



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, August 5, 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. Public Hearings

A. Rezoning Application - 14550 John Marshall Highway

Mike Marsden - Applicant (QBE, Global)

He has spoken with several Council members individually and there have been email exchanges. They set out to strike a sales agreement with the school board. There were two provisions that the school board required of QBE, one being the first right of offer should they take or re-purpose the parcel to any use other than recreation. Second was to strike a lease agreement with the school board so that the fields and park next to the school could be protected. During that time they discovered that the parcel had split boundaries being in both the Town and the County. They worked to gain support for moving the boundary, so that the entire parcel was within the Town solely and applied for the proper use permits so not only QBE could take occupancy but also their tenants. The Town then asked for certain considerations, the Town asked for a longer term lease than was originally proposed with Parks & Recreation, rezone the property from R-1 & A-1 to B-1. So they submitted a rezoning application along with proffers on what they proposed to do with the land for as long as they owned it and as long as the proffers existed in the land records. The Town required a site plan commitment, sunset clauses. The Town is requiring that QBE pass along all these requirements to any future owner of the property. They have proposed a 10 year lease agreement, they have worked with legal and political entities to move the boundary line. They have submitted all of their use permits, zoning application and put forward a promise, a proffer to keep the recreational parcel available to any entity willing to enter into a lease agreement, they have agreed to the sunset clauses, they have agreed to give the Town first rights to lease or buy the property, should they decide to sell it. All of which is not required of them. We are doing this to maintain the integrity and proposal that they came to this Council with two years ago. So as a citizen, business owner he is appealing to this council this evening to approve the request that they have put forward. He believes this is a best use case for this environment. They are executing an agreement for recreational use of ten years and beyond. They are making this available to a school a church and their business. They are already revitalizing this property before they own it. What he cannot do is sacrifice future value of the land that they have purchased at fair market value. What he can offer to the Town is that so long as he owns the property he is willing to do all of that. There is nothing that we have offered that prevents the Town, at any point in time, from intervening in their own interest to either lease or buy the property. He thanks Council for their time.

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

B. Use of limited professional offices in the R-1 District at 14550 John Marshall Highway, GPIN #7397-19-1734

No Public Comment

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

C. Zoning Text Amendments: 58.1, 58.258, and 58.260

No Public Comment

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

D. Special Use Permit - Saint Paul's Church Sign

Rev. Sean Rousseau - Priest in charge at Saint Paul's.

He was unable to attend the Planning Commission public hearing a couple of weeks ago and was disappointed that one of his signs was not approved. He would like to ask the Council to consider grand-fathering in the sign at the corner of Fayette and Washington Streets. His reason are: One of the vestry members, who has lived here her entire life, her father was Turner Smith, the Town's Attorney for decades and there was never a problem with that sign being there on the corner. After Mr. Smith retired, Smith & Davenport continued to counsel the Town with Martin Crim and Bob Bendall. Once again, there was no problem raised with the sign being on that corner. We know the sign was at the corner until mid-2012, when they believe in the midst of a law suit the sign was removed. He has photographic evidence from way back when, when the Town Hall was across the street. His understanding for decades and decades the sign has been on the corner. He is in conversation with the owners of the property and is waiting for them to get back with him on whether or not they will give permission for the sign to be located there. If they were to give permission, he would like the Town Council to consider grand-fathering the sign. He is pleased they are approving the other two signs.

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

E. Use of 14710 & 14740 Washington Street

Pam Stutz - 6720 Jefferson Street

Here as a resident and make sure the interest of the Town residents are known. She believes that this property should be open/green space. She does not feel the properties are a burden the taxpayers. It provides space and adequacy for events and could go beyond that. She is in favor of keeping the property under the Town's auspice. Secondly, she is here for the Food Pantry. She doesn't want to get into a lot of discussion because there are others here tonight that have a lot to say. For all of you who have spoke of "vehicles" seen at the food pantry. One night she was driving past Food Lion she saw a gentlemen dumpster diving, taking discarded food from the trash. She stopped and said "sir do you know there is a food pantry here in Town?" He looked at her and said "I'm embarrassed to go there, ma'am that's my car and he pointed to a Mercedes Benz. People may think that I was taking advantage. However, that's my home, I live in that car. I go to parks to eat, I go to rest stops to freshen up and sleep." She responded to him that they don't care what kind of car he is driving they will still offer him food. The man did eventually come and remained their client for over a year and a half. He came to her one day and said he was moving to California, but gave a healthy donation before he left.

Eileen Smith - Director of Marketing

She has lived in the area since 1995 and has worked at the food pantry for four years. When she started with the food pantry they had 72 families. Last year the weekly numbers are over 300 families per month. Now they are more than 400 families per month. So just in the four years they have had unprecedented growth. The client demographics are young, old, and middle-aged. Roughly 33% of the clients are children. Out of the families 107 visited the food pantry only once. They have a lot of folks who just need that one time help. The next chart shows the volunteers. Over 100 hours are served each week from volunteers. They have a maintenance staff, distribution staff, pick and delivery staff. She had a

gentlemen come to the food pantry a couple of years ago. He had a hand full of Giant grocery bags. He was the last person there that evening and decided to tell her his story. He said he took his family on vacation last week and when he came back his job was gone. He had no money left. He is here for food, but would like to be able to tell his family that he shopped at Giant. He came for six months and now he is one of their best volunteers.

Susan Edwards - 6938 Little John Court

Many of you [Council] were on when she was on Council. Councils past have always wanted the Harrover properties to stay as green space for the Town. She thinks its a shame that the topic is even coming up to change that. There is so much potential in this town, to add to the community events. She believes we need to stay the course and not change our mind at the last minute. It seems like every time the wind blows minds are changed. She would like to remind the Council that you were elected by the people of this Town to represent what they want, not personal agendas. The food pantry is one of the best things this Town has ever done. It would put a black eye on this Town forever, so be prepared for what you are about to do.

Greg Terrie - 14701 Dogwood Park Lane

His home is right behind the Harrover properties. They definitely encourage the Town to keep that as open space. His three boys were so excited when they were able to donate food to the pantry. He is in favor of keeping the food pantry where its at.

Kathy Braun - 8788 Dancer Court in Gainesville

She is the first volunteer of the food pantry. She was with Pam Stutz when the food pantry was in the closet at Saint Paul's Church. She is here tonight to try and keep the pantry. She has seen the growth of the pantry skyrocket from one person in the closet to upwards of 400 people per week now. The Town has a face in this community. The pantry has 20 churches behind them, grocery stores, girl scouts, boy scouts. If the food pantry doesn't have a home here, there will be a lot of upset people.

Maria Turner - 6791 Fayette Street

She has from day one said they should not purchase the property it should be sold. The area of the Food Pantry, she does not choose to have her tax dollars going to support that service. She thinks they should pay all the bills to sustain the property, electricity, water, etc..

Ethel Corn - Manages food acquisitions, Haymarket Regional Food Pantry

For the misinformed lady that just spoke, the food pantry pays all the operating bills for the property. They had the air conditioning installed. They would like a three year lease so that they can have water installed. Gainesville has no community; they consider themselves part of Haymarket. She sees people come from all over the country. This is the only sense of community people have here. There are mothers wanting their children to learn about helping people, there are organizations that bring funds in. They have kept the property up and would like to continue to keep it up. She is moving a ton of food each month. The Town of Haymarket gets all the credit for this great community effort.

Jim Smith - 6937 Jockey Club Lane

We tried to roll the food pantry into the community center. He is the husband of the volunteer coordinator. He has a vested interest in this moving forward, because if his wife is happy he is happy. This is much bigger than the Town of Haymarket. These people have taken something very small and made it huge. It's more than just feeding people, its volunteerism, community service, community activism. The council needs to think about that, its a huge effort. Doing away with that is not the right thing to do. They are not done with that community center idea.

Judy McCauly - 5787 Serengedy Court - Piedmont

She worked briefly at Saint Paul's church with Pam and saw the food pantry as just a closet. Now multiple churches are participating. She remembers one Christmas getting 10 turkeys to now over 400 turkeys. Just coordinating deliveries is a huge effort. She works at Saint Paul's school. They communicate the need of food to their parents. This defines community. She is starting to get to the food pantry more to volunteer. It is run like a business. They use volunteerspot.com because of the need of volunteers. These are values you want to teach any child. The pantry needs to stay where it is.

Jim Kennedy - Botello Loop

Native Americans made a comment that until you walk in someone's moccasins don't judge them. So when people drive up in a Mercedes or BMW, its easy to jump to conclusions. The food pantry doesn't ask questions about people's backgrounds. They assume they just need food. Secondly, he struggles with the idea that when we are looking at tax dollars, he is sure there is no place else money would is being wasted. He doesn't believe putting food in someone's month is a waste of money.

Ed Robinson - 6817 Jefferson Street

He has picked up food, delivered food and handed out food; he has one thing to say the outpouring of support here should be more than enough to gain your support here. However, come to the food pantry and hand out some food.

Matt Carlin - 14725 Dogwood Park Lane

He has lived in the town since 1997, he would like to see the food pantry stay. He looks right at it out of his window and sees the food pantry. We have precious green space in this town. He thinks it would be near-sighted for the Council to do away with the space. It also doesn't appear that the Town needs money.

Allison Fredericks - Bristow resident

School liaison for the food pantry for about a year and a half now. In addition to the families that they serve they are also always reaching out to offer services to those who aren't using them. Last year they gave over 400 baskets, more than half of them went to the schools.

Dianne Rice - 5380 Antioch Road

This is her 3rd year working for the food pantry. She started when there were 3 volunteers. She is in full support of the food pantry

Julie Malloy - 14316 Springfield Court

She has been with the food pantry for three years. It touches her heart that the Town has allowed us to help people that are truly in need. Kids have come to volunteer from the court system and even when they are done with their court orders, they stay on to help. For about 8 months she has been doing the supplemental purchasing of food. From the first time she bought food, it has gone down, because the donations have grown so much. She thinks it should stay where its at.

Paula Gallagher - 6853 Jockey Club Lane

She came to ask why we can't get FIOS. However, he husband and daughter have just started volunteering at the food pantry it has been a great experience for both of them. He daughter came home and was touched by what she has seen. She thanked her for dinner because now she knows not everyone gets a dinner like that.

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

4. Citizen's Time

Rick Hendricks - 10024 Island Fall Court, Bristow

Last time he was here was to present you with your election certificates, however, tonight he is here to support the "Day to Serve" . He is representing John Dion, President of the Centreville, Virginia stake of the Church of Jesus Christ of Latter Day Saints. He could not be here this evening. He is here to encourage you to pass the resolution before you this evening recognizing September 28 as the "Day to Serve". According to the Day to Serve web site, last year the Governors of Virginia, West Virginia, Maryland and the Mayor of the District of Columbia came together to support the Day to Serve. Its a unique event that inspire diverse people of this wide mid-atlantic region to put aside their political, religious, & cultural differences to strengthen our collective communities by working together to feed the hungry and heal the planet. Since the inaugural Day to Serve, those same leaders have reached out to even more faith groups, businesses, local governments, and community organizations to make further progress. His church joined with other congregations and served over 1500 hours of volunteer time, collected 6500 boxes of food, plus 2300 lbs of food items and nearly \$5,000 in cash donations to

organizations such as SERVE and the Haymarket Regional Food Pantry. He appreciates the opportunity to come here this evening, all the efforts of the Council and your service to the community.

Bob Weir - 6853 Saint Paul Drive

He takes no pleasure in coming here this evening. In truth he is actually irritated he is here. Once again he has to don the black hat and spell out some uncomfortable and inconvenient truths. As the food pantry is here yet again asking for an extension on their \$1/year lease, a matter the Town Council will take up on September 3. My comments are not to diminish or denigrate the charitable work of the food pantry or the admirable efforts of the volunteers. Few know the back story. They are however meant to point out that the Food Pantry leadership, some of them, and the organization as a corporate entity are less than responsive tenants. Some might go so far as to call them dead beats. Ultimately this is what this is all about, a landlord tenant agreement. It's time to strip away the emotional appeal and render a responsible administrative decision. One can go back to the original lease arrangements of several years ago when the Food Pantry took advantage of the Town's largess and extended what was a limited duration use of the town hall into a long term residence. He is very familiar with the circumstances because he was the one who motioned for the Town Council to allow them use of the space for the holiday season, a motion that he has since come to regret. When the Town decided to renovate the space and reoccupy the town offices, the food pantry caused great inconvenience and some expense stalling their move and leaving the space in a condition worse than it was when the first occupied. The food pantry only moved after accommodations were made for them at the Harrover property, another circumstance he has come to regret, as again he made the motion and authored many of the lease restrictions and occupancy provisions. Although Councilman Tobias would like the particulars with regard to the food pantry misrepresentations of their tax status and those implications for the Town, he is far more versed in those particulars that he is, instead we will focus on the lease and occupancy provisions that were in place in the interest of public health, public safety, the Town's potential liability and risk management. If one review the minutes motions and lease provisions one will find several provisions that the food pantry would have to comply with above and beyond simply obtaining 501 C 3 status. The provisions included bringing the structure up to code, providing a handicap ramp, providing restroom facilities and tapping into the public water system. Although those requirements were waived in part to off set the cost of the lease to the Town, for those unfamiliar the property costs the Town approximately \$50,000, or \$100 in unforced charitable contribution per property owner in the Town, and states "in the Town" as opposed to those who live out. They were also made to insure the operations were conducted in a manner that were responsible, sanitary and in compliance with the various building and health codes. As evidenced by the recent inspection by the building inspector, most of those improvements were not made and those that were, ie...the handicap ramp, were made in a substandard manner placing the Town and the public at some manner of risk. Further, per the inspectors report, the food pantry has apparently been a less-than-desirable tenant at the use of the property. Upon information and belief that the decision to forego the improvements were made willingly by some leadership of the food pantry and at least tacitly acknowledged by some group of Town elected officials and Town appointed staff. Behavior that is reprehensible, if not actionable, given the potential risk those actions placed the Town in, particularly as the Food Pantry and the Town government shared individuals in a leadership capacity. The relationship between the Town government and the Food Pantry has always been a questionable one. Some of said incestuous given that the individuals serve both and their history as a tenant, desire to seek larger accommodations, and the onset of the street scape construction in the area, he would suggest that it is time for a parting of the ways. The Town can no longer afford to provide a \$50,000 annual subsidy to a tenant that is seeking a new location and one that has had such little respect for its contractual obligations in the Town as a whole. If its a regional organization perhaps its time they sought this level of support from the County.

5. Minutes Acceptance

A. Mayor & Council - Special Meeting - Jun 27, 2013 7:00 PM

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

B. Mayor & Council - Regular Meeting - Jul 1, 2013 7:00 PM

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

6. Department Reports

A. Police Report - Chief James Roop

B. Treasurer's Report - Staff

C. Engineer's Report - Holly Montague, Town Engineer

D. Town Manager's Report - Brian Henshaw, Town Manager

He is pleased to announce that the Town has hired Denise Hall as the part-time administrative assistant and part-time museum curator.

Mary Jo Fields with VML will be at our work session for the September meeting to discuss the pros and cons of changing the Town's elections from May to November.

E. Planner's Report

F. Building Official's Report Dan Lyons, Soil Consultants, Inc.

Referring to Soil Consultants invoices, Tobias would like to know the numbers for the absorbed fees vs. pass through fees

7. Agenda Items

Action on public hearing matters

Tobias reminds that it is normal policy to not act on public hearing matters the same night as the public hearing. Tobias would like it addressed at the next Council meeting. The Mayor would like to hear the Town Planner speak on this matter.

Tobias: the proffer statement that is in our packets tonight is not the most recent proffer statement. Staff is unaware of the proffer changes. The proffer has not been review by the attorney or staff yet. Part of what Mr. Marsden took away from the Tuesday work session are some of the changes reflected in the new proffer statement. **Mr. Marsden:** He did submit the final proffer on Thursday. Ms. Bare and Mr. Tobias had serious concerns on what QBE had provided. So he accepted further comments from Bare and Tobias, only to find out that there was nothing more that could be done. Tonight he is standing behind the proffer that was submitted with the zoning package, dated August 1, 2013. Tobias comments that he and Bare reached out to Mr. Marsden to discuss the items that were not acceptable to them in the August 1, 2013 proffers. Marsden affirms that he cannot pass the recreation restrictions of the property to a new owner when they sell. They want full value when it conveys. The Mayor asks for the Town Planner's opinion. The Town Planner outlines for the Council that we have the guiding document, the Comprehensive Plan. That Plan outlines that the property should be used for public purposes. Now you have a private entity that has stepped forward to keep the parks for public use, recreation, churches and schools. It is not being proposed to use the property entirely for public use, rather in part. The rezoning offers continued use of the parks and the right of first refusal to the Town, site plan improvements, sunset clauses on the uses. The Town Planner comments that both proposals meet the Town's land use policies.

The Mayor asks if the Town Attorney can legally act on this matter this evening. Mr. Crim says the Council is well within their legal right to act on their agenda items, but that somewhat of a precedent will be set and that other applicants may expect the same treatment, having action the same night as the public hearing.

Table agenda items 7A-7E

Discussion: *The Mayor asks if Tobias will agree to remove contract renewal for the Food Pantry and the church signs*

Tobias will amend to remove Item D from his motion, Kenworthy amends his second

RESULT:	DEFEATED [3 TO 4]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Rebecca Bare, Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Katherine Harnest, Mary-Lou Scarbrough, David Leake

Table agenda item 7A, 7B, & 7C

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

A. Rezoning 14550 John Marshall Highway Marchant Schneider

Motion that the Town Council adopt Ordinance ORD#20130805 - 1 approving REZ#20130528, Application to Amend the Zoning Map - Haymarket Properties Group, LLC, 14550 John Marshall Highway (PACE West School), subject to the Rezoning Plat dated May 2013, revised through July 19, 2013, and Proffer Statement dated August 1, 2013.

Discussion: Tobias asks the Town planner is it often that the proffers do not convey. Proffers are voluntary but do run with the land and are subject to the content of the proffer. Bare asks the Town Attorney if there are typically outs in a proffer. Mr. Crim responds that proffers are voluntary so the applicant structures them the way that they want and they are intended to mitigate the impacts of the rezoning and you would accept them in that spirit. If they are acceptable to you in the whole package you vote them up, if not you vote them down. The Town Planner has seen, in other jurisdictions, features of proffers retiring. It is not unheard of to limit the commitment of certain improvements contained in a proffer statement. Tobias goes back to the fact we are setting a precedent. Going back to 18 months ago, the whole idea of this project was that the ball fields would stay. He sees too many outs for the applicant on this matter. Tonight the applicant has stated that he has paid fair market value, but he has told individual Council Members that he has only paid half of the fair market value. They have given the Town the right of first refusal, the Town has never asked for that. He doesn't see why this is such an immediate need to vote on this tonight. He is going to vote no and believes we are doing an injustice to the residents who spoke tonight requesting more open, recreational space in the Town.

RESULT:	ADOPTED [4 TO 3]
AYES:	Steve Aitken, Katherine Harnest, Mary-Lou Scarbrough, David Leake
NAYS:	Rebecca Bare, Milt Kenworthy, Jay Tobias

Motion to strike Item 7B from the Agenda

Aitken asks why there is a motion to strike. Tobias feels this is no longer necessary now that the property has been rezoned. The Town Attorney advises that this action would in fact be a denial of the application. The rezoning is subject to the Circuit Court signing off on the Boundary Line Adjustment; that action could take up to a year. Tobias asks the applicant when he plans to move his professional office to the site. Mr. Marsden responds that by December.

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

B. Special Use Permit - 14550 John Marshall Highway Marchant Schneider, Town Planner

Tobias motions to deny Special Use Permit application and waive the cost of re-submittal, Kenworthy seconds;

Discussion: Tobias comments that based on tonight's action, he feels there is no need for this permit. Aitken asks if there is any cost to resubmit. Tobias will amend his motion to abate any

fees for re-submission, Kenworthy seconds;

Tobias withdraws motion

Motion that the Town Council approve #SUP20130529 for limited professional office use at 14550 Washington Street as described on the Special Use Permit Application dated May 24, 2013, pursuant to Section 58-53(7) of the Zoning Ordinance.

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.

Discussion: *Tobias thinks acting on an item that was just heard at a public hearing this evening and thinks it is setting a bad precedent, and doing it twice tonight sets even more of a precedent.*

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

C. Table Item 7C

Motion to table item 7C to the September 3, 2013 Town Council meeting

Discussion: *Scarbrough asks why, what is the reason? Tobias responds because of the same reason earlier, he thinks by voting on a public hearing matter the same night as its hearing is setting a bad precedent. We have not done this in the past, he is not sure who is in whose pocket and why this is being done tonight. Bare comments that obviously the majority of Council feels that we no longer need to wait and she recommends that we all please remember that if there is a public hearing we are going to act on it that night. The Mayor reminds we are acting within the law*

RESULT:	DEFEATED [1 TO 5]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Jay Tobias
NAYS:	Aitken, Bare, Harnest, Scarbrough, Kenworthy

D. Zoning Text Amendments

Motion that the Town Council adopt Ordinances ORD#20130805 - 2, ORD#20130805 - 3, and ORD#20130805 - 4, permitting Outdoor Storage of Non-motorized Vehicles by Special Use Permit in the Limited Industrial District I-1.

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

E. Special Use Permit - Saint Paul's Church Sign

Motion that the Town Council approve Zoning Permit #ZP20130604 for two free standing signs at 6750 Fayette Street (St. Paul's Episcopal Church) pursuant to Section 58-346(1) of the

Haymarket Town Code

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

F. Use of 14710 & 14740 Washington Street

G. Washington Street Enhancement Project Holly Montague

Motion that Town Council grant approval authority for the Route 55 Washington Street Enhancement Project EN-96-233-128, C502, UPC 64766 submittals to the Town Engineer

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

H. Day of Service - Brian Henshaw, Town Manager

WHEREAS, the governors of Virginia, Maryland, and West Virginia and the mayor of Washington, D.C. have come together to support "Day to Serve", and

WHEREAS, "Day to Serve" is an unique event that has inspired a diverse group of people of our larger region to set aside their political, religious, and cultural differences to strengthen our collective community by coming together to "feed the hungry, protect and enhance the environment, as well as strengthening our community", and

WHEREAS, the governor of Virginia has issued a proclamation encouraging all citizens of Virginia to participate in a Day of Service, between September 15-29, 2013; and

WHEREAS, since the inaugural "Day to Serve: in 2012, this remarkable and unprecedented event swept from the state capital to local churches, schools, neighborhoods and families and resulted in over 750 community events with more than 14,000 volunteers, culminating in 26,000 hours of service rendered, resulting in over 600,000 pounds of food being donated to local food banks; and

WHEREAS, these events also helped to improve the environment through planting trees, cleaning up parks and streams, and "adopt a road" campaigns; and

WHEREAS, the governor of Virginia has requested Virginians redouble our efforts for 2013;

NOW THEREFORE, BE IT RESOLVED, that the Town of Haymarket supports the governor on this observance to call upon all faith based organizations, community organizations and the Town of Haymarket residents to participate in the Day of Service in our community;

BE IT FURTHER RESOLVED, that the Town of Haymarket will officially recognized Saturday, September 28th as the Town of Haymarket's "Day of Service".

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

I. Plan Review Services - Fire Prevention Brian Henshaw, Town Manager

Motion that the Town Council authorize the Town Manager to hire Carson Associates, Inc. on an as needed basis for fire safety plan review and initial inspection for all new commercial construction

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

J. Assisted Listening Devices - Denise Hall

Tobias would like to work with staff on a more appropriate line item and work with the staff on the choosing of the contractor

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

K. Haymarket Quilters Request to Council

Motion to allow the Haymarket Quilters the use of the Town Hall facilities at no charge for September 14, 2013, November 2, 2013, December 7, 2013, and March 15, 2014

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

L. Alexandra's Keep Site Plan REV #3

Motion that the Town Council approve Amended Final Site Plan AFSP#20130730, Subdivision /Site Plan Revision 3: Alexandra's Keep, Sheets 1, 6A, and 14 of 24, prepared by Burgess and Niple, and dated September 5, 2006, revised through June 12, 2013, signed and sealed July 29, 2013, in accordance with Section 58-510 of the Town Code.

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

M. Zoning Permits - Town Property**Authorize temporary occupancy**

Motion that the Town Council approve a temporary occupancy permit for Washington Street Realty to be located at 15020 Washington Street and the Haymarket Police Department to be located at 15026 Washington Street within the Haymarket Town Center, EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the Building Official and a zoning permit will not be issued by the Zoning Administrator until Building Official requirements for tenant up-fit, to include requirements for ADA, are completed.

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

N. Parcel A-1, LLC Occupancy Request

Motion that the Town Council approve a temporary occupancy permit for 2,600 square feet of recreation, commercial, indoor, fitness and sports activities at 6614 James Madison Highway, EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Temporary occupancy will not be permitted by the Building Official and a zoning permit will not be issued by the Zoning Administrator until Building Official requirements for tenant up-fit under

Building Permit Number #B20130410 are fully implemented and compliant with said permit and approved plans.

2. The building permit referenced above shall be re-issued by the Building Official and shall be limited to construction of improvements associated with the enclosure of the warehouse loading bay area to be used for recreation use until such time as an amended final site plan has been approved for the property and construction of improvements required by the amended final site plan are completed.
3. Approval of an amended final site plan to accommodate the area of temporary occupancy shall be diligently pursued by the property owner. Construction of the site improvements required by the final site plan shall be completed by September 1, 2014. An occupancy permit for the recreation use will be issued by the Building Official upon completion of the required site improvements. Failure of the property owner to complete the required site improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.
4. Should the property owner desire a zoning determination letter, such request shall be submitted to the Town prior to close of business December 31, 2013.

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

8. Closed Session

1. Closed Session

Motion to enter into closed session pursuant to VA 2.2-3711 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. **Daytime Playtime Lease**

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

2. Certification of the Closed Session

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

Adjourn

RESULT:	DEFEATED [3 TO 4]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Rebecca Bare, Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Katherine Harnest, Mary-Lou Scarbrough, David Leake

9. Councilmember Time

A. Steve Aitken

Recommendation to provide Officer Davis one week leave with pay, Bare seconds;

All in favor

Paternity Leave for Officer Jason Davis

Motion to grant one week paid leave for Officer Jason Davis for use when his baby is born.
Leave would not be charged against his bank

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

B. Rebecca Bare

C. Katherine Harnest

D. Mary Lou Scarbrough

She asks that Council remember all the good things that were said about the food pantry

E. Milt Kenworthy

Kenworthy would like it noted that he agrees with Councilwoman Scarbrough

F. James Tobias

Adjourn

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

G. David Leake - Public Safety Committee; Business Committee; Volunteer Award

Mayor would like to recommend the following committees

Mayor's public safety committee, Mayor's Haymarket business committee, and volunteer awards

Tobias asks what these committees are going to do. Mayor responds that the business committee will be about promoting Haymarket businesses and what we can do to make the Town more business friendly. This will be a committee of residents and council members.

If three or more council members show up to a meeting, it would have to be advertised and open to the public

10. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor