited except for the dispatchers. We are still waiting on Verizon.

Economic Development: Ms. King reported and

- Thanked members of the committee
- Received grant from the Virginia Tourism Corporation which is a matching grant of \$10,000
- Agenda for the new committee – push to sell property (lots) and become more of a business friendly town and help the businesses

MAYOR’S REPORT: Mayor Rummage reported:

- Chief of Police did a phenomenal job on the 4th of July
- Department of Public Works did a great job
- The people at Castlewood Park came early
- Tents and cooking equipment on the beach
- Illegal parking started early – needs extreme attention for next year
- A lot of cooperation with the staff and volunteers
- A lot of effort was put in preparing for this year and it should help next year

Mayor Rummage recommended an Ordinance disallowing tents on the beaches because with every tent there are cooking materials. Right now they are not supposed to have grills on the beach but when you see a tent you can assume that they are going to have all of the equipment with it. If we disallow tents as well as cooking materials and put up signs to that effect I think it can be controlled. There were a number of people who were concerned about the people fishing in the swimming areas. That is always a problem and I think we should do something about that. I really think you should take another look on closing our parks at dusk. I think it makes sense as well coming up with some sort of a study to close the beaches particularly on the 4th of July after fireworks are completed and consider putting a time for closure which would give the police some assistance. They need help, they need to have Ordinances passed giving them the authority and signs posted so people can look at them and see what they are supposed to do. If we follow through on this it will be a real plus.

TOWN MANAGER’S REPORT: Ms. Foulds thanked the Director of Public Works and the Chief of Police for all of their time spent during the 4th of July and all of the teamwork. Please pass my appreciation on to your staff. Ms. Foulds read a medical update on the swine flu (H1N1).

CHIEF FINANCIAL OFFICER’S REPORT: Ms. Grant reported on the financials for the month of June.

- Union Bank & Trust Main Checking Account \$2,074,623
- June deposits to Main Checking Account \$2,250,776
- Working on June monthly reconciliation
- Preparations for gathering the year end paperwork for the auditor

TOWN ATTORNEY'S REPORT: Ms. Erard reported:

- Closing on property for Mr. & Mrs. Coffman, the Town has done everything it needs to do. Details are still being finalized on the Coffman side. Once the details are finalized, we will go to closing. I would expect it to be by the end of the month
- The resolution for Santa Maria authorizes the recordation of the plat which dedicates the road for public use. Once you authorize this and once we record the plat, there will be another resolution. It is a very specific resolution VDOT is requiring so we will anticipate approving that at the August meeting
- The revisions for the Nuisance Ordinance - #576 is meant to decrease the timeframe on the notice in order to make the Ordinance more enforceable. I looked at the State authorization to make sure that the rest of the Ordinance is consistent with State law. Some Ordinances have not been updated in quite sometime. It wasn't consistent with State law specifically the penalty section which was completely inconsistent. I revised the penalty section to make it consistent with everything the State Code allows

COMMISSION REPORTS:

PLANNING COMMISSION: - Mr. Coombes reported that the Planning Commission Meeting did not take place on June 2nd because the people who were going to do a presentation, encountered a problem at the Harbor Tunnel. That meeting has been rescheduled for July 23, 2009 at 5:30 p.m. The principal topic will be the implementation chapter of the Comprehensive Plan. That is the last chapter that needs to be considered by the Commission and the public. There will be copious amounts of detail on how to get the things in the plan done and where to go to look for money to do that

BOARD OF SUPERVISOR'S REPORT: Mr. Roberson reported:

- Regular meeting for this month is next Monday
- The County's IDA issued a new contract for the land in the Industrial Park to the O'Gara Group. When this goes through it is hoped that O'Gara will take a hard and serious look at Colonial Beach and house its trainees
- We are 98% done on Riverside Meadows for paving Santa Maria
- Next phase of the project requires \$50K or whatever you can come up with
- The bridge at Wilkerson's – they were originally talking about making that bridge 4 lanes and taking land on both sides. I believe most of the planning has been thrown out because of budget cuts. They were talking about building a new bridge next to the old bridge. It would be helpful and interesting for everyone to show up at the meeting on July 28' 2009 with VDOT

Mayor Rummage stated he was at the County for the initial presentation and they were talking about taking care of the housing themselves, subsequent to that I heard that was done away with.

Mr. Roberson responded he understood that is still an option for them, but the longer this continues to drag on, the more contracts they are losing. They are looking at getting their facilities established for training and house these people somewhere else on a temporary basis or permanent basis depending on how it works out.

Mr. Kennedy asked the timeframe for the full operation?

Mr. Roberson responded the preliminary plans are at the zoning office in the County. They are very anxious because they are losing contracts right now.

Mr. Kennedy asked if they were still operating in their other location?

Mr. Roberson agreed and the reason they are interested here is apparently most of the new federal contacts are coming out for this type of training and they want the company to be within two hours of Washington DC.

Mayor Rummage stated he hoped they could be convinced to use our B&B's and the condominiums which I understand the second building is ready to go up.

COLONIAL BEACH SCHOOL BOARD: Mr. Looney reported:

- The Board appointed Janet Brown as the Interim Director of Finance. She has been on the job for about a month and doing an excellent job. She is going to remain until she has trained her successor
- In the process of appointing someone to fill the vacant position on the School Board
- In the process of trying to find someone to fill the superintendent's position
- We have closed out the fiscal year 2008 – 2009 slightly under revenue. This is a significant achievement because when the auditor gave the first preliminary report to us she told us we were on track to be significantly over revenue. I want to thank everyone in the school system to make this possible to finish under revenue
- Budget approved for \$6,865,885 for FY 09-10
- Approved \$730,000 in funding applications. We hope to have a semi-monthly/monthly report on the funding
- Approved \$370,000 for non-salary expenditures in June
- Approved the compensation of retiring of Ms. Katherine Greenlaw for \$2,670 for sick leave
- Approved compensation of the retiring of Ms. Barbara Worrell for sick leave, annual leave, and personal days of \$24,224.96

Mr. Trivett spoke about the Bright System and stated they have taken a real hard look at that and I met with the Mayor and Vice Mayor on it and all year we indicated that we were going on the Bright System. We put it in our budget to have someone in place to help us implement the Bright System and utilize that system and as you well know the Town Council did not fund that

position. Since that has happened we have had to look at other avenues. For some reason, the school has been using the DOS system for many years for their finances and it is not hard for me to understand why we have had issues. It is really out of date and no one would ever allow that system to be updated until it finally crashed. We have made an effort to make some changes. We have had many headaches along the way. Ms. Brown has done an excellent job. She understands school budgets very well and has to take the whole budget again and work it herself so she could understand what was being done before. She has done an excellent job helping us to understand it which is something that has been very difficult to do this past year. We are looking at a system called RDA and our School Board actually took a vote to implement this system. We would hope that the Town Council would give us their blessing. This is a system we have also been talking to Ms. Grant about. It is a system that will work with school systems. It will also work unlike the Bright System, in order for us to use the Bright System it has to be able to do State reporting as well as give you what you want. We would have to spend about \$70K to upgrade that system. I know the Town has already spent some money to upgrading it which I think they may not have had to do it this year, but I know they would have had to do it from what I understand. This system is going to cost us approximately \$22,750 but it is school user friendly where it not only does the reports for the State but it will do a spread sheet and it will tell you everything that you want to know. I have to commend Ms. Grant. She has done an excellent job of supporting the school system and for helping us every step of the way, anything we had, she has worked extremely close over the last month to make sure we are in the black this year instead of the red. We spent a lot of hours just to make sure that didn't happen and I think that will be the resolve, that we will be in the black. I know I talked about the Bright System, but I am trying to tell you the difficulty of us trying to implement that. When the system crashed, we tried to rush into the Bright System and load things in there. We didn't have the codes. They didn't want to give us information at the Help Desk. They wanted us to come down and spend \$7,000 for us to be trained. We have an expert technology person who can read manuals and implement the system, but they don't give you everything you need to know. They want you to pay for it. She would call and ask questions, they would say they didn't want it done that way, we will do it for you or we will show you how to do it. It created a lot of problems for us. I respectfully submit to you that we are looking at this RDA system and we think that is what is going to be best for the school system. I believe that it will give you everything you will need to know and it will keep our finances on track and the numbers will match just like they matched this month. I think that is the ultimate goal. We want to know what is going on. You want to know what is going on and the citizens want to know what is going on with their money. I will continue to work very hard as we've done this year not to waste money. We didn't go out and just spend money at the end of this year just because we thought we had money left. We didn't do that. We don't care if we have \$500,000 left. We want to make sure if we didn't need it, we didn't buy it. It would have to be an absolute necessity. I hope we will have the results in the next meeting of how much money we have been able to save this year to be able to be in the black. I hope that the Town Council will consider this and understand this and I will be the first to say that I have spoken in many meetings saying we were going to implement the Bright System, but it just doesn't work. I asked the King George director to come down. They use it and they struggle through it. They use it because that is what King George has and they have to use it but they have to duplicate their efforts. Ms. Brown did the same thing. She is very familiar with this system and will be able to do a lot of the training herself for whoever takes her place. The Police Chief and I have worked extremely close together and he has really been as

asset to our school system. Recently I had the opportunity to donate computers to the police department which included 4 new laptops, they are almost new but they are new to him. We have had that relationship to where anytime we call and ask him for anything, he is right there himself to help us out. He has volunteered inmates to help paint the school where there is not going to be a cost to the school. We purchased the paint for the project and he supervised and for that I commend him for that knowing how busy he really is. He did a tremendous job this weekend. He is the Chief and he doesn't have to do that because he has people to do it for him. It is nice to know that he is that dedicated that he is out there working all those overtime hours and probably not getting compensated for it. I want to thank Ms. Grant for the support she has given us this year. Hopefully we are closing this out to be a good year for the school system. I am extremely pleased with what we have been able to accomplish this year. I only hope it will be better next year.

Ms. Payne asked about not going on the Bright System and what the implications would be as far as the audit is concerned? Is Ms. Grant familiar with the program they are going on?

Ms. Grant responded she is not familiar with the program. I talked with Ms. Brown and she said she is thoroughly versed in it.

Mr. Trivett stated Ms. Brown has never failed an audit in all of the years that she has been with Poquoson. My understanding numerous school systems have used this system and she has touched base with Nancy Miller about it. It is an approved accounting system and that is what the audit report said we needed to have. It didn't say we needed to have the Bright System or any other system, it just said we had to have an accounting system that was sufficient which we didn't and we want to do that.

Mr. Kennedy asked for a timeframe to have this particular system implemented?

Mr. Trivett responded they hoped to have the system on line by the first of January and be fully implemented so I would assume that once we have it in place and have all of the information in it, that we would be able to get with her and anything she needs can be done in a spreadsheet where with the Bright System, I don't think it can be.

Mr. Ridgely asked if there was any way that you looked at the system and in the back of your minds figured rather than go forward with this system, you chose another system. We don't want to end up with the same situation we have now.

Mr. Trivett agreed. I think that is why Ms. Brown has been touching base with Ms. Grant.

Mr. Ridgely stated I am not undermining the system at all, it is probably great, but I think the Town needs to make sure this system is cohesive and will produce what it needs to do its books and ultimately be responsible for the funds.

Mr. Trivett agreed.

Mr. Coombes stated that our comfort level needs to be assured. No one here is a technician. I hope Mr. Trivett will agree that we would be very comfortable if we could get a third party like Nancy Miller in accounting to issue a letter to us that this system is appropriate, not only for the school but for our purposes and at that point the participation of the Town Manager and the Chief Financial Officer will be great. I just want that comfort level so we don't go through this process ever, ever again.

Mr. Trivett agreed. If there was a day that Ms. Grant and Ms. Brown could get together and go to whoever uses it in this area that would be easier to see how it operates on someone who uses it.

Mr. Coombes stated he wasn't going to go so far as to say what they should or shouldn't do. They are the professional staff. This Board and I as a Board Member need a comfort level that says from a third party who knows that this will suffice for your needs and the Town's needs as well. I don't care what system you put in or don't put in so as long as the needs are met and we don't ever go through the kinds of things that you have inherited and we have dealt with for years. I think the person to do this is our auditor, Nancy Miller.

Mr. Ridgely stated since she is familiar with both systems, I think that would be a help.

Mayor Rummage stated this is something that should be referred to our Town Manager and have her work with Ms. Grant. I just want to be sure there is coordination and complete integration.

Ms. Grant stated she wanted to make sure whatever system that they use, the data that we need to extract or at least be given is exactly what Council is looking for. I know exactly what the standard is at the moment and maybe when I find out more from Ms. Brown, I will bring it back to Council and we will talk. I agree.

Mayor Rummage asked that it be included in her report.

Mr. Coombes asked about the timeframe from receiving the report? I sense this is something the school wants to move with dispatch.

Mr. Trivett responded absolutely, we don't want to hold you up.

Mr. Ridgely stated we should have a report from Nancy Miller by the next meeting.

Mr. Coombes felt 30 days should be okay.

Mr. Trivett hoped to have it done next week. I will ask Ms. Brown to execute that.

Mr. Ridgely stated Ms. Miller is our auditor and I think Ms. Grant should coordinate the contact with Ms. Miller along with Ms. Brown.

Mr. Kennedy asked in the interim between now and January, what is the process?

Ms. Grant responded we will continue with the same process that we are currently using and have been using for the last two years. Ms. Brown is preparing the line by line expenses. We get those and post them as a journal entry so that you get your totals that equal your totals. We will continue until they are implemented. I can understand a January implementation with regard to W-2's and finishing out the year.

Mr. Ridgely asked if the system goes up in January, you will have six months under this system?

Mr. Trivett questioned what system?

Mr. Ridgely stated the system you have now.

Mr. Trivett responded we are using Quick Books right now. We are not using the Bright System right now. We put data in it and were unable to get anything.

Mr. Ridgely stated for this budget year, you are going to continue to provide Ms. Grant whatever we need. You are going to implement the new system in January and I guess you will have a good picture for next year.

Ms. Grant stated the accounts payable will be in 2 different systems during their fiscal year but their payroll will be out of one system. It should not affect us as long as Janet and I stay in lock step.

TOURISM COUNCIL:

Mr. Edwards reported the Tourism hours are Friday from 1:00 to 5:00 p.m., Saturday from 10:00 a.m. to 5:00 p.m., Sunday from 10:00 a.m. to 4:00 p.m. On holiday weekends, Tourism will extend their Sunday hours from 5:00 p.m. and will be open on Monday's from 10:00 a.m. to 4:00 p.m. Tourism opened on Friday, May 23rd for the season. It was also open the following Memorial Day weekend. Tourism closed for the month of June for renovation. Tourism reopened the 4th of July weekend Friday, July 3rd through Sunday July 5th. I would like to thank the Town Manager and especially Rob Murphy for overseeing the renovations of the Tourism building. Many thanks to the Town staff for their efforts during the 4th of July. Tourism still needs more members and if you are interested in becoming a member or know someone who is interested please come by and check us out. We meet, greet and answer questions for people who are visiting Colonial Beach and we give them information regarding hotels, restaurants, cottages to rent and things that will be happening during the summer in Colonial Beach. Tourism has the CBVA decals, t-shirts, collared shirts, and caps in stock for sale. Thank you for the help and support you've given the Tourism Advisory Committee.

PUBLIC HEARING:

ORD: #576 – AMENDMENT TO TOWN CODE OF ORDINANCES, CHAPTER 15, “NUISANCES”

BUTCH FOUTZ – 329 CRESCENT DRIVE – COLONIAL BEACH VA

Mr. Foutz stated he owns property in the Town, so he has been subject to this Ordinance. I have been hit three times with a letter when we didn't mow the grass as we should have. I can

understand that the Town wants to try to enforce the Ordinance and try to get things done quickly. For example I hope someone cuts the grass around your fire hydrants pretty quick. If this was a perfect world and this Ordinance was written this way, it probably would work, but if this was a perfect world, we wouldn't need the Ordinance to start with. I agree that some changes need to be made to the original Ordinance, but I am asking that you hold it over to another meeting until I can meet with someone to take 30 minutes to find out how this works and what the ramifications are if it is improperly handled. We don't have a perfect world. We have a water bill over here for \$2,000 or \$3,000 because somebody down here didn't get it right. I have a house at 303 Hamilton Street. I sold the lot and went out one day and the water was turned off from my house. It connected the water to the new house. I got no notice. I got three different water bills over the next six months trying to straighten out what they thought I owed. I didn't complain when I got the first one. I didn't complain when I got the second one. I didn't complain when I got the third one but I guess I paid them the amount they wanted. The system we have in place and the people who are doing it are just not doing it exactly right. When you go to first class mail and someone stands up and says they mailed a letter, well that is not the same thing as a certified letter. I had to sign for the certified letter so they know I got it. Fifteen days is not really reasonable because you get a notice saying they are going charge \$120 dollars to mow your yard, you get your rear end out and mow the grass. Well, not only do we have a foul up there, but I got a notice in the mail this year certified, saying I had to mow my grass because it was too tall. I went out on May 10th and the only reason I happened to know the day I mowed the grass because they were having a funeral across the street. I got a \$120 bill for mowing the grass on June 9th. I don't think it could have gotten that high in that period of time and I should have gotten a notice that someone was going to charge a \$120 to mow my grass. We have a situation even with the certified mail, we have problems. I haven't had time to complain to Teresa or to the Town Manager. I will next week because I am not going to pay the \$120 until they take me to court. It was just plain done wrong. If you had nothing to back you up but somebody said they wrote a letter 7 days ago, that is an even worse situation. I am suggesting that we take a look at how this works and how it can cause unintended problems. It will take me another 30 minutes to explain the kind of problems I have had with these kinds of letters. Teresa called me on Friday and told me to mow the grass. I went out and mowed it on Monday and on Tuesday I had the certified letter because she mailed it Monday. I have tried to cooperate with the woman. At that particular time, I wrote a letter. If you are going to call me on Friday and send me a letter on Monday just don't bother to call. This time she didn't bother to call. A few days later after she wrote the letter, in order to save \$120, I mowed the grass. We need to look at how it is going to work.

Ms. Erard responded that the State Code does not require certified mail and it says after 3 days, an individual is presumed under the law to have received a letter that has been mailed by first class mail.

Mr. Foutz stated he could show her in the files a letter that was mailed to me certified and they can't prove I got it because it was never delivered.

QUITCLAIM FOR SANTA MARIA AVENUE TO TRANSFER TO COMMONWEALTH OF VIRGINIA, VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS the Colonial Beach Town Council wishes to pave Santa Maria Avenue in order to address the concerns of the residents; and

WHEREAS the Town of Colonial Beach is participating in the Commonwealth Transportation Board Revenue Sharing Program; and

WHEREAS participation in the Commonwealth Transportation Board Revenue Sharing Program requires that a portion of Santa Maria Avenue be dedicated for public use.

NOW THEREFORE BE IT RESOLVED that the Colonial Beach Town Council, after having advertised and conducted a public hearing pursuant to Va. Code section 15.2-1800, at its regular monthly meeting on July 9, 2009, hereby authorizes the recordation of a plat to dedicate for public use a fifty foot (50') variable width right of way known as Santa Maria Avenue that is .32 miles and extends from Route 205 to Stratford Street.

Mr. Roberson stated I thought we were going all the way down to Riverside Drive.

Ms. Erard responded this is what Mr. Hathaway gave me today.

Ms. Erard stated she has had extensive conversations with both Mr. Hathaway and Mr. Trapani and what is in here is what they emailed me verbatim.

Ms. Foulds stated the map matches the information that is in the resolution.

JOY RING – 303 SANTA MARIA AVENUE

Ms. Ring stated we bought our house three years ago and we live about 8 houses down from Route 205. When we purchased our house, the road was not paved. We were told at that time that it would be paved within 6 months by our builder. They said that Hamlet Homes was responsible for that road and the whole road would be paved. We are still waiting. I don't understand why you would not pave all of Santa Maria for our residents at the other end also. Every once in awhile, we are patted on the back by getting our road graveled or they bring a scraper in there to cover up the potholes.

Mayor Rummage responded it is the intention of us and VDOT to pave practically the entirety of Santa Maria this summer or late fall. It will be done.

ROBERT SOKOL – 213 SANTA MARIA AVENUE

Mr. Sokol asked the timeframe for paving of Santa Maria Avenue?

Mayor Rummage responded that he had been told by VDOT that the latest it will be started is in September.

Mr. Sokol responded a year ago, I was driving on better roads in BAGDAD, IRAQ. If Mr. Murphy could come out once a month and cover up some mortar holes that we have going out there because hardly anyone on the street can't say that we are taking on wear and tear on our vehicles.

Mayor Rummage stated it was our understanding and with VDOT and the County that this paving would be done late this summer or early fall. It will be done and if there is a problem that has just arisen. It has to do with a legal technicality on the title and it has nothing to do with the financing which is in place.

Mr. Sokol stated so far we have heard it was supposed to be done in June, then it got bumped up to September.

Mayor Rummage replied we are telling you on the record that it will be done late summer or early fall of 2009.

Mr. Sokol asked what can we do while waiting to have the roads paved, so we can drive on somewhat decent roads? I feel sorry for the Chief if he has to run a call down the road.

Mr. Murphy responded he could grade it again.

Mayor Rummage recommended that Mr. Sokol call the Town Manager's office and she will discuss that with you.

Mr. Sokol stated the other issue will be at Route 205 and Santa Maria to clear out that brush because you cannot see clearly.

Mayor Rummage responded we have a problem at practically every intersection in this Town in that regard.

SUSAN SOKOL – 213 SANTA MARIA AVENUE

Ms. Sokol asked how will the drainage issue be affected by the paving of the road? We called Mr. Murphy and he can see that it is not draining properly. Will that be addressed before the road is paved or will it be addressed at all?

Mr. Roberson responded the highway department has to do them together. That is one of the bigger problems. Paving a road is easy, but drainage is a problem. The highway department will do that. It will be in conjunction with everything else.

Ms. Sokol asked what she could expect from VDOT on the drainage issue when Santa Maria Avenue is finally paved? You said they are not going to do anything about the pool that runs through my yard.

Mr. Roberson responded there will be ditches on both sides of the roads, yes.

Mayor Rummage stated at the break we can discuss this. This is not an issue before us right now.

Mr. Coombes asked for point of order and stated his understanding of public hearing is to hear comments from folks who have a concern, it is not a question and answer period. Is that correct?

Mayor Rummage agreed that Mr. Coombes' statement was correct.

PUBLIC PARTICIPATION:

MIKE LOONEY – 3 MARSHALL AVENUE

Mr. Looney announced that the annual Colonial Beach Triathlon for this weekend and encouraged everyone to attend.

SYLVESTER BROWN – 603 JACKSON STREET

Mr. Brown stated his main concern was fishing on the Town pier. We seem to have a lot of people on the pier who are not cordial fishermen. Could we instigate some type of Ordinance where only 2 rods per person is allowed?

Mayor Rummage responded we would take it under advisement.

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

OLD BUSINESS:

There were no matters to discuss in old business.

NEW BUSINESS:

ORDINANCE - #576

**AMENDMENT TO TOWN CODE OF ORDINANCES, CHAPTER 15,
“NUISANCES”**

ORDINANCE NO. 576 AMENDS CHAPTER 15, “NUISANCES,” ARTICLE I, “TRASH, GARBAGE, WEEDS & GRASS,” SECTION 15-1, “UNLAWFUL CONDITIONS OF TRASH, GARBAGE, REFUSE, LITTER AND OTHER SUBSTANCES GENERALLY,” AND SECTION 15-2, “UNLAWFUL CONDITIONS OF WEEDS, GRASS, SHRUBBERY, TREES AND OTHER VEGETATION GENERALLY,” OF THE COLONIAL BEACH TOWN CODE TO CHANGE THE NOTICE REQUIREMENT FOR VIOLATIONS FROM CERTIFIED MAIL TO FIRST CLASS MAIL AND TO REDUCE THE TIME PERIOD TO REMEDY VIOLATIONS FROM FIFTEEN DAYS TO SEVEN DAYS. ORDINANCE NO. 576 ALSO CHANGES THE PENALTY PROVISION FROM A CLASS FOUR MISDEMEANOR AND CHANGES IT TO A CIVIL PENALTY OF UP TO \$50 FOR A FIRST VIOLATION, OR VIOLATIONS ARISING FROM THE SAME SET OF OPERATIVE FACTS. ORDINANCE NO. 576 STATES THAT THE CIVIL PENALTY FOR SUBSEQUENT VIOLATIONS NOT ARISING FROM THE SAME SET OF OPERATIVE FACTS WITHIN 12 MONTHS OF THE FIRST VIOLATION IS UP TO \$200 AND EACH BUSINESS DAY DURING WHICH THE SAME VIOLATION IS FOUND TO HAVE EXISTED CONSTITUTES A SEPARATE OFFENSE. ORDINANCE NO. 576 ALSO PROVIDES THAT SUCH VIOLATIONS SHALL BE A CLASS 3 MISDEMEANOR IN THE EVENT THREE CIVIL PENALTIES HAVE PREVIOUSLY BEEN IMPOSED ON THE SAME PROPERTY OWNER FOR THE SAME OR SIMILAR VIOLATION, NOT ARISING FROM THE SAME SET OF OPERATIVE FACTS, WITHIN A 24-MONTH PERIOD. ORDINANCE NO. 576 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA CODE SECTION 15.2-901

BE IT ORDAINED that the Colonial Beach Town Code, Chapter 15, “Nuisances,” Article I, “Trash, Garbage, Weeds, Grass,” Section 15-1, “Unlawful conditions of trash, garbage, refuse, litter and other substances generally,” and Section 15-2, “Unlawful conditions of weeds,

grass, shrubbery, trees and other vegetation generally” shall be amended to read in their entirety as follows:

“Chapter 15, “Nuisances”

ARTICLE I. TRASH, GARBAGE, WEEDS, GRASS

Sec. 15-1. Unlawful conditions of trash, garbage, refuse, litter and other substances generally.

(a) No owner of any lot or parcel of land within the town shall permit trash, garbage, refuse, litter and other substances which are reasonably liable to endanger the health of any person or injuriously affect public health or safety to remain on the lot or parcel.

(b) Whenever the town manager or the official designated by him determines that any such unlawful conditions exist, he shall notify the property owner of record of such determination by certified first class mail, ~~return receipt requested~~, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. If the condition is not corrected within fifteenseven (157) days after ~~receipt~~the date of ~~such~~the notice, the town manager or his designee may order such condition to be corrected, either by town forces or by a private contractor. The actual cost shall be billed to the property owner and if not paid shall be added to and collected in the same manner as the real estate tax on such property.

Sec. 15-2. Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally.

(a) *General prohibitions.*

(1) No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of the town shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height.

(2) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon; or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.

(3) Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.

(b) *Abatement and penalty.*

(1) Whenever the town manager, or the official designated by him, has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within fifteenseven (157) days. Such notice shall be in writing, shall be sent by certified first class mail, ~~return receipt requested~~, to the address listed in the real estate tax records, requiring such property owner to correct the condition.

(2) If such grass, weeds, brush or other uncontrolled vegetation as prohibited by paragraph

(a)(1) are not cut within the required time, the town manager or his designee shall cause them to be cut and the costs and expenses thereof shall be billed to the property owner and, if not paid shall ~~be constitute a lien against such property ranking on a parity with liens for unpaid local taxes added to and collected in the same manner as the real estate tax on such property.~~

(3) ~~Any owner who violates this section shall be guilty of a Class 4 misdemeanor. Violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. The penalties provided in this section shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. However, such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same property owner for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.”~~

Mayor Rummage stated it has been requested that we postpone this Ordinance. Is there any desire by the Town Council to delay this?

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

Mr. Coombes asked why are we making changes to Ordinance #576?

Ms. Erard responded to assist in the enforcement of the requirements regarding tall grass and to bring it in conformity with State law.

Mr. Coombes stated you mentioned that earlier. How does this assist us in getting something done?

Ms. Erard responded it takes often a substantial amount of time to get the return of service on a certified letter and 15 days is almost twice as long as 7 days.

Mr. Coombes stated then all we are talking about here is 7 days versus 15, certified versus first class mail and the penalty which is a Class IV Misdemeanor.

Ms. Erard responded it is removing that and putting in its place a civil penalty unless they are repeat violations within 24 months and then it becomes a Class III Misdemeanor.

Mr. Ridgely asked if the State Code allows for certified mail?

Ms. Erard responded yes. We can do certified mail in addition to first class mail. You can do both.

Mr. Ridgely stated if we are going to charge people to cut their grass and no knock on the US Postal Service, but it would behoove us and we would be in a much better light and fairness to go ahead and send the certified letter.

Ms. Erard responded the difficulty that you have or that staff runs into is that there are some people who don't pick up the certified letters and then the grass just sits there. We can't prove that we've given notice.

Mr. Kennedy stated but on the same note, there is proof that the letter was received. If they pick that letter up there is a signature proof. If they are away on vacation we have no way of knowing that, but if the letter is sent certified and I think it should be, there is no guarantee someone will get it or where it is going to go, if it is not sent certified.

Mr. Ridgely asked about them not picking up – is it returned?

Ms. Erard responded yes, but then there is no notice and you can't proceed with enforcement.

Ms. Payne stated if they don't pick it up, then we can't do anything.

Ms. Erard agreed and stated that has been the problem under the current Ordinance.

Mr. Kennedy stated if they argued that they never received it, I am just not looking at this correctly. It should be by certified mail.

Mayor Rummage asked if it should be delayed until the next meeting?

Ms. Payne asked to amend her motion by keeping it the 7 days and with certified mail.

Ms. Erard asked about first class mail?

Ms. King stated anything short of personal service. If you tried it both ways, that is about as fair you can be.

Ms. Payne asked if that would allow us to proceed if we send it first class as well as certified, does that allow the Town to take action?

Ms. Erard responded we could add that wording into the Ordinance, that if a letter is sent by certified mail and first class mail, after 7 days from the date of the notice, that the grass may be cut by the Town staff.

Ms. Payne requested to make that amendment to the motion.

Mr. Lyburn agreed.

With no further discussion on Ordinance - #576, Mayor Rummage called for a vote. Mr. Ridgely **nay**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Coombes **nay**, Mayor **aye**, motion carried and the **Amendment to the Town Code of Ordinances, Chapter 15, "Nuisances" was Approved. Motion Carried.**

AGENDA - 50-09

RESOLUTION – ESTABLISH DATES & TIMES OF REGULAR MEETINGS

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the governing bodies of towns set their regular meeting scheduled by resolution to be held at the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia on the second Thursday of each month at 7:00 p.m. unless a holiday falls on that Thursday, the scheduled meeting will be on the following Tuesday at 7:00 p.m.

BE IT THEREFORE RESOLVED, that the following dates have been established for the Town Council Meetings:

Thursday	July 9, 2009	7:00 p.m.
Thursday	August 13, 2009	7:00 p.m.
Thursday	September 10, 2009	7:00 p.m.
Thursday	October 8, 2009	7:00 p.m.
Thursday	November 12, 2009	7:00 p.m.
Thursday	December 10, 2009	7:00 p.m.
Thursday	January 14, 2010	7:00 p.m.
Thursday	February 11, 2010	7:00 p.m.
Thursday	March 11, 2010	7:00 p.m.
Thursday	April 8, 2010	7:00 p.m.
Thursday	May 13, 2010	7:00 p.m.
Thursday	June 10, 2010	7:00 p.m.

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

With no discussion on Resolution - #50-09, 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 **Establishment Dates & Times of Regular Meetings was Approved. Motion Carried.**

AGENDA - #54-09

RESOLUTION – ESTABLISHMENT OF MEMBERS OF TOWN COUNCIL COMMITTEES AND SETTING THE MEETING DATE & TIMES

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 9, 2009 hereby establishes members of the Town Council committees as follows:

Public Safety Committee: Chair - Burkett Lyburn; Steve Kennedy

Public Works Committee: Chair - Karen Payne; Trish King & Burkett Lyburn

Budget & Finance Committee: Chair - Ronald Ridgely; David Coombes & Karen Payne

Economic Development: Chair - Trish King; Steve Kennedy

****Note: The Mayor is a Member of all Committees****

BE IT FURTHER RESOLVED, that the committee meetings will be held on the last Thursday of each month with the suggested starting times as follows:

Public Works Committee	3:00 p.m.
Budget & Finance Committee	4:00 p.m.
Economic Development Committee	5:00 p.m.
Public Safety Committee	6:00 p.m.

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

Ms. Payne asked to be removed from the Economic Development Committee as she has been listed on three committees. She would like to participate in the committee, but would like to be an unofficial member of the Economic Development Committee.

Mr. Kennedy asked if there would be enough time in between everyone's meeting since the meetings are going to be held back to back?

Ms. King stated not every committee will have a full agenda every week.

Mayor Rummage responded that he presumed so.

Mr. Kennedy stated he just wanted to make sure enough time has been allotted for each committee.

With no further discussion on Resolution - #54-09, 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 **Establishment of Members of Town Council Committees and Setting the Meeting Dates and Times was Approved. Motion Carried.**

AGENDA - #56-09

RESOLUTION – APPROVE RETROACTIVELY A CERTAIN ORDINANCE/RESOLUTIONS PREVIOUSLY ADOPTED BY TOWN COUNCIL ON JUNE 17, 2009

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 9, 2009 hereby motions to approve retroactively to June 17, 2009 the following Ordinance and Resolutions:

Ordinance - #570 – Vacates/Abandons a Portion of Town Right of Way – Dennison Street

Resolution - #51-09 – Approve the Sale of a Portion of Dennison Street to Bryan and Vicki Coffman

Resolution - #52-09 – Approve the Sale of Lot 12 to Bryan & Vicki Coffman

Resolution - #53-09 – Contract Renewal for Chief Financial Officer

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

Ms. Erard stated this is a requirement of Roberts Rules of Order.

With no discussion on Resolution - #56-09, 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 **Retrospectively Approving a Certain Ordinance/Resolutions Previously Adopted by Town Council on June 17, 2009 was Approved. Motion Carried.**

**RES: - #58-09 – ESTABLISHING MEETING DATES FOR COUNCIL WORK SESSIONS –
*No action taken***

Motion was made by Mr. Ridgely remove #58-09 from the agenda, second by Mr. Lyburn. With no objection, Resolution - #58-09 was removed from the agenda. **Motion Carried.**

AGENDA - #59-09

RESOLUTION – ELIMINATION OF TOWN COUNCIL WORK SESSIONS

WHEREAS, the Town Council of the Town of Colonial Beach wants to conduct the Town's business in the most efficient manner; and

WHEREAS, the Town Council oversight committees are being reintroduced to expedite and streamline the business of Town government; and

WHEREAS, the work of the committees will eliminate the need for a monthly Council work sessions.

NOW THEREFORE BE IT RESOLVED, by the Colonial Beach Town Council meeting in regular session on Thursday, July 9, 2009 that the monthly Town Council work sessions be eliminated from the meeting schedule.

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

With no discussion on Resolution - #59-09, Mayor Rummage called for a vote. Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Elimination of Town Council Work Sessions was Approved.** **Motion Carried.**

Mr. Kennedy explained that we have done away with the work sessions. We have had two meetings each month. The committees will be taking the place of that work session. It is open to the public.

Mayor Rummage stated there will be four committees meeting each month in lieu of the work session.

AGENDA - #60-09

RESOLUTION – APPROVE RETROACTIVELY CERTAIN RESOLUTIONS ADOPTED BY TOWN COUNCIL AT A SPECIAL MEETING ON JUNE 25, 2009

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 9, 2009 hereby approves retroactively to June 25, 2009 the following resolutions:

Resolution - #55-09 – Transfer from Utility Reserve to Balance Budget

Resolution - #57-09 – Directions to Town Manager for FY 2010 Budget

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

Ms. Erard stated this is a requirement of Roberts Rules of Order.

With no discussion on Resolution - #60-09, 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 to **Approve Retroactively Certain Resolutions Adopted by Town Council at a Special Meeting on June 25, 2009.** **Motion Carried.**

AGENDA - #61-09

RESOLUTION – AUTHORIZATION FOR THE TOWN MANAGER TO ENGAGE VML/VACo ACCOUNTING SERVICES FOR ACCOUNTING SUPPORT

WHEREAS, the Town of Colonial Beach Town Council has been advised by the Miller Foley Auditing Group that the Town administration should be granted the necessary resources to bring the Town’s accounting practices and procedures into compliance; and

WHEREAS, the Town has an opportunity to secure the required services through the VML/VACo Finance Accounting Services program.

THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session Thursday, July 9, 2009 hereby

approves a contract in the amount of \$25,250 between the Town of Colonial Beach and VML/VACo Accounting Services and authorizes the Town Manager to execute same and to charge the cost to Contracts for Professional Services in the Town Manager’s budget after appropriate line item adjustments are made to equal \$25,250 in that category.

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

Mr. Ridgely stated this item has been budgeted under the Town Manager’s budget for Professional Services.

With no further discussion on Resolution - #61-09, 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 **Authorization for the Town Manager to Engage VML/VACo Accounting Services for Accounting Support was Approved. Motion Carried.**

AGENDA - #62-09

RESOLUTION – AWARD OF AUDITING CONTRACT

WHEREAS, The Town of Colonial Beach is required to have a licensed Certified Public Accountant perform an audit each year; and

WHEREAS, Nancy Miller of the Miller Foley Group, was engaged in providing auditing services for FY 2008; and

WHEREAS, the Town Council reviewed the proposal dated April 30, 2009.

NOW THEREFORE BE IT RESOLVED, that the Colonial Beach Town Council meeting in regular session Thursday, July 9, 2009 hereby awards the contract for the FY 2009 audit to Nancy Miller of the Miller Foley Group and authorizes the Town Manager to execute the appropriate contract documents in accordance with the April 30, 2009 proposal.

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

Mr. Ridgely stated this is coming out of the line item for Legislative Audit for Budget, Department 12240 line 3120.

With no further discussion on Resolution #62-09, 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 **Award of the Auditing Contracting was Approved. Motion Carried.**

AGENDA # 63-09

RESOLUTION – AUTHORIZATION TO RECORD PLAT – SANTA MARIA AVENUE

WHEREAS the Colonial Beach Town Council wishes to pave Santa Maria Avenue in order to address the concerns of the residents; and

WHEREAS the Town of Colonial Beach is participating in the Commonwealth Transportation Board Revenue Sharing Program; and

WHEREAS participation in the Commonwealth Transportation Board Revenue Sharing Program requires that a portion of Santa Maria Avenue be dedicated for public use.

NOW THEREFORE BE IT RESOLVED that the Colonial Beach Town Council, after having advertised and conducted a public hearing pursuant to Va. Code section 15.2-1800, at its regular monthly meeting on July 9, 2009, hereby authorizes the recordation of a plat to dedicate for public use a fifty foot (50') variable width right of way known as Santa Maria Avenue that is .32 miles and extends from Route 205 to Stratford Street.

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

With no further discussion on Resolution - #63-09, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Ms. King **aye**, Mayor **aye**, motion carried and the **Authorization to Record Plat for Santa Maria Avenue was Approved. Motion Carried.**

Ms. Erard stated Mr. Roberson and I had the opportunity to talk on break and he is going to also be following up with VDOT to try to get them to pave as much of Santa Maria Avenue as possible.

Mr. Ridgely stated with the course of business tonight, we are supposed to adopt the Bylaws of Rules and Procedures annually according to Section 1-1 (A) of the bylaws in the July meeting. I motion that we adopt them and then adopt the proposed revisions in the August meeting, second by Mr. Kennedy. This will keep the Bylaws of Rules and Procedures in tact between now and August.

Mayor Rummage called for a vote on Resolution - #64-09. 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 Bylaws of Rules and Procedure for 2009 was Approved. Motion Carried.**

CLOSED MEETING:

There were no issues to discuss in Closed Meeting.

OTHER MATTERS:

There were no other matters to discuss.

MOTION TO ADJOURN:

Motion was made by Mr. Kennedy to adjourn, second by Mr. Lyburn. With no objection from the Town Council the regular meeting of Thursday, July 9, 2009 was adjourned at 8:35 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor

