



**Minutes of the
Emergency Meeting of the
Colonial Beach Town Council and
Wednesday, June 18, 2014 at 10:00 a.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
Member, Gary Seeber

Also Present

Town Manager, Val Foulds
CFO, Joan Grant
Town Clerk, Kathleen Flanagan
Police Chief, Libby Legg

Call to Order

Mayor Ham called the meeting to order at 10:00 a.m., noting this meeting had been called to address the emergency relocation of town hall and approving the leasing of the primary school from the School Board.

Roll Call of Members

All members of Town Council were present.

Resolution #42-14

Mayor Ham noted there were two draft resolutions before Council, marked A and B. Copy A was written by the Mayor and Copy B was prepared by the Town Attorney. Mayor Ham recommended that Council use Copy B and add the last paragraph from Copy A.

Mayor Ham asked if there was a motion.

Mr. Seeber made a motion to accept it as written and modified by the Mayor. Mr. Edwards seconded the motion.

Mr. Chiarello asked “What are we getting into?”

Mr. Chiarello then asked if we really know what is the condition of the primary building. There are other issues, such as security and leasing it without reasonable restrictions on access.

Mr. Seeber said he thinks the building is in really good shape; it’s not leaky as town hall is. Mr. Seeber recommended changing the locks and not providing a key. According to page 5 of the lease, it speaks to “reasonable times with reasonable notice for the purpose of inspection.” The Town Manager could make an appointment and escort them through the building.

Mayor Ham noted Dexter Monroe, Building Inspector, has gone through the building. All the exterior walls are cinder block. The heating system seems to be in great shape. There are individual A/C units in each room.

Ms. Brubaker noted that this property had been previously identified as property that would be transferred to the town. Ms. Brubaker would like to know where that stands.

Ms. Brubaker then asked “If it’s not being transferred, why?”

Mayor Ham responded that conversations are being held regarding signing a Memorandum of Understanding that will state ‘within 30 days after settling of the insurance issues and the authorities turning the building back over to them, that the property will be turned over to the town and the MOU will state it’s to be sold in order to...the first proceeds from it will be to repay the amount that we’re going to advance them out of the bond. Anything above that will go into a restricted fund towards building a permanent building at the high school campus.’

Mayor Ham continued “if they decided to keep the building at 315 Douglas Avenue, we would work out an agreed-to price on that and would reduce the bond by that amount. The town wouldn’t pay them, but we would reduce the bond by that amount because we would be getting an asset that, if we sold it, would go towards paying the bond anyway.”

Mr. Bone agreed with Mayor Ham’s statement.

Ms. Brubaker asked “When was the agreement reached that the proceeds from the sale of the property would go to build a new school?”

Mayor Ham answered “There has been no agreement reached. That’s what is being proposed in an MOU which will be forthcoming.”

Ms. Brubaker asked “So you and Mr. Bone talked to Mr. Trivett and that is the arrangement made?”

Mayor Ham answered “We discussed this and we’re going to try to work on formulating an MOU that will be shared with everyone.”

Ms. Brubaker further noted “So you have talked with Mr. Trivett and you and Mr. Bone and Mr. Trivett have come to the agreement, whether on paper or not, that the property would be sold to pay off the bond and the additional money would be paid to build a new school?”

Mayor Ham answered “We have discussed that as a concept, yes.”

Mayor Ham noted this is not the issue today and there has been no side agreement made, only discussions.

Ms. Brubaker, as Point of Contact for the schools, noted she would have appreciated being included in any discussions and feels that a side agreement was reached.

Mr. Chiarello spoke to School Board Resolution 2014-1, which states the school would transfer ownership of the elementary campus property at 315 Douglas Avenue to the town.

Mr. Seeber noted that back in September, it was mentioned that money from the sale would be used towards the school.

Mr. Bone asked Mayor Ham what he considers a consensus of Council.

Mayor Ham responded “It would be four or more Council members.”

Mr. Bone asked if no comment would be considered a consensus?

Mayor Ham responded “I don’t think so.”

Ms. Goforth asked when the lease was distributed to Council, as this is the first time she has seen this lease and she has not had time to read it.

Mayor Ham answered “Monday, I believe.”

Ms. Goforth responded “The one we got yesterday, which is not this one...”

Mayor Ham responded “It went out Monday from Cindy.”

Ms. Goforth recommended the Council take time, a recess, to read it.

Mayor Ham asked how long of a recess.

Mr. Edwards informed Council he had to leave at 10:30 a.m.

Mr. Seeber noted there is a motion on the floor.

Motion to Postpone Action

Mr. Chiarello made a motion to table it, to recess until members have a chance to read the lease. Mr. Chiarello noted there was another lease from the Town Attorney that was a two-page lease.

Ms. Goforth seconded the motion.

Mr. Bone said “The motion Mr. Chiarello made is not a legal motion. He can either table it – but he can’t take it off the table. I’m assuming his recommendation is to table it. Tabling means that you will address it before the close of this meeting. Other than that you postpone it.

Mr. Chiarello amended his motion to “postpone.”

Ms. Goforth seconded the amended motion.

Mayor Ham asked for discussion on postponing action.

Mr. Edwards asked Ms. Foulds how much time the Fire Marshall has allowed the town before closing the doors.

Ms. Foulds answered “Most of the items – I don’t have the violation notice in front of me – I want to say the 28th or 29th.”

Mr. Chiarello asked Ms. Foulds “Didn’t this Council authorize you to perform all necessary repairs to the building?”

Ms. Foulds answered “Yes, the town did.”

Mr. Chiarello asked if that could be done by the 28th.

Ms. Foulds answered “No.”

Mr. Brubaker agrees with Mr. Chiarello regarding postponing action, as she assumed Council would be using the lease sent by the Town Attorney. The lease in front of Council was prepared by Mr. King, the school board’s attorney.

Mayor Ham answered we are using their lease “because they own the building. If you go to lease a house, you don’t tell them you’ve got to use your lease instead of theirs.”

Mayor Ham noted Mr. Trivett was provided the lease from the Town Attorney. He forwarded it to his attorney and the attorney said he would feel more comfortable with a standard lease.

Mr. Chiarello asked if any other place has been considered as an option for town hall?

Mayor Ham answered “Not that I am aware of.”

Mayor Ham asked for a vote on the motion to postpone action. Ms. Brubaker voted “aye,” Mr. Chiarello voted “aye,” Ms. Goforth voted “aye,” Mr. Seeber voted “nay,” Mr. Edwards voted “nay,” Mr. Bone voted “no,” and Mayor Ham voted “no.” The motion failed by a vote of 4-3.

Resolution #42-14 Continued

Mayor Ham asked if there was any further discussion on the original motion to approve Res #42-14, which has been moved and seconded.

Mr. Bone recommended Mr. Chiarello make a motion to table the motion.

Motion to Table Action

Ms. Brubaker made a motion to table action on the lease until 11:30 a.m.

Mr. Edwards said he is leaving at 10:30 a.m. and will not be back until Monday.

Mr. Chiarello seconded the motion

Mayor Ham asked for a vote on the motion to table action on the lease until 11:30 a.m. Ms. Brubaker voted “aye,” Mr. Chiarello voted “aye,” Ms. Goforth voted “aye,” Mr. Bone voted “nay,” Mr. Edwards voted “nay,” Mr. Seeber voted “nay,” and Mayor Ham voted “nay.”

The motion failed by a vote of 4-3.

Resolution #42-14 Continued

Mayor Ham asked for a vote on Res #42-14. Ms. Brubaker voted “aye” Mr. Chiarello voted “nay,” Ms. Goforth voted “abstain,” citing “I will not vote on any document I haven’t read. I didn’t know which lease we were going to use,” Mr. Seeber voted “aye,” Mr. Edwards voted “aye,” Mr. Bone voted “aye,” and Mayor Ham voted “aye.”

The motion passed by a vote of 5-1 with one abstain.

-----Resolution #42-14-----

RESOLUTION #42-14 – Authorizes the Town of Colonial Beach to enter into a lease with the Colonial Beach School Board

WHEREAS, there are serious fire code violations and extensive mold at Town Hall and an emergency exists with respect to the condition of Town Hall; and

WHEREAS, a temporary location is needed for the relocation of Town Hall while the conditions at Town Hall are addressed; and

WHEREAS, the Colonial Beach Town Council seeks to make the best use of taxpayer dollars; and

WHEREAS, the Colonial Beach School Board has generously offered the use of the Primary School located at 315 Douglas Avenue.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at an Emergency Meeting called by the Mayor this 18th day of June, 2014, that the attached lease for the Primary School at 315 Douglas Avenue in Colonial Beach Virginia is approved and the Mayor is authorized to execute the lease on behalf of the Town Council in duplicate originals.

BE IT FURTHER RESOLVED by the Colonial Beach Town Council that the Town Manager is authorized to take the actions necessary to move town employees to the leased premises.

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

Adjournment

Mr. Seeber made a motion to adjourn. Mr. Edwards seconded the motion. Mayor Ham called for a voice vote. The ayes were unanimous.

The meeting was adjourned at 10:20 a.m.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor