



**Minutes of the
Colonial Beach Town Council Meeting
Scheduled for Thursday, February 13, 2014
Rescheduled due to inclement weather
and held on
Monday, February 17, 2014 at 7:00 p.m.**

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

Present

Mayor, Mike Ham
Vice Mayor, Tommy Edwards
Member, Pete Bone
Member, Linda Brubaker
Member, Jim Chiarello
Member, Wanda Goforth

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Police Chief, William Seay
Director Planning and Zoning, Gary Mitchell

Call to Order

Mayor Ham called the meeting to order at 7:10 p.m. and thanked everyone for showing up and braving the cold. This is a rescheduled meeting as there was a snow/ice storm on Thursday, February 13, 2014.

Pledge of Allegiance

Mayor Ham led a recitation the Pledge of Allegiance.

Roll Call of Members

All members were present, except Gary Seeber, who was out of town.

Additions to the Agenda

Mr. Chiarello made a motion to add a presentation by the Community Garden Club. Mr. Edwards seconded the motion. Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” The ayes were unanimous, the motion passed.

Approval of the Agenda

A motion was made by Ms. Goforth to approve the agenda and seconded by Mr. Edwards. Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” The “ayes” were unanimous, the motion passed.

Approval of the Minutes

Ms. Goforth made a motion to table approval of the minutes for the October 15, 2013 Special Meeting; the October 24, 2013 Work Session; the October 28, 2013 Special Meeting; the October 30, 2013 Special Joint Meeting; the November 14, 2013 Special Meeting (1); the November 14, 2013 Special Meeting (2); and the November 14, 2013 Special Meeting (3). Mr. Edwards seconded the motion. Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” The ayes have it. The motion was tabled.

Council Announcements

Mr. Edwards thanked the Department of Public Works for a great job on snow removal.

Ms. Brubaker commended the all the volunteer first responders, noting there were approximately 20 automobile accidents, fallen trees and many medical and police and fire calls.

(Applause.)

Ms. Goforth announced that meetings are being held regularly and the event planning is in high gear for 2014 BikeFest. Original design tee shirts for the 2014 Bike Fest are available at the Chamber of Commerce. Scheduled events include a fashion show and a parade of lights.

Police Chief Seay noted “I tip my hat to the first responders.”

Tim Trivett, School Board Chairman and volunteer firefighter thanked town staff for doing an outstanding job during the snow storm.

Mr. Trivett then noted the School Board has not heard anything from the insurance company, from ATF or from the State Police.

Mr. Trivett then noted he appreciates Council’s support of the school division and that he believes the two will come to a resolution and the school will be better for it.

Mr. Chiarello commended the school board for their diligence.

Mr. Trivett then recognized the support the school has received. Currently the donations received by the school is over \$40,000, not counting supplies received.

Presentations

Proclamation, 122nd Anniversary of Colonial Beach

Mayor Ham read the Proclamation

-----Proclamation-----

Proclamation

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

WHEREAS, the upcoming date of Tuesday, February 25, 2014 will commemorate the 122nd year anniversary of the Town’s incorporation;

WHEREAS, 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 Town Council, town staff and all citizens and visitors of the Town of Colonial Beach acknowledge with pride the historical importance of February 25th as the date commemorating and celebrating the incorporation of our town.

Michael S. Ham, Mayor

Dated this 17th day of February 2014

-----End of Proclamation-----

Community Garden Club

Robin Schick distributed a presentation to Council. The mission of the group is to cultivate public space for education, beautification, the benefits of healthy food and to foster a sense of community.

The Planning Commission is in support of the Community Garden Club. There have been open houses and presentations to the public with community support given to the project.

The Club has chosen a site – the town-owned property near the gazebo on Washington Street. The Site meets all aspects needed to succeed, such as public access, 2,500 square feet, central location, on an underutilized space to create greater impact, general soil stability and access to

water. Because the property is near the historic school which recently burnt down, it could be an opportunity for a building memorial.

The Club requested Town Council provide (1) a resolution to authorize the Town Manager to proceed with the community garden placement for a term of five years; and (2) proceed with water spigot installation.

Ms. Schick thanked Town Council for its consideration.

Mr. Bone asked if the garden would have predominantly vegetables or mostly flowers.

Ms. Schick answered "Vegetables."

Ms. Schick further noted the Garden Club would take over maintenance of the land and that the area would need an appropriate fence.

Mayor Ham asked that this issue be put on the agenda for the work session.

Citizen Input

There was no citizen input.

Unfinished Business

Resolution #01-14, Adoption of Bylaws and Rules of Procedure

Mr. Bone noted there was one additional amendment that would be heard at a work session regarding the minutes.

Considerable changes have been made to the document. The POC's role has been defined, provision for staff recommendations, identifying line items for expenditures, citizen comment so as to open up communication with the public, including answering questions posed during citizen input. Procedures are in place to keep track of open issues or continuing actions. Agenda packets will be distributed on Friday and cover sheets will be included with pros and cons for each item.

Draft minutes will be done within 30 days. At a later time the issue of the brevity of the minutes or whether Council will require verbatim minutes.

Council has included the ability to sanction itself for misconduct.

Mr. Chiarello made a motion to approve the resolution as written. Ms. Goforth seconded the motion.

Mr. Chiarello and Ms. Goforth both noted they agreed with the revisions.

Mayor Ham then named POC's as follows: Public Safety, Mr. Edwards; Economic Development, Mr. Chiarello; Finance, Mr. Bone; Administration, Mr. Chiarello; Public Works, Mr. Seeber; School System, Ms. Brubaker; and, Planning and Zoning, Ms. Goforth.

Mr. Bone made an addendum motion to affirm the selection of POC's. Mr. Edwards seconded the addendum motion.

Mayor Ham called for a voice vote on the motion and addendum motion. All in favor, signify by saying "aye." The "ayes" were unanimous, the motions passed.

-----Resolution #01-14 -----

Resolution #01-14, Adoption of Bylaws and Rules of Procedure

BE IT RESOLVED, that the Town Council meeting in regular session, Monday, February 17, 2014 hereby adopts the attached By Laws and Rules of Procedure.

“2014 BY-LAWS AND RULES OF PROCEDURE Colonial Beach Town Council

Preamble

The citizens and businesses of the Town of Colonial Beach, Virginia are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence and integrity. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Colonial Beach Town Council has adopted these By-Laws and Rules of Procedure to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 Meetings

Section 1-1 Annual organizational meetings

A. The Town Council shall conduct an organizational meeting at its first meeting in January of every year.

B. At the organizational meeting in January, the Council shall establish the date, time and place for its regular monthly meetings for the remainder of the calendar year.

Section 1-2 Meeting Cancellations.

The Mayor may cancel any meeting because of inclement weather or disaster and will reschedule any cancelled meeting at the earliest possible date when a quorum is available.

Section 1-3 Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places, as it may find convenient. A special meeting of the Council shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given in accordance with the Virginia Freedom of Information Act.

Section 1-4 Quorum and method of voting

A. A quorum shall consist of a majority of the members of the Town Council.

B. It shall be the duty of every member to vote on issues before the Town Council. Each member shall vote by stating “aye,” “nay” or “abstain.” If a member chooses to abstain, the member shall state the reason for abstaining for the record.

Section 2 Officers

Section 2-1 Mayor and Vice Mayor

The Mayor shall preside at all meetings of the Town Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and the Vice Mayor, the members present shall choose one of their members to preside over the meeting. The Mayor and the Council shall appoint individual Council members as the Point of Contact and the advocate for the following areas:

- Public Safety – Tommy Edwards
- Economic Development – Jim Chiarello
- Finance – Pete Bone
- Administration – Jim Chiarello
- Public Works – Gary Seeber
- Schools -- Linda Brubaker
- Planning & Zoning -- Wanda Goforth
-

The Mayor and Council may appoint advocates for other areas as necessary and may establish other committees when needed.

The POC shall serve in a role similar to that of a committee chair. The POC shall be responsible for ensuring that matters related to the designated area of the POC are thoroughly researched so as to them provide the Town Council with a comprehensive overview. The POC shall keep the other members of Council informed on a monthly basis of the matters that the POC is addressing. The function of the POC is to make the deliberations by the Town Council more efficient.

Section 2-2 Preservation of order

At meetings of the Council, the Mayor shall preserve order and decorum.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Town Council using the Rules for small bodies. The Town Attorney shall act as Parliamentarian to the Council. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the Town Attorney. If the Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian.

Section 3 Conduct of Business

Section 3-1 Order of business

A. At the Council's meeting, the order of business shall be generally as follows:

- Call to Order
- Roll call of members
- Additions to the Agenda
- Approval of the Agenda
- Approval of the minutes
- Council Announcements
- Presentations
- Citizens Input
- Unfinished business
- New Business
- Closed meeting (if necessary)
- Recess/Adjournment

Section 3-2 Agenda Details

Until an agenda item is approved or disapproved by formal vote of the Town Council, the agenda item shall remain on every agenda and the Town Manager shall provide a status update on each agenda item as part of the agenda packet.

Every ordinance or resolution which involves the expenditure of funds shall identify the budget line item number that will be used to fund the expenditure.

Section 3-3 Motions

A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.

B. The Mayor may make a motion without relinquishing the chair.

Section 3-4 Appeal to Council

Any member of the Council may appeal to the Council from the decision of the Mayor on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Mayor. No second is required on a member's appeal.

Section 3-5 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended after a vote which indicates concurrence of two-thirds of the members present.

Section 3-6. Public Comment

Individuals may speak during the portion of the agenda designated for public comment and may speak for up to three (3) minutes. An individual who is representing a group people may speak for up to five (5) minutes. The Mayor may exercise discretion in these time limits based upon the circumstances.

Section 3-7 Citizen Questions

The purpose of the Public Comment portion of the agenda is to permit citizens an opportunity to address statements to the Town Council. The Public Comment period is not intended as a question and answer session with the Town Council. However, the Mayor may, in his discretion, answer a question if the answer is brief. For more involved answers to questions, the Mayor will respond to the citizen by saying that the question has been referred to the Town Manager who will see to it that an answer is provided.

Section 3-8 Work Sessions

When items are presented to Council for consideration at a work session, a summary sheet providing an overview (including pros and cons) shall be prepared and distributed to Council in advance of the work session.

At every monthly work session of the Town Council, the Town Manager shall provide a comprehensive list of all pending items and shall include the most recent status of each item.

Prior to every work session, the Town Manager shall also provide the Town Council with a written, monthly report as to the current workload being carried and performed by each department so that the Council is aware of pending projects as well as whether additional resources may be needed to support the staff.

On a quarterly basis, prior to the work session, the Town Manager and the Chief Financial Officer shall provide budget updates. These updates shall state the current revenues and expenditures and the projected end of year outcome. The budget update shall include all funds.

Section 4 -- Public Hearings

Section 4-1 Mayor to conduct public hearings

The Mayor shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings shall begin with a brief presentation from a staff member and/or representative from the relevant board, authority, commission or committee. The presentation shall summarize the facts about the issue. Council members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

- A. The Mayor shall open the public hearing.
- B. The applicant (or his or her representative) shall be the first speaker(s). Any and all representations made by the applicant to the Town on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Town.
- C. The Mayor shall then solicit comments from the public. Each speaker must clearly state his name and address.
- D. After public comments have been received, the applicant, at his or her discretion, may respond with additional information.
- E. Upon the conclusion of the applicant's comments, the Mayor shall close the public hearing.

Section 4-4 Members' participation

Council members shall withhold their comments in public hearings to ensure participation by the public without Council interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Mayor, no further public comments shall be permitted. Council members, however, may direct questions to the applicant, the representative of the relevant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 Debate

Following the close of the public hearing, the Mayor entertains a motion and a second to address the issue and the Council may debate the merits of the issue.

Section 5 – Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming generally to the order of business specified in Section 3-1(A) entitled "Order of Business". The Town Manager shall coordinate the scheduling of items on the agenda with the Mayor. Every item that is placed on an agenda shall be accompanied by a cover sheet that identifies the action that is recommended, the pros and cons, and relevant background information. Complete agenda packets shall be distributed to the Council and made available to the public by noon on the Friday immediately preceding the Town Council meeting.

B. Council members may request that items be placed on the agenda, for discussion, by contacting the Town Manager and the Mayor at least eight business days prior to the Town Council meeting. (In other words, by the close of business on Tuesday the week before the meeting.) No such item shall be removed without the consent of the requesting Council member.

Before an item is placed on an agenda for action, that item shall have been discussed and vetted at the Council work session the previous month. While it may not always be possible because of time constraints to discuss a matter at a work session the month before the Council meeting, in order to promote thoroughness and attention to detail, this shall be the generally accepted practice.

C. Appointments may be placed on the agenda for consideration at any time.

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.

Section 5-2 Minutes

The Clerk of the Council shall prepare and maintain minutes of the proceedings of the Council, and Council committees, in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Council voted as required by law. Preparation of minutes will not include every aspect of the Council's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. The Clerk will make every effort to provide draft minutes to the Council within thirty (30) days or less of the date of the meeting.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Council that no one member shall exert individual action or direct any Town employee, or any board, authority, commission or committee of the Council, to initiate any action that would require a Town employee to perform any action contrary to the laws, ordinances or policies of

the Town or which would require the expenditure of public funds in any amount without the approval of the Council.

When one or more members of Council and/or the Mayor respond to the media, they shall make it clear whether they are expressing a personal opinion or whether they are representing a formal Council position or decision.

B. It is further the policy of the Council that when the Mayor and/or individual members of Council interact with employees of the Town, that the Mayor and/or individual members of Council conduct themselves in a respectful, civilized and appropriate manner at all times. Under no circumstances is it appropriate for the Mayor and/or any individual member of Council to shout or yell at, or shout or yell in the presence of, any Town employee. Neither the Mayor nor any individual member of Council shall make a comment or statement to any Town employee that is vulgar, insulting, or sarcastic. The Mayor and individual members of Council shall support the maintenance of a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. The Mayor and individual members of Council shall recognize their special role in dealings with Town employees and shall in no way create the perception of any type of inappropriate direction to staff.

C. The conduct of the Mayor and individual members of Council must be above reproach and must avoid even the appearance of impropriety. Under no circumstances shall the Mayor or any member of Council threaten, either directly or indirectly, any Town employee with the loss of his or her job, position, and/or salary.

D. The Mayor and individual members of the Council shall prepare themselves for every meeting by reading and reviewing the Council packet and they shall listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers and making personal comments that are not germane to the business before the Council or otherwise interfering with the orderly conduct of the meeting.

E. The Mayor and individual members of Council shall not use the public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes. The Mayor and individual members of Council may seek assistance from Town staff with respect to official Town business, but shall not monopolize Town staff or interfere in any way with the ability of Town staff to perform their jobs.

F. The Mayor and individual members of Council shall respect the confidentiality of information concerning the property, personnel and/or affairs of the Town. They shall neither disclose confidential information without proper authorization of the Council, nor use such information to advance their personal, financial, or other private interests.

G. Recognizing that stewardship of the public interest must be their primary concern, the Mayor and members of Council will work for the common good of the people of the Town of Colonial Beach and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Colonial Beach Town Council.

H. No individual Council Member may pursue independently any mission, project or commitment that is not in accordance with the majority of the Council, with the exception of carrying out his or her duties

consistent with his or her appointment as an advocate for a specific area of Town government where those duties are in accordance with the consensus of Council. Should any staff member have a question as to whether he or she may proceed with work in response to the request of any one particular Council member, the staff member shall ask that the Mayor indicate how the staff member should proceed.

Section 6-3 Discussion of zoning and land use matters

Town Council members shall not engage in discussions or negotiations with applicants on zoning or land use matters prior to the Planning Commission's referral of the matter to the Town Council.

Section 6-4 Polling Procedure

The Town Manager or his designee may separately contact members of the Town Council for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of Virginia.

Section 6-5 Sanctions

Individual members of the Town Council may be held accountable for their actions in violation of these Bylaws and/or state law by the Town Council in accordance with these Bylaws and state law. For example, a member of Council may be punished or fined for disorderly behavior in accordance with Virginia Code § 15.2-1400. Alternatively, the Town Council may censure a member of Council for violation of these Bylaws or other grossly inappropriate behavior.

Section 7 – Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Council.”

-----End of Resolution #01-14-----

New Business

Public Hearing, Ordinance #646, Amends the Colonial Beach Town Code, Chapter 15 “Nuisances”

Mayor Ham opened Council discussion.

Mr. Bone asked if, because there were changes made, does it have to be readvertised.

Ms. Erard noted it was okay to go, but the changes recommended by Ms. Goforth may require additional advertising.

Ms. Goforth asked Ms. Erard how to effect changes to the ordinance as it reads now.

Ms. Erard suggested Council pass the ordinance as it reads, then generate another draft to include staff input and then discuss those changes at the next work session.

Mr. Edwards asked about property owners being responsible for the maintenance of an area to include 10 feet from their property line.

Mr. Mitchell said, yes, it should be included here, but deferred to the Town Attorney.

Ms. Erard noted it is not included, but could be included in future changes to be discussed at the work session.

Mr. Chiarello questioned how the town could obligate property owners to maintain ditches, and if the property owner got hurt, what about insurance issues.

Ms. Erard asked that this discussion be postponed until the work session.

Mayor Ham opened the Public Hearing at 7:53 p.m.

Public Comment on Ordinance #646

Bob Busick, 710 Monroe Bay Avenue asks Council to consider an ordinance that protects the public from property owners that are negligent, but includes a balanced approach that accommodates a more naturalistic landscape.

Marsha Feldman, 1605 Beach Drive noted she has an adjacent property on Riverview whose yard is overgrown with weeds, garbage and fallen trees. Ms. Feldman was informed that there is nothing the town can do about it because there is house specific to this area. Ms. Feldman asked if this ordinance addresses that issue.

Ms. Erard answered “It does. It would be undeveloped property, correct?”

Ms. Feldman noted that maintaining 10 feet from the property line would leave her in the street.

Mayor Ham closed the Public Hearing at 7:59 p.m.

Ms. Goforth made a motion to accept the ordinance as written. Mr. Bone seconded the motion.

Mayor Ham asked Ms. Erard if there was a comma missing under Section 15-.2. Ms. Erard answered “No. It’s those two phrases.”

Mayor Ham asked what if it’s not vacant developed or undeveloped property. Ms. Erard answered “Then it doesn’t apply.”

Mayor Ham asked “If I live on the property, then I can grow my grass as high as I want to.”

Ms. Erard answered “Well, there is another state code section where certain localities have requested the authority to deal with those situation. We could request the General Assembly next year to add us to that list. But that’s in a different section of the State Code. So you are correct, it is only vacant developed or undeveloped property.”

Ms. Goforth noted the words “uncontrolled vegetation” under Section 15-2(1). “Uncontrolled vegetation is not real clear. That could be wild flowers. That could be an English Garden. Didn’t we address that?”

Ms. Erard noted she thought she had gone back and tracked it with State Code. “I do not see “uncontrolled vegetation” in the State Code section. Would you like to take out the words “other uncontrolled” so it would just say “other vegetation in excess of twelve (12) inches in height.”

Ms. Goforth wants something clear like “native grasses” or “wild flowers” or “English Gardens” because we’ve had a problem with that.

Ms. Erard answered “Why don’t I try to capture that in the revision. I can say “native grasses, English Gardens or wild flowers.”

Ms. Brubaker asked what is “vacant developed.”

Ms. Erard answered “A house that is unoccupied or a piece of property with a house on it.”

Ms. Brubaker asked “So if Mr. Ham decides not to cut his grass, there is no ordinance in place to make him do so?”

Ms. Erard answered “Not at this time.”

Mr. Edwards thought we were allowed. “We send them documentation that they need to cut their grass. After a certain period of time, if they don’t respond, we can put a lien on their property and send in our town grass cutters to cut the grass because we don’t want it to get overgrown.”

Ms. Brubaker noted if she let her grass grow to five feet tall, there is nothing that the town can do to me.

Ms. Goforth noted “There is, we’ve been doing it.”

Ms. Brubaker noted “That’s not what this ordinance says.”

Ms. Goforth said “Well, it must have gotten left out.”

Ms. Erard noted “Under the enabling authority, this is what we’re allowed to do under State Code. There is another State Code provision, 15.2 (12-15), where Arlington, Augusta, Campbell, Chesterfield, Fairfax, Frederick, Hanover, Henrico, Henry, Isle of Wright, James City, Prince William, Roanoke, Rockingham, Spotsylvania, Stafford, Washington, Wise and York may by ordinance require that the owner of occupied residential real property therein cut the grass or lawn area of less than one-half an acre on such property if any part thereof at such times as the governing body shall prescribe when the growth exceeds 12 inches in height.”

Ms. Brubaker asked “So we would have to go to the General Assembly for that?”

Ms. Erard answered “Yes.”

Mr. Mitchell answered “Yes. Every year somebody adds their name to that list.”

Linda Farneth, reporter for the Journal Newspaper, asked “Are you saying that the previous property owners who had their grass cut and mowed, if they were living in it, then that should not have been allowed.”

Ms. Erard answered “I cannot comment on what has or hasn’t happened because I am not familiar. I am only speaking to this ordinance.”

Linda Farneth asked “So legally any property that is being lived in, you cannot force any property owner to cut their grass.”

Ms. Erard answered “If it’s occupied residential property, correct.”

Mr. Bone asked if 15.2(1) give you the ability to cut the grass.

Ms. Erard answered “Only if it...”

Mr. Bone continued “It says any grass, weeds, brush or uncontrolled vegetation in excess of twelve inches.”

Ms. Erard answered “15.2(1) speaks to vacant developed or undeveloped property.”

Mr. Bone noted “including property upon which buildings or other improvements are located”

Ms. Erard answered “Are located. But not occupied.”

Susan Pietras-Smith, reporter for the Westmoreland News noted “This says you can’t do that, but the town has been doing that. Isn’t that a problem? Actually the grass was cut on several homeowners.”

Ms. Goforth asked to take a five-minute break.

Mayor Ham called a five-minute recess.

Reconvene from Recess

Mayor Ham reconvened the meeting.

Con’t Public Hearing, Ordinance #646, Amends the Colonial Beach Town Code, Chapter 15 “Nuisances”

Ms. Erard noted that Ms. Goforth has indicated she would ask this matter be postponed until the March meeting. Ms. Goforth made a motion to postpone. Mr. Edwards seconded the motion to postpone.

Mayor Ham called for a voice vote on the motion to postpone. All in favor, signify by saying “aye.” The “ayes” were unanimous.

Public Hearing, Downtown Revitalization

Jerry Davis, Northern Neck Planning District Commission Executive Director, spoke to the requirements to submit the application for the Community Development Block Grant program. This is the second public hearing to insure the Town is seeking public input on the application.

Mr. Davis had submitted a packet to Council and referred to the packet in his comments. Initially, the boundary of the project area was established and there is a map in the packet outlining the boundaries.

Second, the activities list presented to Council references additional funding sources that have been initiated or can be initiated.

The application meets two main criteria in order to be eligible for funding: (1) addressing elimination or prevention of slum or blight (physical and economic); and (2) benefiting persons who fall in the low to moderate income category.

The application addresses three broad areas. (1) Economic restructuring – first of all, there has been a formation of the Downtown Main Street organization, which organization’s main purpose will be to market and promote the boardwalk area and establishment of a loan program that will offer loans to existing or new property owners in the amounts of \$1,000 to \$5,000 and encouraging private investment that is independent and complimentary to the downtown revitalization.

(2) Physical improvements – a façade improvement program which will offer loans on a 50-50 basis to improve facades and the implementation of two additional murals and Taylor Street improvements including removal of three utility poles and burying the electric lines and adding landscape and street furniture and boardwalk improvements from Colonial Avenue to the town pier including landscaping, additional lighting, street furniture and, finally, the Colonial Avenue terminus will include construction of a pedestrian plaza as it transitions to the boardwalk to include landscaping, street furniture and adding, perhaps, a splash pad.

There will be a wayfaring signage program directing traffic to the downtown project area and within the downtown area.

(3) Housing –adds up to 12 workforce apartment units in the project area for low to moderate income persons.

The program is premised on acquiring almost \$1 million from the Community Development Block Grant program and \$400,000 from VDOT's Transportation Alternative program. Private investment in the project area that has already occurred or will occur totals almost \$6 million.

Mr. Davis thanked the management team and acknowledged their hard work. Mr. Davis then thanked Glenda Chiarello and Peter Fahrney for their hard work.

The CDBG application deadline is March 26, 2014. A decision is expected to be made sometime in June. VDOT's application will probably be due November 1, 2014.

Mayor Ham opened the Public Hearing.

Peter Fahrney, 3419 Riverview Drive, noted he has been involved in this project over the last three or four years. This is the first year that he has confidence in the application.

Town Council is part of the process by agreeing to the application or all activity stops. If there are questions, please a member of the management team.

Glenda Chiarello, 1008 Monroe Bay Avenue, noted she has served on the revitalization team for three years. The team has been dedicated and worked very hard. Ms. Chiarello thanked Val Foulds and Gary Mitchell. This is a very competitive application process.

Receipt of the grant will move our town forward in many ways so the town can continue to become the riverfront destination of the Northern Neck.

Ms. Chiarello thanked Town Council.

Maureen McCabe, 732 Monroe Bay Avenue, noted that four years ago when the process started, at the first meeting, there emerged a vision for Colonial Beach. That vision comes to conclusion with this grant application.

This is an opportunity to move forward thinking about the common good.

Ms. McCabe asked Council to "please help us gain the support we need to win this grant."

Val Foulds, Town Manager, formally thanked the Town Council for their support and attendance at many of the management team meetings. Ms. Foulds then thanked Jerry Davis and all members of the management team. Ms. Foulds then thanked Dave Brown from VDOT, James Beasley from Dominion Power, and Bob Fink, Planning Director for Westmoreland County for their support and partnership.

(Applause)

Mayor Ham closed the public hearing.

Mr. Chiarello noted “This is exciting. If you see the faces of the people at the meetings, they glow. They are there because they want to be there. They’ve been there many, many hours.” “We are growing a town.” Mr. Chiarello thanked everyone involved.

Mayor Ham thanked the management team, Jerry Davis and looks forward to submitting the application in March.

Resolution #13-14, Accepts Deed of Easement from Relda and Kyle Schick

Ms. Foulds noted the documents have been delayed and are not available.

Resolution #14-14, Colonial Beach Public Schools Donated Funds and Insurance Payouts, State Law and Auditing Requirements

Ms. Erard noted the resolution illustrates to the public that we are handling all funds in accordance with the law.

Ms. Foulds noted she sent a copy of the resolution to Ms. Beane.

Mr. Bone made a motion to approve as written. Mr. Edwards seconded the motion to postpone.

Mr. Trivett spoke to the donations. The donations go to a school fund, which is audited. The funds do not come through the town. They are like any other fund that we have set up for donations, like the library fund. Unless we are violating a law, which I don’t believe we are, that’s what is happening with the current fund when it comes to donations for the supplies. There is a special account that is set up and will be audited next year like all our accounts are.

Ms. Erard noted she is not familiar with the specifics.

Mr. Trivett noted he asked their attorney about this.

Ms. Erard asked for a copy of his opinion letter.

Mr. Trivett said he would ask for a letter and further noted “If we’re doing it wrong, we will remedy it.”

Mr. Trivett noted the account is somewhere between \$40,000 and \$50,000.

Mayor Ham suggested removing the words “donated funds and” from the last paragraph of Resolution #14-14.

Ms. Erard recommended leaving the wording as is, saying, “if the money is provided to the School Board, the money should come to the Town to be re-appropriated to the School Board.”

Mr. Trivett believed their attorney referenced an Attorney General opinion about this.

Mr. Edwards asked how much paper was donated during the Torrey Smith benefit at Walmart.

Mr. Trivett answered “We lost 300 cases of paper.” “The Baltimore Ravens owner made a huge contribution of several thousand dollars. The Torrey Smith Foundation donated around \$4,000 for specific things at Walmart.” “The bus was filled, you couldn’t get another thing on it.” “The federal government has donated furniture.” “Fairfax, I think, donated about 300 desks.”

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” The “ayes” were unanimous. Resolution #14-14 passes.

-----Resolution #14-14-----

Resolution #14-14, Colonial Beach Public Schools Donated Funds and Insurance Payouts, State Law and Auditing Requirements

WHEREAS the citizens of the Town of Colonial Beach suffered a terrible loss on January 5, 2014 when the former school building (locally known as the Old High School) located at 315 Douglas Avenue burned; and

WHEREAS portions of this site were still being used by the Colonial Beach School Board to educate its students; and

WHEREAS the loss of the ability to use this site, and the loss of the items inside the Old High School has created a tremendous hardship for Colonial Beach Public Schools; and

WHEREAS the citizens of the Town of Colonial Beach have rallied to show their support for Colonial Beach Public Schools; and

WHEREAS there has been an outpouring of donations of cash as well as school supplies for Colonial Beach Public Schools; and

WHEREAS state law and auditing requirements prescribe that certain measures be followed in circumstances such as these in order to make immediate use of the funds.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council, at its regularly scheduled meeting on Thursday, February 13, 2014, that the generosity of everyone who has reached out to help the Colonial Beach Public Schools in its time of need be recognized and appreciated; and

BE IT FINALLY RESOLVED that, in order to publicly demonstrate the proper handling of these funds as well as to make immediate use of the funds, the Colonial Beach School Board adhere to state law and auditing requirements and remit all donated funds and insurance payouts to the Town of Colonial Beach so that these funds may be added to the current budget and appropriated to the Colonial Beach School Board for immediate expenditure.

-----End of Resolution-----

Resolution #15-14, Supports the actions of Town Staff

Ms. Foulds noted that Town Council received an email from a citizen that shared a list of contractors and vendors that he did not believe had a current business license.

Ms. Foulds has responded to Mr. Cirbee acknowledging and addressing his concerns.

Ms. Brubaker asked why Ms. Foulds is asking for the resolution.

Ms. Foulds responded that she had answered on behalf of Town Council and that the correspondence had been addressed to the Town Council.

Mr. Bone agrees with the letter and believes we should answer correspondence.

Mr. Chiarello noted the letter was appropriate and well written.

Mr. Bone made a motion to approve Resolution #15-14 as written. Ms. Goforth seconded the motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” The “ayes” were unanimous. Resolution #15-14 passes.

-----Resolution #15-14-----

Resolution #15-14, Supports the actions of Town staff

WHEREAS, the Colonial Beach Town Council wishes the Town Staff to respond to citizen inquiries and concerns in a consistent and efficient manner, and

WHEREAS, an inquiry sent to the Town Manager, with a copy to each member of the Town Council, by Mr. Stephen Cirbee on January 17, 2014, and

WHEREAS, in his January 17, 2014 letter Mr. Cirbee questioned whether certain entities and individuals were operating in the Town without a valid Business License, and

WHEREAS, Mr. Cirbee provided a list of forty-eight (48) names that were believed to be in violation of the Business License section of the Town Code, and

WHEREAS, the Town Manager has asked the appropriate staff to identify if the individuals and businesses on the list are in compliance, and where necessary, to work with the individuals and businesses that do not have a valid business license, to bring them into immediate compliance, and

WHEREAS, the Town recognizes that there are certain legal, technical and logistical limitations to ensure a seamless transaction for the issuance of a building permit **only** to holders of a valid business license.

BE IT RESOLVED, that the Town personnel have put in place manual processes to help support this transaction.

AND BE IT FURTHER RESOLVED, that the Town Council meeting in regular session on Thursday, February 13, 2014 approves the release of the attached written response to Mr. Steve Cirbee and supports the actions of Town staff as described in said letter.

-----End of Resolution-----

Resolution #16-14, Appointment to the Colonial Beach Planning Commission

Mayor Ham noted this resolution appoints Ms. Kelly DeJesus to the Colonial Beach Planning Commission. The Planning Commission has recommended the appointment of Ms. DeJesus.

Ms. Goforth made a motion to approve Resolution #16-14. Ms. Brubaker seconded the motion.

Mr. Chiarello asked Ms. DeJesus to stand up and congratulated her.

Mayor Ham noted she has been involved with the revitalization grant team, as well.

(Applause.)

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” The “ayes” were unanimous. Resolution #16-14 passes.

-----Resolution #16-14-----

Resolution #16-14, Appointment to the Colonial Beach Planning Commission

WHEREAS, there is a vacancy on the Colonial Beach Planning Commission; and

WHEREAS, Kelly DeJesus has indicated her willingness to serve on the Planning Commission and has submitted an application; and

WHEREAS, the Planning Commission has considered the submitted application and recommends that Kelly DeJesus be appointed to serve on the Colonial Beach Planning Commission.

NOW, THEREFORE, the Town Council, meeting in regular session, Monday, February 17, 2014 hereby appoints Kelly DeJesus to the Colonial Beach Planning Commission for a four-year term expiring on February 28, 2018.

-----End of Resolution-----

Closed Session

Mayor Ham asked if there a motion to go into closed meeting pursuant to Va. Code § 2.2-3711(A)(1) for the discussion or consideration of candidates for the position of Police Chief.

Mr. Edwards made a motion. Mr. Chiarello seconded the motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” The “ayes” were unanimous.

Mayor Ham closed the regular meeting and Town Council moved into closed session at 9:05 p.m.

Reconvene

Mayor Ham reconvened the regular meeting at 9:40 p.m. and asked is there a motion to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council?

Mayor Ham called for a certification on the closed session. Ms. Brubaker certified; Mr. Edwards certified; Mr. Chiarello certified; Ms. Goforth certified; Mr. Bone certified; and the Mayor certified.

Adjournment

Ms. Brubaker made a motion to adjourn. The meeting was adjourned at 9:42 p.m.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor