



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, October 9, 2014 at 7:00 p.m.**

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

Present

Mayor, Mike Ham
Member, Pete Bone
Member, Linda Brubaker
Member, Jim Chiarello
Member, Wanda Goforth
Member, Gary Seeber

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan

Call to Order

Mayor Ham called the meeting to order at 7:04 p.m.

Roll Call of Members

Mayor Ham announced that all members were present except Tommy Edwards.

Additions to the Agenda

Mr. Seeber added a resolution (Resolution #69-14) that directs the Town Manager regarding the demolition notice to the Colonial Beach School Board. Mr. Bone seconded the motion.

Mayor Ham called for a voice vote. Mr. Bone, Ms. Brubaker, Mr. Chiarello, Ms. Goforth, Mr. Seeber and Mayor Ham all voted "aye." The ayes were unanimous. Resolution #69-14 was added to the agenda.

Ms. Goforth made a motion to add a resolution to direct the Town Manager to order an appraisal for Robin Grove (Resolution #70-14) under “Unfinished Business.”

Ms. Brubaker asked to add a discussion of Sulgrave Pier under “Unfinished Business.”

Approval of the Agenda

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

Approval of the Minutes

There were no minutes to approve.

Council Announcements

Mayor Ham noted that the first annual Bike Fest has kicked off and he is hopeful everything will go well.

Presentations

Proclamation

Mayor Ham read the Proclamation.

Proclamation

WHEREAS, Halloween is a fun holiday for children, families and communities; and

WHEREAS, the Town of Colonial Beach wishes to make this holiday safer for children, their families and the entire community

NOW, THEREFORE, BE IT PROCLAIMED, that the Town Council and Mayor of the Town of Colonial Beach hereby proclaim Friday October 31, 2014, between the hours of 5:00 p.m. and 8:00 p.m. as Halloween Trick or Treat Hours in the Town of Colonial Beach.

_____/s/____

Michael S. Ham, Mayor

Dated this 9th day of October 2014

Val Foulds, Town Manager

Ms. Foulds reminded Council that there are four active grants, which are very labor intensive

Tim Trivett, School Superintendent

Mr. Trivett noted the School Board signed the letter/agreement with VACorp today.

Mr. Trivett further noted the installation of the water meters at the school have been delayed for about a month.

Jerry Davis, Northern Neck District Planning District

There was a delay in setting up equipment for Mr. Davis' presentation.

Motion to move to “Unfinished Business” until the equipment is ready

Mr. Seeber, with permission from the Mayor, made a motion, Resolution #70-14, to have Robin Grove Park appraised. Ms. Brubaker seconded the motion.

Mr. Chiarello made a motion to modify the resolution, adding “The property should be rezoned commercial before we get an appraisal.” There was no second to Mr. Chiarello’s motion. The motion to amend failed.

Mayor Ham called for a roll call vote. Mr. Seeber vote “aye,” Ms. Goforth voted “aye,” Mr. Chiarello voted “no,” Ms. Brubaker voted “aye,” Mr. Bone voted “no,” and Mayor Ham voted “aye.” The motion passed with a vote of 4-2.

RESOLUTION #70-14, Directs the Town Manager to order an appraisal for Robin Grove Park

BE IT RESOLVED that the Town Manager is directed to order an appraisal for Robin Grove Park.

Jerry Davis, Northern Neck District Planning District, Con’t

Mr. Davis presented a series of Power Point slides, which explained how the overall revitalization project was defined. The Town has been awarded a grant from the Virginia Department of Housing and Community Development in the amount of \$747,000.

Mr. Davis further reported that an application is being put together for a Virginia Department of Transportation Transportation Alternative Project grant in the amount of \$497,667, which, if granted, will fund amenities on the designated revitalization area such as wayfinding signs, an interactive fountain splash park, art sculptures and benches, all ADA conforming.

New Business

Public Hearing, Resolution #66-14, Requests VDOT to establish a Transportation Alternatives Project in Colonial Beach

Mayor Ham moved the Public Hearing and Council consideration of Resolution #66-14 out of order so that Mr. Davis could answer any questions posed.

Mayor Ham read Resolution #66-14 and made a motion to approve as written. Mr. Seeber seconded the motion.

At 7:39 p.m. Mayor Ham opened the Public Hearing. There was no public comment. At 7:40 p.m. Mayor Ham closed the Public Hearing.

Mayor Ham called for a roll call vote. Mr. Seeber vote "aye," Ms. Goforth voted "aye," Mr. Chiarello voted "aye," Ms. Brubaker voted "aye," Mr. Bone voted "aye," and Mayor Ham voted "aye." The motion passed with a vote of 6-0.

RESOLUTION #66-14, Requests VDOT to establish a Transportation Alternatives Project in Colonial Beach

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in Colonial Beach.

NOW THEREFORE BE IT RESOLVED, that the Town of Colonial Beach requests the Commonwealth Transportation Board to establish a project for the improvement of a Pedestrian Plaza.

BE IT FURTHER RESOLVED, that the Town of Colonial Beach hereby agrees to provide a minimum 20 percent matching contribution for this project.

BE IT FURTHER RESOLVED, that the Town of Colonial Beach hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that the Town of Colonial Beach will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

BE IT FURTHER RESOLVED that if the Town of Colonial Beach subsequently elects to cancel this project, the Town of Colonial Beach hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Colonial Beach also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Citizen Input

Peter Fahrney, 3419 Riverview Drive, encouraged everybody to get their flu shots early. Dr. Fahrney reported that the Colonial Beach Foundation and the Colonial Beach Chamber of Commerce will sponsor a candidate forum on Tuesday, October 21 at 7:00 p.m.

Rick Davis, 333 Wakefield Drive, asked Council to look into the vendor program and the signs they are putting up. Mr. Davis further asked Council to determine if the vendors for Bike Fest have banner permits, health department permits and generator permits.

Mr. Chiarello asked if the vendors had been given forms to report meals taxes.

Ms. Foulds will insure all vendors get a package that includes reporting forms for meals tax, lodging tax and retail sales tax.

Steve Cirbee, 809 Washington Avenue talked about endorcement issues and other issues, such as (1) Planning and Zoning enforcement; (2) VDOT portion of grant; (3) school demolition; and (4) final list for the bond.

Bill Flammer, spoke to the demolition letter to the School, saying key people were not informed ahead of time.

Mr. Flammer overheard there will be no enforcement actions by police this weekend. Mr. Flammer also wanted to know why the Chamber was allowed to sell beer this weekend.

Mr. Seeber noted there are six different police organizations in this town this weekend, CB Police, State Police, Westmoreland Police, King George Police, and Charles County Police.

Ms. Goforth noted she had no prior knowledge of the demolition letter to the school. Mr. Chiarello noted he had no prior knowledge.

Steve Kennedy, Boundary Street, noted that appraisals can be contested. There are quality realtors in town that offer a free evaluation of property. Mr. Kennedy believes the price for Robin Grove is too low.

Andrea Johnson, 526 Potomac River Ave thanked Mr. Chiarello's efforts saying the boardwalk is clean and looks good.

Jo Townsend, Monroe Point, realtor believes the price for Robin Grove is too low. Ms. Townsend also agrees with Mr. Kennedy that an appraisal does not provide the true value of the property.

Jay Jarvis, Boundary Drive, spoke to the Capital Improvement Plan, the CIP and how the town just raised taxes and took out a bond. Mr. Jarvis believes the town does not have a CIP and therefore has no visibility on town priorities and the use of capital funds.

Mr. Jarvis further noted he does not agree with allocating a percentage of funds in the capital improvement funds to any entities.

Maureen McCabe, 730 Monroe Bay Avenue, spoke as a member of the Planning Commission and noted the Planning Commission is going to review the CIP.

Recess

Mayor Ham called a seven-minute recess.

Reconvene

Mayor Ham reconvened the meeting.

Unfinished Business

Discussion of Robin Grove, Con't

Mr. Seeber noted there is a scheduled hearing for November. In light of the request to get another appraisal, Mr. Seeber would like to defer the hearing.

Mr. Chiarello would like to see the property rezoned to commercial.

Ms. Erard, in response to a question from Mayor Ham, noted that you cannot spot zone, but she would have to look at the particulars to determine if that would be spot zoning.

Discussion of Sulgrave Pier

Ms. Brubaker asked who writes RFPs and why would a bidder be required to have performed three similar projects.

Mr. Chiarello does not understand why, with two interested entities, the town is looking to tear down the pier.

Mr. Bone asked what would be the term for violating our own ordinances.

Ms. Erard answered she does not believe such a violation of an ordinance would be misfeasance or malfeasance. That being said, violating your own ordinance is not a good thing.

Motion to Table Action, Resolution #72-14

Mr. Chiarello made a motion to table action on Sulgrave Pier, stop the RFP and rewrite the ordinance for the November Council meeting so the town can legally acquire the pier and legally transfer it to another owner. Mr. Seeber seconded the motion.

Ms. Brubaker offered an amendment that the RFP be pulled.

Mr. Chiarello accepted the amendment to this motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously.

RESOLUTION #72-14, Tables Action on the Sulgrave Pier

BE IT RESOLVED that the Town Council table action on the Sulgrave Pier, stop publishing of the RFP and directs the Town Attorney to rewrite the ordinance so that the town can legally acquire the pier and legally transfer it to another owner.

NEW BUSINESS

PUBLIC HEARING, Resolution #65-14, Lease of 106 Hawthorn Street

At 8:20 p.m. Mayor Ham opened the public hearing. There was no public comment.

At 8:21 p.m. Mayor Ham closed the public hearing.

Mr. Seeber made a motion to approve Resolution #65-14. Mr. Bone seconded the motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously.

RESOLUTION #65-14, Authorizes Town Manager to renew lease of 106 Hawthorn Street to Chamber of Commerce

WHEREAS, the Town of Colonial Beach has conducted a duly advertised public hearing at a regular meeting on October 9, 2014 to receive public comment on the leasing of town-owned property located at 106 Hawthorn Street, Tax Map 3A2-2-75-12 to the Chamber of Commerce; and

WHEREAS, the Town Council wishes to continue its support for the business community.

THEREFORE BE IT RESOLVED, the Town Council authorizes the Town Manager to execute a lease for a term of five years for an amount of Five Hundred (\$500) Dollars annually.

RESOLUTION #67-14, Appointment to Colonial Beach Planning Commission

Mr. Seeber made a motion to approve Resolution #67-14. Mr. Bone seconded the motion.

Ms. Brubaker noted there are two vacancies on the Planning Commission and two individuals who have made application to serve on the Commission.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously.

Resolution #67-14, Appointment to the Colonial Beach Planning Commission

WHEREAS, there are two vacancies on the Colonial Beach Planning Commission; and

WHEREAS, John Reinhart has indicated his willingness to serve on the Planning Commission and has submitted an application and participated in an interview by the Planning Commission; and

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

NOW, THEREFORE, the Town Council, meeting in regular session, Thursday, October 9, 2014 hereby appoints John Reinhart to the Colonial Beach Planning Commission, for a four-year term expiring on October 31, 2018.

Suspension of the Rules

Ms. Brubaker made a motion to suspend the rules. Ms. Goforth seconded the motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously, the rules are suspended.

Motion to Appoint Steve Cirbee to the Planning Commission, Resolution #71-14

Ms. Brubaker made a motion to appoint Steve Cirbee to the Planning Commission. Ms. Goforth seconded the motion.

Mr. Seeber recommended sending this back to the Planning Commission.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, and Ms. Goforth voted “aye.” Mayor Ham voted “nay.” The motion passes 5-1.

Resolution #71-14, Appointment to the Colonial Beach Planning Commission

WHEREAS, there are two vacancies on the Colonial Beach Planning Commission; and

WHEREAS, Steve Cirbee has indicated his willingness to serve on the Planning Commission and has submitted an application and participated in an interview by the Planning Commission; and

NOW, THEREFORE, the Town Council, meeting in regular session, Thursday, October 9, 2014 hereby appoints Steve Cirbee to the Colonial Beach Planning Commission, for a four-year term expiring on October 31, 2018.

Resolution #71-14, Appointment to the Colonial Beach Planning Commission

RESOLUTION #68-14, Refers Ordinance No. 653 to the Planning Commission

Mr. Seeber made a motion to approve Resolution #68-14, with an amendment changing the date in the third paragraph from the “7th” to the “9th.” Mr. Bone seconded the motion.

Mayor Ham called for a voice vote on the motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously.

RESOLUTION #68-14, TO REFER ORDINANCE NO. 653 TO THE PLANNING COMMISSION -- ADOPTION OF OFFICIAL ZONING MAP

WHEREAS Virginia Code § 15.2-2234 states that the ordinance containing the official zoning map shall be recommended and certified by the planning commission to the governing body; and

WHEREAS Virginia Code § 15.2-2285 requires that each zoning ordinance shall be referred to the planning commission for its recommendation.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on the 7th day of October, 2014, that Ordinance No. 653 is referred to the Colonial Beach Planning Commission for recommendation and certification in accordance with Virginia Code §§ 15.2-2234 and 15.2-2285.

RESOLUTION #69-14, Directs the Town Manager regarding a demolition notice to the Colonial Beach School Board

Mayor Ham read Resolution #69-14.

Mr. Chiarello made a motion to approve Resolution #69-14, with one change, the addition of “Section 15.2-“1409 in the last “BE IT FURTHER RESOLVED” paragraph. Ms. Goforth seconded the motion.

Ms. Brubaker noted Mr. Chiarello and Ms. Goforth have previously stated they had no prior knowledge of the letter. Ms. Brubaker queried the rest of Council. Mr. Bone, Mayor Ham and Mr. Seeber all answered “No.” Ms. Brubaker noted she had no prior knowledge.

Mayor Ham called for a voice vote on the amended motion. All in favor, signify by saying “aye.” Mr. Bone, Ms. Brubaker, Mr. Chiarello, Mr. Seeber, Mayor Ham and Ms. Goforth voted “aye.” The motion passed unanimously.

RESOLUTION #69-14, Directs the Town Manager regarding a demolition notice to the Colonial Beach School Board

WHEREAS on September 26, 2014 the Codes Compliance Officer for the Town of Colonial Beach sent a demolition notice to the Colonial Beach School Board requiring demolition of the old High School; and

WHEREAS the old High School building burned on January 5, 2014; and

WHEREAS the demolition notice states that the old High School is not structurally sound; and

WHEREAS the demolition notice has raised a lot of concerns by the Town Council and in the community; and

WHEREAS the Town Council would like to have full information so as to be able to respond to citizens.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on October 9, 2014, that the Town Manager is directed to provide the following information to the Town Council by October 16, 2014 for discussion at the October 23, 2014 work session of Council:

- Copies of any and all reports and/or investigations and/or assessments of the old High School performed by Ms. Davis, Mr. Monroe or anyone else on behalf of the Town, with respect to the structural integrity of the old High School.
- A list of all of the dates on which the property was inspected, a list of all of the persons present for each inspection and a list of the specific structures that were inspected.
- Copies of any and all complaints received by the Town regarding the condition of the old High School.
- Any other pertinent information that supports the reason for the issuance of the demolition notice on September 26, 2014.
- A list of any and all persons who were consulted by the Codes Compliance Officer in the preparation of the September 26, 2014 demolition notice.
- A specific statement from the Codes Compliance Officer as to how and why the old High School now poses a threat to health, safety and welfare.
- Identification of other options to protect the health, safety and welfare of citizens other than demolition of the old High School.

BE IT FURTHER RESOLVED that, in the absence of compelling facts indicating an imminent threat to the health, safety and welfare of the citizens, the Town Council will not authorize the use of any funds for the purpose of demolishing the old High School; and

BE IT FURTHER RESOLVED that, in the absence of compelling facts indicating an imminent threat to the health, safety and welfare of the citizens, the Town Council expressly prohibits any member of Town staff from taking any additional steps toward the demolition of the old High School; and

BE IT FURTHER RESOLVED that if the Town Council is not satisfied with the information received, the Town Council will then initiate an investigation pursuant to Va. Code Section 5.2-1409 into the issuance of a demolition notice to the Colonial Beach School Board regarding the old High School; and

BE IT FINALLY RESOLVED that certain portions of any investigation may be conducted in closed meeting as permitted by state law, and in the discretion of the Town Council.

In response to Mr. Bone, Mr. Trivett reported that the School Board passed a resolution last night to get an estimate to tear the building down based on the letter we got. Mr. Trivett is in favor of stopping the action, but the School Board does not want to not do anything and then be found in violation of that letter.

Ms. Erard answered “I have looked into the validity of the letter. There are a couple of facts that I need to verify. I did attempt to reach the school superintendent today and he was not able to return my call. It appears to me that the notice is potentially invalid. I would recommend that you hold off for the time being.”

Mr. Trivett further noted the School Board has voted that he can answer all questions to try to move forward.

Adjournment/Recess

Mr. Seeber made a motion to adjourn. Mr. Chiarello seconded the motion.

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying “aye.” Mayor Ham, Mr. Bone, Mr. Chiarello, Mr. Seeber and Ms. Goforth voted “aye.” Ms. Brubaker voted “nay.” The motion to adjourn passed 6-0.

At 9:40 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor