



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, July 14, 2016 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

Absent

All Council Members were present with the exception of Mr. Looney.

Also Present

Town Manager, Val Foulds
Police Chief, Danny Plott
Zoning Administrator, Brendan McHugh
Town Clerk, Kathleen Flanagan

Call to Order

Mayor Ham called the meeting to order at 7:02 p.m.

Roll Call of Members

Mayor Ham requested a roll call of members. Mr. DiRosario responded "here," Mr. Blunt responded "here," Mr. Lyburn responded "here," Mr. Edwards responded "here," Ms. Goforth responded "here," and Mayor Ham responded "here."

All Council Members were present, with the exception of Mr. Looney.

Additions to the Agenda

There were no additions to the agenda.

Approval of the Agenda

A motion was made by Mr. Edwards to approve the agenda, as written. Mr. Blunt seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to approve the agenda passed unanimously.

Approval of Minutes

A motion was made by Mr. Blunt to approve the minutes for the March 10, 2016 Regular Meeting; the March 24, 2016 Work Session; and, the April 14, 2016 Regular Meeting. Mr. Edwards seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to approve the minutes passed unanimously.

Council Announcements

Mr. Edwards suggested everyone rise and observe a moment of silence due to the tragic events in Dallas, Texas.

A Moment of Silence was observed.

Mr. Lyburn reminded everyone the annual car show will take place on the 30th of July at the high school.

Mr. Blunt noted on July 11, Mr. Blunt, Mayor Ham, Cathy Bokman, Dr. Peter Fahrney attended a regional health care forum in King George County to discuss a hospital center in the upper Northern Neck area.

Mr. DiRosario thanked the volunteers who worked the Potomac River Festival. Mr. DiRosario also noted the triathlon was well attended .

Presentations

Police Chief Danny Plott thanked Mr. Edwards for the Moment of Silence.

Chief Plott thanked the citizen in the Meadows who posted a sign thanking the department for their service, saying little things like that make a big difference.

Chief Plott then introduced Zach Pelcola???? who will be starting the Academy.

Dr. Kevin Newman introduced Mr. Tony Booth, who is the new Director of Federal Programs.

Unfinished Business

There was no unfinished business.

New Business

Public Hearing

Resolution #44-16, Amends 2009-2029 Comprehensive Plan, Chapter 1.6, Housing Update

Mayor Ham introduced Resolution #44-16.

Mr. McHugh summarized the Housing Update.

Public Input

At 7:13 p.m. Mayor Ham opened the Public Hearing.

Bill Dellar, 1333 Monroe Bay Avenue noted the report calls for an additional 278 units are needed to serve residents that are: new to the work force, older individuals, and individuals at or below the poverty level.

Mr. Dellar believes Colonial Beach is doing its share to provide subsidized or low income housing and, if there is a true need for more housing, property is less expensive in the county.

Mr. Dellar requested Town Council table adopting this resolution until a clear vision for our town is developed.

At 7:17 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. DiRosario made a motion to table Resolution #44-16. Mr. Blunt seconded the motion.

Ms. Goforth requested that Mr. McHugh provide more information to Council.

Mayor Ham call for a roll call vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to table Resolution #44-16 as written passed unanimously.

Public Hearing

Resolution #45-16, Approval of Lease of Upper Level of 106 Hawthorn Street

Mayor Ham summarized Resolution #45-16, which would authorize a lease to Downtown Colonial Beach for the upper level of 106 Hawthorn Street

Public Input

At 7:20 p.m. Mayor Ham opened the Public Hearing.

Glenda Chiarello, representing Downtown Colonial Beach noted the space would be used as office space. Downtown Colonial Beach has requested a lease term of five years with a lease payment of \$500 annually.

At 7:23 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. Edwards made a motion to adopt Resolution #45-16. Ms. Goforth seconded the motion.

Mr. Blunt asked if there will be an issue with parking. Mr. Blunt further asked if the bollards could be removed, which would add more parking on Hawthorn Street.

Ms. Foulds answered that 106 Hawthorn is close to the municipal parking lot. Ms. Foulds further noted that the pedestrian plaza is funded with grant money and a change would require input from the Department of Historic Resources and the Department of Community and Housing Development.

Ms. Chiarello responded that the offices will be mainly administrative offices.

Ms. Goforth noted there is a parking area at 18 North Irving.

Ms. Diane Pearson, citizen, requested to make a comment. Mayor Ham agreed.

Diane Pearson, 300 Billingsley Avenue noted that the town has lost grant money before. Ms. Pearson urged that before anything is done to the downtown area, that businesses in the area and citizens be allowed to have input.

Mayor Ham replied that a management committee and four subcommittees were established at the beginning of the revitalization effort. Citizens have joined the committees, left the committees, returned to the committees, and sporadically attended meetings.

Mayor Ham said “there was citizen input.”

Mayor Ham call for a roll call vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Resolution #45-16 as written passed unanimously.

RESOLUTION #45-16, APPROVAL OF LEASE OF UPPER LEVEL OF 106 HAWTHORN STREET

WHEREAS the Town of Colonial Beach has received a request from Downtown Colonial Beach, Inc., a 501(C) (3) corporation, dated June 2, 2016 requesting to lease the upper level of 106 Hawthorn Street; and

WHEREAS, Downtown Colonial Beach, Inc. is an official member of Main Street America and would utilize the space at 106 Hawthorn Street as office space; and

WHEREAS the Colonial Beach Town Council has conducted a duly advertised public hearing at its regular meeting held on July 14, 2016.

NOW THEREFORE BE IT RESOLVED the Colonial Beach Town Council at its regular meeting on July 14, 2016 hereby agrees to lease the upper level of 106 Hawthorn Street, for a term of five (5) years, to Downtown Colonial Beach for the following terms and conditions:

- 1) Lease payment of Five Hundred (\$500.00) Dollars per year payable in advance.

BE IT FURTHER RESOLVED by the Colonial Beach Town Council that the Town Manager is authorized to negotiate and execute a five-year lease agreement; and

BE IT FURTHER RESOLVED that the Town Attorney is directed to prepare a lease for execution.

Public Hearing

Resolution #46-16, re: the sale of Tax Map 3A1-2-9-1, formerly known as Eleanor Trailer Park

Mayor Ham requested citizens to keep their comments to three minutes and to remain professional.

Public Input

At 7:30 p.m. Mayor Ham opened the Public Hearing.

Theresa Gaasterland, 1317 Irving Avenue, representing Eleanor Park Next Door Neighbor Group.

Ms. Gaasterland owns the property next door to the “park” and her family has visited the “park” for a very long time, ever since the turn of the century.

Ms. Gaasterland wants answers to:

- 1) Why is there no development plan as a part of this vote?
- 2) Why is this sale significantly reduced from original selling price?
She estimates \$600K assessed value for the front six properties based on next door assessed at \$105K.

Asked Council to show us that the purchaser understands the inherent constraints on property, such as floodplain and Chesapeake Bay Act.

Wait for a better market and a plan with clear benefits to everyone.

Trish King, not present

Glenda Chiarello, 1008 Monroe Bay Avenue submitted an alternative plan where the town owns the property and leases it to a developer of tiny homes.

Cathy Bokman, 1501 Lossing Avenue, is a marketing professional and believes the town has not marketed the property. The sale breaks her heart because she enjoys her current view tremendously. She believes that \$900K is a distress sale.

Asks Council to request the full price or go back and market the property.

John Biemeck, 1212 Monroe Bay Avenue expressed his extreme opposition to sell Eleanor Park as this property was left in trust for the people of Colonial Beach. He believes the property is ideal for condos and wants to limit the buyers to only single family homes. Condos will hurt the character of the community and bring in too many school children.

Eric Nelson, 1321 Lossing Avenue noted he has a house that will be impacted if the land is developed. But his views on this subject have nothing to do with the view from his house. He is

strongly opposed to this sale. He is active in the community – on the Planning Commission, the board of Downtown Colonial Beach, co-chairs the Economic Development Committee and is on the board of the Chamber of Commerce and the Colonial Beach Foundation.

- 1) The park was originally deeded to be a park, used as green space in perpetuity by the residents of this community.
- 2) It could be developed into an attraction for visitors.
- 3) The Comprehensive Plan calls for a certain percentage to be used as green space, that figure includes Eleanor Park.
- 4) He is frustrated by the information residents received before this hearing, only the letter from the proposed purchaser.

He read from original deed from 1882 for White Point Farm “to have and to hold the same in trust for the benefit and enjoyment of the owners of the lots in said subdivision forever.”

Proposed an alternative to allow a foundation to purchase this land to keep as a green space in perpetuity.

Bill Dellar, 1333 Monroe Bay Avenue noted all he received was the letter from the purchaser and no other documents.

He lives three blocks away and would love to see this land preserved as green space. But, he believes the debt accumulated by Town Council makes such an option impossible.

He reluctantly supports the sale with the following conditions being made a part of the sales agreement:

- 1) Current zoning of R2 shall not be revised and shall not include special exemptions.
- 2) Purchaser shall submit a development plan showing how the property will be subdivided including location and description of each structure.
- 3) Request purchaser submit a best and final offer.

Provide another opportunity for public comment.

Or, the town should subdivide the property and sell each lot individually. The town could preserve a portion for green space.

Jim Chiarello, 1008 Monroe Bay Avenue spoke to Res #53-14 which states the property will not be sold for less than the appraised value.

Someone’s dying wish was to preserve this property for the benefit of the people of this town. We have a moral commitment.

Linda Brubaker, 32 Lincoln Avenue is a title expert and is embarrassed at this resolution. A quit claim deed means no title search has to be done and is an easy out for the town and the buyer.

The sale price is atrocious.

She asked if anyone on council has a personal relationship with the purchaser, to say so.

Jeannette Holman, 156 4th Street, passed.

Vicki Roberson, 215 Cedar Avenue read a letter supporting the sale written by Tim Trivett, who is out of the country.

Steve Ale, 1235 Irving Avenue said “take a deep breath, let’s market better.”

Walter Kern, The Meadows spoke to square footage – 88,800 and comes to over \$14 per sq foot. The offer is just over \$10 per sq foot.

He is not in favor of selling the property at any cost because it was left to the citizens of Colonial Beach on behalf of the Council to take care of it.

Maintenance in town is very poor.

Pete Bone, 566 Taggart Street asked if the purchaser was present.

It took seven years to market this land. Does the inner structure support development? What kind of custom home can you put on 5,000 sq ft lots?

Diane Pearson, 300 Billingsley Avenue said

- 1) Eleanor Park is named after Elenor Kintz
- 2) That area is not “The Point”
- 3) Years ago, the town had to own a certain amount of property to borrow money.
- 4) The deed said that the property would be used for the good of the people of the Town of Colonial Beach. At which time it was not used, it would convert back to the original family.

Written comments were received by Council as follows:

Timothy Trivett, Chairman, Colonial Beach School Board is in favor of the sale of Eleanor Trailer Park as it will enhance or ability to keep our taxes lower. The money from this sale will assist the town is paying down the bonds for the new elementary school and assist the fire and rescue departments who have many pressing needs. It may even be put towards finishing the paving project in Riverside Meadows.

Tim Curtin, 801 Elkins Street is in favor of the sale of Eleanor Trailer Park as follows: (1) it will return property to the tax rolls that has no legitimate public use and is both fiscally sound and appropriate; (2) the argument over the original transfer of the property has become tiresome and has been discredited by legal advice; (3) the argument over the morality of the sale is ignorant of both the realities of the times and the likely opinions of the original donors; (4) the

tax base is already strained and taxpayers are continuing to pay for maintenance and upkeep of all these properties; (5) the town has a golden opportunity to send a message to potential investors that the town is open for business.

Beryl, by email said “the town council could care less about what we want or have to say. To date I can’t figure out what their agenda is other than destroy it. Instead of trying to bring business in they are driving it out.”

Lenore Ale, part-time resident is not opposed to the sale of this property, but would not be a fan of condo units being built at that location. Ms. Ale does not believe the town needs another park and any attraction would be better served down by the boardwalk where it can add to tourism and benefit local businesses.

Peggy Saylor, 534 Lafayette Street believes it is not okay to give this property away for \$900,000, either pay \$1,225 or no sale. Ms. Saylor further encourages the town to develop income producing property at this location by renting tiny homes.

At 8:19 p.m. Mayor Ham closed the Public Hearing.

Action by Town Council

Mr. DiRosario asked if Resolution #53-14 was passed saying the property must not be sold for no less than the appraised value, then what are we doing here tonight?

Mayor Ham replied that resolutions can always be changed.

Ms. Erard replied that Res #53-14 was an expression of council’s intent going forward. That intent can always change.

Mr. Blunt noted that since the appraisal was done for \$1.225 million, the town was in the process of hiring Coldwell Banker Commercial as listing agent town properties. Representatives from Colwell Banker met with town officials and indicated their opinion that it would be difficult to get the full appraised value as the property was one lot.

Mr. Blunt further noted that if the town follows through and hires Coldwell Banker, we will pay a 10% commission to them. \$10 per square foot for that property is close to what waterfront property is going for at \$11 per square foot.

Mr. Blunt made a motion to table Resolution #46-16. Mr. DiRosario seconded the motion.

Mayor Ham call for a roll call vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to table Resolution #46-16 passed unanimously.

Ms. Goforth noted that the previous council in August 2014 passed Resolution #53-14. Ms. Goforth added the language that the property not be sold for under the appraised price.

Ms. Goforth further noted the Planning Commission recommended to (1) leave the site in its current condition and/or (2) to establish the property as a passive recreation area for the residents of the town.

Organization Items

Resolution #40-16, Review/Update 2016 By Laws and Rules of Procedure

Mayor Ham summarized Resolution #40-16.

Action by Town Council

Mr. Edwards made a motion to adopt Resolution #40-16, as written. Ms. Goforth seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Resolution #40-16, as written, passed unanimously.

Resolution #40-16, Adoption of 2016 Bylaws and Rules of Procedure

BE IT RESOLVED, that the Town Council meeting in regular session, Thursday, July 14, 2016 hereby adopts the attached By Laws and Rules of Procedure.

“2016 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 trust. 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 and Postponements

The Mayor may cancel or postpone any meeting because of inclement weather or disaster and will reschedule any postponed 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 and shall do so at the time the vote is taken.

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.

Whenever a Department Head resigns or retires, or a hired specialist (such as an auditor) completes their work for the Town, the Mayor and the Vice Mayor shall conduct an exit interview with that person. The Mayor may designate some other member of Council in his place. And, at the Vice Mayor’s request, Council may designate some other member in the Vice Mayor’s place.

The Mayor and the Council shall appoint individual Council members as the Liaison for the following areas:

- Public Safety – **Tommy Edwards, assisted by Wayne DiRosario**
- Economic Development and Dept of Planning & Zoning – **Wanda Goforth**
- Finance – **Mayor Mike Ham**
- Administration – **Burkett Lyburn**
- Public Works – **Eddie Blunt**
- Schools -- **Mike Looney**

The Mayor and Council may appoint Liaisons for other areas as necessary and may establish other committees when needed. As with nominations for any committee or appointment, the Council Member nominated may decline.

The Liaison shall serve in a role similar to that of a committee chair. The Liaison shall be responsible for ensuring that matters related to the designated area of the Liaison are thoroughly researched so as to then provide the Town Council with a comprehensive overview. The Liaison shall keep the other members of Council informed in a timely manner, but at least on a monthly basis of the matters that the Liaison is addressing. The function of the Liaison 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 with the following exceptions:

- Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- There is no limit to the number of times a member may speak to a debatable question.
- Informal discussion of a subject is permitted while no motion is pending.
- The chairman need not rise while putting questions to a vote.
- If the chairman is a member, he may, without leaving the chair, speak in informal discussion and debate, and vote on all questions.

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
- Unfinished business
- New Business
- Citizen Input
- 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

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, but should do so only rarely and reluctantly.

Council members may not interrupt citizen speakers. However, the Mayor may exercise discretion and interrupt citizen speakers.

Section 3-7 Citizen Questions, Complaints and Suggestions

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.

Citizen questions should instead be addressed to the Receptionist at Town Hall, who will either answer the questions or refer them to the proper administrators for answers.

Citizen complaints should also first be addressed to the Receptionist at Town Hall. The Receptionist will either have the complaint taken care of, or refer the complainant to the proper administrator.

If citizens have not been satisfied with responses they have received from Town Hall, they may then present their complaints to Council.

The Mayor may, in his discretion, answer a question or a complaint if the answer is brief or may recognize a Council Member to respond. 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 if the citizen provides their contact information.

Citizen suggestions about the day-to-day practical operations of the Town should be made to the Receptionist at Town Hall, who will direct them, if necessary, to the appropriate departments.

Citizen suggestions about Town Council policies and actions may be made during the Public Comment period of Council meetings. The Town Clerk will keep a record of these suggestions. And the Town Council will consider them at its next work session, to determine which suggestions may be appropriate for action at the next, or later, regular meeting.

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.

At least twenty four (24) hours 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, at least twenty four (24) hours 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.

Routine administrative matters, including but not limited to simple referral of items to the planning commission and authorization to advertise a public hearing, may be voted on by the Town Council at work sessions.

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.

RESOLUTION #41-16, Establishment of dates and times of Town Council regular meetings

Mayor Ham reported that there had been previous discussion about this at the work session.

Action by Town Council

Mr. Blunt made a motion to adopt Resolution #41-16, as written. Ms. Goforth seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Looney, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Resolution #41-16, as written, passed unanimously.

Resolution #41-16, Establishment of dates and times for regular Town Council meetings

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution at the organizational meeting.

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

Thursday	August 11, 2016	7:00 p.m.
Thursday	September 8, 2016	7:00 p.m.
Thursday	October 13, 2016	7:00 p.m.
Thursday	November 10, 2016	7:00 p.m.
Thursday	December 8, 2016	7:00 p.m.
Thursday	January 12, 2017	7:00 p.m.
Thursday	February 9, 2017	7:00 p.m.
Thursday	March 9, 2017	7:00 p.m.
Thursday	April 13, 2017	7:00 p.m.
Thursday	May 11, 2017	7:00 p.m.
Thursday	June 8, 2017	7:00 p.m.
Thursday	July 13, 2017	7:00 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

RESOLUTION #42-16, Establishment of dates and times of Town Council work sessions

Mayor Ham reported that there had been previous discussion about this at the work session.

Action by Town Council

Mr. Lyburn made a motion to adopt Resolution #42-16, as written. Mr. Blunt seconded the motion.

Mayor Ham call for a voice vote. All in favor, signify by saying “aye.” Mr. DiRosario, Mr. Blunt, Mr. Lyburn, Mr. Edwards, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous.

The motion to adopt Resolution #42-16, as written, passed unanimously.

Resolution #42-16, Establishment of dates and times for Town Council work sessions

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution at the organizational meeting.

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

Thursday	August 25, 2016	4:30 p.m.
Thursday	September 22, 2016	4:30 p.m.
Thursday	October 27, 2016	4:30 p.m.
Thursday	November 24, 2016	4:30 p.m.
Thursday	December 22, 2016	4:30 p.m.
Thursday	January 26, 2017	4:30 p.m.
Thursday	February 23, 2017	4:30 p.m.
Thursday	March 23, 2017	4:30 p.m.
Thursday	April 27, 2017	4:30 p.m.
Thursday	May 25, 2017	4:30 p.m.
Thursday	June 22, 2017	4:30 p.m.
Thursday	July 27, 2017	4:30 p.m.

BE IT FURTHER RESOLVED, that all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Citizen Input

Ursula Finney, 214 Meadow Avenue reminded Council that the water flow has increased and now there is major erosion on either side of the ditch, one to two feet on either side. Ms. Finney is concerned her fence may end up in the ditch or her neighbor’s pine trees, which roots area have been eroded.

Ms. Finney also noted the Riverside Meadows sign keeps falling down.

Jack Shelar, 210 3rd Street, member of Rescue Squad. Mr. Shelar spoke to the recent decision to put a paid crew at the station overnight. There is no place to sleep overnight.

Mayor Ham responded that the county is responsible for housing the Rescue Squad. The county is planning to put in a new station at Oak Grove.

Walter Kern, The Meadows spoke to three topics: (1) Monroe Bay, it's been 42 years since the Army Corps of Engineers has done anything in the bay; (2) the triathlon in Colonial Beach came in number 6 in a national survey of triathalons held east of the Mississippi and we need more advertising; and, (3) the crossing between McDonalds and Union Bank, which is owned by Cosner, does not mind that golf carts use that path, but they are concerned about automobiles using that pathway.

Donna Shelar, paramedic does not understand how the town allows the rescue squad to live the way they live, saying it's atrocious and disgusting.

Glenda Chiarello, 1008 Monroe Bay Avenue thanked Council for listening to the citizens tonight and reminded citizens that Downtown Colonial Beach needs volunteers. Ms. Chiarello urged Council to appoint an Economic Development Authority.

Closed Meeting

There was no closed meeting.

Adjournment/Recess

Mr. Edwards made a motion to adjourn. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote on the motion to adjourn. Mr. DiRosario, Mr. Blunt, Ms. Goforth, Mr. Edwards, Mr. Lyburn and Mayor Ham voted "aye." The motion to adjourn passed unanimously.

At 8:56 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor