



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, May 5, 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

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. Public Hearings

A. Planning Commission

Chair Weir call the public hearing & special meeting of the Planning Commission to order

Roll Call: Present: Weir, Bare, Ring, Johnson
Absent: Robinson

Ring moves that the Planning Commission recommend approval of SUP# 20140404, Mad Ox Studios, LLC, for an in-home occupation at 15008 Gossom Manor Drive as described on the special use permit application and narrative dated April 4, 2014, pursuant to Section 58-98 (8) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupation, Johnson seconds;

Ayes: 4 Nays: 0 Absent: Robinson

Ring moves to adjourn the special meeting of the Planning Commission, Johnson seconds;
Ayes: 4 Nays: 0 Absent: Robinson

B. Special Use Permit #20140404, In-Home Business - 15008 Gossom Manor Place

Mayor calls for anyone who would like to speak in favor or opposed to the Special Use Permit Application

RESULT: ADJOURNED [UNANIMOUS]
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

4. Citizen's Time

Dr. David Mortvedt

He is here to bring the Council's attention the matter of Prince William County requesting three years of business tangible personal property tax. He is concerned and feels this is going to create a hardship for him. He is also concerned that once other businesses hear that you have to pay both the Town and County, they will move.

5. Minutes Acceptance

A. Mayor and Council - Work Session - Mar 26, 2014 7:00 PM

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

B. Mayor and Council - Work Session - Apr 1, 2014 7:00 PM

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

C. Mayor and Council - Regular Meeting - Apr 7, 2014 7:00 PM

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

D. Mayor and Council - Work Session - Apr 17, 2014 7:00 PM

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

6. Agenda Items

A. Proclamation

Town of Haymarket, VA
PROCLAMATION

Leather & Lace MC

WHEREAS, Virginia’s climate and scenery make motorcycle riding an attraction in the beautiful state of Virginia, and riders consider our roadways to be some of the best for riding.

WHEREAS, Motorcycles are increasingly used as a regular means of transportation; and

WHEREAS, The motorcycle is an energy-efficient vehicle that reduces fuel consumption, traffic, and parking congestion; and

WHEREAS, The motorcycle is an important form of transportation for commuting, touring, and recreations; and on Virginia roadways; and

WHEREAS, As a matter of safety, it is necessary to develop appropriate driving habits to handle these vehicles on Virginia roadways; and

WHEREAS, To prevent injuries and deaths on Virginia’s roadways, motorcyclists and motorists must be vigilant in their efforts to share the road and ensure the safety of everyone; and

WHEREAS, Motorcycle Safety Awareness Month raises public awareness for a lifetime of safe motorcycle riding.

WHEREAS, The International Women’s Motorcycle Club, Leather & Lace MC, is committed to increasing the safe operation of motorcycles by promoting rider safety education programs; their goal is to alert the motorists of the town of Haymarket, Virginia to:

MOTORCYCLE SAFETY AWARENESS MONTH

NOW, THEREFORE, I, David Leake, Mayor of Haymarket, in the great Commonwealth of Virginia, in recognition of over 195,700 registered motorcyclists statewide, and in recognition of the continued role of the Leather & Lace MC as a promoter of motorcycle safety, education, and awareness, do hereby proclaim the month of May 2014 as Motorcycle Safety Awareness Month in the Town of Haymarket and ask all citizens to join in a concerted effort to promote awareness, mutual respect, and safety on our roads.

B. Special Use Permit - in Home Business - 15008 Gossom Manor Place SUP#20140404

Move that the Town Council approve Special Use Permit# 20140404, Mad Ox Studios, LLC, for an in-home occupation at 15008 Gossom Manor Drive as described on the special use permit application and narrative dated April 4, 2014, pursuant to Section 58-98 (8) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupations;

It is further moved that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

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

C. Appropriation Request - Police Department

Move to authorize the Haymarket Police Department to enter into a purchase agreement with TRAMCO/Kanawha Electric & Machine Co. for the purchase of VerMac PCMS, 3-line variable message board in an amount not to exceed \$13,600. It is further moved to authorize the Haymarket Police Department to enter into the purchase agreement with GovDirect for the purchase of 5 mobile data computer docking stations in an amount not to exceed \$3,400. Funds to come from the Public Safety: Capital Outlay Machinery & Equipment line item.

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

D. Resolution - VACO, Brian Henshaw

Move to adopt the Resolution #20140505-1 to enter into the membership agreement with the Virginia Associations of Counties Group Self Insurance Risk Pool, coverage to be effective July 1, 2014.

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

E. 2014 General Obligation Bond - Debt Restructuring

Tobias recuses himself from the discussion of the debt restructure

Move to adopt the Resolution of Intent, RES #20140505-2, authorizing to proceed with application to, and coordination with, VML/ VACO Finance for the issuance by the Town of a refunding bond, and the execution and delivery of certain documents prepared in connection therewith.

Discussion: Clerk to request that VML/VACO please add any banks in town to the request for proposals list

RESULT:	ADOPTED [5 TO 0]
MOVER:	Steve Aitken, Councilman
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy
ABSTAIN:	Jay Tobias

F. HVAC - 2Nd Floor - 15026 Washington - Brian Henshaw

Move to authorize the Town Manager to enter into an agreement with BMS for the replacement of the upstairs HVAC unit at the Police Department utilizing funds from the Vehicle/Powered Equipment Supplies within the Public Safety line item in the approved budget.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

G. Pedestrian Improvement Grant - Award of Contract - Design Phase

Clerk to add to the Town Council regularly scheduled meeting of June 2, 2014

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

H. Historic District Overlay Revisions - Marchant Schneider

Move that the Town Council take no action to amend the boundary of the Old and Historic Haymarket District Overlay

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

I. Consultant - Parking Ordinance Review

Move that the Town Council award EPR, P.C., in association with Herd Planning and Design and Sympoetica, the contract for the Town of Haymarket Parking Ordinance and Needs Assessment based on their proposal dated March 13th, 2014.

It is further moved that the Town Council appropriate and allocate funds from the Capital Reserves for the said service, not to exceed \$15,000.

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

J. 14740 Washington Street - Repairs

Clerk to add to the May 19, 2014 agenda.

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

K. Board of Zoning Appeals Appointment

Move to authorize the Town Attorney to recommend to the Circuit Court of Prince William County the names of Robert Day, Kenneth Schick, and Sheila Jarboe for reappointment to the Board of Zoning Appeals as a regular member for a five-year term ending January 31, 2019

Discussion: *The Mayor asks for clarification, isn't there just one member we are recommending. The Town Attorney explains that the Circuit Court asks for three nominations and you word them in the order of preference. They will appoint the first one listed, Mr. Robert Day*

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

L. Appropriation Request - 14710 Washington

Move to approve the expenditure for the attached invoice for \$225 for Genesis which resulted in a \$182 overage of the Town's defined spending policy for the sump pump installation at the Food Pantry.

Discussion: *Tobias asks the Town Manager if he has contacted Genesis and informed them of their need to do "due diligence" before they start a project. Yes, the Town Manager has informed them.*

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

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

Tobias would like it on the record that it is his intent to draft a resolution for the Council to adopt in late June regarding refunding back to the taxpayers, similar to what was done in 2011, the excess revenues from FY 2014.

B. Engineer's Report - Holly Montague, PE

The Town Engineer announces that VDOT will hold a "Pardon our Dust" meeting this coming Thursday at Town Hall at 6:30 PM

C. Planner's Report - Marchant Schneider**D. Building Official's Report - TCS, LLC****E. Museum Report - Denise Hall****F. Police Department Report - Chief James Roop****Closed Session Priveledge**

Move that the Town Council waive closed session privilege regarding the investigation, suspension & suspension-compliance of Chief Roop, Deputy Chief Greg Breeden, & Office Jake Davis

Discussion: *The Mayor notes that this is not an agenda item. Bare notes that she has been asked a lot of questions about this topic, and she would like to answer. Since it was done in closed session, she is honoring the closed session agreement. She believes this is the proper way to handle the release of information. The Town Attorney asks if it is Council's intention to waive all privileges associated with the documents includes attorney client privilege, attorney work product privilege. He also reminds that there are also employment privacy protections. Bare just feels that picking and choosing of information by one member is not*

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

G. Town Manager's Report - Brian Henshaw

H. Event Planner's Report - Kim Ingalls

8. Closed Session

A. Enter into Closed Session

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

A(1) 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, specifically personnel matters of the police department

A(3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically Town Rental Properties & Leases

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

B. Certification of 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 [UNANIMOUS]
MOVER:	Steve Aitken, Councilman
SECONDER:	Jay Tobias, Vice Mayor
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

Motion

Be it resolved, notwithstanding the Council's original motion during the police department report by Councilwoman Bare, this Council does not waive the attorney client privilege, the attorney client work product privilege or any protections provided by state law for personnel records

Discussion: *Tobias cautions everyone to use discretion and that our obligation is to the people of this Town. Harnest recommends that Council members that choose to speak, keep your words clean because you may have to eat them later and that what you say can and will be used against you.*

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

9. Councilmember Time

A. **Steve Aitken**

B. **Rebecca Bare**

Asks that Planning Commission appointments be added to the June agenda

C. **Katherine Harnest**

She reminds everyone to vote tomorrow

D. **Mary Lou Scarbrough**

E. **Milt Kenworthy**

He would like an update on the Payne Lane properties and the derelict buildings.

F. **James Tobias**

He finds it appalling that the Mayor took the pleasure and leisure to go around the attorney's advise about keeping matters confidential. The worst part is that the Mayor earmarked one employee, when there were multiple employees involved.

G. **David Leake**

10. 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:

Jennifer Preli, Town Clerk

David Leake, Mayor