



**Minutes of the  
Colonial Beach Town Council  
Regular Meeting held on  
Thursday, February 12, 2015 at 7:00 p.m.**

Colonial Beach Town Center  
22 Washington Avenue  
Colonial Beach, VA 22443

**Present**

Mayor, Mike Ham  
Vice Mayor, Eddie Blunt  
Member, Wayne DiRosario  
Member, Tommy Edwards  
Member, Wanda Goforth  
Member, Burkett Lyburn  
Member, Mike Looney

**Also Present**

Town Manager, Val Foulds  
CFO, Joan Grant  
Town Clerk, Kathleen Flanagan  
Director, Public Works, Rob Murphy  
Planning Manager, Brendan McHough  
Police Department, Major Russo

**Call to Order**

Mayor Ham called the meeting to order at 7:03 p.m.

**Roll Call of Members**

Mayor Ham requested a roll call of members. Mr. Edwards responded “here,” Mr. Lyburn responded “here,” Mr. Blunt responded “here,” Mr. DiRosario responded “here,” Mr. Looney responded “here,” Ms. Goforth responded “here,” and Mayor Ham responded “here.” **All Council Members were present.**

### **Additions to the Agenda**

There were two additions to the agenda. (1) Ms. Goforth proposed to add a discussion/re-visit of the issue of video taping work sessions to the agenda; and, (2) Mr. Looney proposed to add an additional set of minutes from the January 22, 2015 work session to the agenda for approval.

Mayor Ham called for a voice vote on adding two items to the agenda. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all said “aye.” The “ayes” were unanimous. **Both proposed items were added to the agenda.**

### **Approval of the Agenda**

A motion was made by Mr. Edwards to approve the amended agenda. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all said “aye.” The “ayes” were unanimous. **The motion to approve the amended agenda passed.**

### **Approval of the Minutes by full Council**

Mr. Lyburn made a motion to approve minutes presented for the January 2, 2015 Special Meeting; January 6, 2015 Work Session; January 8, 2015 Regular Meeting; and January 22, 2015 Work Session. Mr. Blunt seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all said “aye.” The “ayes” were unanimous. **The motion to approve the minutes as presented passed unanimously.**

### **Council Announcements**

**Mr. DiRosario** expressed his regret and apologies at having to suddenly leave the Fire Department dinner and installation proceedings and not being able to return as he had expected.

**Mr. Looney** thanked Mayor Ham, Ms. Foulds, Mr. Newman and Mr. Murphy for attending a meeting and accelerating the restoration of fiber optic service to the school board.

Mr. Looney then thanked the Town Manager for meeting with Mr. Blunt and Mr. Looney regarding an emergency operations plan.

Mr. Looney then thanked the Town Clerk for providing all of January meeting minutes. According to Robert’s Rules of Order, had the minutes not been provided in advance, council would have to read the minutes.

Mr. Looney then congratulated the Colonial Beach School Board as the standardized test scores showed increases over last year. Mr. Looney also noted that K-12 enrollment is up 5 percent.

Ms. Goforth announced that on February 6, 2015, Mr. John Claiborne, a business owner in town, passed away suddenly.

## **Presentations**

### **Proclamation**

Mayor Ham read a Proclamation.

#### **Proclamation**

**WHEREAS**, the Town of Colonial Beach was incorporated on February 25, 1892; and

**WHEREAS**, the upcoming date of Wednesday, February 25, 2015 will commemorate the 123<sup>rd</sup> year anniversary of the Town’s incorporation;

**WHEREAS**, the Mayor and the Colonial Beach Town Council hereby makes a public proclamation expressing their pride, commitment and dedication to the founding principles in commemorating this very distinguished date in our Town’s history;

**THEREFORE, BE IT RESOLVED**, that the Mayor, Town Council, town staff and all citizens and visitors of the Town of Colonial Beach reflect and acknowledge with pride the historical importance of February 25<sup>th</sup> as the date commemorating and celebrating the incorporation of our town.

### **Service Awards**

Mayor Ham then read two Five-Year Service Awards presented to Franklin Fleming, CB Police Department and Eric Palmer, Public Works.

Mayor Ham then introduced Dana Schrad, Executive Director, Virginia Association of Police Chiefs.

### **Dana Schrad**

Ms. Schrad introduced herself and gave a presentation on the “Best Practices in Hiring a Police Chief.”

### **2014 First Annual Bike Fest Report**

Representatives of the CB Chamber of Commerce; Joan Grant, CFO; Chief Dave Robey, CBVFD; CBVRS; and Rob Murphy, Director, Public Works all provided reports on their follow-up to the 2014 First Annual Bike Fest and answered questions posed by Town Council.

Chamber of Commerce representatives included Carey Geddes, President, business owner Brian Coffman, bike fest coordinator Steve “Smurf” Keene” from All American Harley Davidson.

### **Recess**

Mayor Ham called a brief recess.

**Reconvene**

Town Council reconvened at 7:52 p.m.

**Larry Roberson, Westmoreland County Board of Supervisors**

Mr. Roberson reported that he had learned that you cannot use VDOT revenue sharing funds to bring a new road and that he was researching a Plan B.

**Robin Schick, Chair Person, Planning Commission**

Ms. Schick noted that Commissioners McCabe and Cirbee are on a committee tasked with working on the Capital Improvement Plan.

**Unfinished Business**

**Ordinance #656, Amends the Zoning Ordinance by Adoption of an Official Zoning Map**  
*(Public Hearing held January 8, 2015)*

Mr. Lyburn made a motion to approve Ordinance No. 656 as presented. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion to approve Ordinance No. 656. Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all voted “aye.” **The motion to approve Ordinance No. 656 passed unanimously.**

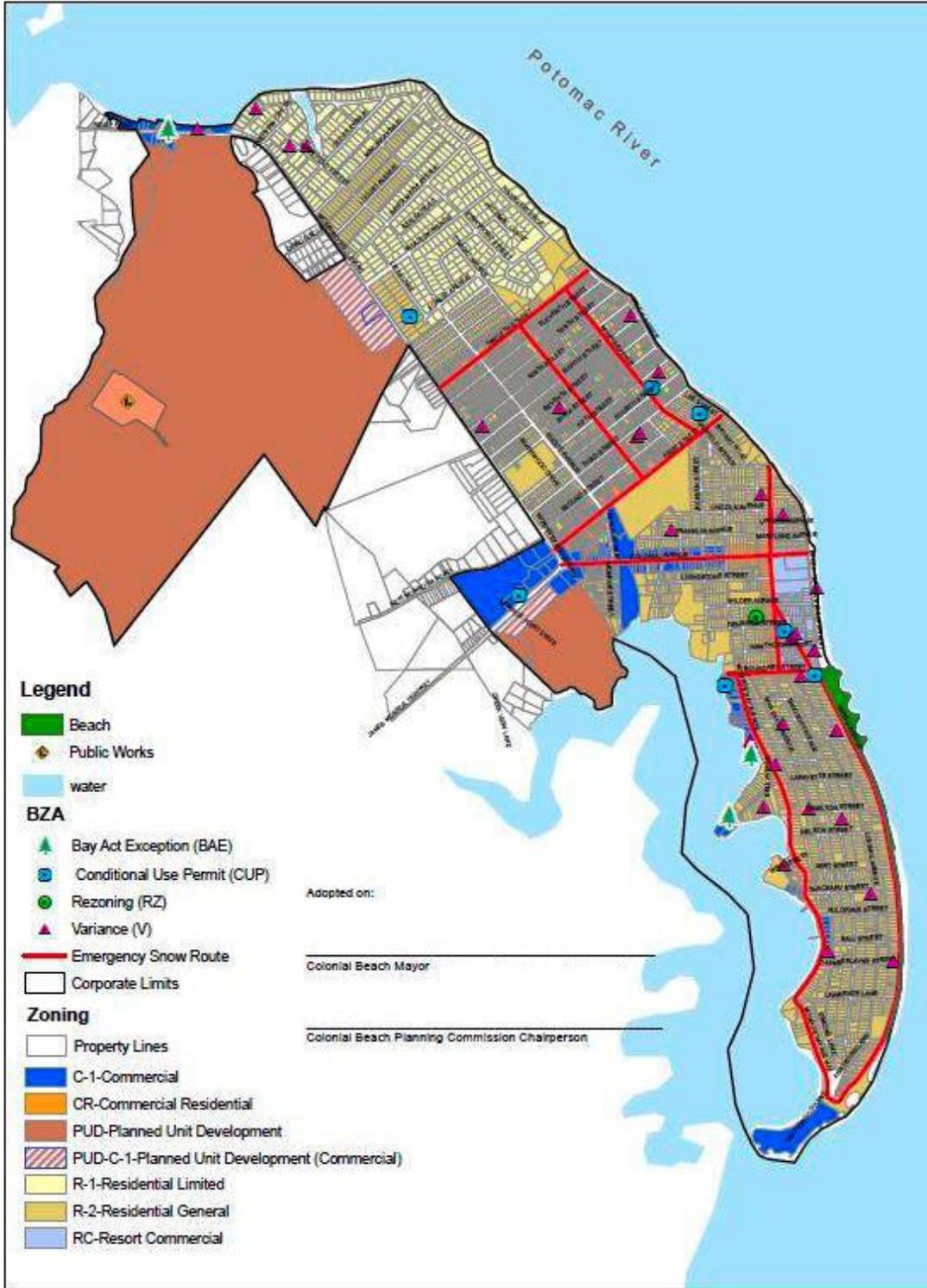
**ORDINANCE NO. 656**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF COLONIAL BEACH BY ADOPTION OF AN OFFICIAL ZONING MAP. THE OFFICIAL ZONING MAP SHALL SHOW CURRENT ZONING DESIGNATIONS OF ALL PARCELS AND LOCATIONS OF PUBLIC ROADS WITHIN THE TOWN OF COLONIAL BEACH AND IS INCORPORATED HEREIN BY REFERENCE AND IS HEREBY MADE PART OF THE TOWN’S ZONING ORDINANCE. THE OFFICIAL MAP IS CONTAINED WITH THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT.

**BE IT ORDAINED** BY THE COLONIAL BEACH TOWN COUNCIL THAT THE ZONING ORDINANCE OF THE TOWN OF COLONIAL BEACH BE AMENDED BY ADOPTION OF AN OFFICIAL ZONING MAP AS FOLLOWS:

{See Map next page}

# Town of Colonial Beach Official Zoning Map



## Legend

- Beach
- ◆ Public Works
- water

## BZA

- ▲ Bay Act Exception (BAE)
- Conditional Use Permit (CUP)
- Rezoning (RZ)
- ▲ Variance (V)

- Emergency Snow Route
- Corporate Limits

## Zoning

- Property Lines
- C-1-Commercial
- CR-Commercial Residential
- PUD-Planned Unit Development
- PUD-C-1-Planned Unit Development (Commercial)
- R-1-Residential Limited
- R-2-Residential General
- RC-Resort Commercial

Adopted on:

\_\_\_\_\_

Colonial Beach Mayor

\_\_\_\_\_

Colonial Beach Planning Commission Chairperson



## **New Business**

### **Public Hearing, Ordinance No. 659, Vacates and Abandons an Undeveloped Part of a Right of Way**

Mayor Ham opened the Public Hearing.

Bob Lynch, Appraiser reviewed the processes he used in appraising the four parcels of land.

Mayor Ham closed the Public Hearing.

#### **Motion to adopt Ordinance No. 659**

Mr. Looney made a motion to adopt Ordinance No. 659, as written. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Ordinance No. 659 passed unanimously.**

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## **ORDINANCE NO. 659**

ORDINANCE NO. 659 VACATES AND ABANDONS, PURSUANT TO VA. CODE §15.2-2006, APPROXIMATELY 2,304 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE, AND APPROXIMATELY 221 SQUARE FEET OF AN UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS MONROE BAY AVENUE, WHICH IS SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 1 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014; AND

ORDINANCE NO. 659 ALSO VACATES AND ABANDONS, PURSUANT TO VA. CODE §15.2-2006, APPROXIMATELY 708 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE WHICH IS SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 2 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014; AND

ORDINANCE NO. 659 ALSO VACATES AND ABANDONS, PURSUANT TO VA. CODE §15.2-2006, APPROXIMATELY 463 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE WHICH IS SHOWN ON A PLAT ENTITLED “PLAT OF SURVEY SHOWING HOUSE LOCATION ON LOT 10 PATES

SUBDIVISION,” PREPARED BY EDWARD G. HOLSINGER AND DATED SEPT. 8, 2014;  
AND

ORDINANCE NO. 659 VACATES AND ABANDONS, PURSUANT TO VA. CODE §15.2-2006, APPROXIMATELY 454 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE WHICH IS SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 4 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED DEC. 1, 2014.

**WHEREAS** the Colonial Beach Town Council has properly advertised and conducted a public hearing in accordance with state law; and

**WHEREAS** the Colonial Beach Town Council finds that the aforementioned undeveloped right of ways have never been developed and are not required for public access.

**BE IT ORDAINED** BY THE COLONIAL BEACH TOWN COUNCIL, AT THE REGULAR MONTHLY MEETING ON FEBRUARY 12, 2014, THAT 2304 SQUARE FEET OF AN UNDEVELOPED RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND APPROXIMATELY 221 SQUARE FEET OF AN UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS MONROE BAY AVENUE AND SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 1 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 IS HEREBY VACATED AND ABANDONED PURSUANT TO VA. CODE §15.2-2006; AND

**BE IT FURTHER ORDAINED** BY THE COLONIAL BEACH TOWN COUNCIL, AT THE REGULAR MONTHLY MEETING ON FEBRUARY 12, 2014, THAT 708 SQUARE FEET OF AN UNDEVELOPED RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 2 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 IS HEREBY VACATED AND ABANDONED PURSUANT TO VA. CODE §15.2-2006; AND

**BE IT FURTHER ORDAINED** BY THE COLONIAL BEACH TOWN COUNCIL, AT THE REGULAR MONTHLY MEETING ON FEBRUARY 12, 2014, THAT 463 SQUARE FEET OF AN UNDEVELOPED RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED “PLAT OF SURVEY SHOWING HOUSE LOCATION ON LOT 10 PATES SUBDIVISION,” PREPARED BY EDWARD G. HOLSINGER AND DATED SEPT. 8, 2014 IS HEREBY VACATED AND ABANDONED PURSUANT TO VA. CODE §15.2-2006; AND

**BE IT FINALLY ORDAINED** BY THE COLONIAL BEACH TOWN COUNCIL, AT THE REGULAR MONTHLY MEETING ON FEBRUARY 12, 2014, THAT 454 SQUARE FEET OF AN UNDEVELOPED RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 4 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED DEC. 1, 2014 IS HEREBY VACATED AND ABANDONED PURSUANT TO VA. CODE §15.2-2006.

This Ordinance shall take effect upon adoption.

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**Public Hearing, Ordinance No. 660, Authorizes the Sale of Four Parcels of Land**

Mayor Ham opened the Public Hearing.

Bob Lynch, Appraiser reviewed the size of each lot and noted none were buildable lots.

Mayor Ham closed the Public Hearing.

**Motion to adopt Ordinance No. 660**

Mr. Lyburn made a motion to adopt Ordinance No. 660, as written. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Ordinance No. 660 passed unanimously.**

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**ORDINANCE NO. 660**

ORDINANCE NO. 660 AUTHORIZES THE SALE OF FOUR PARCELS OF LAND TO AS FOLLOWS:

APPROXIMATELY 2,304 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND APPROXIMATELY 221 SQUARE FEET OF AN UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS MONROE BAY AVENUE AND SHOWN ON A PLAT ENTITLED “BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 1 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 TO BE SOLD TO LANE BONNER III WHO OWNS THE PROPERTY AT 1617 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$6.00 PER SQUARE FOOT, WHICH TOTALS \$15,186.00; AND

APPROXIMATELY 708 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 2 (REVISED), E.O. PATES SUBDIVISION” PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 TO BE SOLD TO JAMES BELL AND SUSAN BELL WHO OWN THE PROPERTY LOCATED AT 1615 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$2,478.00; AND

APPROXIMATELY 463 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED "PLAT OF SURVEY SHOWING HOUSE LOCATION ON LOT 10 PATES SUBDIVISION," PREPARED BY EDWARD G. HOLSINGER AND DATED SEPT. 8, 2014 TO BE SOLD TO AMY AND LYLE T. HUNGER WHO OWNS THE PROPERTY LOCATED AT 1608 BANCROFT AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$1,620.00.

APPROXIMATELY 454 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE WHICH IS SHOWN ON A PLAT ENTITLED BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 4 (REVISED), E.O. PATES SUBDIVISION" PREPARED BY DEPUTY LAND SURVEYING, INC., DATED DEC. 1, 2014 TO BE SOLD TO GLENN AND TERESA LEWIS WHO OWN THE PROPERTY LOCATED AT 1611 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$1,589.00;

**WHEREAS** the Colonial Beach Town Council has properly advertised and approved Ordinance No. 659; and

**WHEREAS** the Colonial Beach Town Council has duly advertised and conducted public hearing(s) in accordance with Virginia Code §15.2-1800 and 15.2-2100 et seq.;

**BE IT ORDAINED** by the Colonial Beach Town Council, at the regular monthly meeting on February 12, 2015, that:

1. APPROXIMATELY 2,304 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND APPROXIMATELY 221 SQUARE FEET OF AN UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS MONROE BAY AVENUE AND SHOWN ON A PLAT ENTITLED "BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 1 (REVISED), E.O. PATES SUBDIVISION" PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 TO BE SOLD TO LANE BONNER III WHO OWNS THE PROPERTY AT 1617 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$6.00 PER SQUARE FOOT, WHICH TOTALS \$15,186.00; AND
2. APPROXIMATELY 708 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 2 (REVISED), E.O. PATES SUBDIVISION" PREPARED BY DEPUTY LAND SURVEYING, INC., DATED NOV. 5, 2014 TO BE SOLD TO JAMES BELL AND SUSAN BELL WHO OWN THE PROPERTY LOCATED AT 1615 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$2,478.00; AND

3. APPROXIMATELY 463 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE AND SHOWN ON A PLAT ENTITLED "PLAT OF SURVEY SHOWING HOUSE LOCATION ON LOT 10 PATES SUBDIVISION," PREPARED BY EDWARD G. HOLSINGER AND DATED SEPT. 8, 2014 TO BE SOLD TO AMY AND LYLE T. HUNGER WHO OWNS THE PROPERTY LOCATED AT 1608 BANCROFT AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$1,620.00.
4. APPROXIMATELY 454 SQUARE FEET OF THE UNDEVELOPED PART OF A RIGHT OF WAY KNOWN AS BANCROFT AVENUE WHICH IS SHOWN ON A PLAT ENTITLED BOUNDARY LINE ADJUSTMENT MAP SHOWING LOT 4 (REVISED), E.O. PATES SUBDIVISION" PREPARED BY DEPUTY LAND SURVEYING, INC., DATED DEC. 1, 2014 TO BE SOLD TO GLENN AND TERESA LEWIS WHO OWN THE PROPERTY LOCATED AT 1611 IRVING AVENUE FOR THE APPRAISED AMOUNT OF \$3.50 PER SQUARE FOOT, WHICH TOTALS \$1,589.00.

subject to the following terms and conditions:

1. closing shall occur on or before March 12, 2015; and
2. purchasers are required to record a certified copy of this Ordinance and share the cost of such recordation equally; and
3. purchasers shall be responsible for all document preparation and recordation, subject to the review and approval of the Town Attorney; and
4. At least 3 business days prior to closing, a paper copy of all closing documents shall be provided to the Town Attorney at 9702 Gayton Road, Ste. 324, Richmond, VA 23238.

This Ordinance shall take effect upon adoption.

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**Public Hearing, Resolution #10-15, Amends Fiscal Year 2014-2015 Budget, General Fund and School Fund**

Mayor Ham opened the Public Hearing.

Steve Cirbee, 809 Washington Avenue asked "what are we buying?"

Mayor Ham noted there is a list of what is earmarked for the \$660,000.

Mayor Ham closed the public hearing.

Mr. DiRosario made a motion to approve Resolution #10-15. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Resolution #10-15 passed unanimously.**

<b>RESOLUTION #10-15, Amends Fiscal Year 2014-2015 Budget, General Fund and School Fund</b>			
<b>NOW THEREFORE BE IT RESOLVED</b> that the Town Council meeting in regular session, Thursday, February 12, 2015, hereby adopts and appropriates an amendment to Fiscal Year 2014-2015 budget as follows:			
	FY 2014-15	FY 2014-15	Change
School Fund	\$6,553,134	\$8,012,459	+\$1,459,325 <sup>(1)</sup>
General Fund	\$6,908,027	\$8,854,027	+\$1,946,000 <sup>(2)</sup>
Notes:			
(1) The increase of \$1,459,325 represents insurance proceeds paid to the School Board.			
(2) The increase of \$1,946,000 represents loan (bond) fees in the amount of \$22,000; funding for school facilities upgrades and improvements in the amount of \$1, 263,565; with a balance remaining of \$660,435 to be used for the acquisition of specific Town equipment and improvements.			

**Resolution #09-15, Ratifies the Employment Agreement for Acting Chief of Police**

Mr. Edwards made a motion to approve Resolution #9-15. Mr. DiRosario seconded the motion.

Hearing no further discussion, Mayor Ham called for a voice vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Ms. Goforth voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Resolution #09-15 passed unanimously.**

**RESOLUTION #09-15, Ratifies the Employment Agreement for Acting Chief of Police**

**WHEREAS**, the Colonial Beach Town Council appointed Captain Bruce Hough as Acting Chief of Police for the Town of Colonial Beach effective January 2, 2015 for a maximum of ninety (90) days by way of Resolution #02-15;

**WHEREAS**, Colonial Beach Town Council authorized the Mayor to sign the attached Employment Agreement, as revised by Town Council, on behalf of the Town, prepared by the Town Attorney, setting forth the salary and other requirements and benefits.

**NOW, THEREFORE, BE IT RESOLVED** that the Colonial Beach Town Council hereby ratifies the Employment Agreement attached.

**Resolution #11-15, Funding commitment for 2015 fireworks displays**

Mr. Blunt made a motion to approve Resolution #11-15. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a voice vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” Ms. Goforth voted “nay.” **The motion to adopt Resolution #11-15 passed 6-1.**

**RESOLUTION #11-15 – Funding Commitment for 2015 Fireworks Displays**

**WHEREAS**, the Town Council has agreed that fireworks are an important part of Colonial Beach; and

**WHEREAS**, the business community benefits from the tourism boost provided by these summertime events; and

**WHEREAS**, the Town Council also agreed, at the January 22, 2015 Work Session, to fully fund fireworks for the 2015 Potomac Riverfest and the 4<sup>th</sup> of July in the amount of \$18,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council meeting at a regular session on Thursday, February 12, 2015 authorizes the Town Manager to increase the estimated meals tax revenue by \$16,000 and use \$2,000 from council contingency to cover the cost of the fireworks displays.

**Resolution #12-15, Meadow Avenue – Accept into State Secondary System**

Mr. Lyburn made a motion to approve Resolution #12-15. Mr. Edwards seconded the motion.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” Ms. Goforth voted “nay.” **The motion to adopt Resolution #12-15 passed unanimously.**

**RESOLUTION – MEADOW AVENUE – ACCEPT INTO STATE SECONDARY SYSTEM OF HIGHWAYS**

At a regular monthly meeting of the Town Council of Colonial Beach held in the Town Center meeting room of Colonial Beach, Virginia on Thursday, February 12, 2015.

Upon motion by Burkett Lyburn, duly seconded by Tommy Edwards, the Council unanimously adopted the following:

**RESOLUTION**

**REFERENCE: MEADOW AVENUE**

**WHEREAS**, the Town Council of Colonial Beach has this day decided to establish as part of the State Secondary System of Highways the following road(s) in the Washington Magisterial District.

Street Name: Meadow Avenue  
From: Route 205 (McKinney Boulevard)  
To: Route 1153 (Riverview Drive)  
Length: 0.46 miles  
Right of Way: 50'

**NOW, THEREFORE, BE IT RESOLVED**, this Council doth hereby guarantee the said clear and unencumbered 50' right of way(s) and drainage easements and request the Department of Transportation, pursuant to Section 33.1-79 of the Code of Virginia, as amended, to accept.

Street Name: Meadow Avenue  
From: Route 205 (McKinney Boulevard)  
To: Route 1153 (Riverview Drive)  
Length: 0.46 miles  
Right of Way: 50'

**BE IT FURTHER RESOLVED**, that this resolution is contingent upon the Virginia Department of Transportation receiving all remaining in place CE-7 permits from the appropriate utilities for this roadway.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

**Recorded Vote: Mayor Ham aye, Vice Mayor Blunt aye, Mr. DiRosario aye, Mr. Edwards aye, Ms. Goforth aye, Mr. Lyburn aye, Mr. Looney aye.**

Yeas: 7

A Copy Teste:

Nays: 0

Absent: 0

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**Kathleen Flanagan, Town Clerk**

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### **Citizen Input**

Rick Davis, business owner, reported that is closing Kelsea’s Kitchen on Saturday. Mr. Davis would like to see council appointment someone to act as an event coordinator. The town should make money on events.

Mr. Davis also recommended the town reduce meals tax during the slow months, as town restaurants compete against non-profits, such as the Eagles and VFW.

Also, businesses are not allowed to utilize sandwich signs, but the non-profits can use them to advertise dinners. Mr. Davis believes it should be across the board to be fair.

Mr. Davis hopes this Council does good and that everybody work together.

Mr. Blunt thanked Mr. Davis for his support of the fire department and rescue squad.

Linda Brubaker, 17 Lincoln Avenue, speaking as the designated speaker of the entire Colonial Beach Concerned Citizens group.

Ms. Brubaker spoke to several issues:

(1) Condensed minutes. The CBCC believes there has been no formal vote taken by any council to allow the Clerk to transcribe the minutes in a condensed fashion. By not being verbatim, the minutes are compromised. If the work session video taping resumes, the Clerk would have the ability to review the tape to make sure the notes are accurate. Council would also have a chance to review the session.

(2) 6-1 vote to not video tape work sessions. Council by laws state that “any item brought before the Council should be discussed publicly by the entire Council.” Therefore, the decision

not to tape the meetings was made illegally according to the by laws. The decision was made before a formal vote was taken. The CBCC consider this a misuse of public trust and taxpayer money.

(3) The CBCC would like to poll the Council to see why their vote was not to tape the work sessions.

Ms. Brubaker requested permission to poll each individual Council member and ask why they voted not to tape the work sessions.

Mayor Ham responded saying we do not generally do that.

Ms. Brubaker asked Mayor Ham to get back to the CBCC with his poll of responses.

(4) The CBCC requested that the video taping of the work sessions be immediately restored and the minutes become more of a formal record and be taken verbatim.

(5) If Council does not resume video taping work sessions, the CBCC will record and distribute the sessions as they see fit.

(6) Ms. Brubaker invited the audience members to the Face Book page of the CBCC.

(7) The next meeting of the CBCC is Monday, March 2 at Joyce Gunderson's home.

(8) The CBCC reminds the Council that they are the government of this town and you (sic) are the elected representatives.

Jim Chiarello, 1008 Monroe Bay Avenue, wondered what the American Disability Act thinks about not taping the work sessions.

Mr. Chiarello then requested a one-year, a five-year, and a ten-year business plan for the town.

William Flammer, 2802 Douglas Avenue noted there is no handicap parking in the front of the new Town Hall. There is a sign that says it is accessible and there is a ramp, but there is no spot. Mr. Flammer is going to file a complaint.

In reference to the Safe Routes to School grant, the sidewalks have to go to the school. The children are on 1<sup>st</sup> Street and there is not a crossing guard. No child should walk to school without crosswalks or sidewalks.

Mr. Flammer then asked why the old school property where Town Hall is situated on now is zoned R-2, when that zoning was done and who requested that zoning. Mr. Flammer believes this only could have occurred after the school gave this property to the town.

Mr. Flammer recommends the town secure a surety bond for bike fest.

Hank Ward, 2800 Dwight Avenue supports the earlier comments made by the CBCC. By not adding minutes and not video taping the work session, it is fertile ground for rumors. Mr. Ward suggests publishing the minutes in a timely manner, and if that's not possible, video tape the meeting.

Walter Kern, 2400 McKinney Boulevard, read a small paragraph from "The Future of Small Towns." "Believing in your town and what it stands for will make all the difference."

Due to the rapid advance of the flu and a virus going around, the nursing home will allow no visitors until further notice.

Maureen McCabe, 732 Monroe Bay Avenue, is concerned as a member of the Planning Commission, that Brendan McHugh needs help and hopes you will budget that help for him and not run down one person.

Luke Sydnor, 215 Ball Street, noted for the last five years he has suggested moving the boundaries to take in the Food Lion shopping center in order to generate revenue for the town.

Mr. Sydnor suggested the Rescue Squad cover all athletic functions of the school.

Glenda Chiarello, 1008 Monroe Bay Avenue noted most of the money earned during Bike Fest was earned by only several businesses in town.

### **Addition to Agenda**

#### **Discussion/re-visit of the issue of video taping work sessions to the agenda.**

Ms. Goforth cited Section 5-1 Preparation of the By Laws. Paragraph B states "Before an item is placed on the agenda for action, that item shall have been discussed and vetted at the council work session of the previous month. While it may not always be possible because of time constraints to discuss a matter at a work session a month before the council meeting, in order to promote thoroughness and attention to detail, this shall be the generally accepted practice."

"D. Any matter not on the printed agenda may be heard, provided that every member of Council shall have been previously notified and that such a request is in the form of a motion to amend the agenda, is duly seconded, and then voted upon by a majority of the Council. If a resolution for consideration by Council is not included with the printed agenda, Council shall not vote on any such resolution unless a copy of the proposed resolution shall have been provided to every member of the Council prior to the start of the meeting."

Ms. Goforth submitted that the By-Laws were not met and were not complied with.

Ms. Goforth respectfully requested that the work sessions continue to be video taped and those tapes be available for public viewing.

Mayor Ham noted there (1) was no resolution; (2) there was no resolution to turn the camera off and that he does not believe anything was done illegally.

(Inaudible, several audience members shouting out.)

### **Motion to Table**

Mr. Edwards asked to table this discussion until the work session. Mr. DiRosario seconded the motion.

Mayor Ham called for a voice vote on the motion to table. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” Ms. Goforth voted “nay.” **The motion to table passed 6-1.**

### **Closed Session**

There was no motion to move into closed session.

### **Adjournment/Recess**

At 10:12 p.m. Mr. Edwards made a motion to adjourn. Mr. Lyburn seconded the motion to adjourn.

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham voted “aye.” The motion to adjourn passed unanimously.

At 10:12 p.m. the meeting was adjourned.

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Kathleen Flanagan, Town Clerk

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Mike Ham, Mayor