

**MINUTES OF TOWN COUNCIL MEETING HELD
THURSDAY, SEPTEMBER 10, 2009 – 7:00 P.M.
COLONIAL BEACH TOWN CENTER**

**MAYOR:
VICE MAYOR:
COUNCIL:**

**FREDERICK C. RUMMAGE
TRISH KING
DAVID COOMBES
BURKETT LYBURN
STEPHEN KENNEDY
KARNE 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, September 10, 2009, at the Colonial Beach Town Center.

PRAYER AND PLEDGE OF ALLEGIANCE:

The Prayer and Pledge of Allegiance were recited.

At this time Mr. Alger presented the Boy Scout Awards to those Boy Scouts who were present.

ADDITIONS TO THE AGENDA:

Motion was made by Mr. Ridgely to table Resolution - #72-09, #73-09, and #74-09, second by Mr. Lyburn. With no objection from Town Council, the resolutions were tabled and referred to the appropriate committee. *Motion Carried.*

ADOPTION OF THE AGENDA:

Motion was made by Ms. Payne to adopt the agenda as presented, second by Mr. Ridgely. With no objection from Town Council the agenda was adopted. *Motion Carried.*

APPROVAL OF THE MINUTES:

Mayor Rummage asked for a motion to approve the minutes of the Special Meetings of June 17, 2009 and the Special Meeting of June 25, 2009. Motion was made by Mr. Lyburn, second by Ms. Payne. With no objection from Town Council, the minutes of the two Special Meetings were approved as presented. *Motion Carried.*

Mayor Rummage stated I have some serious questions about the August 13, 2009 minutes. Mr. Coombes, in comments that were made toward the end of the meeting, you indicated that you were informed by our Town Counselor that you could only communicate with the Mayor through my lawyer. That really needs some very serious clarification. I can understand where issues raised by the letter from my attorney to the Town Attorney should not and would not be

discussed by me with any member of staff, but when it comes to conducting business in this Town for you to not to communicate with the Mayor, the people elected me, you didn't. That is a mistake and I want that clarified. I would like those minutes clarified and I would like to have a legal opinion from the Town Attorney at the next meeting outlining exactly what the communications should and should not be.

Ms. Erard stated as I understand it, the item that is being discussed on the agenda is the approval of the minutes. Are you disputing that the minutes are correct? I understand you are raising a separate substance of issues, but I am just asking about the minutes.

Mayor Rummage stated I held up the approval of the August 13, 2009 minutes because there is a grievous error in them.

Ms. Erard asked are they inaccurate?

Mayor Rummage stated they are totally inaccurate - the one item on page 47.

Ms. Erard asked Mayor Rummage if he was saying the minutes do not reflect what occurred.

Mayor Rummage responded no, if the minutes reflected truly what you told Mr. Coombes, then that is totally incorrect. What the minutes say in essence is that no one is to communicate with the Mayor because the Mayor hired a lawyer. You may recall or you may not, back in April when I hired legal counsel it was after I had a conversation with you and you said you could not represent me any longer.

Ms. Erard stated the question is are you saying that the minutes are accurate as far as what happened at the meeting.

Mayor Rummage stated the minutes are accurate but I want them changed so that they reflect the true issue and then I am asking you to work with whomever to clarify them for the next meeting.

Ms. Erard felt these types of issues could be more effectively dealt with if you and I stepped outside of a public meeting. The question as far as the approval of the minutes is only whether the minutes are accurate as far as what occurred at the meeting. If there is an issue about procedure, I would be happy to talk with you about that at some other date.

Mayor Rummage asked to continue this discussion tomorrow.

Ms. Erard agreed.

Mr. Ridgely stated what she is asking is, what actually transpired at the meeting, whether you agree with it or not the minutes are accurate, correct?

Mayor Rummage stated the minutes are accurate.

Motion was made by Mr. Ridgely to approve the minutes of the regular meeting of Thursday, August 13, 2009, second by Mr. Kennedy. With no objection from Town Council, the minutes were approved as presented. *Motion Carried.*

COUNCIL REPORTS:

Public Works Committee: Ms. Payne reported the Public Works Committee met on August 27th, and we discussed a number of ongoing items:

- Continuing and almost finalized improvement to the waste water treatment plant. We do hope to have a ribbon cutting ceremony in October
- I&I Project for the 3rd Street area and Bancroft Avenue to begin next spring
- Buildings & Grounds – what will happen to the Police Department Building, the Klotz Building, and the Building & Zoning Building now that they have been vacated or will be soon vacated? Committee requested staff to come up with a white paper with pros and cons on this issue which will be discussed at the next meeting on September 24, 2009. Public comment is allowed during the meeting on this issue.

Ms. Payne thanked everyone for attending the meeting tonight and from what I understand a lot of you are here because of the concerns or issues that have been raised in the newspapers in the recent weeks about possible restrictions of what is happening in Town on the public beaches. I want to personally say that I think a lot of these comments have been overblown. I personally would never vote for anything that would ban Frisbees and fun on the beaches on the Playground on the Potomac.

Mayor Rummage asked for a moment to speak with Ms. Payne.

Mayor Rummage asked to deviate from the agenda and asked Mr. Vaughan to come to the front to speak and stated I brought this up now, because I thought it would be appropriate because this gentleman has a real problem in the Riverside Meadows area with flooding. He has already discussed this with Mr. Murphy.

TIM VAUGHAN – 215 SANTA MARIA AVENUE

Mr. Vaughan stated he had not spoken with Mr. Murphy. He has cancelled two meetings with me. I hear our roads are supposed to be paved this year. I am a little concerned about that. My neighbors are concerned as well because of the drainage problem that needs to be fixed. My knowledge of the roads is that the drainage is supposed to flow one direction or the other, not both directions and a dam in the middle at our locations at 213 and 215 Santa Maria Avenue. The water sits there and doesn't drain. It floods our yard, front yard, side yard and back yard. When the Town hired Decked Out to redo the storm drain systems behind our home, he did nothing but make the drainage system worse. It doesn't work and VDOT agrees with us. Does anyone else in this Town know that it doesn't work? My neighbors, Rob & Susan have come to several Town Council Meetings and have also met with Rob Murphy to try to get someone to listen to no avail. Like I said, I have scheduled two meetings with him. He has cancelled on me both times. I understand the Town has drainage problems all over Town, but in our case it doesn't drain. With a combination of knowing the roads are going to be paved and we got a bad

rain storm on August 22nd that flooded both of our yards so bad, I have had enough. It was the last straw. I called the Mayor at his home on a Saturday afternoon and he came out to my house within 15 minutes and I want to thank him for that. The Mayor got to see firsthand how the water drained into our two yards and went nowhere. He made a comment to me that day. He thought the water was supposed to drain towards Riverview Avenue. Since that meeting with the Mayor, I took it upon myself to make a phone call to VDOT. I had a meeting with Clyde Hathaway along with my neighbors. We had a very good meeting with him. He was very informative. We learned more from him in 45 minutes than I have learned from this Town in three years regarding this problem. A couple of things I did learn were that the roads will not be paved until the fall of 2010. VDOT will work with us on fixing the drainage problems first but, the Town, can step up to the plate and fix the problem that you started. My final words on that is - do the citizens of Colonial Beach a big favor and stay out of the business of building new subdivisions because you don't know what you are doing.

SUSAN SOKOL – 213 SANTA MARIA AVENUE

Ms. Sokol passed out a handout with pictures and stated that her family lives at 213 Santa Maria Avenue. In addition to Mr. Vaughan, our biggest problem is if you will look at the first page of pictures, it shows the street and how this drainage flows in the middle of Mr. Vaughan's yard and the beginning of my yard. It goes down between our two yards and if we have a bad storm, it will flood up almost to our foundation. It continues down beside our home through the middle of my yard to the edge of my property on the other side and back to what Decked Out intends to set up to drain out to Riverside, I imagine. The third page of pictures is the view of my yard from my second story house. That is his and it runs right through the middle, floods almost up to my deck every time it rains and floods the back. I am not able to use more than half of my property because of the ditch in the middle of my yard. The Town of Colonial Beach does not have an easement to my property. This ditch is manmade and it was made prior to us moving in. No one will buy it with a ditch in the middle that continues to flood. We have spoken to Mr. Murphy on a couple of occasions about this. The Town owns the property easement and maintains the ditches along Santa Maria Avenue, not the ones through the middle of my yard. When we told him we would fill it in he said we couldn't do that either. We can't block it, we can't fill it in. So we are stuck with flooding that was created by the Town and probably Hamlet Homes. When the VDOT representative came out he did tell us it would be next year before the roads would be paved and the most of the tubing would need to be replaced that is under the road because it is metal. He has taken measurements that he had on his paperwork and showed us how inadequate they are for actually flowing instead of draining. He acknowledged that it was not properly constructed but he also explained that VDOT is only concerned about the flooding which impacts the road once it is made. The ditch that runs between our streets and behind my house will not impact the road. VDOT may not fix that. He said he would try to get them to run properly just through the easement along the streets and not through our yards but depending on funding, he didn't remember what had been matched and what hadn't, what was promised and what didn't make it, it may not be corrected in a manner that would be adequate for our street. We do have title insurance and it does not give Colonial Beach easement to my property. The final page of pictures is where the drainage tubes that Decked Out put in along the back, along the easement, behind Santa Maria Avenue, how the drainage tubes don't line up, most of them are crushed, some stick out of the ground. The grade does not go down to these drainage tubes

as you can see, in the back of my yard it goes up. Everything settles in my yard and Mr. Vaughan's yard.

Mr. Kennedy asked Ms. Sokol if the ditch existed when you bought the house on Santa Maria Avenue?

Ms. Sokol responded the ditch was made when we bought the house. We did not put it in.

Mr. Murphy stated there was no easement there and there was an existing ditch that I remember years ago when it was wooded and Hamlet Homes was involved in re-routing that ditch.

Mr. Kennedy asked about the piping that is sticking up out of the ground. Who installed that piping? Was it the builder?

Ms. Sokol responded it was Decker Out.

Mr. Murphy responded it was not Decker Out.

Mr. Vaughan disagreed. It was installed by Decker Out.

Mayor Rummage stated we have deviated from the normal procedure. I wanted to have an opportunity to bring this out. The Chairman of the committee will meet with Mr. Vaughan and Ms. Sokol. I did observe flooding and it doesn't only affect two homes. It affects a lot of others.

Mr. Kennedy stated I just wanted clarification. I am not trying to put anyone on the spot. I just didn't understand the pictures as I was looking at them. I just want to make sure I understand what was said and that is the ditch that was there when you bought the home.

Mr. Sokol asks the one that runs from the street through the back of the yard?

Mr. Kennedy agreed.

Mr. Sokol stated Hamlet Homes put that there under the guidance of the Town, but it is not our easement. The Town is not liable to fix that. It is up to us to keep that open, but we don't have to, the Town does not own that.

Mr. Kennedy asked if this issue was causing some of the flooding?

Mr. Sokol stated Decker Out has come out across the street and it is like a flood zone. On Azalea Street, Decker Out dug a trench so now that Azalea floods onto our property which I tried to search for it on the Chesapeake Watershed Act to find out if it is legal to flood from one property into another one.

Mr. Kennedy asked if Ms. Sokol had talked to the builders and Decker Out about the ditch that apparently we don't have an easement for and by his own admission, we are not responsible for it to go across the yard? Have you talked to them about correcting that issue?

Ms. Sokol reported while you may not be responsible for the ditch, the Town is responsible for the tubes that lead up to the ditch.

Mr. Kennedy stated that is what he was trying to figure out. Is it our tubes or what the builder put in, exactly who do the tubes belong to?

Mr. Murphy stated he wanted to know what Mr. Hathaway said because if he actually gave you elevations, I would like to see them. I actually met with Mr. Trapani and I don't think Mr. Hathaway was there at that time, but they stated that the drainage was shallow, with very little depth and did not have enough depth to get to Locust Avenue without running flat through certain areas. I would like to see that information that he shared.

Mayor Rummage stated I would like for you to make contact with Ms. Payne and she will coordinate a meeting with the Town Manager and the Public Works Director and whoever else. It is a problem. I understand that and if Mr. Hathaway told you that this paving is not going to take place, we will check that out.

MITCHELL STAPLES – 3012 RIVERVIEW DRIVE

Mr. Staples stated tonight you are talking about flooding, my yard was completely under water and the water was running in my garage. I called the police department and asked the dispatcher if he could get a hold of Mr. Murphy to come out and take a look at it. I have been fighting it for 4 ½ years. The first excuse I had was that we didn't have a backhoe to open the ditch, so now you have a backhoe. The second excuse is we don't have an operator. Three doors down from me there is 15 inch drain that goes to the river with a 36 inch break. Now if I can go down there and dig a trench with a shovel and drain the water off of it in 45 minutes why can't the Town open it to drain it permanently? The neighbor across the street, it was up to his front porch.

Mayor Rummage stated this is recorded and it will be addressed.

Budget and Finance Committee – Mr. Ridgely stated the Budget Committee met on August 27, 2009 and discussed:

- Audit recommendations
- Met with Dr. Power and discussed issues and their new accounting system

Economic Development – Ms. King thanked everyone for their concern and encouragement during her personal tragedy and legal issues.

- Website is doing well
- Discussion on Eleanor Trailer Park – there is a resolution in place that all of the existing trailers on the front will be removed by August of 2010. The committee is requesting Town Council to consider the date of having the rest of the trailers moved by July 31, 2011.
- Lions Club – There is quite a bit of property for sale and we would like to move along with the possible selling of the property. Mr. Josh Gemerek is present from Bay Aging and is going to be doing a presentation tonight on the Lions Club Property

Mr. Kennedy stated the Chamber of Commerce brought to our attention that there is a great opportunity for this Town in late July, first of August next year to bringing the National Jet Ski Championship here. Economically it would be great for us. We are talking about filling up 125 rooms and the restaurants doing a booming business. It is a three day event. In order to go forward with the event, I am asking this Council tonight to go forward with this. As we talked before, the Chamber of Commerce is asking \$7,000 from us to help defray the cost. I am asking Mr. Roberson to do the same thing in the County.

Mr. Roberson stated it would be discussed in their Board of Supervisor's Meeting on Monday.

Mr. Kennedy stated I am not looking for a vote of resolution, but if I could get a show of hands of a commitment by this Council to back this event. I think it is something if we don't get it here, we are missing the mark.

Ms. King stated it is always money. If the money problem can be worked out, the idea to bring the whole program here for three days at the beach would be wonderful. It falls right into economic development and it's about the water and it's about boating. If we can find the money, then I am for it.

Ms. Foulds responded she was open to suggestions.

Mayor Rummage stated maybe this would be discussed at the Budget Committee meeting.

Mr. Ridgely stated we will bring some recommendations to the Town Council. I will ask the finance committee if we can come up with some funding recommendations.

Mr. Kennedy stated he would like to let Mr. Geddes know tomorrow that he has our backing. The total for the event is \$20,000 and they are asking the County for \$7,000 and the Town for \$7,000.

There was a show of support from the Town Council.

Public Safety – Mr. Lyburn thanked everyone for attending the Public Safety Meeting on August 26th concerning the safety procedures and ordinances in the Town. But let me tell you right now before we get into that, at one of the meetings someone in the audience said you couldn't throw a volleyball or Frisbee or have fun in Colonial Beach. We are just looking for the safety aspects of doing things in a proper and safe way. I have been here since 1966 and the volleyball pole's have never been taken down. Kids play Frisbee, but if they are in a crowded area, and if it is that crowded then the kids would be asked to move to another area. We are not going to stop anybody from having fun in Colonial Beach. I want the press to know tonight that we are not stopping people from having fun in Colonial Beach. We are here to have fun and that is why we are here. We are the Playground on the Potomac. You don't come to the beach and sit on the sand to just look at the water coming back and forth on the shoreline. You come to the beach to have fun with your family, eat and swim. The fishing part of it we are going to try to control. You can't fish everywhere in the Town of Colonial Beach, but we have not decided on

anything as of yet. This is a long process we have to work with and we need everyone in the Town to come to our Safety Meeting's for their input. We can't please everybody, but we can come to a happy medium somewhere along the line. Let us know what the community wants and what we can do and we cannot do, but we are not stopping anybody from having fun. We just want you to be safe. We don't want kids running up and down the beach with fish hooks in their feet or coals buried in the sand for someone to get hurt. There are certain things we have to do. It takes everyone to help us. The boat ramp at Castlewood Park has been fixed. Castlewood Park, thanks to Ms. Foulds and the Public Works, the kids are playing on the slides, the yard has been cleaned up and everyone is having fun. Sometimes we have to do certain things to get people's attention. It is not that we are trying to stop anything, but we want everyone to be safe. I have been working in safety for the last 33 years in the Federal government, sometimes you have to get people's attention. You have to be aware of what is going on. I want to thank everyone who did come to the meeting because they had a lot of input. We are working to make it safe with ordinances feasible for everyone. Until it has been to committee, nothing is engraved in stone, until everything is voted on. We have people coming here from New York, Florida, as far as California and they like our little beach, but there has to be procedures in place that we have to go by. I went to Myrtle Beach on vacation and we are the most lenient beach I think in the State of Virginia or maybe even up and down the east coast. Myrtle Beach is very strict. You pay to park. You pay for an umbrella and two chairs which costs you \$25.00. You can bring anything out here as long as you can see through it and have fun. The pier – we are working on that and we need some input. We have a lot of people who like to fish and they like to bring three, four, five or six rods on the pier. We need to know how many rods, per person they should have to fish on that pier. Should a man have 10 or should he just bring 2? The police department and the Chief have been very helpful. They have been manning everything on the beachfront. Summer is over with now and things will probably quiet down. I thank the police department, public works and Ms. Foulds for their work to try to make things better for everyone. People come here to enjoy themselves and have a good time, but we have to give and take a little bit. I work in DC and I can't wait to get home. Please work with us. For anybody who has not been to the police department, please stop by and take a look. You will be very proud once you walk through that front door. Everyone seems very happy including the Chief. I think he is getting more work out of his officers than ever before.

A request was made by Sherryl Woods, 1122 Lee Street, Colonial Beach, VA to include her letter as part of the Town Council Meeting minutes.

Dear Mr. Mayor, Councilmen and Chief Hawkins:

'I am deeply disturbed by the general tone of the discussion surrounding the proposed ordinances regarding our public beaches and parks. It is a grave disservice to residents and to the tourists upon which so many restaurants and businesses rely on to be saying or doing anything that will make anyone feel less welcome to our community. These are public beaches and parks and should not be subject to closing at the whim or prejudices of a few nearby residents. It is my understanding that there are already ordinances prohibiting unacceptable behavior, be it littering, alcohol on the beaches or drunk and disorderly conduct. Banning anything beyond this does not seem to me to rise to the level of a public safety issue. Two fish hooks found on the beach after years of public fishing does not constitute a reason to close beaches to fishing. Additionally, there are less disturbing ways to address some of the other issues I've heard raised. If trash is a problem, then there needs to be more trash cans and more frequent pick-ups, especially on busy

weekends. Similarly, more portable bathrooms would seem to be necessary in heavily used areas. Closing a park is not an acceptable response to a correctable situation. And no matter what activities are banned, signage could easily be phrased in a way that does not make this Town the laughing stock of the entire region. For example, "Please help us keep our beaches and clean safe for everyone" sets a far different tone than listing dozens of forbidden activities, which seem to be rising to the level of absurdity. Oddly, for all the signage that currently exists, not a single one that I've noticed states that there is no lifeguard on duty and that people must swim at their own risk. That would seem to be Town safety and liability issue that trumps all of these other worries. I would encourage all of you to take a step back and calmly discuss logical solutions that help to make Colonial Beach the kind of friendly welcoming community it can and should be. Sincerely, Sherryl Woods'

Colonial Beach Rescue Squad

Mr. Ridgley stated last month the calls were up about 5.8%, everything else is status quo. We have 6 new applications.

Colonial Beach Fire Department

Mr. Kern reported there were 51 calls for service for the month of August; 12 fires, 29 EMS, 6 accidents, 5 miscellaneous which includes public service anywhere from smoke detector inspections to putting up banners and 4 boat calls. We have a junior program just starting and they have to be a full time student, meaning W&L or Colonial Beach. They have to maintain a C average. They do have to do training. We have 6 guys taking EMT and will be finishing in 2 weeks. Starting in October they will be starting Firefighter 1 and that will last until the middle of December. One of the things they have to have is CPR. We have the Utility Truck and that is what we use on EMT calls. If there are any problems in this process, the department will take action on it. The lot behind Lenny's Restaurant on Colonial Avenue is owned by the Fire Department and it is fenced now because of security reasons and if we are doing any training, we don't want anybody getting hurt while they are over that way. On October 3rd at Cameron Hills the Fire Department is hosting a golf tournament. November 14th, is the fifth Annual Rockfish Tournament. I would like to remind everyone if they need a smoke detector inspection, they can call the fire department for an appointment. There is not a cost for the fire detectors. Mr. Kern showed the 911 reflector sign. They are for sale for \$20 and can be mounted on the mail box. It is hard at nighttime to see house numbers. These reflector signs speed up our response time as well as the rescue squad. At the last public works session a comment was made concerning sirens and noises. The State Code 46.2-1061 states "every law enforcement vehicle is authorized to be equipped with warning lights, shall be equipped with sirens, exhaust whistles or air horns designed to give automatic sounding". If you have any inconvenience with the noise, bear with us, it is for our safety as well as yours.

Colonial Beach Police Department

Chief Hawkins reported the Optimist Club was coming to Town on September 14th at the Bank of Lancaster for their first meeting. They are trying to draw support to start a club here with the youth. We are in our new building and it is amazing to see the difference on the faces of the employees. I really appreciate what you did for the employees of that department and you wouldn't believe what it has done for the morale and what the citizens have said when they come in and visit on how professional it looks. Monroe Bryant was introduced as the Accreditation

Manager and has done an exceptional job. We are on track and this is very important to the department. The Evidence Manager from Richmond was very impressed with the new building and our folders. We will be participating in the Montross Festival on October 3rd. We will supply 6 officers and our cadets to help with the parade route.

MAYOR'S REPORT:

At this time, Mayor Rummage asked Mr. Josh Gemerek from Bay Aging to come forward with his presentation.

Mr. Gemerek stated he was the Senior Vice President for housing at Bay Aging. We are a community based non-profit that provides support services to not only the seniors in the area but also to people of all ages since we became a community action agency on July 1st. We have been in existence for 32 years. One board member who represents Westmoreland County, Sara Looney, was present. She lives in Colonial Beach and my co-worker Vincent Smith who is Vice President of Property Development is here also. Ms. Foulds invited me to come here to give a brief overview of our vision of what we could possibly bring to the Town as far as new senior housing is concerning. The Meadows in Colonial Beach is a property that is owned by Bay Aging. We have been operating that for about 12 years now. Bay Aging, 15 years ago, recognized an opportunity to develop affordable housing for the elderly. We have been in existence for 32 years and we were doing other programs such as in-home nursing care, meals on wheels and transportation. We also have other housing programs, like the indoor plumbing program, the weatherization assistance program, emergency home repair and these were single family housing programs, but we were recognizing a need in the community that the elderly could really benefit from as far as coming from one centralized location and living together in a community where we could bring support services for easily, effectively and efficiently. They could benefit from centralization. This type of property that we own and develop is really considered independent living with support services and it comes closer to affordable assisted living than anything else out there. There is really is no affordable assisted living. Assisted living and nursing homes are very expensive. Our model has been looked at across the State and one that could not be replicated. Around 1995 when we first applied for the funding for the Meadows, it was through the HUD Section 202, Supported Housing for the Elderly Program. It is a grant program with a non-profit status and we pursued this money and received it successfully and since then, we have developed 10 communities throughout the Northern Neck and Middle Peninsula. We are based in Urbana, but our home is Colonial Beach also. The Meadows is 33 units. We built it in 1997 and it has always been full. Consistently we see the waiting list of 30 to 40 people. That is sizable for only having 33 units to begin with. Our site manager was moving in someone in today who has been on the waiting list for 4 years. The demand in this Town is very strong and shouldn't be dying off anytime soon. In this example of senior housing, we provide, we offer a lot of amenities that we think really help the elderly. We operate the Westmoreland County Senior Activity setup that operates in the community building. We have recently begun a tele-medicine program which not only allows the residences and the elderly in the community contact with doctors at hospitals in Richmond such as MCV and UVA in Charlottesville, but it allows them to have contact without having to make that long trip because we know transportation is difficult. We have a lot of other activities such as health care and other things we are bringing to those residents to make life easier for them. Bay Aging always acts as the management agent for the 10 communities that I mentioned throughout the

region. We want to stick with these properties and don't want someone else to manage them so we are the sponsors, developer and once they are built, we manage them. The properties we develop, we have to stick with them for 40 years. There are deed restrictions that guarantee that. Qualifications: people who are 62 years or older, it is income restrictive and for example at the Meadows, residents cannot make more than 80% of the area median income. Either a one bedroom or two bedroom household, is \$31,550, for two persons, the annual income is \$36,050. The income can be less, but not more. All residents pay 30% of their income, plus we give them a monthly utility allowances that allows them to pay their electric bill. We are creating a very supportive situation and a very affordable situation by developing these communities. We handle the maintenance and we always try to keep our properties esthetically pleasing. We are very concerned about that and we manage tightly. Looking to the future, we are very much interested in developing more senior housing. We feel it has great amenities and we can pursue one of two major pools of money and that can either be through the HUD Section 202 or we can pursue the VHDA tax credit funding that we would qualify for. This project is in the infant stage. We don't know specifically where it could ultimately lead although we have had some discussions about an actual location, but nothing is set in stone right now. It is just an idea and we know there is a need there and we want to do something. It is our mission and we will only do it if it is supported by the Town and community, but we know there is a need out there. We have a fairly good formula that is working and we would like to replicate that. If it is something we do pursue, I don't see us constructing something, actually completing something until around 2013. It is not something we could open tomorrow but it is something a few years down the road that could be completed and residents could actually be moving in. There is a lot of planning that goes into this. I am trying to paint a picture of our vision.

Mayor Rummage asked how many units?

Mr. Gemerek responded there are 33 units there. We have one two bedroom and the rest are one bedroom units. We have two units that are actually occupied by a couple. There are 35 residents that could exist there.

Ms. King asked what guarantees do we have that this will always be funded just for seniors only?

Mr. Gemerek responded there are restrictions in place – deed restrictions. If it is through the HUD Program, you have deed restrictions. You have recorded deed restrictions that formally say it must be occupied by 62 and older. You would be amazed at how much paperwork is created by settlement. If you are talking about the tax credit program through VHDA, you have investors actually buying tax credits to provide equity for the development. The tax credits would be recaptured and your funding would be taken away if you were not in compliance. There are very strict IRS rules and that would mean age restrictions. I can back all of this in documentation that I did not bring with me tonight.

Ms. King stated we know the Meadows is a lovely place and well run and managed and a nice addition to the Town. That is one reason why I wanted you to come up.

Mr. Gemerek stated we must operate the Meadows for 28 years as elderly housing but even after that we wouldn't abandon the project. We would continue the use but you get other funding to do that.

Ms. King asked Mr. Gemerek if he would be willing to come up and talk to us at a later date?

Mr. Gemerek agreed.

With no further discussion, a brief recess was called at this time.

TOWN MANAGER'S REPORT:

Ms. Foulds reported we conducted interviews with several great candidates for the position of Supervisor and Manager of our waste water treatment plant. We have hired someone and she is a Class I Waste Water Treatment Plant Operator and also a Water Operator. I have worked with the Chief Financial Officer and our auditors in preparation of our upcoming audit as well as working with our representative from VML/ VACO who are really working long hours. I have worked on a meeting with USDA regarding the extension on the I/I. We did get a six month extension where we provided documentation with Dewberry assisting and that is back on track. I would like to say thank you to everyone including the citizens for all of the support and phone calls on the work we had to do to get Castlewood Park re-opened and back on track.

Mayor Rummage stated a comment was made by one of the individuals from Riverside Meadows that VDOT indicated that paving on Santa Maria would not take place until next year.

Ms. Foulds responded she had not had any conversations with VDOT regarding this.

Mayor Rummage asked if Ms. Foulds would verify the date for paving and whoever made that statement I would like to contact them.

Ms. Foulds agreed.

CHIEF FINANCIAL OFFICER'S REPORT:

Ms. Grant reported:

- Union Bank and Trust Main Checking Account - \$1,242,580
- August deposits to Main Checking Account - \$1,048,619
- August revenue & expenditure report ready on Monday

Mr. Coombes stated things are getting complicated and somewhat sophisticated at the Planning Commission Meeting now that we have the Comprehensive Plan well under control and what I did last week was to give each member of the Commission a copy of the Town's budget. There seems to be a disconnection between the planning process and what the Town is doing. The Commissioner's really don't know everything we are talking about. Some of that may be our responsibility and some of it may be their responsibility but in any event, several Commissioners said the budget as presented was very difficult for them to understand and these are people who deal with budgets in their own business. Is the format and software we are using the way it comes out?

Ms. Grant responded the layout of the data that goes in is certainly changeable, but it is with the direction of the Town Manager.

Mr. Coombes stated it was the structure, not the data that goes into it.

Ms. Grant responded the current structure has been modified and changed with each Town Manager and the current structure fits Ms. Foulds' needs for her to be able to manage the budget.

Mr. Coombes stated it wasn't a big deal, but they expressed some difficulty in understanding everything. I am going to suggest if any of the Commissioner's still have a problem to come talk with you.

TOWN ATTORNEY'S REPORT:

Ms. Erard stated she wanted to start off by responding so that the Town Council as well as the citizens know that I did not make a statement that I could not represent you the Mayor. What I said was that I don't represent you, I represent the Town Council and the interest of the Town and that was in response to requests for one or more things that I recall that you asked me to do that I felt represented perhaps your agenda and not necessarily the consensus of the Council. I do recall on one of those items, I asked you to please put it on an agenda so that the Town Council could vote on whether or not that is how they wanted me to spend my time. In terms of whether or not you retain the services of an attorney that is a very personal decision. That is not something I forced you to do. While we are talking about agenda items, I just have a recommendation to Council as a whole and that is that in terms of the agenda's, that people really focus what is on the agenda and that they put on the agenda the things that they plan to talk about. This allows for efficient government as well as for people to come prepared and able to provide effective input so that we could actually get some things done. Every meeting it seems there are things that pop up out of nowhere and they kind of never go anywhere because no one knew that they were on the agenda and no one is prepared to respond and there is no real direction on them. That is just my advice as a legal matter and as someone with a fair amount of experience in the area of local government. The issue of Riverside Meadows and the drainage issues and the paving keeps coming up meeting after meeting. I would recommend perhaps this item be placed on a committee agenda and that one or more Council Members who are interested in this issue identify possibilities for funding to address these issues to see whether or not funding is possible to address the issue these citizens are facing. It is my understanding that there isn't money currently in the Town budget for this purpose. Some things that have occurred to me over the weeks, months and years that I have heard of these issues, we could look at trying to either restructure or structure some new type of Bond issuance. I did have the opportunity to speak to a Bond Counselor about whether it would be feasible or whether he would recommend for us to do a \$100,000 Bond Issuance and he felt the cost would be too high to do just a \$100,000 Bond Issuance, but perhaps if we have other projects or other needs that we could somehow restructure or increase the amount of the Bond Issuance which is something we might be able to incorporate into that. That is one option that I see. Another option is the possibility of a Special Tax District which is a legal mechanism where people who live in a particular area pay an assessment on top of their property to pay for some major improvement that benefits only their particular area. Another option would be just looking at whether it would be appropriate to levy some type of a tax increase town-wide in order to offset the cost of the paving. I would

encourage that the citizens be provided with a response if it is possible or it's not possible or it is possible but we have to pay for it by doing this or something because I hear the frustration month after month. I would be happy to do any research or to provide any more detailed information on those options. There may be others out there, but those are the ones that occurred to me.

COMMISSION REPORTS:

PLANNING COMMISSION – Mr. Coombes reported the Planning Commission met on Thursday, September 3, 2009 and there was significant discussion on a number of items.

- The draft version of the new Comprehensive Plan. That is a plan that goes from year 2009 to 2029. It has taken 1 ½ years to get to this point and we have it on the web site, there are copies in the library, copies in Town Hall and copies in Building & Zoning. Everyone is encouraged to take a look at it. It is a document that came from the consultant and large citizen input. Council was thanked for appropriating the funds of \$20,000 to get this done. Discussion will take place at the next meeting of the Planning Commission on the major substantial items that it is either acceptable, not acceptable or needs changing. We will hold a public hearing in November and vote on its acceptance. We had a 25% return on the questionnaires, and every questionnaire that had verbal information written on it is in the appendix
- Maritime Commercial – the Commission is aware and understands the Council's position on this. We also understand it was Council's wish to have us take a look at alternatives namely residential commercial and mixed use as an alternative to the Maritime Commercial. The process will begin in a month or two. In the resolution sent to us, you wanted the old Parker Restaurant land for us to convert it to R-2 which is purely residential and conforms to the entire area south of Boundary Street
- Enterprise Zone – we are proceeding ahead through the Town Manager's Office in preparing an application known as the Enterprise Zone. It is in the Comprehensive Plan and there is a timeframe from which we have to respond via and through the County. The Enterprise Zone is a vision of being a zone basically down Colonial Avenue. Mr. Mitchell, our Building and Zoning Administrator asked us to take a look at this as well at what is known as a Technology Zone and gave us pertinent information and we will be doing that as well.
- There are three major pieces of property that the Town owns, two of which the Town owns that is the Lions Club property which is approximately 2.9 acres, Eleanor Trailer Park which is 2.5 acres and then the Lennar Homes piece of property of 532 acres known as the old Wilkerson Farm. Those large land properties have not been developed. It is important that we get ahead if the change in the economy is for the better or even if it comes along very slowly. Eleanor Trailer Park and the Lions Club are two pieces of property which could be sold and they are large enough for us to consider a Planned Unit Development so the Planning Commission is going to move ahead with updating immediately the Sub-division Ordinance and recommendations will be forthcoming in

anticipation of those two pieces of property in the not too distant future being sold and developed. The third piece of property is the Wilkerson Property. The original owner of that was Ben Bell. He had a partner in Lennar Homes. Lennar Homes owns it now and they have put in a requisite to the planning office for the preliminary plat plan so they can still build on it. I understand they want to build on that. There is some activity beginning to move in the legal arena on that property. One of the things as a former Council Member, a sitting Council Member and a Planning Commission Chairman, fussed about has been the Town's lack of having a proffer program. We shoot ourselves in the foot because we don't have one. Under the Ben Bell property, he agreed to give us \$300 for every home or condo that was built there. Compare that to the \$26,000 that Spotsylvania gets for every home that is built and the \$32,000 that Stafford gets because they have a Proffer Program. Westmoreland County put in a Proffer Program. We have done nothing. In view of these three pieces of land I think it is incumbent that we develop a program quickly. Council should direct the Planning Commission to move forward. If we have a Proffer Program it does not mean that you can't ask for things separately from the development underway. It would be a way for us to get money for the roads in Riverside Meadows. It would be a way for us to get money to help with the flooding projects. We could utilize and ask for reasonable sums of money. We could get educational money and it is just endless. Right now all we can do is ask the developer to make a contribution. The developer at the Renaissance did that until the economy sunk and now the Fire Department and Rescue Squad aren't getting anything. On a Proffer Program, you can hold them to it. It is a legal agreement. We have to do this because thousands of dollars are escaping from us as we develop these two pieces of property and deal with Lennar. Lennar Homes is apparently going to come back to us and ask for modifications from what they now have in place. That is what I hear whether it is true or not, I do not know. The Lions Club and Eleanor Trailer Park will have to go through re-zoning if we put any multi-family housing or anything else on the properties. If Council would ask us to do that, we can begin next month.

Mr. Kennedy asked about the Enterprise Zone and the meeting in Westmoreland County and taking a portion of Route 3, identifying a section of Route 3 down to the shell building, I want to make sure that whatever we are doing, what the County is doing does not hamper our ability to identify what we already have.

Mr. Coombes stated the Town Manager has been in contact with Karen Lewis and Norm Risavi and I think we are on target.

Ms. Foulds agreed.

Mr. Kennedy withdrew his statement.

Mr. Roberson stated you can't do it. The County has to apply for it.

Ms. Erard asked Mr. Coombes to mention the item that Ms. McMullen brought up about the James Monroe Foundation. We had discussion about moving that forward and sending that on to a Council committee so they could explore it.

Mr. Coombes stated there is a past history of the Town's involvement in the relationship. As I recall, I think the commission agreed that since we had a written document it wasn't necessary for Ms. King to attend.

Ms. Erard stated it was her understanding that Ms. McMullen feels that it would be beneficial to the Town to pursue the grant funding that the gentlemen spoke about.

Mr. Coombes agreed but he did not remember the Commission saying anything but I think from the Council's standpoint that would be something underneath finance that we need to take Ms. King's analysis about because it is a page and one half of historical review of where that relationship has been. The Foundation has had much difficulty in raising money, not only from us but from all over for that operation. We should talk about the possibility of getting a grant.

Ms. King stated I turned the information over to Ms. Foulds and a lot of it is a matter of administering and there is a lot of confusion as to who is going to do what. There is supposed to be \$40K someone is looking for and I know we don't have \$40K. I will turn the information over to Ms. Foulds and Mr. Mitchell since he has a background in grants.

Mr. Coombes stated it probably should go to the finance committee.

Mr. Ridgely motioned to have the Planning Commission look over the Proffer Program, second by Ms. Payne. With no objections this issue was turned over to the Planning Commission for their recommendation. **Motion Carried.**

BOARD OF SUPERVISORS:

Mr. Roberson reported:

- Board of Supervisor's Meeting will be moving to the A.T. Johnson Building
- Phase II of the sewer plant, we should be getting State approval of the pre-engineering plan within the next few weeks which means it then goes to the engineering bid and once they are brought in, then finally it should go out to bid to have it done. It should be a little while now before we start the sewer line out to Oak Grove
- Santa Maria – the reason it is taking so long to have Santa Maria paved is because it took the Town Council so long to get the easements, right-of-ways and finally the resolution. We did that months ago with several roads in the County and now the County roads will be paved this fall. The Town's will not be. They are still working on it. The County has to take care of drainage dealing with the roads, not someone's back yard. Some

of the work that was done in Riverside Meadows was not done properly and it will have to be re-done

Ms. King stated she thought the drainage had been done properly after many years and that is why VDOT accepted the road.

Mr. Roberson did not agree. When they accept a road they accept it knowing they have to do the drainage. That is the reason why it cost so much for the road to be done.

Ms. King stated when the Town finally got on Virginia Department of Transportations' schedule for the paving of Riverside Meadows, the former Mayor would not take it off of the agenda because he didn't want it to be forgotten. Virginia Department of Transportation came back to the Town and said we, the Town, had to fix the drainage before we are going to accept it so we spent lots of money trying to fix the drainage. They said okay, now it is VDOT's road.

Mr. Roberson responded it has never been their road. It is still not their road yet. One of the things is that you finally passed a resolution. The resolution is now sitting in Richmond and the Board down there has to vote to accept it and they haven't done it yet, therefore, the local highway department can't do anything until Richmond tells them that it is part of the highway system and you can start the design and how we are going to get it paved.

Ms. King asked then what were we spending the money for?

Mr. Roberson responded he did not know because it was done wrong.

Mr. Murphy stated the far side of Riverside Meadows was never designed.

Mr. Roberson stated the highway department has nothing to do with that. When it was mentioned it was going to take awhile, that was one of the reasons why it is taking a while.

- The County has the attorney writing up a special tax district for paving roads. Coles Point has a lot of dirt roads down there and some of those people are willing to go ahead and pay a little extra to get their roads paved. The problem that you have in the Town is the roads in the County belong to the County and the roads in Town belong to the Town. For any matching money the road has to be given to the County and then the County applies
- Enterprise Zone – it took Montross 15 months to put that altogether and also the Technology Zone would be very good for the Town
- Eleanor Trailer Park – when Dave Coombes and I were on Council years ago and they were looking at getting rid of Eleanor Trailer Park, we were told at that time there may be some problems because that was donated by a family one hundred years ago and it will be deeded back to the family if you decide to get rid of it

Mr. Coombes stated we obviously have to research it.

Mayor Rummage thought it had been looked into.

Ms. Erard responded yes.

Mr. Roberson stated the counselor at that time told us it was a problem.

Mr. Coombes stated during the period of time you and I have been off Council the issue has been researched legally according to our Counsel. What that result is I don't know.

Mayor Rummage stated there has been a court case recently.

Ms. Erard responded she was not aware of a court case recently.

Mayor Rummage stated you made a comment that is not a problem. We have a fee clear simple title to the park.

Ms. Erard responded she recalled discussing this issue with the previous Mayor and I don't recall discussing the sale of the property, my recollection at the time that the decision was to change the use of the property and we did do some preliminary looking at it. It didn't seem it was going to be a problem. I think Mr. Roberson brings up a good point. I think it would be prudent to go back and look at it again. I am not recalling what you are recalling.

Mayor Rummage stated he thought they were your words, maybe not.

Ms. King stated I have to agree with the Mayor and for some reason I remember that subject came up and there was some discussion as to whether or not we were going forward with it because why go forward with it if you didn't have the option of selling it?

Ms. Erard responded she did recall the discussion, I just don't recall it in detail.

Ms. King asked when the County tackles the Enterprise Zone, Colonial Beach will be included in it, is that correct?

Mr. Roberson stated his understanding of what you wanted us to do, was you wanted us to put together an area as we do the legwork like the Town of Montross has just done and then the County and us will go together and submit it to get it approved.

Mr. Coombes stated Ms. Foulds is dealing with the County Administration to get that process started.

Ms. King stated she liked everyone working together.

Ms. Foulds stated it is an area already identified in the new Comprehensive Plan.

COLONIAL BEACH SCHOOL BOARD:

Dr. Power stated it is a pleasure to be here and I want to let the Council know it has been a delightful opening of school. On August 25, 2009 we celebrated our convocation for the school family to come together and prepare for a new direction, new leadership. The Mayor came and made his remarks and it was much appreciated by the members of the school family. The camaraderie that developed from that meeting is still felt in the schools. The first week of school no matter where I have been in my career there is always that same expectation that you hold a faculty meeting at 4 a.m. because none of the staff sleeps. A very amusing thing was in the elementary school I was speaking to the principal and several of the teachers about the concerns coming up regarding the swine flu. I referred to it as the H1N1 flu and there were 5 first graders walking down the hall and as I am leaving I said to the principal, I will let you know further about the recommendations for the H1N1. As I was at the school the next morning getting the children off the bus a group of kids are holding their hands up to the window at me. I was thinking that is odd, it must be something they do in Colonial Beach. As they got off the bus they said Hi Five Dr. Power – you always have to be careful about what you say because you never know the interpretation. There is a strong indication that with the new leadership and new direction the intent is to come together and work for the betterment of Colonial Beach. I want to give tribute to the Town Council because you certainly have been warm and welcoming to me. I am learning the expectation in my job and we will continue to work together. In regard to the H1N1 swine flu virus, it is a source of concern. We have posted on the web site recommendations from the State and a personal letter to the parents regarding our procedure which is to carefully monitor attendance, letting the parents know that we are mandated by the State to report our attendance daily to the Department of Health and that if a concerned case is brought to the attention of the school then a letter to all of the parents will be sent home. We are keeping up with trying to keep it at a reasonable calm. There will be instructions in the school and everything we do will be proactive in teaching the children about frequent hand washing. I would like for the Council to consider and if they could give me their answer for next month, I would like to showcase the children's art. I don't know how many of you have been through the school, but the art teachers have done a wonderful job at all age levels. I would like Council to consider hanging three or four pieces of student art in this room. I have been partnering with McDonalds for fund raising activities as well as asking your support for several programs that need incentives for student motivation. Part of that discussion has been to portfolio student art every month as we will do in the School Board. The more that we can promote the children in the community and their talents the better it will be. Part of the plan is that in early October we are planning to go to Dahlgren. Dahlgren will be an excellent school community partnership and has many, many resources, not only for the children but for the community. I would like to invite the Council Members on October 8, 2009 to the State is sponsoring Read for the Record and it is the day for the State to celebrate the importance of reading in every child's life. We are asking parents, community members, Council Members to come in and read to a class. The elementary school will be holding a full day event and the high school will dedicate what we call SSR to stress the importance of reading and literacy and fluency in their lives. Please just give 15 minutes of your time, the kids will love it. I look forward to hearing about the pier and the reconstruction. Certainly in this age of budget constraints, many of the field trips that we want to do in the school system involves local visits and that pier is certainly part of the historical part of Colonial Beach. Please let me know when it will be open and when will the school have access to it. I do need the Town Council's assistance, on Garfield Street as you turn off of Colonial Avenue there are bushes that are on the sidewalk and the children have to walk out in the street

to get to school. I need Council's direction as to whether that is the job of Colonial Beach or of a real estate owner and how best to go about that. It is a safety and health issue. I would like to invite everyone on Thursday, October 1st, at 6:00 p.m. to the Homecoming Parade. I get to ride in a yellow convertible Mustang and I am very excited. Friday night, October 2nd is the Homecoming Game. Next month I will be bringing the children with me and it will be the first presentation of the Minute in Colonial Beach History where children in different age groups will be taking up 5 minutes of your time to present their pride in an historical event in the community.

Mr. Ridgely asked if Dr. Power could be moved up to the beginning of the Town Council agenda next month?

Mayor Rummage agreed.

COLONIAL BEACH TOURISM ADVISORY COUNCIL:

Mr. Edwards stated the Tourism Center is still seeing an increase of visitors. August's count was 481 people who stopped by seeking information. There were a number of people coming to Colonial Beach for the first time and some that hadn't been to Colonial Beach in years and they all said that they would return. A number of visitors had heard the Colonial Beach advertisement on the radio. The Tourism Building will be open this weekend September 11th, 12th and 13th for the 43rd Annual Boardwalk Arts and Crafts Festival. The festival will be open from 10:00 a.m. to 5:00 p.m. on Saturday and Sunday. Tourism will be closed for the season but will reopen for the November 6th weekend for the 15th Annual Rockfish Tournament. Tourism still is in need of 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 the visitors and give them information regarding hotels, restaurants, cottages to rent, and things that will be happening in Colonial Beach. Remember, Tourism has CBVA decals, t-shirts, collared shirts and caps for sale. Again thank you for the help and support you've given the Tourism Advisory Committee this season and look forward to your support next season.

Mr. Edwards stated he had received a phone call from one of the ladies on the Tourism Council and she told me a sad thing. A lady came into Tourism and had a bag in her hand and threw little Frisbee's at me. One of them said, throw it while you can. This lady informed me she bought about 100 or so and she was going to pass them out on the beach. That is how bad this has come from what we read in the newspapers. Speaking of the newspapers, I believe what they say and I don't know who they get the quote from but they are there, but some folks and most of the time in Tourism we get people who are not from the area and they don't read the three newspapers. Well this weekend according to my talk today, we had a couple of folks come in from Fredericksburg and they were real concerned about what they read in the paper. They flat out said they don't know if they will come back to Colonial Beach. That is a sad thing. I sit in that building along with the other members and try to be a positive force for this Town. Then for people to read what they read in the newspapers and most take it as gospel and that is a sad thing. My time is valuable just like anybody else down there and we want to be positive and Mr. Lyburn and Ms. Payne I am glad you still want to have fun at this beach because I haven't heard any other approach in the papers that say that. I thank you for that. Yes I still want to have fun

at this beach too. I hope by next spring we will have things in place where we can still have fun at this beach.

PUBLIC HEARINGS:

There were no issues to discuss in public hearings.

PUBLIC PARTICIPATION:

MARTY LONG – 15 VIRGINIA AVENUE

Mr. Long stated he was here about 14 months ago to express the concerns I had with the Boardwalk in the areas of the Riverboat and Days Inn. I was told it was being looked into. Most of what was being looked into is not the same thing as I have seen. In April a couple of storms have made it unbearable on parts of the Boardwalk. At high tide the water would get under the Boardwalk. I approached Ms. Foulds a couple of days later and a couple of days later it was in very nice shape and had been taken care of. In the same regard, I don't think a citizen or someone in that area should have to call every time a storm comes through. Eventually the concrete will collapse and be washed out. I went down in April pulling deeds from the hotel north. A handful of folks do own to the low mean water mark however all inclusive those who tell you they do and don't own to the water, the one thing is all of those properties end at a point that is described as western side of a concrete walk owned by the Town of Colonial Beach and then it picks back up on the eastern side of a concrete walk owned by the Town of Colonial Beach meaning the Boardwalk. Regardless of ownership to the low mean water mark, the Boardwalk from the pier to the Dahlgren Tower belongs to the Town. Instead of going about who owns what beach what I would like to say, I didn't want to go at this way but in accordance with the American for Disabilities Act, all sidewalks and walkways within any jurisdiction must be easily traversed by anyone in a wheel chair, scooters, etc. After the storm, not just the Boardwalk, but the sidewalk leading up to them, I can currently only get to the Boardwalk on one side of Virginia Avenue right now because the other side starting with Isabelle in 2003 it has only gotten worse and on my side of the street the last two or three parts of the Boardwalk are sand, I can't get to the Boardwalk. If that is VDOT, fine, maybe the Town could let them know to deal with it. When it comes to the Boardwalk again, no matter how you look at it, I pulled the deeds and I can forward them to the Town Manager and ask her to share those with the Town Attorney. Either way, I have tried to save you some time by telling you I know what you are going to find. It is the Town's all the way down. Again, in closing please ask VDOT as far as the sidewalks if I remember correctly, I left local government 8 years ago, and depending on how many of the laws have changed, is for your help with the Town's side and the maintenance of that Boardwalk and on Council's side to possibly provide the funds that employees are going to need in coming years from the Riverboat where the owner fixed in front of their business after they rebuilt. The remainder of that Boardwalk is outrageous. Part of what we talked about wanting people to come to the Town is why I bought the property that I did, hoping one day when I go to sell it, it will be a better place not a lesser place but to enjoy it while I am here. The example is the nice brick wall at the Days Inn on the water side – there is an area between the Boardwalk and that brick wall, there are weeds and bushes three and four feet high. It is very unsightly. There is grass on the beach at that end that you could mow. Regardless of ownership I think it is time that someone step up and deal with it. Like I said with the beach, we talked about this being a place to visit, if someone who can no longer walk, I appreciate it a lot more now than I did then. When I leave my home and I want to go to the Boardwalk, I would like to

be able to do to go on the Boardwalk and not have to come to Washington Avenue and go down a main street with all of the other vehicles.

VERA AYRES – 226 LOCUST AVENUE

Ms. Ayres stated she came here tonight to find out if what I read in the paper is true. There were some things in there I could not believe. The paper needs to say what is true and what it means and does not mean. People come to this Town and they leave their garbage and the Town has to deal with it, so the paper needs to correct these comments. What the community said and what other people have said, they have done us an injustice and they need to correct that. Talking about the waterlines, Mr. Murphy has helped me out a lot. Mayor Rummage did not. I called him up there and there were other people I called and I got no help. I could still use some more help but Mr. Murphy has been good to me.

MICHAEL WARDMAN – 943 BRYANT AVENUE

Mr. Wardman read from information he passed out to the Council Members which stated:

Dear Council Members:

On August 13, 2009 you adopted resolution - #68-09 to have an outside jurisdiction conduct a courtesy investigation into the development activities at our home and alleged improprieties by the prior zoning administrator. We feel this is a continuation of the attacks on myself and family have endured since we built our new home, from oyster shells in our flower beds to documents missing from our file. (Please see Richard Stuart's letter.) This I believe, the continuation of a personal vendetta by Ms. Lynn Basar, David Coombes and his neighbor/brother-in-law (Douglas Gaasterland who is in a relationship with Ms. Basar) and Ed and Joyce Gunderson. There is a clear pattern of these individuals making allegations to Town and State Officials. These allegations have been proven to be false by the Town inspectors and State Officials and their letters are attached in your package. Letter 1, dated November 17, 2006 from the Department of Conservation and Recreation closing the matter; Letter 2, dated August 21, 2008 from the Town of Colonial Beach closing the matter; Letter 3, dated March 25, 2009 from the Department of Conservation and Recreation refuting Ms. Basar's most recent false allegations. However, the most troubling piece of information is the document concerning the Chesapeake Bay Act - After the Fact Exception for the deck at 947 Bryant Avenue on May 07, 2009. This is the deck that Ms. Basar's late husband and son built with no permits. It is my opinion that they (Planning Commissioner) did not have accurate facts in making their decision. This is substantiated by the meeting minutes. Mr. Chuck Birds letter to the Planning Commission prior to the meeting, Mr. Buck Pace's letter, and emails from the Department of Conservation (all are attached). These facts include but are not limited to the Major Water Quality Impact Assessment. 1. I understand no assessment was submitted contrary to the Commission's understanding. 2. I understand the assessment had not been reviewed at the meeting as required by the Town Code. 3. I understand that DCR had not reviewed the Major Water Quality Impact Assessment. This is supported in the emails from Ms. V'lent Lassiter stated that she did not receive or review the Major Water Quality Impact Assessment. 4. I don't believe every step was done with consensus with DCR. 5. I also would like to know why the \$800 application fee was waived and by who? Throughout this ordeal, we have never had a permit fee or application fee waived. In conclusion it is clear to me, that numerous issues warranting examination have occurred on Bryant Avenue but not at 943 and 941. For this reason, I ask the Town Council to revisit Resolution #68-09 at the next meeting and consider a resolution to close all matters on 943, 941 and 947 Bryant Avenue once

and for all. I once had great hopes for Colonial Beach. I moved my family here and have supported the schools and other activities in Town. I have invested a large amount of money in this Town. However, as a business owner, I find it very discouraging to see how a select few are able to manipulate and use the Town Government for their own agenda. Thank you for your time. Sincerely, Michael J. Wardman

DONALD MARKWITH – 415 IRVING AVENUE

Mr. Markwith stated I even lived there before it was Irving Avenue and this spring, trucks came there loaded with asphalt and I went out to them and begged them not to tar Irving Avenue because it is a race track. I have been to the Chief many times and he knows it. Cars go up and down 45 and 50 mph. Some of them are locals but most of them are not. I feel the trouble we had this summer had the police department done their job and caught the speeders going down to the park and issued them tickets they would have gotten discouraged and not gone down there and had all of this trouble. This past weekend, I saw two police cars go by my house in a period of seven hours and that's all. I don't know where they were but they are not on Irving Avenue and every car that virtually comes into the Town of Colonial Beach in the summer takes a cruise down to Irving Avenue and around the point and whatever. Some of them fly. This weekend I was in the parade and there was a man in front of me with two cars behind me. We are doing about 25 mph and down by the parking meters a golf cart went by us flying passing all four cars. Later that evening this same golf cart was racing a car in front of my house and they were going about 40 mph. It is terrible. This past weekend we had skateboarders and kids on skates, bicycles, people with baby carriages and people were jogging up and down Irving Avenue and people flying up and down there 50 mph. I am not lying. The police where they were, I don't know. Another thing if they would come down there, park on the side street and get them with radar and call up the street and tell them they are coming to you, get him. I don't know what to do, he is the police chief – I am not trying to tell him what to do but I think something should be done before somebody gets killed down there. Dominion Power has not fixed the mess they made down there. I don't think they intend on fixing it. I guess I've blown my stack long enough.

CHARLIE ROBERTSON – 15 FIRST STREET

Mr. Robertson stated I am going to get in trouble no matter what I say. I appreciate the Council starting their meeting tonight recognizing and remembering our first responders, our military, our law enforcement, our firefighters, our EMT's who gave their lives on 9-11-2001, but let's also add into the mix all those from 9-11-2001 to this very moment are continuing to wage that battle. Whether you believe in the politics or the strategy and tactics of it is not the issue. There are an awful lot of people whether they wanted it or not have been and are in harm's way. When you have your silent moments and you have your prayers, remember them also. Let's talk about perception. Some things may seem a lot worse than they are. Some things may seem a lot better than they are. Perception belongs to each individual. Unfortunately tonight I thought I was going to take a low profile approach to speaking to you, but you began tonight's session those of you today at the leadership, at the podium, began with a horse that was already down on the ground and you were beating it some more. It is time, my opinion, my perception that the leadership of this Town needs to do the things that lead this Town, not to do the things that seem to be continuing arguments and conflict that are wasting your time and your energy and your effectiveness and leaving your constituents and their needs and what they have to say in second

place. That may just be perception, but that is my reality. I want a lot more for this Town and I have not been shy at opening my mouth at times. I think most of the time I have backed up when I have said this is what we are going to do, this is what we are trying to do and I haven't stood aside. I have tried to contribute. What I would like you to consider is the total leadership of this government are things that belong behind closed doors need to stay behind closed doors and it is up to the leadership to make sure that happens. A lot has been said in the media and again one person's reality is another person's perception. Sometimes things are blown way out of proportion and that needs to be looked at. Some research needs to be done. I am not sure it is the media's job other than the editorial section to editorialize on an issue. You are editorializing under the very facts that you are supposed to be presenting. There is a lot we need to do and it takes a village or in this case it takes a town. Let's get back to the business of the Town, put the personal agendas and the prior conflicts aside, agree to disagree, go behind closed doors, not out in the middle of the street, or in this room, in front of the media and in front of all of these people, let's do business and make this Town not just a fun place but let's be happy.

BONNIE HIMES – 29 IRVING AVENUE

Ms. Himes stated she agreed with Mr. Markwith about the traffic on Irving Avenue, it is quite bad. They speed thanks to the asphalt. Mayor and Town Council Members, I am bringing forward a small suggestion from some people who were out on the Town pier. There was a young gentleman struggling to walk to the end of the pier. The man stated he was hoping he would have someplace to sit down. He was a veteran who was recovering from war wounds and struggled to get out to the end of the pier and there is no place to sit down. On another occasion with an elderly woman who was using a cane to walk out on the pier. She said there is no place to sit down now that I am out here. My suggestion and theirs is how about some benches on the west side of the pier not in the fishing area. How about something for people who are walking for fun out to our pier and need a place to sit down.

WALTER KERN – 813 ROOSEVELT COURT

Mr. Kern stated Allen Michael Robey participated in the school to work program at the firehouse Monday through Friday which is an afternoon activity for him. He gets credit for it at the school. A couple of weeks ago, I do ride the point a lot myself on my golf cart and I always go down to the Yacht Club. There was a beautiful 95 foot yacht docked there. The owner of the boat lives in Orange, Virginia. He is also a sponsor of the Orange County Boys and Girls Club. He brought the kids here to the beach. He introduced me to some people on board of the yacht. His dad is a long time resident here. His uncle was a Town Council Member. I immediately contacted the Town Manager as well as the Chief of Police concerning getting a Boys & Club started here. I asked him if he would like to make this an annual event. He said yes. It gets to the point when I go to Fredericksburg I am embarrassed to say I am from Colonial Beach – I would much rather say Westmoreland County because you people in the media have made me feel that way. One of the things I do if I see a visitor in Town is offer a ride around the beach. Eleanor Trailer Park – You may not know, but that trailer park has been there for years and the Town wants to sell it by the tone of the Planning Commission but they failed to mention we have other properties on the Boardwalk which we are still paying for. That was before when the real estate market was up and now it is down. If someone wants to buy the Lions Club, like the man said there are people waiting for affordable housing. Enterprise Zone – the Town has a history of not being business friendly and that will have to change also. Do you want to sell Eleanor

Trailer Park or do you want to get out of the real estate business? Those are the two pieces of property the Town owns that generates money. If you want to sell it, but I ask that the Chairman of the Planning Commission as well as the Council Members do not vote due to the possibility of this property – if someone wants to buy the trailer park and use it as a trailer park that is another thing, but if you want to sell it because you don't like the way things look, I think that needs to be changed. The money that is collected at the beach for parking we would like to see where that money goes to. It needs to not go into the General Fund – we would like to see it go toward helping to help improve the beach areas. The Town Council needs to attend an AA Meeting – “Attitude Adjustment” Meeting.

LUKE SYDNOR – 215 BALL STREET

Mr. Sydnor stated he quit coming to the meetings for a while because he felt they were like soap operas. I didn't miss a step. You are still back talking about the same items you talked about for years and years. I am opposed to selling any Town property at this time. I have seen a few Council Members frown tonight when it has been brought up. We were fed a carrot for the Boardwalk and we can't get \$675,000 for it and now we are fed another carrot for Eleanor Park and it was quoted in the newspaper and I don't believe everything I read in the newspaper, but I bet you our man Frank will give us a cold article tomorrow morning. We can get \$3 million dollars for Eleanor Park – isn't that sad. It is 2.5 acres and all of a sudden we can get \$3 million dollars for it. We can't get \$675,000 for commercial property on the Boardwalk which we the Town put those people out of business. We have no more licenses, no more business, nothing on the front for anybody to do, kids, adults, grownups, whatever, nothing. We do have a new Tiki Bar. Eleanor Trailer Park generates revenue, not counting the parking meters. Those people didn't set their monthly fee, the Town Council did. Has anybody looked at the riverfront renting for \$4,800 a year and you have to have a new rig of 2000 and newer and no one is grandfathered in and the next row is going for \$3,600 a year and the last row going for \$2,400 a year. No, no we don't want to look into that. Let's just dispose of it. I am opposed to disposing of anything until we clean up what we have. We keep selling, selling, where is the money going? We sold the Yacht Club, \$1.6, we can't put our finger on a penny but we were going to put in it Wheat Funds, we were going to save it, it was going to be in Reserve. I heard tonight we have \$1,048,619 and we are worried about giving a \$7,000 donation to the jet ski group to come here. There are a lot of people who call me and maybe one day I will be sitting up there who knows. They say Luke, we read the newspaper and members of the Council have talked to the Lions Club and we don't want this place, we are ready to give it up. Nobody has come to their meetings and talked to them about anything. It was in the newspaper. Sometimes we have to rely on the newspaper. I was asked to bring it up. The builders in this Town own the Town. They come in and get a permit. When they get their permit to do work, we don't charge them for doing the utility work in the street. All other towns charge for this service. We go out and they put the utility cut across the street and they don't even compact it. Mr. Murphy's group will go out there with a shovel for the next three months every day trying to compact it. We don't charge them any money. They just put up a deposit before they make the utility cut because we have spent \$40K of taxpayer's money to repair streets recently and they were utility cuts and they weren't put in by the contractors who made the money, not the citizens, we fill it so they can make the money. That is what is wrong in Riverside Meadows. We have not stopped them yet from building. They come in and build and do what they want to do. They don't even worry about the grading. Grade it to the ditch, grade it to the street, who cares then put up a for sale

sign. We have a new man on board, I think he will understand. We have to take over. We can't let them take over. The Welcome to Colonial Beach sign – I think they are going to take it away. We have let the bushes grow up so high you can't see the signs. That was a \$36K beautification project and you can't even see the sign. I have to call Town Hall for the next meeting. No one cares. One man and his wife volunteer their time on their hands and knees and weed that whole area. The citizens see this. We talk about it and nothing ever gets done. We have to pull together. A team will never get beat, but individuals will fall on their (expletive) every time and that is what is happening.

DIANE PERASON – 300 BILLINGSLEY AVENUE

Ms. Pearson stated it is a sad situation when you pick up the newspaper and one of our Senators who has been there many years, Ted Kennedy died and who upstaged Ted Kennedy's death, but Colonial Beach. I couldn't believe it. This article might belong on the Region Section but not on the front page. I have lived in this Town for a long time and I had to agree with Sherryl Woods' article I was a little bit ashamed to let people know where I live. I was in Fredericksburg and wrote a check and somebody said oh, you are from Colonial Beach, the little town that keeps making the newspaper. I don't know if that is a good comment or a bad one, but for me I took it the wrong way. How can you justify wanting to sell and our land? The lands were dedicated to the people and you should remember you were elected by the people, to work for we the people. I don't know how you can sell Eleanor Trailer Park. We have an older gentleman in Town, Walter Klotz, he will be 100 years old in December. He remembers when Eleanor Park was a park and it was dedicated and given to the people as was the Town beach. I think we need to do some research into finding out what we do own because you are working for we the people to sell these lands. Eleanor Park started out dedicated for tents. We have pictures that document this back in the 1800's where they had wagons and horses that came there and they camped there. In the 1950's we had the travel trailers. It wasn't too long after that, but it was the Town Council that decided this is the way to make money. We can get taxes, we can get water and sewer and we can charge them a fee. The problem is when the Town Council does things like this they don't follow through. What they don't do is make the people keep up their property. You have Ordinances for everything in this Town, but now we are calling them resolutions, whatever, you need to follow through. It is just like the Boardwalk, we went into the land business. Instead the Town Council should have made the people who owned property on the Boardwalk bring them up to Virginia State Code and if they didn't do so, they should have been charged a daily fine, but we don't follow through with anything. As a business person, I would like to ask the Council Members, what do you do for the businesses in this Town? You don't even pick up our trash because we can't afford it. We the business people have to take care of our own trash. From what I am reading, people are laughing at us and this is a shame. We have been known as the Playground on the Potomac, a friendly little Town. I hope that we can regain that. I hope that we can be called that again. I read where we had droves of people in the Town. I lived here for a long time. You don't know what droves of people are. I have been coming here all my life and I have lived here for 53 years. Drovers are people are when we had five thousand to ten thousand people on this beach in a weekend. We didn't have the police force that we have now, but we didn't have as many rules and regulations and also we didn't have as many problems. Remember who elected you to work for the people. I think we need a retraction put in the newspaper of some of the things that have been said. If they are not true, then you as the Council, you as the Mayor need to call these people and let them know that these

things are not true. Why should we be the laughing stock of the County? We have always been a proud community and worked together. Many of us have gone shoulder to shoulder every time there is a problem in this Town whether it be at the school, whether it is a hurricane, we come together and that is what we have to do now. The people who live near the beach, they chose to live near that and in the past years, they have worked with the Town. Now it seems the public streets and the right-of-ways belong to them. The other day I was riding down Irving Avenue, I noticed that along the street, someone has put wooden pegs so nobody can park in front of their house. I don't believe that is their personal property to do that. I think whoever is responsible in the Town should let them know that this cannot be done. The Town needs to enforce the current Ordinances that are on the books and not be making so many new ones that confuse the issue.

MARGARITE STAPLES – 3012 RIVERVIEW DRIVE

Ms. Staples stated she has lived in Colonial Beach since 1945. Ms. Pearson said most of the things that I was going to say. My Dad had two places here in Town, one on the Boardwalk years ago and the old 5 & 10 years ago until his retirement. All these things in the paper are horrible. It is wrong and needs to be corrected. I have already talked to Mr. Lyburn about some issues. I noticed in the last few weeks that they are bringing boats up to the sand shore which has never been allowed before. They pull the motor up and push it right up to the sand. You don't know who is under water. Someone is going to get hurt. If there is a designated place to have them do that, fine, but then there should be no swimming.

SHERRY HUTCHINS – 1306 MONROE BAY AVENUE

Ms. Hutchins stated she has lived here for 2 ½ years. When we first looked at houses here, we were very impressed. I want to say thank you for whoever has helped out at the Point and the park. It made a big difference. I use to walk down on Sunday mornings with my dog and I was disgusted with what I saw every Sunday morning. I am glad we took the time to close the park, clean it up and make sure that we took control of our place here at the beach.

KIMMETT CANADY – 116 HAWTHORN STREET

Ms. Canady stated my comment is mainly to the Town Council. On Tuesday, my husband and I went to Fredericksburg and I never in my life did not want to say I was a citizen of a particular Town. All I had to do was fill out something that said I was from Colonial Beach and the clerk said oh, you have been in the newspaper a lot lately. My comment to the newspaper is please if you can't say anything positive about Colonial Beach then don't print it.

With no further public comment this portion of the meeting was closed at 10:00 p.m.

OLD BUSINESS:

There were no issues to discuss in old business.

A brief recess was called at this time.

NEW BUSINESS:

AGENDA - #70-09

RESOLUTION – APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, in March 2009 the Colonial Beach Town Council appointed Val Foulds as the Interim Zoning Administrator; and

WHEREAS, the Town of Colonial Beach has now hired a full-time Building and Zoning Director, effective August 10, 2009.

NOW THEREFORE BE IT RESOLVED, that Gary Mitchell, Building and Zoning Director is appointed as the Zoning Administrator with this appointment being effective immediately.

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

Mr. Coombes asked why is this resolution was necessary?

Ms. Foulds responded it is required by the State.

With no further discussion on Resolution - #70-09, Mayor Rummage called for a vote. Mr. Ridgely **aye**, Ms. Payne **aye**, Mr. Coombes **aye**, Ms. King **aye**, Mr. Kennedy **aye**, Mr. Lyburn **aye**, Mayor **aye**, motion carried and the **Appointment of the Zoning Administrator was Approved. Motion Carried.**

AGENDA - #71-09

RESOLUTION – ADOPTION OF FISCAL YEAR 2010 SECOND QUARTER

APPROPRIATIONS

NOW THEREFORE BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, September 10, 2009 hereby approves the Fiscal Year 2010 Second Quarter Appropriations as follows:

Second Quarter Appropriations

	FY 2010 Budget	1 st Quarter	2 nd Quarter
General Fund	\$5,251,241	\$1,312,810	\$1,512,810
Utility Fund	\$2,469,295	\$ 617,235	\$ 617,235
School Operating Fund			
Instruction	\$5,171,337	\$1,292,834	\$1,292,834
Administration	\$ 291,270	\$ 72,818	\$ 72,818
Pupil Transport	\$ 347,670	\$ 86,918	\$ 86,918
Operations/Maintenance	\$ 568,900	\$ 142,225	\$ 142,225
School Construction Fund	0	0	0
School Cafeteria	\$ 286,708	\$ 71,677	\$ 71,677
State Transfer	\$ 200,000	\$ 50,000	\$ 50,000
SCHOOL TOTAL	\$6,865,885	\$1,716,472	\$1,716,472

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

Mr. Coombes asked what the increase of \$200K in the General Fund was?

Ms. Foulds responded it is the debt payment (Bond expense).

With no further discussion on Resolution #71-09, 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 **Adoption of Fiscal Year 2010 Second Quarter Appropriations was Approved. Motion Carried.**

Mayor Rummage stated the next three resolutions - #72-09, #73-09 and #74-09 have been referred to the Budget Committee at the request of that committee.

AGENDA - #75-09

RESOLUTION – VACATION OF ELEANOR MOBILE HOME PARK

WHEREAS, the Colonial Beach Town Council recognizes that the property known as Eleanor Mobile Home Park is an asset that is not being utilized in a manner consistent with its highest and best use; and

WHEREAS, the aging infrastructure and other components of the property cause much concern.

NOW THEREFORE BE IT RESOLVED, that the Colonial Beach Town Council authorizes the Town Manager to execute the appropriate notices to tenants to vacate the property and to take all necessary steps to close Eleanor Mobile Home Park by July 31, 2011.

BE IT FURTHER RESOLVED, that the waterfront lots must all be vacated by July 31, 2010 as previously resolved.

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

Ms. Payne stated for the consensus of Town Council if everyone is comfortable that we do have a definitive answer that can actually go ahead and sell this property. A lot of people left tonight who were concerned about Eleanor Park, but I would like to make it clear what the alternative is if we don't close this. We are not doing this for just for kicks and giggles. There are some serious infrastructure issues down there. If we continue to keep Eleanor Park open, we are going to have start spending taxpayer dollars to replace that infrastructure and there is a good chance a lot of those homes will have to be moved anyway because they are sitting on top of the water and sewer lines that need to be replaced. There is the continuing status quo that it is not going to be status quo because there is some serious work down there.

Mr. Kennedy stated he did not feel as comfortable now about the legal part of it. I would ask that we task the Town Attorney to give us a definitive answer and table this resolution until we find out. We need more discussion on it. I also agree with Ms. Payne. If we are going to keep it, this could be a costly endeavor.

Ms. King stated she was confused about what goes on a committee and what goes on at Council because when we were discussing this with Council in committee, we wanted to go forward with it to get a timeline. Where do we anticipate our answers? Is it going back to committee or this is now going to be with Council and if that is that case, I am trying to understand what happens to

committees, what happens in Council, when do you send something to Council and when does it go back? It is too confusing.

Mayor Rummage recommended soliciting the legal opinion of our attorney. I may have been dreaming when I heard the discussion two years ago. My ears tell me that there had been a similar case that had been adjudicated.

Ms. Erard stated she remembered there is a really old case from the 60's maybe as late as the early 70's and for some reason I think it was dealing with this piece of property. That is the only case I remember.

Mayor Rummage recommended that we special order this for the next Town Council Meeting and during the interim, please check that out. We will dispose of it one way or the other. What Ms. Payne said is an absolute fact. If we hang onto this property and continue to be landlords we better be a good landlord. We can't be a slumlord. The place is a wreck. I hate to say that because there are people living in there, but we would have to spend all kinds of money. I would rather sell the property and get it on the tax rolls and that is what I want to see happen. Sell the property. You make money on the sale of the property. It is ideally located. It is not giving anything away. It is not getting rid of something to make a quick buck. We don't have any idea what we are going to do with the money when we get it. There are a lot of places to spend it but it will have to take specific action by this Council or future Council's to dispose of it.

A citizen asked how many years has the riverfront been on the tax rolls?

Mr. Coombes stated the Mayor is right, the place is falling apart down there except for about four or five trailers and we've had no discussion except right now, among ourselves, of how and when to dispose of that property. We just haven't had a definitive work session at all. All we are talking about is clearing out and as far as I am concerned until the economy turns around, it can sit there for five years. We have major problems down there. We have to do something. We have not decided among ourselves and have not talked about it except for tonight. We need definitive discussion about it. I see nothing wrong in establishing the dates by which people need to be out of there. The former Council did it for August 2010 for the front row. They did it three years ago. Are you talking about extending that? Trailers are being moved out of there now. There are condemned trailers. They just abandon the trailers and leave and then we have to get a court action, etc. At least five or six have gone out of there in the last few months. So the process has started. All we want to do, I think, is just tell the residents down there that they have two years to do something and then we can take our time in deciding and I am absolutely opposed to selling it when the recession is at its worst.

Mayor Rummage stated we couldn't sell this for a year even if everybody vacates and absolutely you wait until the climate is right.

Mr. Coombes stated what I heard tonight were people talking about dollar figures – we are not dumb. We can take that flack, but I think we all understand we need some definitive discussion. We need to develop a game plan but that shouldn't negate moving ahead with clearing the difficulties down there out.

Ms. King stated all we are asking right now is authorizing the Town Manager to execute the appropriate notices to the tenants to vacate the property and take all necessary steps to close Eleanor Mobile Home Park by July 31, 2011.

Mr. Kennedy stated suppose the attorney comes back and says, no we can't sell it? We have a clean place down there and we can start with new trailers all over again. We had one trailer down there with a water leak underneath it. We had to find out who owned the trailer because the water just kept running and running and running. We had to get the trailer out of the way before we could even go in and repair it.

Mr. Murphy agreed. You have manholes underground.

Mr. Kennedy stated he wanted to know the legalities of selling it, but if this is just dealing with a timeline, then I will remove my motion.

Mr. Lyburn stated we have to find out who owns the property.

Ms. Erard stated we own the property but the question is whether there are restrictions.

Mr. Lyburn asked do we have a deed to the property?

Ms. Erard responded we do have a deed, and my recollection is we do have a copy of that court case because I remember seeing it and I remember talking with Pete Bone about it. My recollection of the earlier discussion was that a certain portion of the trailer park would be vacated by the tenants and I don't recall the entire park being decided to be vacated or definitely that the property would be sold. I don't remember that.

Mr. Kennedy stated he agreed with the Mayor. If we talked about this before, the former Mayor already told us that had already run this through the legal channels and decided it was okay to sell it, but just hearing it from one person, I would still like to know.

Ms. Erard responded it was probably fine, it is just that there are so many things and so many conversations and in order to say to you absolutely yes, honestly I would like to go back and check.

Mr. Kennedy stated three years ago, the only thing we said was by August 2010 that the front line would be vacated. We had made no decision at that time of what would become of the rest of the trailer park. That is where it stayed until this conversation.

Mr. Coombes stated it came up at the work session, but we didn't start making decisions on the back side of that park until this immediate Council took their seats.

Mr. Ridgely stated in the last year, we have become more aware just how bad the infrastructure is once these trailers started to move out. It is worse than we ever figured.

Mr. Kennedy stated some of those trailers should have been condemned a long time ago. People shouldn't even be living in them.

Mr. Coombes stated you heard what some of our distinguished friends said tonight because I live down there, I want to see the thing demolished, well you should have been here when I built the house 20 years ago, Frances Karn said I was building a clubhouse with a Taj Mahal. This is why nothing gets done. We are sitting here treading water. To me, all this says, we get the place vacated in its entirety by 2011 and we can get a legal opinion again which I think we should, and then if we have a problem we rescind it in some fashion if we have to. Moving forward instead of backwards is where I am trying to go.

Mr. Kennedy removed his motion to table this resolution.

Ms. Erard addressed Ms. King's question about process. In my experience if something goes to a committee and then comes out of committee with a recommendation of approval and comes to the full governing body, if there is discussion or changes at the governing body level, generally it doesn't go back to the committee unless there are some issues that really need fine tuning then the Council refers it back to the committee. Usually once it comes out of committee and goes to the Council, it stays with the Council.

With no further discussion on Resolution - #75-09, Mayor Rummage called for a vote. Mr. Lyburn **aye**, Mr. Kennedy **aye**, Ms. King **aye**, Mr. Coombes **aye**, Ms. Payne **aye**, Mr. Ridgely **aye**, Mayor **aye**, motion carried and the **Vacation of Eleanor Mobile Home Park was Approved. Motion Carried.**

Mr. Ridgely stated he has sat here for months and I hear people taking cheap shots at our attorney, Ms. Erard for holding things up. I don't always agree with the legal opinions but the bottom line is she is only as effective with the people she is dealing with and I really resent some of these people giving reports and our attorney taking shots at her month after month. I am very happy with what she does for us and she works very hard for us. She has 7 people to make happy but I am tired of the cheap shots.

CLOSED MEETING:

There were no issues to discuss in closed meeting.

OTHER MATTERS:

Mr. Kennedy stated he made a commitment 3 ½ years ago not to vote on land deals or the sale of property. I am only putting my two cents in and to answer Mr. Kern I will not vote on this one either. I haven't done it yet and I won't.

MOTION TO ADJOURN:

Motion was made by Ms. Payne to adjourn the regular meeting of Town Council, Thursday, September 10, 2009, second by Mr. Kennedy. With no objections from Town Council the meeting was adjourned at 10:25 p.m. at the Colonial Beach Town Center. **Motion Carried.**

Respectfully submitted:

Barbara A. Goff,
Town Clerk

Frederick C. Rummage,
Mayor

