



**Minutes of the
Colonial Beach Town Council
Work Session held on
Tuesday, February 26, 2015 at 4:30 p.m.**

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

Present

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

Also Present

Town Manager, Val Foulds
CFO, Joan Grant
Town Clerk, Kathleen Flanagan
Planning and Zoning Administrator, Brendan McHugh

Call to Order

Mayor Ham called the Work Session to order at 4:33 p.m.

Roll Call of Members

Mayor Ham noted all members were present.

Presentations (by Council request)

There were no presentations.

Town Manager Update

Ms. Foulds discussed six issues.

- 1) Revitalization grant, at the last meeting there was a good turnout and a lot of enthusiasm.
- 2) Prior to the March work session, scheduled for March 26, at 3:00 there will be a special meeting with representatives of VDOT to discuss roads and revenue sharing.
- 3) Dr. Fahrney has submitted a request in writing regarding the Colonial Beach Foundation's request to lease the Lion's Club property. The Foundation will expand the uses to include, among others, baseball, bocce ball, special events, family gatherings and club meetings. The new lease will reflect that the tenant is responsible for direct utility payments. Staff recommends advertising a public hearing as soon as possible.
There was full Council agreement to proceed with advertising.
- 3) The School Board has requested reimbursement for payment of conditional use permit fee, land disturbing permit fee, surety bond and building permit fees in the amount of \$27,981.25. A resolution for the additional appropriation will be prepared for the March 12 regular town council meeting.
- 4) The peer review process for selecting a police chief has begun. Copies of all applications have been sent to Dana Schrad. The cost typically is limited to mileage reimbursement.
- 5) Each member has received a copy of the parking ordinance. Staff members are working to make changes, such as moving the free 2-hour parking lot.

Ms. Goforth mentioned there is an inconsistency in the signs.

Ms. Foulds further explained that if a visitor purchases a parking ticket, that ticket is good at all parking areas in town.

Mr. Foulds noted she is trying to bring awareness to Council of the parking ordinance.

- 6) Ms. Foulds noted she would prepare a resolution for and additional appropriation to the school.

Mayor Ham handed out a document titled "Attachment A" and asked Council to look at page 2, which contains account codes. "100" is the town's general fund; "205" is the school fund.

The document recognizes revenue from the bond of \$1,946,000 and identifies where it will go. It hasn't been spent yet. In the town's general fund, we debited a transfer to the school of the

\$1,264,000 and a transfer to the water fund of \$510,000 and a transfer to the sewer fund of \$150,000.

The \$510,000 is capital improvements. The \$150,000 is related to sludge removal. And the contracts for professional services -- that was the bond attorney's fee for handling the bond.

On the insurance proceeds that the school received, it was brought straight into the "205" school account and identified it as "insurance proceeds" which was \$1,495,000 revenue for the school. Then that same amount will be transferred to the general fund in order to distribute it. The general fund then shows an expense to the school of \$1,495,000.

The town has accounted for the bond which is the first step.

The school fund showed a revenue item of \$1,264,000 which accounts for the bond money. The "503" water account and the "501" sewer and wastewater treatment plant accounts also show revenue of \$510,000 and \$150,000 respectively.

The \$1,264,000 school money was put into an account called "buildings, additions and improvements." The \$510,000 was put into "capital improvements" in the water fund. And the \$150,000 "capital improvements" for the sewer account.

Out of the \$1,495,000 transferred to the school account, there is a debit of \$1,264,000 which pays the town back for the bond money given to the school. The remainder of that money will be transferred back to the schools in the amount of \$195,000, plus in the initial bond money of \$1,264,000, which gives the school total revenue into their building fund of \$1,459,325.

A significant amount of that total has been spent moving the modpods to the high school campus.

The second half, the \$195,000 will be transferred to the school, which will be transferred to repairs and upgrades.

The end result is that the school will be whole as to insurance proceeds.

When the \$1,265,000 comes back from the school, the town will put it into a restricted account, which cannot be touched for anything until the Council addresses what to do with that money.

The two credits for the total lease will come into the town under the general fund for \$298,000 for the garbage truck and other equipment. The "501" account, the waste water treatment plant, is getting \$440,000 to lease equipment.

Then we have to expense out all that money. The general fund will be \$135,000 and \$158,000, which totals \$298,000. Capital improvements in the water fund is \$170,000 for machinery and equipment and \$250,000 for capital improvements. Before this comes up at the Council meeting next month, we will put a list of what those estimates are planned to purchase.

Mr. Looney asked why this will be postponed until the April meeting, rather than March?

Ms. Foulds answered that this has to be advertised because the revenue coming in is over 1%.

January Department Reports

Mr. Looney asked if reference to the comprehensive plan and the degree to which the goals of the comprehensive plan have been realized can be included in monthly department reports.

There was agreement on Council to Mr. Looney's request.

Mr. Looney then asked if references to Community Policing and progress made can be added to the Police Department report.

There was agreement on Council to Mr. Looney's request.

Mr. Blunt noted that the Department should be fully staffed in approximately 30 days. Due to training there are teams of two patrolling and there is one officer in the Academy.

Ms. Goforth asked if a contract exists for those that have gone to the Academy. Ms. Foulds will look into that.

Mr. Edwards noted there are a lot of cruisers are down and asked where the non-working cruisers are stored. Ms. Foulds will check on that.

Old Business

Mr. Blunt asked Council to discuss moving forward with Walter Kern's suggestion that the town charge a refuse tax, which money could fund the purchase of a trash truck or other capital items.

Ms. Foulds suggested she query the Virginia Institute of Government to determine best practices and look at the numbers.

New Business

Ordinance No. 641, Amends Article 9, Zoning Ordinance, Commercial Residential

Brendan McHugh provided an overview stating that it was the goal of the Planning Commission to review and bring up to date all of the Articles in the Zoning Ordinance.

The Commission added uses, took out uses and combined uses in order to streamline. For example, daycare centers will be listed under "Conditional Use Permits."

Mr. Blunt asked about accessory apartments, especially those that tenants live in in squalor.

Ms. Schick noted the Planning Commission has already written an ordinance considering accessory dwellings or other living habitable spaces not the primary residence in order to be able to enforce the provisions for safety. Not all accessory units would be illegal, but there would be a way to have an accessory dwelling.

Ms. Goforth recalled that grandfathering in current units was a question.

Mr. Blunt agreed and recommended contacting the State Fire Marshall's Office or considering a grace period.

Ms. Schick asked if Council would like the Planning Commission to review that proposed ordinance.

There was Council agreement to task the Planning Commission with reviewing accessory dwellings.

Council asked to have the Commercial Residential ordinance, Ord No. 641, presented at the April Council meeting.

Res #13-15, Appoints Brendan McHugh as Zoning Administrator

Ms. Foulds noted Mr. McHugh has already been appointing Acting Zoning Administrator. Ms. Foulds asked that Council now appoint Mr. McHugh the permanent Zoning Administrator at its next regular meeting.

Mr. Looney asked for a job description and further asked if there is a need for coursework, would the town pay for that. The school system uses an agreement that the recipient of town-paid coursework agree to stay with the town for a specific number of years or agrees to pay back the town.

Mr. Looney asked if the Town Manager could give a report every six months on the progress Mr. McHugh is performing in the management position.

Ms. Foulds responded she cannot report on personnel matters, but can report on the department.

Mr. Blunt stated he does not have enough information.

Ms. Foulds noted the title of "Zoning Administrator" has nothing to do with his position of "Planning Administrator" or "Planning Director" or "Zoning Manager."

The Zoning Administrator must be appointed.

Mr. Edwards asked how many people applied.

Ms. Foulds responded that we advertised for a Planning Director and had six individuals apply.

Since Mr. McHugh has become the permanent head of the Planning Department, she is asking Council to appoint him as the permanent Zoning Administrator.

Mayor Ham noted it is not Council's decision to hire for the department head position; that is the Town Manager's decision. The only positions Council has decision making authority is the Town Manager, Town Attorney, CFO, Police Chief and Town Clerk.

With Res #13-15 Council needs to appoint a permanent Zoning Administrator.

Kevin Newman, School Superintendent

Mr. Newman reported that the School Board voted on a resolution to submit a bond application, which requires the signature of the Town Manager, to build a new elementary school.

High School SOLs show improvement. Girls' basketball is looking forward to going to Richmond and hope to win the state championship.

Mayor Ham asked if, on the bond issue, if the town manager signs it, is that a commitment or is it to see if we qualify or not?

Mr. Newman answered correct. If we move forward, then a resolution will be sent to the Town Council and at that point you would be involved.

Mayor Ham asked council members if any of them had any heartburn on the town manager signing the document.

Mr. Blunt asked about the modpods.

Mr. Newman noted there is a three-year lease on those buildings.

Mayor Ham noted the amount of the loan for the new elementary school is approximately \$9 million.

Mayor Ham noted the school will have leftover money from the insurance proceeds and the money from selling school property. With a downpayment of \$1 million or so, the financing of the bond would be equal or less than what we're paying in rent for the modpods.

Discussion of offer to purchase Robin Grove Park

Mayor Ham noted the initial offer was made in April 2014. There was an appraisal, an offer and a counteroffer. The sale did not proceed because there were not six votes, which is needed to sell waterfront property.

Mayor Ham noted that in the near future the town needs to make a decision – whether to bulkhead to stop the erosion or to sell it with a commitment the new owner install bulkhead to stop the erosion.

Mr. Blunt noted that a lot of the marina owners would like a “No Wake” zone in Monroe Bay.

Mr. Blunt would like to look at the most recent sales of waterfront property sold in town and ask for a letter of commitment re: a proposal to stop the erosion.

Mr. Lyburn agreed with Mr. Blunt and is concerned that the neighbors will lose their water view.

Mr. Looney agrees with Mr. Blunt regarding the “No Wake” zone and is concerned that the Comprehensive Plan calls for 10 acres of park land and active school site for each 1,000 residents. Mr. Looney is reluctant to sell that piece of property.

Mr. Edwards would like to know the plans for that property.

Mayor Ham suggested the interested party come before Council with a presentation.

There was council agreement to have Mr. Bowman appear at the next work session.

Council Discussion on decorum at Town Council meetings

Mayor Ham asked for suggestions or input. Mayor Ham noted that at the last council meeting things got out of hand with citizens ignoring the 3-minute rule and getting heated.

Mr. Looney proposed the Town Clerk keep a list of suggestions from citizens and at the next work session, council consider all the suggestions.

All members of council agreed with Mr. Looney’s suggestion. Mr. Looney agreed to bring back a proposal addressing the issue.

Council Discussion on Planning Commission membership

Mr. Edwards noted Planning Commission membership is currently at seven, even though there are five sitting members currently.

Mr. Edwards would like to see the membership reduced to five from the current seven.

Mr. Looney noted 40% of the current Planning Commission (2 members) are in the building industry, which is high. There are a couple of highly qualified candidates now.

Mr. Looney urged maintaining the seven member Planning Commission.

Ms. Goforth agreed with Mr. Looney.

Ms. Schick, Chair Person of the Planning Commission, asked Council to keep the membership at seven.

Mayor Ham suggested keeping it at seven members, take a look at what other localities do, and revisit this in a year.

Once a recommendation comes from the Planning Commission, Council will be able to vote on two new appointments.

Council Discussion on Video Taping Work Sessions

Ms. Goforth noted she still feels the same and is in favor of transparency.

Mr. Blunt noted that in November Ms. Goforth commented that people in the audience complained about council members rolling their eyes. Mr. Blunt reached out to several council members, but had not yet contacted all members.

At the February 26 meeting the Town Clerk, in error, did not turn on the video recording. Mr. Blunt was surprised, as was all council members, that the video tape was not running.

Due to the fact that the recording was off, the Mayor called for a poll to either turn it off or turn it on. The vote from the poll was 6-1 with Ms. Goforth voting to keep the cameras on.

Section 2.2-3707.8(H) of the Code of Virginia says the camera should video every speaker.

Mr. Edwards asked for a re-vote in order to put the issue to rest.

Mayor Ham noted there is no requirement in state law nor a resolution from council to videotape meetings. Mayor Ham further noted the last “vote” was actually a poll taken as no resolution has come before Council.

Mr. Blunt noted he would like to see the camera operational during council meetings.

Mr. DiRosario asked Ms. Goforth what section of the by laws had she claimed Council violated.

Ms. Goforth answered 7 b. and d. Ms. Goforth’s concern was that she had not been contacted. Mr. Blunt previously stated he did not contact Mr. Edwards, Mr. Lyburn and Mr. DiRosario as well.

Ms. Goforth believes council owes citizens every opportunity to see what they are doing.

Mr. Blunt agrees, but believes that is part of the failure. Mr. Blunt said “Not only is our constituents watching the videos, but so are potential business owners, people we borrow money from. When they see some of the bantering amongst council members themselves and also people in the audience, it doesn’t send a good message to those people at all. In fact, it’s been made very clear by some of them that they were embarrassed to have their names as part of the speaker’s bantering.”

Mr. DiRosario asked the town attorney if the council did violate the by-laws as stated by Ms. Goforth.

Ms. Goforth stated she agreed with Mr. Blunt about decorum.

Mr. DiRosario is concerned that Ms. Goforth claimed council violated Section b. and d. of the by laws; and he is uncomfortable voting on this until he hears from the town attorney.

Mr. Looney stated he supported Mr. Blunt and would do so again. Mr. Looney also shares Ms. Goforth's concerns, and would feel more comfortable voting on not just video taping work sessions, but also vote on video taping regular meetings.

Mayor Ham agreed with Mr. Looney and suggested two resolutions be placed on the March regular council meeting – one resolution requiring video taping of regular meetings and one resolution requiring video taping of work sessions.

Mr. Edwards would also like to hear the town attorney's opinion.

All members of council agreed with Mayor Ham's suggestion.

Mr. Looney then asked if council could direct the Planning Commission to give council suggestions on to how to use town-owned buildings or properties that are likely to be put up for sale in the future and the likely future of the neighborhood in which old buildings exist.

Mr. Looney would also like to know what the effect on the neighborhood is now that town administrative offices have moved into the old primary building.

Mr. Looney would also like to invite the Planning Commission to make recommendations.

All members of council agreed with Mr. Looney's suggestions.

Mr. Looney would also like to have the town attorney bring council up to date on pending legal issues in a closed session at the next regular meeting.

Mr. Looney asked about the 2015 bike fest and if council needs to do anything.

Mayor Ham suggested getting updates periodically from the Chamber and the town manager.

Mr. Blunt hopes council can make a decision on the burnt school building. Mr. Blunt believes it is dangerous and there has to be run-off every time it rains.

Mayor Ham reported that the school board has been working with a land surveyor as there were issues about the property. The surveyor is also doing a consolidated lot survey breaking it up into three parcels, one where town hall sits, one where the high school and gym sit and one that is in the flood plain that goes down to Washington.

They surveyor discovered there is a town easement that had never been recorded. Also, there is a 10-foot alleyway that runs under the high school.

Mr. Blunt recommended that this issue be moved along much quicker.

Adjournment/Recess

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

Mayor Ham called for a voice vote on the motion to adjourn. Mr. Blunt, Mr. DiRosario, Mr. Edwards, Ms. Goforth, Mr. Lyburn, Mr. Looney and Mayor Ham all voted “aye.”

At 6:54 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor