



TOWN OF HAYMARKET TOWN COUNCIL

SPECIAL MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, January 20, 2014

7:00 PM

Council Chambers

A Special 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

2. Roll Call

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.

3. Agenda Items

A. Enter into Closed Session

Move to enter into closed session pursuant to Virginia State Code 2.2-3711:

A1. 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, specifically **Personnel Matters - Police Department Employees**

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

C. Suspend Employment

Move to suspend Chief Roop, Deputy Chief Greg Breeden, and Officer Jake Davis without pay until February 3, 2014, and direct the Town Attorney to proceed as discussed in closed session with regard to employment issues. It is further moved to appoint Town Manager, Brian Henshaw as administrator for the Police Department and appoint Officer Jeff Shaver as temporary supervisor of the Police Department. All legal questions by Officer Shaver should be directed to the Town prosecuting attorney.

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

D. Enter into closed session

Move to enter into closed session pursuant to Virginia State Code 2.2-3711:

A1. 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, specifically **Personnel Matters - Police Department Employees**

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

E. 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 [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

F. Suspend Chief Roop

Move to suspend Chief James Roop for sixty days, effective immediately, without pay and without the use of leave, for loss of confidence and inappropriate actions. Completion of twenty-four hours of professional counseling to include topics of ethics in the work place, sexual harassment, and sensitivity training, all to be completed with proof of completion before returning to active duty. Chief Roop is directed to turn in his gun, badge, and vehicle to Town Manager Brian Henshaw, as soon as possible, but no later than 4:00 PM on Friday, January 24, 2014

Discussion: *Councilman Aitken does not believe we are tackling the root cause of the problem, in his opinion. Tobias agrees 100%; Mayor Leake concurs with Tobias and Aitken*

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

G. Suspend Deputy Chief Greg Breeden

Move to suspend Deputy Chief Greg Breeden, effective immediately, for sixty days, without pay or use of leave for loss of confidence. Completion of twenty-four hours of professional counseling to include topics of ethics in the workplace and sensitivity training is to be completed, with proof of completion, before return to duty. Deputy Chief Greg Breeden is to turn in his gun, badge, and vehicle to Town Manager Brian Henshaw, as soon as possible, but no later than 4:00 on Friday, January 24, 2014.

Discussion: *Councilman Aitken does not believe we are tackling the root cause of the problem, in his opinion. Tobias agrees 100%; Mayor Leake concurs with Tobias and Aitken*

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

H. Suspend Officer Jake Davis

Move to suspend Officer Jake Davis for sixty days, without pay or use of leave for loss of confidence. Completion of twenty-four hours of professional counseling to include topics of ethics in the workplace, sexual harassment and sensitivity training is to be completed, with proof of completion, before return to duty. Officer Jake Davis is to turn in his gun, badge, and vehicle to Town Manager Brian Henshaw by 4:00 on Friday, January 24, 2014.

Discussion: *Councilman Aitken does not believe we are tackling the root cause of the problem, in his opinion. Tobias agrees 100%; Mayor Leake concurs with Tobias and Aitken*

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

I. Appointment

Move to appoint Brian Henshaw as administrator of the Police Department and Officer Jeff Shaver as temporary supervisor of the Police Department, with legal questions to be directed to the Town's prosecuting attorney.

Discussion: *Tobias would like to clarify administrative duties include purchases, acquisitions, vacation and all leave requests and anything else that may come up administratively. For supervisory purposes Officer Shaver should understand that current schedules should be abided by as much as possible and there should be no substantial changes to the schedule unless it is authorized by the Council. The Mayor would like it clarified who the officers should go to when on the job with questions. Tobias explains all questions about on-the-job issues should go to Officer Jeff Shaver. If Officer Shaver has questions, it should go to the Town's prosecuting attorney. The Mayor is concerned if Officer Shaver has questions after hours. Tobias feels that Officer Shaver can use his discretion when in the field or questions presented to him in the field. The Town Attorney reminds that these employees are all still "at-will" employees. Clarification that the suspensions are effective immediately.*

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

J. Amend three motions of suspension

Move to add to the terms of the suspensions of Chief Roop, Deputy Chief Breeden, and Jake Davis that the suspensions are effective immediately and that they need to turn in their guns, badges, and vehicles as soon as possible, but no later than Friday, January 24, 2014 at 4:00 PM

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

K. Chief's Authority

Move to suspend, upon his return to active duty, Chief Roop's ability to fire or suspend his employees until June 30, 2014.

Discussion: *Harnest & Tobias thought the closed session discussions included his ability to discipline. It is requested that the motion is amended.*

Motion amended to: Suspend, upon his return to active duty, Chief Roop's ability to hire, fire, discipline his department employees until June 30, 2014, and as such the Town Council is retaining that authority upon themselves until June 30, 2014.

**Direct clerk to inform Mr. Henshaw that he is to email the Council when each employee returns his Town property and that he should coordinate with Officer Shaver to secure the property returns.

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

4. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor