



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, July 1, 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. Citizen's Time

Pam Stutz - 6720 Jefferson Street

She is here in support of the food pantry lease, it is her understanding that it may be discussed. They have provided a service in this Town for a long time. They have the support of the community including the Town Council and she thanks them for that. They are asking for an extension on their lease. She would like everyone to know that this is a volunteer organization, no one gets paid. Everything raised is from donation. They started out helping 35 families, now they are helping 375 families. That equates to 1,200 people per week. She would appreciate everyone remembering tonight that they are truly a non-profit organization. It would be very difficult for them to afford any rent. They are requesting a 3-5 year extension. They have plans to have educational programs. She appreciates the Council consideration this evening.

John Lombardo - Owns property know as Parcel A-1, next to the Rose property

As the adjacent property owner, he loves the idea of a gymnastics studio next to him. He is concerned about the amount of dust generated from a gravel parking lot.

Martha Cutsinger

She is here about the Bull Run Gymnastics Academy. She is here on behalf of all the other moms to beg to do whatever needs to be done to support the opening of the gym. She would love to keep her business in Haymarket; she currently travels to Manassas, Ashburn, & Fairfax

Shawn Herd -14427 Chalfont Drive

He is here this evening to speak in favor of the gymnastics studio. He has two gymnast daughters. Being able to have facilities here in Haymarket and not have those long commutes with top notch coaching is much needed.

Mike Palifco - Warrenton

He was approached by Ms. Henry to potentially coach men's gymnastics. He is a men's gymnastics coach. He has intimate knowledge that the success of a gymnastics business depends on the fall schedule. He thinks this is a great population for gymnastics to thrive in.

4. Minutes Acceptance

A. Mayor & Council - Regular Meeting - May 6, 2013 7:00 PM

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

B. Mayor & Council - Regular Meeting - Jun 3, 2013 7:00 PM

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

C. Mayor & Council - Special Meeting - Jun 20, 2013 7:00 PM

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

D. Mayor & Council - Work Session - Jun 25, 2013 3:00 PM

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

5. Department Reports

A. Treasurer's Report - Staff

Tobias talks about an update to the Old Post Office. With some change orders, we are over the originally approved budget by about \$12,000.

B. Police Report - Chief James Roop

Deputy Chief Greg Breeden

C. Town Engineer Report - Holly Montague

D. Town Planner Report - Marchant Schneider

E. Building Official's Report - Soil Consultants

F. Town Manager's Report - Brian Henshaw

Defer Fire Marshal matter to August agenda

6. Agenda Items

A. Town Seal

WHEREAS, The Town of Haymarket is a municipal corporation duly organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, The Town Council of the Town of Haymarket has deemed it in the public interest of the Town to adopt a seal; and

WHEREAS, The Town Council has determined that the seal should represent the historical significance of the Town's Museum as well as displaying the year the Town was established by the Virginia General Assembly

WHEREAS, The Official Town Seal shall be used in connection with all documents, records, publications and other business transactions of the Town;

NOW THEREFORE, BE IT RESOLVED:

That the following Seal is hereby established as the Official Town Seal of the Town of Haymarket, Virginia

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

B. Jefferson Street Functional Reclassification**RESOLUTION 20130701-2**

RESOLUTION OF THE HAYMARKET TOWN COUNCIL TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECLASSIFY OLD CAROLINA ROAD/JEFFERSON STREET FROM A LOCAL/UNCLASSIFIED ROAD TO A COLLECTOR ROAD IN THE STATE'S FUNCTIONAL CLASSIFICATION SYSTEM -GAINESVILLE MAGISTERIAL DISTRICT

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) is identified as an overburdened north-south route potentially serving as a reliever road for Route 15 in the Town of Haymarket Comprehensive Plan; and

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) is currently classified as a local/unclassified road in the Virginia Department of Transportation (VDOT) Function Classification System; and

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) connects two primary roads and functions as a collector; and

WHEREAS, the VDOT Northern Virginia District staff has recommended that the Town request the changing of the functionality of Old Carolina Road/Jefferson Street (Route 703) from local/unclassified to collectors; and

WHEREAS, if the Town of Haymarket Town Council approves this request, it will be put on the agenda of the Commonwealth Transportation Board for its consideration; and

WHEREAS, in any reclassification of roadway, the Town of Haymarket asks that all existing access and any existing improvement projects be grandfathered to allow prior classification standards;

NOW, THEREFORE, BE IT RESOLVED that the Haymarket Town Council does hereby request the Virginia Department of Transportation to reclassify Old Carolina Road/Jefferson Street (Route 703) from a local/unclassified road to a collector road in the State's Function Classification System in the Gainesville Magisterial District.

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

C. Town Center Master Plan

Motion that the Town Council adopts the Town Hall Center Master Plan. It is further moved that the Council direct staff to create a tentative work plan for implementation of the Master Plan and identify potential funding strategies for the design phase of the Master Plan.

Discussion: Tobias reminds all that the funding for the Master Plan has been stripped from the the FY 2014 budget. Leake asks about any leftover funding. Mr. Bishoff responds that there is a little over \$2,000 left.

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

D. Rose Investments, LLC - Request to Council

Motion to table request for temporary occupancy for Bull Run Gymnastics to be located at 6630 James Madison Highway until the applicant/property owner provides documentation from VDOT reflecting no road improvements are necessary for the new use

Discussion: *Aitken doesn't understand why we would table this matter, when the recommended motion already requires the same letter from VDOT prior to occupancy.*

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

Temporary Occupancy Request

Motion that the Town Council approve a temporary occupancy permit for 11,900 square feet of recreation, commercial, indoor, fitness and sports activities at 6630 James Madison Highway, EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the building inspector and a zoning permit will not be issued by the Zoning Administrator until the following requirements are completed:

1. Correspondence from VDOT to the Town stating road improvements on Route 15 at the entrance easement to the subject property are not required.
2. Building inspector requirements for tenant up-fit, to include requirements for ADA.
3. Clean up and/or screening of outdoor storage of building materials / equipment stored on the property.

It is further moved that a Final Site Plan shall be submitted by the property owners no later than December 31, 2013 and an approval of the Final Site Plan diligently pursued thereafter. Construction of the site improvements required by the final site plan shall be completed by September 1, 2014. An occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required 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.

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

E. 14550 John Marshall Highway - Rezoning Application

This matter is deferred to the July 23, 2013 Town Council meeting

F. Boundary Line Adjustment

RESOLUTION 20130701 - 3

RESOLUTION OF THE HAYMARKET TOWN COUNCIL

**STATING ITS INTEREST IN ENTERING INTO AN AGREEMENT WITH PRINCE WILLIAM
COUNTY AUTHORIZING ADJUSTMENTS TO THE CORPORATE BOUNDARY LINE OF THE
TOWN OF HAYMARKET
RE: PACE WEST SCHOOL PROPERTY**

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, 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; and

WHEREAS, QBE Global, LLC by letter dated May 3, 2013, has petitioned the Haymarket Town Council requesting support of QBE Global's efforts to redevelop the property and allow for continued use of the 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 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, dba Haymarket Properties Group, LLC filed a rezoning application and requisite public hearings are being scheduled by the Town Council and Planning Commission; and

WHEREAS, the Haymarket Town Council further expressed to the Board of County Supervisors its support and interest in initiating a boundary line adjustment based on the continued use of the recreation fields on the PACE West School property by the Prince William County Department of Parks and Recreation for the foreseeable future; and

WHEREAS, QBE Global, LLC, dba Haymarket Properties Group, LLC, is awaiting County action on a lease agreement with the Prince William County Department of Parks and Recreation for use of the same recreation fields for a period of ten (10) years commencing on or about August 1, 2013; and

WHEREAS, QBE Global, LLC established its corporate headquarters within the Town of Haymarket in 2008 and has since been a good corporate citizen to the Town and County and, as such, the Haymarket Town Council wishes to retain QBE Global as a contributing resource to the community; and

WHEREAS, the Comprehensive Plan of the Town of Haymarket designates the portion of the property within the Town limit's as Public / Semi Public use and directs that "*...close coordination must be maintained with the Prince William County School Board and the County Board of Supervisors so that the full potential [of PACE West School] may be explored as a social, business and recreational center for the Town and adjoining area residents*"; 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 re-purpose 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; and

WHEREAS, the Haymarket Town Council held a public hearing on the boundary line adjustment and draft agreement on June 27, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Haymarket Town Council does hereby request that the Board of County Supervisors, authorize a public hearing to consider an agreement between Prince William County and the Town of Haymarket for a boundary line adjustment in the general form of Exhibit A.

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

G. Haymarket Baptist Church - Final Site Plan

Motion that the Town Council approve final site plan FSP#20130628, Haymarket Baptist Church - Building Addition and Parking Expansion, prepared by Ross, France, and Ratliff, LTD, dated May 15, 2007, sealed May 16, 2013, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of a Stormwater Management Facilities Maintenance Agreement providing for maintenance of all such facilities without cost to the Town for all on-site (and off-site, if applicable) stormwater facilities to be installed in conjunction with the development of the subject property; and,
2. Payment of all costs, fees and expenses due the Town. and

It is further moved that the Town Council, pursuant to Sections 58-699(c) and 58-703(f) of the Town Code, approve the alternative buffer yards and waiver of perimeter parking lot landscaping as depicted on Sheet 6 of FSP#20130628;

It is also further moved that the Town Council approve the record plat titled "Record Plat Showing Consolidation and Various Easements the Property of Trustees of Haymarket Baptist Church, prepared by Ross, France, Ratliff, LTD, dated July 7, 2008, and its associated Deed of Consolidation and Easement, subject to, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of all plats and documentation in a form and substance as approved by the Town Attorney; and
2. Payment of all costs, fees and expenses due the Town; and
3. The foregoing two conditions to be completed and satisfied within 180 days of the date of Town Council approval, otherwise the approval to be void and of no further effect.

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

H. Haymarket Quilters

Direct staff to bring this back to us on July 23, 2013 with four firm dates through June 2014.

I. Public Works Contract - Brian Henshaw

J. Zoning Text Amendment Application

Aitken moves to direct staff to schedule a public hearing for August 5, 2013 for the zoning text amendment application, #ZTA20130308 for non-motorized vehicle use in the I-1 zoning district

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

7. Appropriations

A. Quarterly Appropriations

Motion that pursuant to Policy #20100816 adopted by the Town Council on August 16, 2010 the Town Council appropriates the following from the Fiscal Year 2014 Adopted Budget:

Police & Public Safety: \$171,874; Administration: \$97,457; Public Works: \$46,527; Legislative & Advisory: \$13,004; Museum: \$8,745; Debt Service: \$247,647; Miscellaneous: \$7,500; Capital Fund Expenditures/Washington Street Construction: \$2,339,623; Capital Fund Expenditures/Washington Street Cash Reserves: \$160,233

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

B. Public Works Contract

Tobias motions to adopt Resolution 20130701-5 to authorize the Mayor to enter into contract with Genesis Contracting & Consulting for the facilities maintenance contract, as amended, should the contract administrator deem a bid excessive, the Town can seek other contractors to perform the service, Kenworthy seconds;

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

Haymarket Regional Food Pantry

Tobias would like to continue to leave this item on the table until such time a proposal is received by the Boys & Girls Club. The Club has a history of working with other charitable organizations and to him it seems more favorable to lease both properties to one organization. They seem to be eager to have discussion with the Food Pantry. He thinks that before we make any further obligations of the Town's properties for a monetary sum that is deemed insignificant, he thinks we should seek the public input as to whether or not it would a fiscally responsible decision.

Aitken asks if we are talking about a public hearing? Yes, Tobias thinks we should have a public hearing. Tobias suggests the August meeting for the public hearing. Aitken agrees that a public hearing makes sense. But this came before Council months ago and we keep delaying it. Tobias reminds that he has been working on this matter for months behind the scenes.

Terminate Debate

Motion to call for the vote and terminate debate

Discussion: *The Mayor would like the record to reflect that all Council Members have not had a chance to have discussion on this matter*

RESULT:	DEFEATED [2 TO 3]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Rebecca Bare, Katherine Harnest
ABSTAIN:	Mary-Lou Scarbrough

C. Food Pantry Lease

Motion to table the discussions and considerations of leasing 14740 Washington Street to the Haymarket Regional Food Pantry

Discussion: *Aitken asks him to amend his motion to not table it indefinitely. Bare asks Pam Stutz if this hurts the Food Pantry in any way tabling this matter. Mrs. Stutz said that it would not as long as a decision can be made on September 3.*

Tobias amends his motion to table the matter to September 3, 2013

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

8. Closed Session

A. Closed Session

Motion to enter into closed session pursuant to 2.2-3711 A:

3. 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 property currently occupied by the Food Pantry**

The record reflects that Councilwoman Scarbrough did not enter closed session discussions regarding the Food Pantry.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
ABSTAIN:	Mary-Lou Scarbrough

B. Certification of the Closed Session

Motion certification 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 [6 TO 0]
MOVER:	Steve Aitken, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
ABSTAIN:	Mary-Lou Scarbrough

9. Councilmember Time

A. Steve Aitken

B. Rebecca Bare - PC Update

Bare would like to ask council to extend their appointment of Commissioner Ring. His term expired on June 30. The Town Attorney responds that if no action is taken he will serve until a successor takes oath.

C. Katherine Harnest - ARB Update

D. Mary Lou Scarbrough

E. Milt Kenworthy

F. James Tobias - Old Post Office - Fitness Benefit

Old post office was talked about briefly earlier. There was one minor code issue. One was the handrails on the stair rails. Second was the ramp was poured but the connection to the asphalt was not to code.

Tobias has been approached by numerous employees of the Town about a gym membership. If we could get five employees to participate, an in-Town gym would discount their membership fees, the employee would sign a membership contract with the gym the dues could be paid from two different sources. His proposal would be to allow \$100/month for any employee who wishes to sign up, employee would be responsible for the difference. The Town Attorney advises that this would be a taxable benefit, per the IRS.

G. David Leake

The Mayor announces that he and the Town Manager attended the VML Town Section meetings. They had discussions about the FOIA officer, Marie Everett, coming to the Town. The Town Manager is trying to set something up for this fall.

10. Motion to Adjourn at 10:00 PM

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

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