



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ MINUTES ~

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

15000 Washington St  
Haymarket, VA 20169

Monday, January 6, 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: Absent, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

### 2. Pledge of Allegiance

### 3. Minutes Acceptance

A. Mayor and Council - Special Meeting - Nov 18, 2013 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [5 TO 0]</b>
<b>MOVER:</b>	Rebecca Bare, Councilwoman
<b>SECONDER:</b>	Milt Kenworthy, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy
<b>ABSTAIN:</b>	Jay Tobias

B. Mayor and Council - Regular Meeting - Dec 2, 2013 7:00 PM

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

C. Mayor and Council - Special Meeting - Dec 16, 2013 7:00 AM

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

D. Mayor and Council - Special Meeting - Dec 16, 2013 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Steve Aitken, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

E. Mayor and Council - Emergency Meeting - Dec 18, 2013 5:30 PM

<b>RESULT:</b>	<b>ACCEPTED [5 TO 0]</b>
<b>MOVER:</b>	Rebecca Bare, Councilwoman
<b>SECONDER:</b>	Steve Aitken, Councilman
<b>AYES:</b>	Aitken, Bare, Scarbrough, Kenworthy, Tobias
<b>ABSTAIN:</b>	Katherine Harnest

## 4. Public Hearing

A. Town/County Boundary Line Adjustment

### **Coke Whitrock - Director, Saint Paul's School**

*Mr. Whitrock is here tonight in support of the boundary line adjustment at 14550 John Marshall Highway (14600 Washington Street, formerly PACE West Elementary School). Saint Paul's Church made this building their home this past summer and they are so pleased with their move. He thanks the Council for doing such a great job working on this project.*

### **Shawn Landry - Owner of the former PACE West Building**

*He is here in support of the boundary line adjustment. The community support has been overwhelming. Hundreds of people have helped bring the building up to code. He appreciates the Council support and looks forward to their continued support.*

### **Tim McGowan - Pastor, Living Hope Evangelical Church**

*They had been in the building behind El Vaquero Restaurant, but have moved to the former PACE building a couple of months ago. The move for them to the former PACE West School has been tremendous for them.*

## 5. Citizen's Time

### **Eric Teitelman - South Market**

*He is here tonight to talk with the Council about the Railroad Quiet Zone. There would be a cost to the Town for some safety equipment upgrades required to make the quiet zone. The cost would be about \$10,000 per crossing. Blowing the horns is required by law unless a quiet zone is declared. The grant application is due this month. He recommends these upgrades even if we do not do a quiet zone. Tobias asks, if we don't do the safety upgrades, will Norfolk Southern implement them in the near future. Mr. Teitelman expect they will not automatically do the upgrade.*

### **Joe Passanello - Track Court**

*He is here in support of going forward with the grant money for the Quiet Zone. This is a quality of life issue. He did regulatory oversight working with the FRA for more than 38 years. Safety statistics have no difference in a quiet zone or not in a quiet zone.*

### **John Cole - Fayette Street**

*Quiet Zone - There is a fee for the assessment of \$2,800. If we say no now, we will never be able to say yes. The opportunity will be lost. If we don't get the grant, then nothing changes.*

## 6. Agenda Items

### **A. Boundary Line Adjustment**

Move that the Town Council adopt Resolution 20140106-1 to approve and execute an agreement with Prince William County authorizing adjustments to the corporate boundary line of the Town of Haymarket regarding the PACE West School property

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

### **B. Settlement Agreement - Daytime Playtime Enrichment Ctr, LLC - Martin Crim, Town Attorney**

Move to authorize the Mayor to execute the agreement between Daytime Playtime Enrichment Center, LLC and the Town of Haymarket for a settlement of lease arrearage owed to the Town, pursuant to the closed session discussions on the matter.

**RESULT:** ADOPTED [UNANIMOUS]  
**AYES:** Aitken, Bare, Harnest, Kenworthy, Tobias  
**ABSENT:** Mary-Lou Scarbrough

#### C. Events Contract

Tobias moves to authorize the Mayor to execute the contract with ATTIVA for the Town events

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

#### D. Budget Appropriations - 3Rd Quarter FY 2014

Move, Pursuant to Policy #20100816 adopted by the Town Council on August 16, 2010, appropriate the following for the third quarter of Fiscal Year 2014:

Police & Public Safety: \$177,672; Administration: \$190,069; Public Works: \$56,763;  
 Community Development: \$35,773

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

#### E. Rail Safety Grant Application

Move to authorize the Town Manager to move forward with the grant application for rail safety improvements through VDOT and authorize the expenditure of up to \$2,800 for Norfolk Southern Railroad to perform an assessment of what safety requirements will be necessary to implement a Train Horn Quiet Zone, funds for the \$2,800 to come from the General Reserves Line item

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

#### F. Historic District Overlay Amendment

Move to adopt the amended map, reflecting revisions to the Historic District Overlay boundaries, from the Planning Commission resolution as presented by the Architectural Review Board including the three parcels that the Planning Commission had excluded on their map. The advertised map is dated 12/18/2013

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

#### G. Parking Ordinance - Authorize RFP

Move to authorize the Town staff to draft an RFP for the Planning Commission's consideration and return to the Council in February with the draft RFP and an estimated budget to complete the scope of work

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

#### H. Employee Recognition - Mayor David Leake

Move to table to February 3, 2014 Town Council meeting

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

#### I. Request to Council - GMDDC

Move to approve the request from Gainesville District Democratic Committee for the use of Town Hall facilities, at no cost for the following dates: January 11, February 8, March 8, & April 12, 2014

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

#### J. Enforcement of Imposed Fine - Mayor David Leake

Move to rescind the fine imposed on Vice Mayor Tobias, due to the dismissal of his charges

**Discussion:** Tobias provides evidence of the dismissal. Tobias notes that Councilwoman Scarbrough has sent him an email indicating she is in support of the dismissal. He also notes for the record that the fine was imposed in error, for reasons that the Council cannot fine. Tobias asks the Clerk to enter the email from Scarbrough into record. Councilwoman Scarbrough was unable to attend tonight

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

## 7. Department Reports

### A. Treasurer's Report - Renee DuBiel

### B. Engineer's Report - Holly Montague

Directive from Council for staff to notify the Virginia Department of Environmental Quality that the Town of Haymarket will become its own VSMP Authority

### C. Planner's Report - Marchant Schneider

### D. Museum Report - Denise Hall

### E. Town Manager's Report - Brian Henshaw

### F. Police Report - Chief James E. Roop

### G. Building Department Report - Soil Consultants, Inc.

## 8. Closed Session

### 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 **Town Appointed Officials**

A7. 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party, specifically **Carvajal lease**

A3. 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 **Lease with the Town**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Milt Kenworthy, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
<b>ABSENT:</b>	Mary-Lou Scarbrough

#### B. Certification of the Closed Session

Pursuant to VA 2.2-2712 (D), 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
<b>ABSENT:</b>	Mary-Lou Scarbrough

#### Directives

- Direct the Town Manager to draft a letter to Ms. Doris buck as directed in closed in regards to her lease with the Town
- Direct the Town Attorney to proceed as discussed in closed session in reference to the settlement agreement with Daytime Playtime and Mrs. Adriana Carvajal
- Direct the Town Manager to communicate with Soil Consultants as discussed in closed session regarding future inspection. The Town Manager should insure that all inspections should be performed in the company of a Town employee
- Direct the Clerk to advertise a continuation meeting for Wednesday, January 15 @ 6:30 PM

## 9. Councilmember Time

- A. **Steve Aitken**
- B. **Rebecca Bare**
- C. **Katherine Harnest**
- D. **Mary Lou Scarbrough**
- E. **Milt Kenworthy**

Councilman Kenworthy would like the Town to start looking to correct our failing crosswalks

- F. **James Tobias**
- G. **David Leake**

The Mayor comments that he has looked into the Zoom Info matter somewhat has so far been unable to correct the problem with Haymarket Motors

## 10. Motion to Adjourn

Submitted:

Approved:

\_\_\_\_\_  
Jennifer Preli, Town Clerk

\_\_\_\_\_  
David Leake, Mayor