



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Tuesday, March 11, 2014

7:00 PM

Council Chambers

A Regular 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

Tonight's meeting was rescheduled from March 3, 2014; the meeting was rescheduled due to inclement weather.

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. Pledge of Allegiance

3. Moment of Silence - Vienna Mayor Jane Seeman

Mayor David Leake calls for a moment of silence in memory of Vienna Mayor, Jane Seeman

4. Citizen's Time

5. Minutes Acceptance

A. Mayor and Council - Regular Meeting - Feb 3, 2014 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Aitken, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

6. Agenda Items

A. Request to Council

The Town Manager asks that Council please disregard this agenda item

B. Saint Paul's Church Special Use Permit

Coke Whitrock is here this evening representing Saint Paul's School. The school would like an extension to their special use permit for a classroom trailer. Aitken asks when will Saint Paul's be done with the trailer and no longer need it. Mr. Whitrock responds that in 3-4 years they will no longer need the trailer.

Move to direct the staff to schedule a joint public hearing with the Planning Commission for April 7, 2014 for the consideration of an extension to the special use permit for a classroom trailer for Saint Paul's School at 6735 Fayette Street.

Discussion: Tobias: *In 2008 when they came to Council, they asked for waivers and told Council this was a temporary use. He doesn't see this coming to an end. Tobias asks Mr. Whitrock to provide to the Council his plan for de-occupying the trailer.*

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

C. Amend Agenda

Move to amend the agenda to add a budget amendment request and a appropriation request for the purchase of mobile data computers for the police department

RESULT:	ADOPTED [5 TO 1]
MOVER:	Steve Aitken, Councilman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS:	Jay Tobias

D. Mobile Data Computers

Move that the Town Council waive the spending policy for the purchase of four (4) MDCs for the Police Department based upon the State of Virginia Contract quote by DALY ENTERPRISE IT SOLUTION PROVIDER through the Northern Virginia Community College and that we amend the adopted 2014 Fiscal Budget to reflect a transfer from Asset Forfeiture Grant (100-32-00324-3240104) in the amount of \$30,000 to Police Department -Capital Outlay: Machinery & Equipment (100-03-31100-4008101). I further move that the Town Council appropriate \$14,500 from the Police Department: Capital Outlay Machinery & Equipment Line item 100-03-31100-4008101, for the purchase of four (4) Mobile Data Computers (In-Car Computers).

Discussion: *Bare would like to know the status of the E-Summons hardware that was requested in the original grant applications. Tobias would like to know how we are going to pay the annual fees for maintenance of the MDC's. Tobias would also like to know a proposal to handle the surplus computers, once they are replaced.*

RESULT:	ADOPTED [5 TO 1]
MOVER:	Steve Aitken, Councilman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS:	Jay Tobias

7. Department Reports**A. Treasurer's Report - Renee DuBiel**

Council reminds that the budget work session is scheduled for tomorrow, March 12, 2014 @ 6:30 PM

B. Engineer's Report - Holly Montague**C. Planner's Report - Marchant Schneider****D. Police Report - Chief James E. Roop****E. Museum Report - Denise Hall****F. Town Manager's Report - Brian Henshaw**

Council directs that Xcellent Technology Systems and The Very Thing...for her can proceed directly to the ARB to obtain their recommendation on signage, then come back to council for final approval.

8. Closed Session**A. Enter into Closed Session**

Move to enter into closed session pursuant to VA 2.2-3711

A(3) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education

where such evaluation will necessarily involve discussion of the performance of specific individuals.

A(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rebecca Bare, Councilwoman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

B. Certification of the Closed Session

Move to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Steve Aitken, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Leake
NAYS:	Jay Tobias

C. Parliamentarian

Discussion: *Mr. Vanderpool provides a legal opinion that any member that feels Council departed from the provisions of the Freedom of Information Act must state prior to the vote the substance of the departure for the record. The Mayor asks for clarification.*

Tobias would like it noted for the record that he voted no because he felt that one of the matters discussed was of a personal nature pertaining to one of our law enforcement officers and an insurance settlement that he may have received is not information needed to be disseminated to the Council.

The Mayor declares Tobias out of order. Tobias moves to adjourn, Kenworthy seconds; Mayor calls for a recess to consult with legal counsel. Mr. Vanderpool provides his legal opinion after review the Council Rules of Procedure that a motion to adjourn is always in order and it is not debatable and that a recess is not in order. The recess would have been in order if it had been a motion by the council.

D. Move to Adjourn

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

E. Call for Recess

Mayor calls for a recess after the defeated motion to adjourn

9. Councilmember Time

A. Steve Aitken

He would like to state how frustrated he is with the digs being taken during our meetings. He reminds the Council that it is unprofessional for our citizens to see this behavior.

B. Rebecca Bare

C. Katherine Harnest

D. Mary Lou Scarbrough

She thanks the Council members that came out for the Food Pantry fundraiser, the Haymarket Hoe Down. Preliminary numbers show they raised approximately \$4,000.

E. Milt Kenworthy

F. James Tobias

Addressing Mr. Aitken's comments. Tobias agrees with him, but unfortunately, he doesn't feel things should be hidden from the public. If performance is undermined then sometimes it needs to be called out no matter who it is. He has three months left, and he will try and do the best job he can and he will stay on top of things. Tobias notes that the 2006 Charger is moving around, but he would also like to see the Chief's cruiser get started once and a while. He would also like to see the other bids for the MDC's that Donna obtained.

G. David Leake

10. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor