



**Minutes of the  
Colonial Beach Town Council  
Special Meeting to hold a  
Work Session held on  
Thursday, January 28, 2016 at 4:40 p.m.**

Colonial Beach Town Hall  
315 Douglas 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  
Member, Mike Looney

**Absent**

There were no council members absent.

**Also Present**

Robin Schick, Chair, Planning Commission  
Bob Busick, Member  
Pam Tolson, Member  
Maureen McCabe, Member  
Clopton, Member

**Also Present**

Town Manager, Val Foulds  
Town Attorney, Andrea Erard  
CFO, Joan Grant  
Police Chief, Danny Plott  
Zoning Administrator, Branden McHugh  
Town Clerk, Kathleen Flanagan

## **Call to Order**

Mayor Ham called the meeting to order at 4:34 p.m.

## **Roll Call of Members**

Mayor Ham noted that all Council members were present or expected to be present.

**All Council Members were present or expected to be present.**

## **Roll Call of Planning Commission Members Present**

Ms. Schick called the Planning Commission to order and noted that all Commissioners were present.

## **Freedom of Information Act Presentation**

Ms. Erard presented an overview of requirements under the Freedom of Information Act.

Ms. Erard noted, in her opinion, the real penalty of FOIA is if the court finds a violation, the petitioner can recover costs and attorneys' fees even if the court has not ordered payment of fines.

In FOIA cases, the locality bears the burden of proof to show they did comply.

Ms. Goforth asked if volunteers, such as planning commission members, would be responsible if they were found in violation. Ms. Erard answered "yes."

Ms. Erard distributed a handout. In summary, the Freedom of Information Act provides: that everything be done in the public eye; and, exemptions shall be narrowly construed, unless specifically made exempt.

If three or more members are present and they are discussing the transaction of public business, that is a meeting. Gatherings where no discussion of public business is taking place are not meetings. In order to hold a meeting, the meeting must be posted (time, date and place) at Town Hall three days prior to the meeting and minutes must be taken. Emergency meetings may be held with notice provided as soon as practicable.

Audio tapes and draft meeting minutes are public documents and must be released if requested. Minutes need to give a basic description of what occurred at the meeting, what topics were discussed, who was there and any votes that were taken.

If a meeting is conducted not in accordance with FOIA, any votes taken are not valid.

Public records include emails, text messages, comments on social media related to the transaction of public business.

Requests for public records do not have to be in writing, but generally writing the requests helps with accuracy. The Town Clerk generally acts as the clearinghouse for FOIA requests.

Once a request is made for records, the responder has five business days to respond.

The town does not have to create documents to respond to a FOIA request. Before modifying a document in any way, the town must have the consent of the person making the request.

Section 58.1-3 provides for the confidentiality of tax and business records and is exempt.

The town can charge the actual cost of providing documents and can further request a deposit if the total is estimated to be \$200 or more.

One complete copy of the same agenda packet provided to Town Council or Planning Commission must be made available to the public for review.

Ms. Erard entertained questions from Town Council and Planning Commission.

### **Adjournment of Planning Commission**

At 4:47 p.m. Ms. Schick adjourned the Planning Commission.

### **Quarterly Financial Report**

Ms. Grant noted that revenue collection is at 48.9% at the halfway point, which is 5% above anticipated revenue collections.

Mayor Ham noted that Lodging, Meals, and Cottage taxes and parking fees have all increased and are all related to tourism.

### **Town Manager Update**

Ms. Foulds thanked town staff for the successful handling of the recent storm.

Ms. Foulds then noted the Downtown Revitalization Grant will be completed ahead of schedule. Work has begun on the Transportation Alternative Grant and work should be completed by spring of 2017.

Mayor Ham encouraged all citizens who are not signed up for Code Red to receive town alerts to do so.

### **December Department Reports**

Chief Plott noted the four wheel drive Ford Explorers were able to keep patrols operational for checking on the elderly.

### **Old Business**

## **Closed Meeting**

Mayor Ham asked if council wished to go into closed session pursuant to VA Code 2.2-3711(A)(7) for consultation with legal counsel regarding two specific legal matters, piers and Monroe Point subdivision.

Mr. Edwards made a motion to go into closed session as stated. Ms. Goforth seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Edwards, Mr. Blunt, Mr. DiRosario, Mr. Looney, Ms. Goforth and Mayor Ham all voted “aye.” The “ayes” have it.

At 5:31 Council went into closed session.

## **Motion to Reconvene/Certification**

At 6:53 Mr. Blunt made a motion to reconvene in open session. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Edwards, Mr. Blunt, Mr. DiRosario, Mr. Looney, Ms. Goforth and Mayor Ham all voted “aye.” The “ayes” have it.

Mr. Edwards made a motion to certify that only two matters as identified were considered.

Mr. Edwards so certified; Mr. Blunt so certified; Mr. DiRosario so certified; Mr. Looney so certified; Ms. Goforth so certified; and the Mayor so certified.

## **Lease of 108 Taylor Street**

Ms. Foulds noted there is no new information.

## **New Business**

### **Procurement – Contractor Debarment/Suspension Policy**

Ms. Foulds noted that with all the additional requirements for subcontractors to projects coming under the revitalization grant, the town can use its previous experience or the previous experience of other localities to debar a contractor.

*Council agreed to place this on the agenda for consideration at the February regular meeting.*

### **Resolution #05-16, Award of Contract to Retain RE Broker Services**

Mayor Ham noted that one response was received in response to the Request for Proposals from Coldwell Banker Commercial Elite in Fredericksburg.

*Council agreed to place this on the agenda for consideration at the February regular meeting.*

**Resolution #06-16, Authorizes Specific Capital Improvement Projects**

Mayor Ham noted that the list for specific projects was created at the January 20, 2016 Work Session. The resolution covers: repair of the boat launch; demolition and purchase of new restroom facility; and, repair roof at Town Center and purchase chairs and speakers.

Mr. Looney requested that this resolution be presented as three separate resolutions.

*Council agreed to place three resolutions on the agenda for consideration at the February regular meeting.*

**Resolution #07-16, Commits to annual funding to improve non-VDOT roads**

Mayor Ham noted that this resolution commits \$150,000 per year to “tar and chip and/or pave” gravel roads around town.

*Council agreed to place this on the agenda for consideration at the February regular meeting.*

**Resolution #08-16, Increases annual funding for CB Volunteer Fire Department**

Mayor Ham noted that an additional \$15,000 per year would help the Fire Department pay for a loan to repair the roof and other needs.

*Council agreed to place this on the agenda for consideration at the February regular meeting.*

**Other New Business**

Mr. Looney requested that Council agree to entertain a resolution to approve the rollover of funds not spent by the School Division.

Mayor Ham would like the resolution to state that the “money left over from the insurance proceeds can only be used for work/improvements on the facilities and it remains accounted for separately.”

Ms. Erard noted the budget may need to be amended before the money can be appropriated.

Audience member, Mr. Parker, asked about the pier lease for 1001 Monroe Bay Avenue. Mayor Ham requested Ms. Foulds to contact Mr. Parker.

Ms. Foulds noted the School Board meeting in February has been moved from the 10<sup>th</sup> to the 17<sup>th</sup>.

## **Adjournment/Recess**

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

Mayor Ham called for a voice vote on the motion to adjourn. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, Mr. Looney, Ms. Goforth and Mayor Ham voted “aye.” The motion to adjourn passed unanimously by Council members present.

**At 7:23 p.m. the meeting was adjourned.**

---

Kathleen Flanagan, Town Clerk

---

Mike Ham, Mayor