



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, July 2, 2012

7:00 PM

Council Chambers

A Regular Meeting of the Mayor & 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 Jay Tobias: Present, Councilman Milt Kenworthy: Present, Councilwoman Mary-Lou Scarbrough: Present, Mayor David Leake: Present, Councilwoman Rebecca Bare: Present, Councilman Steve Aitken: Present, Councilwoman Katherine Harnest: Present.

2. Citizen's Time

Matt Gallagher 6930 Jockey Club Lane

Mr. Gallagher congratulates Mayor Leake. He is here tonight representing the Boy Scouts, Troop #1882. Troop #1882 meets here at the Town Hall on Tuesday evenings. Recently there has been a conflict with scheduling the Town Hall; they have lost some of their meeting time. He would like the council's support for a little more permanent standing here at the Town Hall.

A. Information Items

A. Capital Improvements Projects

The Town Manager presents the Fiscal Year End 2012 Capital Expenditures. Funds in the amount of \$97,000 has been spent and most of the projects have been completed

B. Master Plan - Town Center Property

The Town Manager presents to Council proposals for developing a master plan on the Town Center Property. In March 2012, Council asked that instead of piecemeal improvements to the Town Center Property, step back and have staff get quotes from development and planning firms provide us a proposal for a master plan. This plan would take a look at parking for the site, the facade of the Town Hall building, the two renovation jobs. Tonight, he would just like Council to look over the five proposals we have received; we will discuss this item in more detail in August.

C. Communications Policy

Mayor Leake presents his 2012-2014 communications policy to the Town Council

3. Appropriations

A. HVAC Repairs/Replacement

The Town Manager notes that as we can all see, the air conditioning is not working well in the Town Hall. We have received three quotes to replace this older unit, interior and exterior outside in the back. The Town Manager had Councilman Kenworthy help review the quotes. We have one from BMS, it isn't lowest bid but most competitive in quality of equipment and the system worked well upstairs they installed. They were about \$1000 higher than the other bids. The recommendation we go with the BMS quote but will go see if can negotiate price since not lowest bidder.

Kenworthy motions to approve up to \$7,400 to contract with BMS for a new HVAC System for Town Hall (government use space), funds to come from the General Reserves Line Item with the intent to refund after the Fiscal Year 2012 Audit is complete. Scarbrough seconds; Discussion: Scarbrough asks what makes up the difference in prices? The Town Manager responds it is type of equipment (brand). Tobias asks how much the other bids came in at. LH Mechanical came in at \$4,850 (Carrier System); Woody Sudden Service was \$6,561 (Lenox System)

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

B. Old Post Office

Request tonight is to appropriate the balance of funds for the renovation of the Old Post Office in the amount of \$121,518

Scarbrough motions to appropriate and allocate \$121,518 for the renovation of the Old Post Office Building located at 15020 Washington Street, funds to come from the Street Scape Funding line item with the intent to pay back those monies once the budget carry-over surplus funds have been reviewed and approved by the auditors, Harnest seconds;

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

C. Hulfish House

Scarbrough motions to appropriate and allocate \$38,474 for the renovation of the Hulfish House located at 15000 Washington Street, funds to come from the Street Scape Funding line item with the intent to pay back those monies once the budget carry-over surplus funds have been reviewed and approved by the auditors, Harnest seconds;

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

D. Legal Services - Robert Dively

Tobias motions to appropriate and allocate up to \$15,000 out of the Streetscape funding line item, specifically for the legal services of Mr. Robert Dively, Bare seconds.

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

E. Budget Appropriations

Pursuant to the policies adopted in 2010, Tobias motions to appropriate the following budget

Total Income: \$3,161,445; Capital Improvement Projects: \$1,465,864; Council and Boards: \$34,000; Events: \$1,875; Museum: \$1,715.71; Operating: \$77,820.80; Public Safety: \$24,448.50; Public Works: \$32,372.25; Staff Wages & Benefits: \$190,744.50; Town Owned Property: \$86,418.50, Kenworthy seconds.

For the record: Scarbrough would like it all of the expenses appropriated quarterly

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Councilman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Tobias, Kenworthy, Scarbrough, Bare, Aitken, Harnest

4. Department Reports

A. Police Report - James E. Roop

Kenworthy asks about numbers on the fuel, they do not seem to add up. Mileage has increased but gas has decreased dramatically. Aitken asks about the difference between a report and complaint. Reports are actually entered into the computer and complaints are not.

B. Treasurer's Report - James Naradzay

Treasurer is waiting to hear from the Auditors on their schedules to start the preliminary field work for the Fiscal Year 2012 Audit. For August he would like the Council discuss the possibility of modifying the appropriations policy.

C. Building Official's Report - James R. Lowery, Jr.

No comments

D. Town Manager's Report - Gene Swearingen

I-66 update

VDOT approved the choices of the Town with regard to light posts.

Trash Contract

At the June Town Council meeting the trash removal contract with AAA was approved. We have entered into a temporary one month agreement

Tobias asks if we have helped the resident, per her email.

Town Attorney

Tobias asks for an update on John Bennett, Mayor Leake responds that he will address this matter during his time at the end of the meeting.

Tobias motions:

Whereas, on June 4, 2012 the Town Council adopted a resolution to enter into contract negotiations with John Bennett for the Town Attorney contract position; Whereas, there have been no substantial communication of contract negotiations brought forth to the Town Manager; Whereas, the Town Manager has attempted to contact John Bennett regarding entering into negotiations and has yet to be successful; Whereas, the Town of Haymarket is in need of contracting with a full time and permanent Attorney for the positions; Whereas, the interim Town Attorney has gratefully performed the duties asked of her while serving in her capacity; Therefore, be it resolved, that Council shall rescind the offer of entering into contract negotiations with John Bennett and disqualify him for serving in that capacity. Furthermore, the Council shall reexamine the originally submitted RFQ responses submitted by the deadline of May 25, 2012; Furthermore, a committee consisting of the Town Manager and 2 Council member will review the Request for Qualifications and select up to three respondents for further evaluation and consultation; Furthermore, in the interim, for a period of at least 3 months, Lisa Baird shall remain in the position of Interim Town Attorney, until a permanent replacement shall be retained and contracted, Bare seconds;

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jay Tobias, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Jay Tobias, Milt Kenworthy, Rebecca Bare, Katherine Harnest
NAYS:	Mary-Lou Scarbrough
ABSTAIN:	Steve Aitken

5. Agenda Items

A. Haymarket Lodge - Parcel Boundary Adjustment

Motion that the Town Council approve the subdivision plat titled "Boundary Line Adjustment Plat on the Land of Trustees for the Hay Market Lodge No. 313 of Ancient Free and Accepted Masons and on Parcel 1 of the Land of the Hay Market Lodge Charitable Foundation, Inc." prepared by Rinker Design Associates, P.C., dated January 4, 2012, and its associated Deed of Boundary Line Adjustment and Gift dated 19 March, 2012, subject to, and conditioned upon, the following:

- a. Recordation of all plats and documentation in a form and substance approved by the Town Attorney; and

- b. Payment of all costs, fees, and expenses due to the Town

It is further moved that the foregoing conditions 1a and 1b be done and satisfied within 45 days of this date, otherwise this approval shall be void and of no further effect.

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

B. Policy Development Zoning Permits

Tobias recommends to direct staff to present their recommendations on zoning procedures and present to the Council at the September 4, 2012 meeting.

No objections, So directed

C. Zoning Permits

Tobias motions that the Town Council approve Zoning Permit #20120525 for a studio use to be located at 15125 Washington Street, in accordance with Section 58-177(18) of the Town Code.

Tobias further moves that the Town Council approve Zoning Permit #20120604 for a studio use (fitness) to be located at 6611 Jefferson Street, in accordance with Section 58-177(18) of the Town Code, Bare seconds;

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

D. Town Center Plot Plan

Harnest moves that the Town Council approve Zoning Permit ZP20120321 for site improvements at 15000, 15020, 15010, 15026 Washington Street and 6630 Jefferson Street. I further move that the Town Council adopt the plot plan entitled "Plot Plan Town of Haymarket Town Center", dated May 11, 2012, as meeting the requirement of Town Code Section 58-179(a), Requirements for Permitted Uses, based on the following Findings:

1. The Town Center Property, encompassing the above-mentioned properties, has been in varying forms of continued use since the effective date of the Town Zoning Ordinance.
2. The improvements described on the Plot Plan will not impact existing stormwater systems.
3. Adjacent residential uses are screened.
4. No additional parking facilities are required.
5. Improvements to the Old Post Office and Hulfish House will meet the requirements of Town Code Section 58-562, Demolition by Neglect

Bare Seconds;

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

E. Check Signers

Tobias motions to appoint Rebecca Bare, Milton Kenworthy, and David Leake as authorized signers for all of the Town's banking accounts for the term July 1, 2012 through June 30, 2014, Scarbrough seconds.

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

F. Council Liaison & Vice Mayor Appointments

Kenworthy motions to nominate Councilman Jay Tobias to serve as the Vice Mayor for the term July 1, 2012 through June 30, 2014, Bare seconds;

RESULT:	ADOPTED [5 TO 0]
MOVER:	Milt Kenworthy, Councilman
AYES:	Kenworthy, Scarbrough, Bare, Aitken, Harnest
ABSTAIN:	Jay Tobias

Planning Commission Liaison

Tobias motions to appoint Rebecca Bare as the Council liaison to the Planning Commission for the term July 1, 2012 through June 30, 2014, Scarbrough seconds.

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

ARB Liaison

Tobias motions to appoint Katherine Harnest as the Council liaison to the Architectural Review Board for the term July 1, 2012 through June 30, 2014, Bare seconds.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Jay Tobias, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Tobias, Kenworthy, Scarbrough, Bare, Aitken
ABSTAIN:	Katherine Harnest

Appointment of Treasurer's Liaison

Kenworthy motions to appoint Jay Tobias as the liaison to the Treasurer's Office for the term July 1, 2012 through June 30, 2014, Scarbrough seconds.

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

Certification of Closed Session

Tobias motions that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session, to which this certification applies, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council, Scarbrough seconds;

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

QBE Acquisition of P.A.C.E.

Motion that the Town Council Town council is pleased to hear of the news that the PWC School Board will be selling P.A.C.E. to QBE, LLC and will be happy to work with QBE, LLC and the PWC Board of County Supervisors to help them move forward with their development plans

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

Daytime Playtime Lease

Tobias motions to instruct the Town Manager to communicate with the tenant, Daytime Playtime, that we are aware of their request to terminate their lease prematurely. We will be glad to work with them and provide them assistance in advertising that space for lease with the hopes that we can facilitate a new tenant as quickly as possible. However, the Town will be unable to terminate the lease unless a new tenant is secured, Kenworthy seconds.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Councilman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Tobias, Kenworthy, Scarbrough, Bare, Aitken, Harnest

QBE Lease

Motion to instruct the Town Manager along with the Town Attorney to enter into lease negotiations with QBE for the tenant space currently occupied by another tenant on the second floor of the Town Hall building

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

The Very Thing Flood Damage

Tobias motions to authorize the lease abatement of up to 4 days for the Town's tenant "The Very Thing", located at 15000 Washington Street Suite 110, due to closure during the clean up of flood damage caused by the storm of May 22, 2012; however, the Town summarily rejects their claim made for loss sales, damaged merchandise, clean-up, etc and for any other costs not covered by the insurance companies, Bare seconds.

Scarbrough adds that the reason for this decision is that their lease is worded so that they should have had the appropriate insurance coverage, and would not have been out of pocket had the coverage been in place.

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

Tenant Insurance

Tobias Instructs the Town Manager to work with the Town Attorney to verify that proper tenant insurance is in place for all of the Town tenants, Bare seconds.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Councilman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Tobias, Kenworthy, Scarbrough, Bare, Aitken, Harnest

6. Councilmember Time

A. David Leake

B. James Tobias

It has come to his attention that the Boy Scouts meet regularly at the Town Hall. Due to miscommunication there is now a conflict with the night they need the Town Hall. He would like to direct staff to work out arrangements with Troop 1882 for a more definitive agreement.

C. Milt Kenworthy

Agrees with Tobias

D. Mary Lou Scarbrough

Welcomes new council members. Thanks staff for Facebook postings about the Storm and for posting updates on the Hulfish House and Old Post Office.

E. Rebecca Bare

F. Katherine Harnest

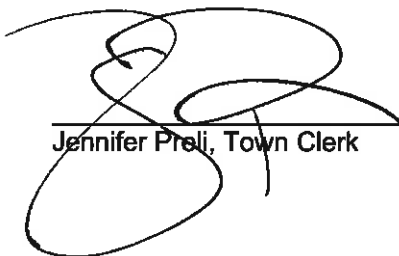
G. Steve Aitken

Thanks everyone for the warm welcome.

7. Motion to Adjourn

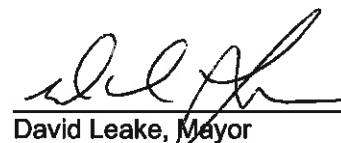
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Milt Kenworthy, Councilman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Tobias, Kenworthy, Scarbrough, Bare, Aitken, Harnest

Submitted:



Jennifer Preli, Town Clerk

Approved:



David Leake, Mayor