

Chesapeake Colony Civic League Special Meeting
October 22, 2019
Platform Q & A on front lot

Meeting was called to order at 7:50 p.m. after general meeting by President Nancy May. Sign in sheet available from Secretary Adrienne Downing or President Nancy May.

Nancy said that there were 3 handouts available. One called Protecting your Investment, the second was a copy of the deed for the front lots and special meeting minute notes. Time was given for the reading of the material.

Nancy May said that the special meeting was called in response to a petition signed by 43 residents of the Colony.

At the top of the order was the Chesapeake agreement and the deed from McClesky when the Colony was established. Nancy May said that she had talked to a real estate attorney who looked for a restriction of record. The only thing that could be found was the deed. The other document that was brought forward as a "deed restriction" was never registered at the court house and was recognized as a marketing piece from when McClesky first was advertising lots for sale in the Colony.

Robert Oliver objected and said that it was recorded in the Princess Anne County records. It was stated that all Princess Anne County records were rolled over to the City of Virginia Beach when it was incorporated as such so there was no record found of a recorded document other than the deed which was from 1977 and expired in 2007. Robert Oliver said that the document said it was filed in the Circuit Court of Princess Anne County. Nancy May again repeated the information above.

Nancy May said that the deed that was recorded, and the legal basis, was from 1977 and expired 30 years later. She said that there was no legal basis to restrict the platform from being built. She stated that didn't mean it was going to be built, but only that based on the legal opinion of the real estate attorney who reviewed the documents/filings, that the deed restrictions had expired.

Betty Kennedy responded that it didn't matter whether it was legal or not, but it should be up to the Colony residents as to whether they wanted it.

Bill Nettles said that part of what we are missing is that the people of the Colony paid for the lots.

Nancy May responded that the responsibility for the lots was deeded to the Chesapeake Colony Civic League.

Betty Kennedy interrupted and said that she and Carolyn Dietric (sp?) started a fundraising campaign to purchase the land with the intention of not having a permanent structure built on the property. She said at the time that there had been discussion of building a McDonalds or a gas station on the corner.

Bill Nettles said that he learned quite a bit from talking to people in the neighborhood.

Nancy May reiterated that everyone is entitled to their opinion, but that the initial question and documentation passed around were related to the legality of the platform being built and that based on the attorney's review there is not anything in the recorded documentation prohibiting it.

Robert Oliver said that he is ambivalent as to whether or not the platform is built, but that he feels that the procedure about moving forward with it was not followed properly and that there was lack of clarity to the neighborhood on the issue.

Kathleen said that everyone here has a deed of restrictions related to their property.

Carol Waro said that she does not have a problem with whether it was done or not, but that it is a community of all the people that make up the civic league. Her rub is that it seemed hidden.

Nancy May replied that she thought that the board did what was proper by voting on having a committee to study feasibility and costs and then bringing to the community at the June Civic League meeting for a vote. She said that the board took a step back when they realized that there were questions about the project and hence the special meeting being called.

Gustavo said that he also was neutral on the actual build, but that for better clarity for the community that we should put what we should do or should not do on the deed.

BJ McIntyre asked that if there was going to be a vote in January how do we know if everyone will be able to vote and will be informed of the vote.

Nancy May said that the board has been consistently trying to make communication the best that it can be, but that we have recently changed the newsletter schedule to move it ahead of meetings to have as much notice as possible. That notice of the special meeting was put on the Halloween flyer that went to every household and that block captains have also been emailing information. She said if you can't come to the meeting then you can send a proxy vote containing your name and address with a board member.

Jennifer Coleman said you need to be a member of the civic league to vote and Nancy May echoed that you do need to be a member of the Civic League to vote according to the bylaws.

Bill Nettles said we should go and ask everyone for their vote.

Hank Noyes – Point of Order-We need to finish discussion on the deed before moving on to discussions about the vote. As far as the vote, we need to make a plan as a community.

Kathleen tried to make a motion to vote on the platform. Tom Duckett replied that we should take a non-binding vote on the platform to determine if it was even necessary to continue the meeting.

Bill Nettles said he talked to Nancy and Floyd Evans and they were happy to keep allowing the community to borrow the platform every year.

Tina Knight asked why the kids couldn't stand on the grass. She said it doesn't make any sense. She commented that we should either keep using the platform that is provided for use for free, possibly rent a temporary platform (Nancy May added that the board had researched it and found it to be cost prohibitive) or just have everyone stand on the grass.

John Worth asked whether it was to be built on the left or the right and the approximate dimensions. Nancy May answered that it was to be built on the left and to be approximately 12 x 20 x 18. He asked if there were drawings available.

There were a lot of questions and rumblings about having drawings when the project hadn't been approved yet.

Secretary Adrienne Downing addressed the meeting and explained how the project came into existence and that there was no intent on the part of the board to not get feedback/input from the community. The Garden Club had talked about the possibility of a gazebo or stage on one of the front lots. They had done some fund raising with that possibility in mind. The topic had been brought up in several board meetings and after the recent fundraising by the Garden Club there was some seed money available, along with an offer from an anonymous donor, to explore the option further. Once it became apparent that there was not a unanimous support for the project, the special meeting was called. The board is made up of volunteers who give their time to help the community and it was not the intention of the board to act unilaterally, but rather in a way that would benefit the neighborhood as a whole.

Annette interjected that she didn't feel the idea was backed by the Garden Club.

Ann (didn't state last name) said she moved from Fairfax where she spent 25 years as a volunteer for the Fairfax Fire and Rescue and they didn't have to have decision made a meeting such as this and she didn't know why a decision needed to be made tonight. She said that the decision was made by the board committee. Nancy May replied that there was more than one person on the committee and not every person on the committee was a board member. Ann said she didn't think it was a good idea to throw it out tonight when not everyone may have been available to come to the meeting.

A resident from the back of the room (name unclear) asked if we could rent a stage and still be covered by our insurance. She said she felt if we rented one we should be covered by the company that we rented from. April Brown replied we are covered either way. The resident mentioned that she felt like the decision was made too lightly.

Nancy May said that the issue of communication had been addressed several times tonight and that it was meant to be a fact sharing and question and answer meeting.

Tracey Ousley said from the heart as a neighbor she didn't think there was any malice intended in how it was started. She said she personally found out about it from reading NextDoor. She said that to her the perception was that the Garden Club was raising money for it and that it was just going to be done. She said as someone who has served on boards before, she was concerned how something of a permanent nature could be done without the approval of the entire community. She said part B was that she thinks it is great that the money was raised, but that she thinks that the fundraising should be done by the entire neighborhood and that everyone should be able to throw in the hat what they would like to see what should be done with the money – street signs, speed bumps, etc.

Bill Nettles said that he gets the point that the idea started in the Garden Club, but that he thinks it is being made to look like the Garden Club endorsed it.

Cheryl Noyes said that the business of the Colony is discussed at the Civic League meetings. It is not discussed door to door, that it isn't even discussed on NextDoor. She said that while it is fortunate that something like this brought so many people out, she asked why they hadn't attended previous meetings. She said the platform had been brought up at the previous meeting, but that only about 9 to 12 people were present. She said it isn't discussed door to door or even on a flyer.

Nancy May said this isn't meant to be contentious. What was meant to be discussed was to get questions answered about it. The January meeting will be where it is voted upon. Today is to talk about things that need to be taken into consideration.

Hank Noyes made a motion that we vote to solicit all members of the Colony to approve or disapprove the structure.

There was several minutes of discussion of who is eligible to vote – property owners paying dues, all property owners, all residents to include renters. Someone pointed out that the bylaws say that those voting must be dues paying Civic League members. It was pointed out that if dues payment wasn't a consideration for voting that there may be less people paying dues.

John Dahlman said that whether you are paying dues or not it still affects your view driving in and out of the property. Civic League or not Civic League it doesn't matter. It's not going to affect people paying their dues or not paying their dues because of one vote. This is a structure,

this is a big thing. It's not a party, it's not one event. It's going to be there 365 days a year. So I think it's not out of the question to ask that the rest of the residents have a say in the matter.

Robert Oliver amended the motion to say that one time we ask everyone.

Tina Knight asked who was going to take care of the upkeep.

It was pointed out that there was a motion on the floor that hadn't been voted on yet.

Nancy May asked Hank to restate the motion. He said the motion was to vote to amend the bylaws to allow all property owners to vote on the matter of erecting the structure on Civic League property.

There was more discussion about whether the vote should include all residents or just property owners.

Nancy May restated the motion again and pointed out that the motion included that the bylaws be amended.

Jeanne Baker questioned whether the Civic League could vote to allow all residents to vote without changing the bylaws. It was stated that they could. Jeanne Baker said she would like to make a motion to that effect.

The secretary pointed out that we still had not voted on the first motion on the table. Hank Noyes withdrew his motion.

Jen Coleman seconded Jeanne's motion.

There was significant discussion on whether the motion included property owners, all civic league dues payers or various other scenarios.

Nancy May restated the motion. Vote was majority in favor to all property owners, not just civic league owners, to vote on the platform. Motion carries with the dissenting votes being Tom Duckett, Tim Clark, Betty Kennedy and three more.

Bill Nettles proposed a straw vote right now for people to say yay or nay as to where they stand on the project to get a litmus test of what is going on in the room. He said that many of the people leaving were no votes because they were tired of listening to the process.

Tom Duckett pointed out that the trailer that is used currently is loaned by Floyd Evans, who has already left the neighborhood and has his house in the Colony up for sale. He asked if we were really going to ask bring the trailer back every time it is needed.

Bill Nettles said that Floyd (who was not present) already said that he would. Tom said that at some point Floyd is going to retire and sell his house and it isn't a reasonable expectation that we should rely on him being the source for the trailer.

Straw vote, Nancy May pointed out that was not binding. The majority of the room voted against the platform, with several abstaining from the vote.

April Brown said that with this much contention that she wonders if it is really worth it. That it makes the Colony less attractive to have neighbors fighting each other.

Scott suggested that there was be a timeline for people to get questions and answers about the project. He said he doesn't think it should be shut down tonight because not everyone was there to have a say.

Nancy May said she would try to put together a fact sheet that residents could take a look at before the vote.

Philip Pointon asked Nancy May to read the motions that had carried so everyone was clear on what had taken place tonight.

Nancy May said that there was one motion that carried in the original meeting. The only motion that carried in the special meeting was the one that allowed ALL property owners to vote on the platform at the January meeting.

She said that if someone has comments that they can send them to a board member. She said we may need to get a larger space for the January meeting. She said we would need an RSVP so we know if we need the larger space. She said eligible voters can send a proxy vote with a board member which includes the name and address of the proxy voter.

April Brown said we may be able to get Foundry Church.

Hank Noyes said that we don't have the exact phrasing of the question that is going to be voted on.

Nancy May said that there are a lot of different opinions in the room. She said she would post the question to be voted on prior to the meeting.

With the time limit of the meeting space reached, Nancy made a motion to adjourn the meeting, which was seconded by Philip Pointon.

Meeting adjourned at 8:49 p.m.

Respectfully submitted,
Adrienne Downing, Chesapeake Colony Civic League Secretary