



**Minutes of the
Colonial Beach Town Council
Regular Meeting held on
Thursday, May 14, 2015 at 7:00 p.m.**

Colonial Beach Town Center
22 Washington 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

Also Present

Town Manager, Val Foulds
Town Attorney, Andrea Erard
Town Clerk, Kathleen Flanagan
Police Chief, Danny Plott

Call to Order

Mayor Ham called the meeting to order at 7:07 p.m.

Roll Call of Members

Mayor Ham requested a roll call of members. Mr. Edwards responded "here," Mr. Lyburn responded "here," Mr. Blunt responded "here," Mr. DiRosario responded "here," Ms. Goforth responded "here," Mr. Looney responded "here," and Mayor Ham responded "here." **All Council Members were present.**

Additions to the Agenda

There were no additions to the agenda.

Approval of the Agenda

A motion was made by Mr. Edwards to approve the agenda. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, Ms. Goforth and Mayor Ham all said “aye.” The “ayes” were unanimous. **The motion to approve the agenda passed.**

Approval of the Minutes by full Council

Mr. Blunt made a motion to approve minutes presented for the April 9, 2015 Regular Meeting, the April 14, 2015 Special Meeting, April 23, 2015 Work Session and the May 5, 2015 Special Meeting. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. All in favor, signify by saying “aye.” Mr. Blunt, Mr. DiRosario, Mr. Edwards, Mr. Lyburn, Ms. Goforth, Mr. Looney (excluding the April 9, 2015 meeting) and Mayor Ham all said “aye.” The “ayes” were unanimous. **The motion to approve the minutes as presented passed unanimously.**

Approval of the Minutes by Committee

Mr. Edwards made a motion to approve minutes presented for the March 27, 2014 Work Session. Mayor Ham seconded the motion.

Mayor Ham called for a voice vote by the committee. All in favor, signify by saying “aye.” Mr. Edwards and Mayor Ham voted “aye.” Ms. Goforth abstained as she did not read them. **The motion to approve the minutes by the committee as presented passed unanimously.**

Council Announcements

Mayor Ham introduced Police Chief Danny Plott, who started last Monday.

(Applause.)

Mr. Edwards noted the Memorial Day Service will be held at the cannon on Monday, May 25, 2015.

Mr. Edwards further noted the Tourism Council needs volunteers.

Mr. Blunt reported that today’s Washington Post has an ad for Smith Mountain Lake Houseboating. Mr. Blunt would like to see the town advertise in the Post.

Mr. Looney thanked Captain Bruce Hough for serving as the Acting Chief of Police. Mr. Looney also thanked Chief Plott for accepting the position as Police Chief. Mr. Looney also thanked Ms. Foulds for her work on recruiting a new Chief.

Mr. Looney further noted that during the cold winter, River Gym allowed anyone to come in and take a hot shower if they had frozen pipes.

Mr. Looney summarized highlights from the 41 graduates of the 2015 Senior Class.

(Applause.)

Ms. Goforth noted that parking signs and kiosks are operational and thanked Ms. Foulds and staff.

Presentations

Mayor Ham read a Proclamation for Business Appreciation Month.

Proclamation

Business Appreciation Month 2015

WHEREAS, local Virginia businesses play a pivotal role in strengthening our town and the Commonwealth by embracing job creation, innovative technologies, and employing a diverse workforce to preserve the economic well-being of all our citizens; and

WHEREAS, Virginia businesses provide nearly 3.1 million jobs to our citizens throughout the Commonwealth and offer a variety of services and products worldwide; and

WHEREAS, the Town of Colonial Beach is pleased to recognize the accomplishments of our existing businesses; entrepreneurs; small, minority and women owned businesses; and the major employers that contribute greatly to the economic recovery of our town; and

WHEREAS, it is fitting to offer the citizens of our town a unique opportunity to recognize our local businesses for the essential role they play in driving the new Virginia economy;

NOW, THEREFORE, the Colonial Beach Town Council does hereby recognize May 2015 as **BUSINESS APPRECIATION MONTH**, and we call this observance to the attention of all our citizens.

Michael S. Ham, Mayor

Dated this 14 day of May 2015

Larry Roberson, Westmoreland County Board of Supervisors

Mr. Roberson gave a power point presentation on Westmoreland County's budget, which budget includes no new taxes.

Val Foulds, Town Manager

Ms. Foulds talked about a recent work shop she attended titled “Driving Tourism.”

Danny Plott, Chief of Police

Chief Plott said he was honored that he was chosen to lead the police department and said “the door is always open.”

(Applause.)

Unfinished Business

Mayor Ham discussed the options presented for the Fiscal Year 2015-2016 budget.

Mayor Ham polled Council members for a date to hold a Special Meeting to hold a work session. Mayor Ham directed the Town Clerk to poll Council members for the best day and time.

New Business

Public Hearing, Resolution #30-15, Lease of 108 Taylor Street

Public Hearing

Mayor Ham noted one bid had been received to lease 108 Taylor Street for \$1,500 per year for a lease term of three years. The price reflect maintenance issues which they are prepared to fix.

Mayor Ham opined that \$1,500 is a low rent for three years. The previous tenant paid \$4,000 per month.

Ms. Foulds recommended accepting the bid for a one-year lease term and make a part of the agreement any improvements the tenant propose to make.

Kevin Stees, husband of Jocelyn Stees, the applicant, was available to answer questions.

Mr. Stees noted it needed to be cleaned and painted and the electrical panel appears to need work.

Mr. Stees further noted in addition to food, they would offer bait and tackle, but will not offer kayaks. They are looking to be open by Memorial Day weekend, but as soon as possible after that.

At 7:59 p.m. Mayor Ham opened the Public Hearing. There was no public comment. Mayor Ham closed the Public Hearing.

Motion to Adopt Resolution #30-15

Mr. Edwards made a motion to adopt Resolution #30-15 as written. Mr. Blunt seconded the motion.

Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Resolution #30-15 passed unanimously.**

RESOLUTION #30-15, APPROVAL OF LEASE OF 108 TAYLOR STREET

WHEREAS the Town of Colonial Beach has advertised a public hearing for persons interested in leasing the property located at 108 Taylor Street; and

WHEREAS the Colonial Beach Town Council has conducted a duly advertised public hearing at its regular meeting held on May 14, 2015 regarding the leasing of 108 Taylor Street and accepted sealed bids which were opened on May 14, 2015.

NOW THEREFORE BE IT RESOLVED the Colonial Beach Town Council at its regular meeting on May 14, 2015 hereby agrees to lease the building located at 108 Taylor Street, for a term of one (1) year, to Jocelyn Stees for the following terms and conditions:

- 1) An annual lease payment of \$1,500.00 payable upon execution of the lease.
- 2) Upon completion of an inspection, Tenant will provide Town Manager a list of maintenance and leasehold improvements items that Tenant will complete. The list will become a part of the lease agreement.

BE IT FURTHER RESOLVED by the Colonial Beach Town Council that the Town Attorney is directed to prepare a lease for execution and the Town Manager is authorized to execute said lease on behalf of the Town.

Resolution #31-15, Authorizing the Issuance and Sale of GO Refunding Bond

Mayor Ham summarized the resolution, which refunds a current bond at a lower interest rate.

Mr. Lyburn made a motion to approve Resolution #31-15. Mr. Blunt seconded the motion.

Mr. Looney noted that number 11. In the Resolution limits the town to no more than \$10 million in obligations. Mr. Looney asked if this refunding bond would be counted toward the \$10 million.

Mayor Ham clarified that the town can borrow more than \$10 million, but the amount over \$10 million will not be tax exempt.

Hearing no further discussion, Mayor Ham called for a roll call vote on the motion. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms.

Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to adopt Resolution #31-15 passed unanimously.**

RESOLUTION #31-15, AUTHORIZING THE ISSUANCE AND SALE OF GO REFUNDING BOND

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF COLONIAL BEACH, VIRGINIA, AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION REFUNDING BOND, SERIES 2015 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$1,775,000, AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH

WHEREAS, the Town of Colonial Beach, Virginia (the “Town”), has determined that it is necessary and advisable to borrow money, issue its general obligation refunding bond and, together with other available money, to finance the cost of refunding the Town’s \$2,685,000 General Obligation Public Improvement Bond, Series 2005, together with related administrative and financing costs (collectively, “the Project”);

WHEREAS, the Town staff has previously been working with the Virginia Municipal League/Virginia Association of Counties’ Finance Program to solicit proposals from banking institutions and received a proposal from Blue Ridge Bank, Inc. (the “Bank”) to purchase the Bond (as defined below), and the Bank has indicated its willingness to purchase such Bond in accordance with the terms of the Bond Purchase Agreement between the Bank and the Town (the “Agreement”), the form of which has been presented to the Town Council (the “Council”) at this meeting;

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF COLONIAL BEACH, VIRGINIA:

1. Authorization of Bond and Use of Proceeds. Pursuant to the Constitution of the Commonwealth of Virginia and the Public Finance Act of 1991, as amended (the “Public Finance Act”), Title 15.2, Chapter 26 of the Code of Virginia of 1950, as amended (the “Virginia Code”), and without regard to any requirements or restrictions contained in any charter or special act of the Town, the Council hereby authorizes the issuance and sale of a general obligation refunding bond of the Town in an aggregate principal amount not to exceed \$1,775,000, to fund, along with other available money, the costs of the refunding, including costs incurred in issuing the Bond (as hereinafter defined).

2. Authorization of Bond Purchase Agreement. The Council accepts the proposal of the Bank to purchase the Town’s Bond on the terms set forth in the Bank’s proposal dated April 16, 2015. The form of the Agreement related to the Bond and as submitted to the Council at this meeting is hereby approved. The Mayor and the Town Manager, either of whom may act (each an “Authorized

Signatory”), are authorized to execute the Agreement in substantially such forms, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by such official, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to the Bank shall be upon the terms and conditions of the Agreement. The proceeds of such Bond shall be applied in the manner set forth in the Agreement. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Agreement.

3. Bond Details. The Bond shall be issued as a single, fully registered bond designated “General Obligation Refunding Bond, Series 2015” (the “Bond”), shall be numbered R-1, and shall be in substantially the form of Exhibit A to this Resolution as hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing such Bond. The Council authorizes the issuance and sale of the Bond on such terms as shall be satisfactory to the Authorized Signatory; provided however, that the Bond (i) shall be in a principal amount not to exceed \$1,775,000, (ii) shall mature no later than August 1, 2035 and (iii) shall bear interest on the outstanding principal balance thereof at a rate of interest approved by the Authorized Signatory, with such rate to not exceed 2.650% per year (provided that default interest may be payable at a rate in excess thereof as provided in the related Agreement). As set forth in the Agreement, the Town agrees to pay any applicable late payment or similar costs and expenses described therein. Subject to the preceding terms, the Council further authorizes the Authorized Signatory to determine the final terms, purchase price, initial interest rate, interest rate adjustment provision, maturity date and amortization schedule of the Bond, all of which shall be evidenced by the execution and delivery of the Bond, and no further action shall be necessary on the part of the Council so long as such provisions are within the limits prescribed in this Resolution.

4. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the related Agreement. The Bond shall be subject to redemption on the terms set forth in the related Agreement. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America. Nothing in the Bond, this Resolution, or the Agreement shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the Town, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the Town. The Town may, at its option, redeem, prepay or refund the Bond upon the terms set forth in the related Agreement.

5. Execution and Form of Bond. The Bond shall be signed by the Mayor or Vice-Mayor and the Town’s seal shall be affixed thereon and attested by the Clerk or Deputy Clerk of the Town. The Bond shall be issued as a typewritten bond in substantially the form of the Bond, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Authorized Signatory, whose approval shall be evidenced conclusively by the

execution and delivery of the Bond.

6. Pledge of Full Faith and Credit. The full faith and credit of the Town are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

7. Preparation of Printed Bond; Mutilated or Destroyed Bond. The Town shall initially issue the Bond in typewritten form. The printed Bond may be executed by manual or facsimile signature of the Mayor or Vice-Mayor, the Town's seal affixed thereto and attested by the Clerk or Deputy Clerk of the Town; provided, however, that if both such signatures are facsimiles, no bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled. If the Bond has been mutilated, lost or destroyed, the Town shall execute and deliver a new bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated bond or in lieu of and in substitution for such lost or destroyed bond; provided, however, that the Town shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the Town in connection therewith and, in the case of a lost or destroyed bond, (a) has filed with the Town an affidavit reasonably satisfactory to the Town that such bond was lost or destroyed and (b) has furnished to the Town reasonably satisfactory indemnity.

8. Registration and Transfer of the Bond. The Town appoints the Town Treasurer as paying agent and registrar (the "Registrar") for the Bond. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be reasonably satisfactory to the Registrar, the Town shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, interest and premium, if any, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books.

9. Delivery of Bonds. The Mayor or Vice-Mayor and Clerk of the Town are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to the Issuer as the purchaser thereof as set forth in the Agreement.

10. Tax Provisions. The Town covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any provision of law that may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The Town shall pay any such required rebate from legally available funds. Each of the Mayor and the Town Manager of the Town is authorized to execute a Tax Compliance Agreement or any related document (the “Tax Documents”) setting forth the expected use and investment of the proceeds of the Bond.

11. Bank-Qualification Designation. The Town designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The Town represents and covenants as follows:

(a) The Town will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2015, including the Bond, for the purpose of such Section 265(b)(3);

(b) The Town, all its “subordinate entities,” within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the Town and its subordinate entities have not authorized, in the aggregate, more than \$10,000,000 of tax- exempt obligations to be issued in calendar year 2015 (not including “private activity bonds,” within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds,” within the meaning of Section 145 of the Code), including the Bond;

(c) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Town and such other entities in calendar year 2015, result in the Town and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2015 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2015 in an aggregate amount that will exceed such \$10,000,000 limit; provided, however, that if the Town receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the Town need not comply with such covenant.

12. Tax and Other Documents. Each of the Mayor and the Town Manager are authorized and directed to execute and deliver an IRS Form 8038-G in a form approved by such officers and the Town's bond counsel.

13. Limitation of Liability of Officials of Town. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of Council, or agent of the Town in his or her individual capacity, and no officer of the Town or member of Council executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the Town shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution provided he or she acts in good faith.

14. Conditions Precedent. Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this Resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bond shall have happened, exist and have been performed.

15. Other Actions. All other actions of officials of the Town in conformity with the purposes and intent of this Resolution and the Agreement and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The officials of the Town are authorized and directed to execute and deliver on behalf of the Town such agreements and other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bond or the Agreement, and all of the foregoing, previously done or performed by such officers of the Town, are in all respects approved, ratified and confirmed.

16. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

17. Constitutional Authority and Severability. The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia (other than Subsection (2) thereof). The principal of and interest on the Bond shall be payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the Town subject to taxation, to the extent other funds of the Town are not lawfully available and appropriated for such purpose. If any court of competent jurisdiction shall hold any provision of this Resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

18. Filing of Resolution. The Authorized Signatory and Clerk to the Town are authorized and directed to see to the prompt filing of a certified copy of this Resolution in the Circuit Court

having jurisdiction over the Town, in accordance with Sections 15.2-2607 and 15.2-2627 of the Public Finance Act.

19. Effective Date. This Resolution shall take effect immediately.

Adopted: May 14, 2015.

Mayor of the Town of Colonial Beach

Resolution #32-15, Ratifies and approves additional compensation, Acting Police Chief

Mayor Ham read the resolution.

Mr. Looney made a motion to amend Resolution #32-15 as follows: add the following language in the last paragraph “at the rate agreed to in his employment agreement.” Mr. Blunt seconded the motion to amend.

Hearing no further discussion, Mayor Ham called for a voice vote on motion to amend. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to amend Resolution #32-15 passed unanimously.**

Mr. Edwards made a motion to approve Resolution #32-15 as amended. Mr. Lyburn seconded the motion.

Hearing no further discussion, Mayor Ham called for a voice vote on the motion to approve Res #32-15 as amended. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to approve Resolution #32-15 as amended, passed unanimously.**

RESOLUTION #32-15, Ratifies and approves additional compensation, Acting Police Chief

WHEREAS on January 2, 2015 the Colonial Beach Town Council appointed Bruce Hough to serve as the Acting Police Chief for the Town of Colonial Beach; and

WHEREAS the Town Council also approved additional compensation for the Acting Police Chief through an Employment Agreement; and

WHEREAS Bruce Hough has continued to serve as Acting Police Chief to faithfully serve the citizens of the Town past the March 31, 2015 expiration date of the Employment Agreement.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its regular monthly meeting on May 14, 2015 that the additional compensation for the services of Bruce Hough as Acting Police Chief, at the rate agreed to in his employment agreement, from March 31, 2015 to May 10, 2015 be hereby ratified and approved.

Resolution #33-15, Authorizes the Mayor to execute an agreement authorizing demolition of the former high school property

Mayor Ham asked Ms. Erard to discuss this resolution.

Ms. Erard noted the title to the property is not one parcel, but many little parcels. Ms. Erard noted that she had received this date a notebook which may contain the deeds to the individual parcels.

This resolution allows the town to make an agreement with the School Board to tear the building down and clean up the property.

Mayor Ham suggested adding the following language to the last paragraph “from reserve funds and to establish a separate line item for the tracking of expenses and revenues related to the high school property.”

Mr. Edwards made a motion to amend Resolution #33-15. Mr. Lyburn seconded the motion to amend.

Hearing no further discussion, Mayor Ham called for a voice vote on motion to amend. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.” **The motion to amend Resolution #33-15 passed unanimously.**

Mr. Looney made a motion to approve Resolution #33-15 as amended. Mr. Lyburn seconded the motion.

Mr. Looney asked if there was an attached agreement.

Ms. Erard noted it was not available.

Mayor Ham noted that the current RFP asks for three separate bids and a bid to demolish everything.

Mr. Blunt opined that leaving the attached gym will increase the cost of demolition and would decrease the value of the property.

Ms. Goforth would like to explore keeping the gym and using as a new police building. Ms. Goforth further indicated she would not vote for a resolution that has no attached agreement.

Ms. Erard suggested deferring the resolution until an agreement is prepared.

Mayor Ham noted the issue that needs to be addressed is how the RFP should read.

Mayor Ham proposed tabling Resolution #33-15 and address how should the RFP read. Currently it reads contracts to address three individual buildings separately and a bid on all of them overall. The current RFP does not address any temporary buildings.

Mayor Ham noted the town owns other buildings that could be considered for a new police station, for example, 700 Colonial Avenue.

Mr. Looney made a motion to continue consideration of Resolution #33-15 until the June regular meeting of the Colonial Beach Town Council. Mr. DiRosario seconded the motion.

Mayor Ham called for a voice vote on the motion to continue consideration of Res #33-15. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.”

The motion to continue consideration of Resolution #33-15 as amended, passed unanimously.

RESOLUTION #33-15, Authorizes the Mayor to execute an agreement authorizing demolition of the former high school property DEFERRED

WHEREAS, on January 5, 2014 there was a devastating fire at the former Colonial Beach High School property; and

WHEREAS, the former Colonial Beach High School property sustained substantial damage; and

WHEREAS, though a part of the structure may be salvageable, after a cost-benefit analysis it has been determined that the best course of action is to tear the structure down; and

WHEREAS, given the length of time that the former High School has continued in a dilapidated, dangerous and unsightly condition it is prudent to tear down and remove the structures from the former High School property.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council, this 14 day of May 2015, that the attached Agreement between the Colonial Beach School Board and the Colonial Beach Town Council authorizing demolition of the former high school property is hereby approved and the Mayor is authorized to execute the agreement, in duplicate originals, on behalf of the Colonial Beach Town Council; and

BE IT FINALLY RESOLVED that the Town Manager is directed to take immediate action to demolish any and all structures located on the property of the former high school in accordance

with the attached agreement and to utilize the funds for such purpose from reserve funds and to establish a separate line item for the tracking of expenses and revenues related to the high school.

Mayor Ham then polled Council regarding the RFP

Mayor Ham asked: “How many would be in favor of the first option, going out with separate bids for each building as well as an overall price to tear it all down?”

Ms. Goforth, Mr. DiRosario, Mr. Edwards and Mr. Lyburn all raised their hands.

Ms. Goforth would like to add a caveat regarding keeping materials.

Mr. Blunt asked how much should be allotted for an engineer study to see if the gymnasium can be saved.

Rob Murphy spoke up and said the engineer said he would take a look for about \$5,000.

Resolution #36-15(A), Authorizes Town Manager to spend not more than \$5,000 to have an engineer give an opinion on the gymnasium

Mr. Blunt made a motion to authorize the Town Manager spend not more than \$5,000 to have an engineer give a recommendation on whether it makes sense to keep the gym intact or not. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “aye,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.”

The motion to approve Resolution #36-15(A) as amended, passed unanimously.

RESOLUTION #36-15(A), Authorizes the Town Manager to spend not more than \$5,000

BE IT RESOLVED that the Town Manager is authorized to spend not more than \$5,000 to have an engineer give a recommendation on whether it makes sense to keep the gymnasium intact or not.

Tim Trivett, Chairman, Colonial Beach School Board, requested to speak and noted that, because Town Council will deduct costs from the school share of funds when the property is sold, any decision to spend funds on an engineer equals spending school money.

Mr. Trivett further noted that when the fire occurred, there were several holes cut in the roof. Since that time, there has been snow and rain.

Resolution #36-15(B), Rescinds Resolution #36-15(A)

Mr. Edwards made a motion to rescind Resolution #36-15(A) and not authorize the Town Manager spend not more than \$5,000 to have an engineer give a recommendation on whether it makes sense to keep the gym intact or not. Mr. Lyburn seconded the motion.

Mayor Ham called for a voice vote. Mr. Blunt voted “aye,” Mr. DiRosario voted “nay,” Mr. Edwards voted “aye,” Mr. Lyburn voted “nay,” Ms. Goforth voted “nay,” Mr. Looney voted “nay,” and Mayor Ham voted “aye.”

The motion to approve Resolution #36-15(B) unanimously failed.

Resolution #34-15, Amends Resolution #05-15, Establishment of dates and times of regular Town Council meetings

Mr. Lyburn made a motion to approve Resolution #34-15. Mr. Edwards seconded the motion.

Mayor Ham called for a voice vote. Mr. Blunt voted “aye,” Mr. DiRosario voted “aye,” Mr. Edwards voted “nay,” Mr. Lyburn voted “aye,” Ms. Goforth voted “aye,” Mr. Looney voted “aye,” and Mayor Ham voted “aye.”

The motion to approve Resolution #34-15 passed 6-1.

RESOLUTION #34-15, Amends Resolution #05-15, Establishment of dates and times of regular Town Council meetings

WHEREAS the Town Council unanimously passed Resolution #05-15 on January 8, 2015 establishing dates and times of regular Town Council meetings; and

WHEREAS Town Council scheduled a monthly regular meeting on Saturday, June 13, 2015 at 9:00 a.m.

WHEREAS the 2015 Annual Potomac Riverfest parade is also scheduled for Saturday, June 13, 2015.

NOW THEREFORE BE IT RESOLVED the Town Council hereby amends Resolution #05-15 by changing the June 13, 2015 regular meeting to Saturday, June 6, 2015 at 9:00 a.m.

Citizen Input

Jean Conaty, representing the Historical Society urged Council to act to preserve the old buildings.

Mr. Looney noted Judith McIrvin is working on procuring historical designations on a number of buildings in town.

Wayne Kennedy, 213 Meadow Avenue, believes the gym is a historical landmark and believes there are citizens in town who will volunteer or have their taxes raised to preserve the gym.

Linda Brubaker, 17 Lincoln Avenue agrees with Mr. Trivett and asked how Council could even consider spending the School Board's money.

Michelle Payne, School Board member, invited Council to graduation on June 14 at 2:00 p.m.

Closed Session

There was no motion to go into closed session.

Adjournment/Recess

Mr. Edwards made a motion to adjourn. Mr. Lyburn 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, Ms. Goforth and Mayor Ham voted "aye." The motion to adjourn passed unanimously.

At 9:28 p.m. the meeting was adjourned.

Kathleen Flanagan, Town Clerk

Mike Ham, Mayor