



# TOWN OF HAYMARKET TOWN COUNCIL

## EMERGENCY MEETING ~ MINUTES ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

Friday, January 24, 2014

7:00 PM

Council Chambers

A Emergency Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Mayor David Leake called the meeting to order.

### 1. Call to Order

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

### 2. Public Portion

The Mayor asks for Council discussion. Tobias responds that he and Councilwoman Scarbrough called for this emergency meeting to address the Mayoral vetoes received by the clerk yesterday, January 23, 2014.

#### a. Mayoral Veto

Move to override the Mayoral veto of the Council vote on Monday, January 20, 2014, to suspend Chief James E. Roop

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

#### b. Mayoral Veto

Move to override the Mayoral veto of the Council vote on Monday, January 20, 2014, to suspend Deputy Chief Greg Breeden

<b>RESULT:</b>	<b>ADOPTED [5 TO 1]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Scarbrough, Kenworthy, Tobias
<b>NAYS:</b>	Katherine Harnest

#### c. Mayoral Veto

Move to override the Mayoral veto of the Council vote on Monday, January 20, 2014, to suspend Officer Jake Davis

**Discussion:** *The Mayor asks how are we getting around the General Orders of the Police Department that give the department employees due rights and due process? Tobias responds that he believes the Mayor was notified by the Town Attorney, but he will read aloud an email from the Town Attorney on this matter. "The Policy [general orders] speaks to the discipline imposed by a supervisor to a subordinate with the supervisor being below the level of Council. The grievance policy leaves the ultimate decision making in the hands of Council. Whereby, Council has originated the discipline of this issue, the grievance policy does not and cannot apply." Tobias summarizes that the Police Department General Orders applies to matters within the department, grievances and matters that are amongst themselves. Council initiated this investigation, their policy has no merit. The Mayor notes that the policy says "all grievances", it does not say "some". Tobias reminds that the Council has been informed that the Town Charter supersedes all policies and procedures. The Mayor responds that the Charter was last updated in the 1950's and 1960's and that the general orders were last revised in 2007. Tobias reminds Council of the last review of the powers granted in the Charter with*

*regard to the Mayor's ability to veto actions against himself; until we modify the Charter it supersedes all.*

**RESULT:** ADOPTED [4 TO 2]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Rebecca Bare, Mary-Lou Scarbrough, Milt Kenworthy, Jay Tobias  
**NAYS:** Steve Aitken, Katherine Harnest

**d. Mayoral Veto**

Move to call for the vote to override the Mayoral veto of the Council vote on Monday, January 20, 2014, to suspend Officer Jake Davis

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

**e. Mayoral Veto**

Move to override the Mayoral veto of the Council's January 20, 2014 vote to appoint Town Manager, Brian Henshaw as temporary administrator of the Police Department and to appoint Officer Jeff Shaver as temporary supervisor of the Police Department

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Steve Aitken, Councilman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

**f. Mayoral Veto**

Move to override the Mayoral veto of the Council's January 20, 2014 vote to amend the original motions to suspend each officer by clarifying the time the equipment was due and the effective date of the motion.

**Discussion:** *Mayor asks if that motion was clarifying the start of the suspension? Tobias said it was the motion to add a time to which the equipment needed to be turned in. The next motion will address a new date and time to have each officer's equipment turned in.*

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

**g. Council Directive**

Equipment, gun, badge, vehicle, to be turned into Town Manager, Brian Henshaw by close of business on Tuesday, January 28, 2014. All of Council agrees with this directive.

## Motion to Adjourn

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Mary-Lou Scarbrough, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Submitted:

Approved:

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Jennifer Preli, Town Clerk

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David Leake, Mayor