



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Tuesday, September 3, 2013

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 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 - Mrs. Hilda Powell

4. Citizen's Time

Pam Stutz - 6720 Jefferson Street

Ms. Stutz brings to Council's attention that the Food Pantry was just voted best charitable organization in the Haymarket Lifestyles magazine and reads aloud the magazine's write up. She notes that the Food Pantry beat out the American Red Cross, Rainbow Therapeutic Riding Center. So keep in mind that the food pantry is a well recognized charity in Haymarket and she asks that the Council consider their letter of intent with graciousness and politeness this evening.

Michael Snyder - 6797 Saint Paul Drive

Mr. Snyder recently filed a request to build a fence with the Town that was denied. The ARB did amend his application to approve it as-built. However, his HOA is trying to sue him for compliance and make him build the fence to the property line. His property line extends almost to the sidewalk on Washington Street. He is not sure the HOA can make him do this since the Town has already ruled on the matter. He would like some help from the Council on this.

Bob Weir - 6853 Saint Paul Drive

He noticed the Town election has come back. He sees that VML is here tonight to offer some advise on the issue of moving the Town elections to November. He takes what VML says with a grain of salt. He does not feel VML is a friend of the Town and never has been, you can look to VML's lobbying in support of the transportation tax. He feels that opening up the Charter to review and amendment by the General Assembly is probably not a good idea. It would open to amendment at the sub-committee, committee and the floor levels and can be amended at the insistence of a particular legislator who is either influenced by the Town, resident, or other entity such as Prince William County. A change of that magnitude is something you should probably bring to the residents as a referendum item.

Secondly tonight, the six council members, this is not addressed to you. Mr. Mayor, you've shown quite the propensity to file, what he would suggest are trumped up fabricated complaints with local and state law enforcement against Town staff, Town businesses, Town Council members and in doing so he believes the Mayor has created a number of circumstances, potential liability for the Town, black-eye for the Town, negative impacts on businesses in what is supposed to be a business friendly Town. He doesn't see the Mayor's pattern of behavior changing. He offers that if this behavior does continue, to please try and pick on someone with an "A" type personality and not do it in the local watering hole. He suggests that the Mayor obtain a minimal grasp of the law prior to making the accusations.

Ralph Ring -

Apparently the Food Pantry has not kept up to its end of the lease or has let the building deteriorate. As a

citizen of the Town he feels that is inappropriate behavior both on the Town's part and on the charities part. He feels that the Council should do something about its unruly teenager in the basement, ie, the food pantry. He doesn't object to giving them a lease for a dollar per year. There should be no reason the building should deteriorate with the reported 400 volunteers. This is not a wise use of our tax dollars. Council needs to make sure they make improvements to the building and live up to their civic responsibility.

5. Minutes Acceptance

A. Mayor & Council - Work Session - Jul 30, 2013 3:00 PM

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

B. Mayor & Council - Regular Meeting - Aug 5, 2013 7:00 PM

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

C. Mayor & Council - Work Session - Aug 27, 2013 3:00 PM

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

6. Department Reports

- A. Police Report - James E. Roop
- B. Town Engineer's Report - Holly Montague
- C. Town Planner's Report - Marchant Schneider
- D. Treasurer's Report - Staff
- E. Town Manager's Report - Brian Henshaw
- F. Building Official's Report Dan Lyons, Soil Consultants, Inc.

7. Agenda Items

A. Proclaim September 2013 Blood Cancer Awareness Month & September 15 as Lymphoma Awareness Day Joe Pasanello, Resident - Haymarket Station

Councilwoman Harnest reads aloud a proclamation recognizing September 2013 as Blood Cancer Awareness Month.

WHEREAS, lymphoma is the most common form of blood cancer and the third most common childhood cancer; and

WHEREAS, more than 80,000 new cases of lymphoma are diagnosed each year in the United States, including 1,600 in the Commonwealth of Virginia of which approximately 85 will occur in Prince William County; and

WHEREAS, a cure for lymphoma can only be realized through advanced cancer research; and

WHEREAS, awareness and education are powerful tools in the race to find a cure for lymphoma; and

WHEREAS, the health and vitality of the people of the Commonwealth of Virginia, Prince

William County, and the Town of Haymarket are significantly enhanced by local efforts to increase communication and education pertaining to blood cancers; and

WHEREAS, Blood Cancer Awareness in September helps to raise general awareness of the disease and provides hope to all those affected by a lymphoma diagnosis;

NOW, THEREFORE, BE IT RESOLVED that the Haymarket Town Council does hereby proclaim September 2013 as Blood Cancer Awareness Month, and urges all citizens to support the efforts and activities of the National Capital Chapter of the Lymphoma Research Foundation to bring awareness and education in the race to finding a cure for blood cancer in September and throughout the year.

B. November Town Elections Pros and Cons - Mary Jo Fields, VML

Ms. Mary Jo Fields is here this evening to provide the Council with pros and cons regarding moving Town elections from May to November.

C. VML HEAL Program - Marissa Jones

Ms. Marissa Jones is here this evening to talk about the Healthy Eating/Active Living (H.E.A.L.) Program.

D. PACE Boundary Line Adjustment - Marchant Schneider

WHEREAS, QBE Global, LLC is the contract purchaser on the property owned by the Prince William County School Division, known as the PACE West School ("Property"), GPIN 7397-19-1734; and

WHEREAS, the Town boundary of the Town of Haymarket bifurcates the PACE West School building resulting in the majority of the Property, including recreation fields utilized by the Prince William County Department of Parks & Recreation, being located within the Town boundary; and

WHEREAS, QBE Global, LLC by letter dated May 3, 2013, petitioned the Haymarket Town Council requesting support of QBE Global's efforts to redevelop the Property and allow for continued use of the onsite recreation fields; specifically, support for a boundary line adjustment to include the entire Property within the Town of Haymarket's corporate limits; and

WHEREAS, the proposed boundary line adjustment would cause approximately 2.0783 acres of Property located within Prince William County to be added to the Town of Haymarket; and

WHEREAS, in accordance with Code of Virginia Section 15.2-3106, *et seq.*, two localities may, by agreement, relocate a common boundary line; and

WHEREAS, the Haymarket Town Council, by letter dated June 4, 2013, expressed to the Prince William Board of County Supervisors its support and interest in initiating a boundary line adjustment based on QBE Global's filing and pursuit of a rezoning of the PACE West School property from a residential district to a business district; and

WHEREAS, on June 7, 2013, QBE Global, LLC, and Haymarket Properties Group, LLC, filed a rezoning application and thereafter the requisite public hearings were held by the Town Council and Planning Commission; and

WHEREAS, on June 27, 2013, the Town Council conducted a public hearing on the Boundary Line Adjustment Agreement after advertisement of its intention to do so, together with a descriptive summary of the proposed agreement in the Gainesville Times, a newspaper of general circulation in the Town and County; and

WHEREAS, on July 1, 2013, the Town Council, by formal resolution, stated its interest in entering into an agreement with Prince William County authorizing adjustments to the corporate boundary line of the Town of Haymarket and requested that the Prince William Board of County Supervisors authorize a public hearing to consider the same agreement in the form of Exhibit A attached hereto; and

WHEREAS, on August 5, 2013, the Town Council approved a rezoning of the PACE West School property from a residential district to a business district effective upon the execution of an order by the Circuit Court approving a Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary; and

WHEREAS, on August 6, 2013, the Prince William Board of County Supervisors conducted a public hearing and took action to approve and execute an agreement between Prince William County and the Town of Haymarket for a boundary line adjustment in the form of Exhibit A attached hereto, contingent upon execution of a lease between the Board of County Supervisors and the contract purchaser of the PACE West School for use of the ballfields on the Property; and

WHEREAS, the Haymarket Town Council has determined that QBE Global's proposal is consistent with the Town's land use vision and would be a mutually beneficial arrangement for both the County and the Town; and

WHEREAS, the proposed boundary line adjustment would eliminate the cost of duplicative development review and permitting by both jurisdictions and would expedite QBE Global's effort to repurpose the Pace West School building and Property for benefit of the community; and

WHEREAS, a proposed agreement in the form attached hereto as Exhibit A has been drafted by staff for the Town of Haymarket, addressing the parcel lying partially in the Town and partially within the County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Haymarket, meeting in regular session this 3rd day of September, 2013, that the Council does hereby approve an agreement to adjust a boundary line between Prince William County and the Town of Haymarket, as approved in final form by the Town Attorney; and

BE IT FURTHER RESOLVED that the Mayor is authorized to endorse, on behalf of the Town, an agreement with Prince William County substantially in the form of Exhibit A attached hereto; and

BE IT FINALLY RESOLVED that the Town directs the Town Attorney to file any necessary documents and petitions with the Prince William County Circuit Court to effect the boundary line adjustment

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

E. Haymarket Regional Food Pantry Lease

RESOLUTION 20130903 - 2

RESOLUTION OF THE TOWN OF HAYMARKET TOWN COUNCIL TO ENTER INTO LEASE WITH HAYMARKET REGIONAL FOOD PANTRY

WHEREAS, the Charter of the Town of Haymarket expressly provides the Town with power to provide for the "preservation of the general health of the inhabitants" of the Town, to include the power to "provide for the care, support and maintenance of children and of sick, aged, insane, poor persons and Paupers", and further, to "provide and maintain, either within or without the town, charitable Institutions"; and

WHEREAS, the Haymarket Regional Food Pantry as a charitable institution is currently operating in and around the Town and has its mission to eliminate hunger by acquiring and distributing food to those who seek aid and by educating, empowering and enlightening the community about the issues of hunger and nutrition; and

WHEREAS, the Haymarket Regional food Pantry has requested that it be allowed to lease from the Town certain premises owned by the Town and known as 14740 Washington Street, Haymarket, Virginia 20169 (the "Property") for a period of three (3) years at the rate of one dollar per annum, all in accordance with the terms of that certain non-binding letter of intent presented by it to the Town dated August 25th, 2013 and attached hereto and incorporated herein by reference (the "LOI"); and

WHEREAS, the Town finds that the mission of the Haymarket Regional Food Pantry is compatible with the Town's Charter; and

WHEREAS, the Town further finds that the entering into a lease in accordance with the terms of the LOI with the Haymarket Regional Food Pantry will: (i) allow the Town to meet the various social, charitable and public needs of its citizens; (ii) help to provide the less fortunate citizens of the Town with the opportunity to meet the nutritional needs of their family and children; and (iii) further the general health, welfare and safety of the Town and that of its citizens.

NOW, THEREFORE, BE IT RESOLVED this 3rd day of September, 2013, that the Haymarket Town Council does hereby authorize:

1. The Town Manager to negotiate a lease with the Haymarket Regional Food Pantry for the Property, all in general conformance with the terms of the Letter of Intent; and
2. Upon review and approval of the lease as to form by the Town Attorney, to authorize the Mayor or Town Manager to thereafter execute the lease on behalf of the Town.
3. The Town Attorney should work with the Town Manager to include language that 1) addresses the tenant will perform light maintenance and 2) that water be functional in the building no later than July 1, 2013. If there is to be a breach of the lease the matter be brought back before Council.

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

F. Appropriation - Genesis Contracting 15020 Washington Street (Old Post Office)

Motion that the Town Council appropriate \$3,883 for building repairs to 15020 Washington Street, Old Post Office to Genesis Contracting & Consulting, LLC. Funds to come from the Maintenance of General Buildings and Grounds - Capital Outlay - Major Building Repairs

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

Amend the agenda

Motion to amend the agenda by adding closed session

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

8. Closed Session

A. Enter into Closed Session

Motion to enter into closed session pursuant to 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. **Specifically the position of the Treasurer.**

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

B. Certification of the Closed Session

Motion pursuant to VA §2.2-3712 certifying 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: Katherine Harnest, Councilwoman
SECONDER: Rebecca Bare, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

9. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare

Councilwoman Bare discusses the Planning Commission vacancy. The Planning Commission is recommending their only applicant, Ralph Ring to be appointed.

Appointment

Motion to appoint Ralph Ring to the Planning Commission for the term ending June 30, 2017

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

- C. Katherine Harnest
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias

Direct clerk to advertise a special meeting of the Town Council for Monday, September 16 @ 7pm with the stated purpose of closed session for the Town's financial position

- G. David Leake - Fire House & Mayor Committee Updates

The Mayor announces that on September 12, 2013 @ 6:30 PM Supervisor Pete Candland will open the time capsule at the Old Firehouse

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