



Minutes of the
Colonial Beach Town Council
Work Session Continued
From Thursday, March 27, 2014
To Friday, March 28, 2014
At 2:00 p.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

Absent

Member, Gary Seeber

Also Present

Town Manager, Val Foulds
Town Clerk, Kathleen Flanagan

Reconvene

Mayor Ham reconvened the work session at 2:00 p.m.

Roll Call of Members

All council members were present, except for Mr. Seeber.

Continuation of Resolution #29-14, Authorizes the Town Manager to sign an agreement (re: employee (T. Davis))

Ms. Foulds noted she has reviewed the job description and spoken to her immediate supervisor regarding the incident that occurred on March 18, 2014 on 320 First Street. Ms. Foulds believes Ms. Davis was performing her job as assigned.

Ms. Brubaker noted she believes Ms. Davis goes to Ms. Foulds for direct supervision. Ms. Foulds noted that Gary Mitchell is her immediate supervisor. Ms. Foulds further noted that every employee occasionally goes to her for advice.

Mr. Edwards said, as a code official, you are not allowed to go into someone's homes. According to Ms. Davis a big box truck pulled up on the yard, which made her believe they may have needed a permit. This will play out in court. A no trespassing sign does not stop a town official from doing their job outside the house.

Ms. Goforth noted she had it on good word that the magistrate took from Tuesday until Friday to issue a warrant and that the magistrate had heard three previous complaints on this employee.

Mr. Bone noted Council must supports the workers, as long as the workers are taking no illegal action.

Mayor Ham noted the agreement states that if the facts show that she was acting outside the scope of her employment in a manner consistent with her job description, she will repay the town.

Mr. Bone asked if the employee asked for this. Ms. Foulds answered that when the employee found out that VML Insurance did not cover this, she became distressed. Ms. Foulds noted that the resolution came from the town attorney.

Ms. Brubaker said she would be more inclined to support this resolution if the employee were place on suspension.

Mayor Ham made a motion that Res #29-14 be approved as modified: include a \$4,000 limit on the agreement.

Mr. Edwards seconded the motion.

Mr. Chiarello asked about liability to the town. Mayor Ham answered that passing this resolution makes the town no less and no more liable.

Mr. Chiarello said he can agree with this.

Mayor Ham called for a roll call vote on the motion. Mr. Edwards voted "aye," Ms. Brubaker voted "nay," Ms. Goforth voted "nay," Mr. Bone voted "aye," Mr. Chiarello voted "aye," and the Mayor voted "aye." The motion passes with a 4-2 vote.

RESOLUTION #29-14, Authorizes the Town Manager to sign an Agreement

WHEREAS, on March 24, 2014 a town employee, the Code Compliance Office, for the Town of Colonial Beach, was served with a warrant for criminal trespass; and

WHEREAS, there is no insurance coverage to hire an attorney to defend the employee on the criminal trespass charge; and

WHEREAS, the Town Council seeks to provide funds for the cost of defending the criminal action not to exceed \$4,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Colonial Beach Town Council at its work session on March 28, 2014 that the attached Agreement is approved and the Town Manager is authorized to sign the Agreement in duplicate originals on behalf of the Town Council; and

BE IT FURTHER RESOLVED that the costs related to the attached Agreement shall be paid out of line item 4-100012100-3100 from the current year's budget.

Set Joint Work Session with School Board

Mayor Ham reported that the best schedule he could come up with Mr. Trivett is to hold a joint work session with the School Board on Thursday, April 3, 2014 at 6:30 p.m.

General Council Discussion

Mr. Chiarello asked if Council wanted to discuss salary for Interim Chief Seay. Mr. Chiarello noted Council gave him a salary increase as interim chief and needs to continue to provide him some sort of merit compensation.

Mr. Bone noted Council was not allowed to put the salary back in a previous personnel incident with the police department.

Mr. Bone further noted you can reduce his salary for a disciplinary reason or he keeps the salary.

Ms. Brubaker asked Mayor Ham to talk to her with the same respect he talks to the men on Council.

Adjournment/Recess

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

At 3:00 p.m. Mayor Ham recessed the work session.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor